



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
MORUYA EAST VILLAGE
SOUTH HEAD ROAD, MORUYA
Proposed by SILVER SPIRIT PARTNERS***

MP06_0322

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

April 2009

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EXECUTIVE SUMMARY

Silver Spirit Partners has sought approval for housing for older persons (seniors) or people with a disability and Torrens title residential subdivision. The proposed site, consisting of 51 hectares, is located on the outskirts of the main town centre of Moruya on the south coast of New South Wales.

The development is proposed to accommodate a total of 513 dwellings (which includes 120 beds within a dementia complex) on completion. Seventy (approx 14%) of the dwellings will be traditional Torrens title dwellings. The remainder (443 dwellings) will comprise housing for seniors or people with a disability and will offer a range of accommodation from freestanding courtyard houses, to terrace town homes, apartments and high care dementia facilities. The seniors accommodation component will also include services and facilities provided in a "Village Square" configuration and in a large separate building (known as the "Botanica building").

The application comprises a **concept application** for the whole of the development and a **project application** for the first stage of the development.

The first stage includes the following elements:

- Subdivision of 17 of the 70 Torrens title lots and erection of dwellings upon them;
- Construction of 236 dwellings for seniors or persons with a disability, comprising:
 - 72 apartments: 48 in the "Village Square" and 24 in the "Manor Homes";
 - 35 terrace dwellings;
 - 9 courtyard dwellings; and
 - 120 dementia beds.
- Construction of the Village Square building (including 48 apartments mentioned above) and ancillary uses;
- Construction of the Botanica building;
- Construction of part of the main loop road and the main east-west road to the village square and a small part of Albert Street to connect to Keightley Street, and construction of small parts of other streets and laneways at the rear of the dwellings (as private roads); and
- Construction of servicing of the proposed lots and development and landscaping of the area contained within the Stage 1 area.

The Concept Plan proposal has a total capital investment value of \$155 million and would generate approximately 400 jobs during construction and 80 full time jobs upon completion.

During the exhibition period, the Department received a total of thirteen (13) submissions, comprising seven (7) submissions (5 in objection; 2 in support) from the public and six (6) submissions from public authorities (3 in objection and 3 raising no objections).

Key issues considered in the Department's assessment included:

- Suitability of location for a development for housing for seniors or people with a disability;
- Design of subdivision;
- Impacts on Endangered Ecological Communities;
- Visual impact of development and suitability of the design of the proposed buildings;
- Suitability of onsite provision of services and facilities and capability of services and facilities in the area to cater for the demands created by the development;
- Connectivity with existing town;
- Impact upon adjoining and nearby properties and Moruya;

A substantial number of copies of letters (32 in total) and a large petition (with 1081 signatures) in support of the proposal were also submitted.

A Final Preferred Project Report was lodged in December 2008. This was re-exhibited as changes had been made to the access to the site, such that notification of the amended proposal was required. This re-exhibition resulted in forty-one (41) submissions, comprising thirty-three (33) submissions from the public (26 in support and 15 in objection) and eight (8) submissions from public authorities (3 raising no objections and 5 objections). The key issues raised remain similar to those raised in the initial exhibition.

The provision of housing for seniors and people with a disability is supported on the site and in this locality that has an aging demographic. The Eurobodalla Shire Council resolved to support the Final Preferred Project. The proposal will address the demands for housing and aged care development in the South Coast and provide both construction and operational jobs to the community.

However, a number of modifications are required to address the issues raised in the assessment. These modifications will set the parameters for future development in terms of the location of buildings, building height, subdivision considerations and traffic and access arrangements.

The Concept Plan is therefore recommended for approval, subject to modifications. Approval of the Concept Plan allows the Minister to specify the environmental assessment requirements for the future applications for the development. It is recommended that the future applications be dealt with by the Council under Part 4 of the Act.

The Stage 1 project is not consistent with the Concept Plan as modified. The extent of detailed changes and additional information that is required to favourably consider Stage 1 of the proposal is too great to warrant approval. These matters could not be addressed by conditions of approval.

The Department therefore recommends that the Project Application for Stage 1 be refused. It will be open to the proponent to amend the current plans, provide the additional information required and lodge development application/s with the Council, consistent with Concept Plan as modified, to build Stage 1 and other stages as desired.

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1 BACKGROUND

1.1 SITE CONTEXT AND LOCATION

The subject site is located on the outskirts of the town of Moruya adjacent to the suburb of Mynora. The suburb of Mynora is located approximately 0.5km to the east of the Princes Highway and the town of Moruya, on the south coast of New South Wales. The Princes Highway is the main road accessing the south coast. Moruya is approximately 300km south of Sydney. Refer to Figures 1 and 2.



Figure 1 – Regional context plan

The site, at South Head Road, Moruya, is located within the local government area of Eurobodalla Shire and is owned by Patent Development Pty Ltd and the Department of Lands (in relation to the unformed Crown Road known as Albert Street, which runs along the northern boundary of the main site). The proponent for the development is Silver Spirit Partners.

The site is located on the southern side of South Head Road, to the west and south of the suburban development of Mynora, has a southern frontage to the Princes Highway and comprises 18 parcels of land, as follows:

- Lots 1-4, Section 33, DP 758710;
- Lots 2-3, Section 34, DP 758710;
- Lot 1-2, DP 553273;
- Lots 1-42, Section 42, DP 758710;
- Portions 50, 51 & 54;
- Lots 65 & 68, DP 752151; and
- Part of the unformed Crown Road named Albert Street (known throughout the report as “Albert Street”) upon which it is proposed to construct a road.

The site is currently vacant, with the exception of a collapsed Braemar Farm cottage (listed as a local heritage item under the Eurobodalla Urban LEP, see Figure 4) located near South Head Road, and is used for grazing purposes. The site is generally covered by a mixture of exotic grasses and scattered trees. The exceptions to this are in the vicinity of the drainage lines and Racecourse Creek running through the site, where wetland vegetation occurs and at the high point at the south-eastern boundary of the site, where remnant open woodland occurs.

To the north west of the site, is vacant land used for grazing. As depicted on Figure 2, a separate Part 3A application (06_0201) for a 77 lot residential subdivision in this area (Lot 69 DP 752151) has been lodged and will be referred to in this report as the ‘Blue Mist’ development. The application was approved by the Minister on 22 March 2009.

The site slopes from a highpoint in the south-eastern corner down to a low point along the creek in the western portion of the site. The site also falls from the south to the north, rising again near South Head Road. Figures 4 to 7 depict views from key locations on and surrounding the site.



Figure 2 – Site Location Plan



Figure 3 – Site Analysis Plan



Figure 4 – Collapsed Braemar Farm cottage on the site (listed as a local heritage item under Eurobodalla Urban LEP 1999)



Figure 5 – View of Former Braemar Farm Homestead Site (prior to the collapse of the cottage)



Figure 6 – View of low lying floodplain (extends along eastern portion of the site from the southern to northern border)

[illegible]

VIEW 2, EXISTING

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2 THE PROPOSED DEVELOPMENT

2.1 PROJECT DESCRIPTION

2.1.2 Concept Plan Application

The application seeks approval for a Concept Plan for a project ('concept application') and approval for Stage 1 of the project ('Project Application'). The proposal contains two distinct land uses, partially being for a Torrens title residential subdivision and partially for seniors housing and associated facilities.

It is noted that the proponent applied for the development as "housing for older people and people with a disability" under the provisions of Eurobodalla Urban Local Environmental Plan (ULEP). As discussed in section 5.4, State Environmental Planning Policy 2004 (Housing for Seniors or Persons with a Disability) controls permissibility for that part of the development, and not the ULEP.

For ease of reference in this report, the 'housing for older people and people with a disability' component meaning housing for both aged and disabled persons is referred to as 'seniors housing'.

The proposal has been revised several times, culminating in the version of the development that is subject to this assessment, as lodged in the Final Preferred Project Report on 11th December 2008. The final proposal is described in detail as follows:

2.1.2 Concept Plan Application

A concept approval is sought for the whole site, with development described as follows:

Table 1 Components of the Concept Plan (Final Preferred Project Report)

Component	Description
Subdivision	<ul style="list-style-type: none"> Initial subdivision of the site to create seventeen Torrens title residential allotments and one super lot. It is intended to further subdivide the super lot in later stages to create a total of 70 Torrens title residential allotments of various sizes. Remaining Torrens title allotment (size now unknown as the subdivision plan has not been updated) is to be for seniors housing.
Roads	<ul style="list-style-type: none"> Concept plan identifies the location of proposed roads, with one road to be a public road (Albert Street) and the remaining roads through the site to be private roads. Entrance to the site from the Princes Highway has been replaced with a gated emergency access road. Main access to the site is now proposed via a series of eleven (11) road and lane connections proposed along Albert Street and through Keightley and Maunsell Streets to South Head Road Intersection of South Head Road and the Princes Highway to be upgraded into a traffic light controlled intersection.
Dwellings	<ul style="list-style-type: none"> A total of 513 dwellings comprising 70 dwellings on the Torrens title lots and 443 dwellings for seniors on the allotment to be the subject of Community title subdivision. The 443 dwellings for seniors comprising: <ul style="list-style-type: none"> 120 hostel beds within a Dementia Care facility (within 4 buildings),

- 48 apartments contained in three (3) apartment buildings in the "Village Square",
- 24 apartments contained within four (4) "Manor Buildings", and
- 141 terrace style dwellings and 110 courtyard style dwellings.

The total development on the site is to comprise 513 dwellings, a **reduction of 57 dwellings from that originally lodged.**

Other	<ul style="list-style-type: none"> • Other components proposed within the senior housing component are the Botanica building, the ground level uses within the Village Square buildings, landscaping, an outdoor pool, tennis courts and a sewer pumping station. • The Botanica building proposes to contain an indoor pool, yoga studio, gym, six (6) massage/treatment rooms, a spa, reception, showers, amenities, restaurant, bar, lounge, theatre, 8 visitor accommodation rooms and administration offices. • The ground level uses of the Village Square proposes a library/meeting room/reading room, gallery/museum, professional suites, restaurant, post office, convenience store, sports bar, café, sub-newsagency, management/administration, staff amenities and storage.
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2.2.3 Project Application

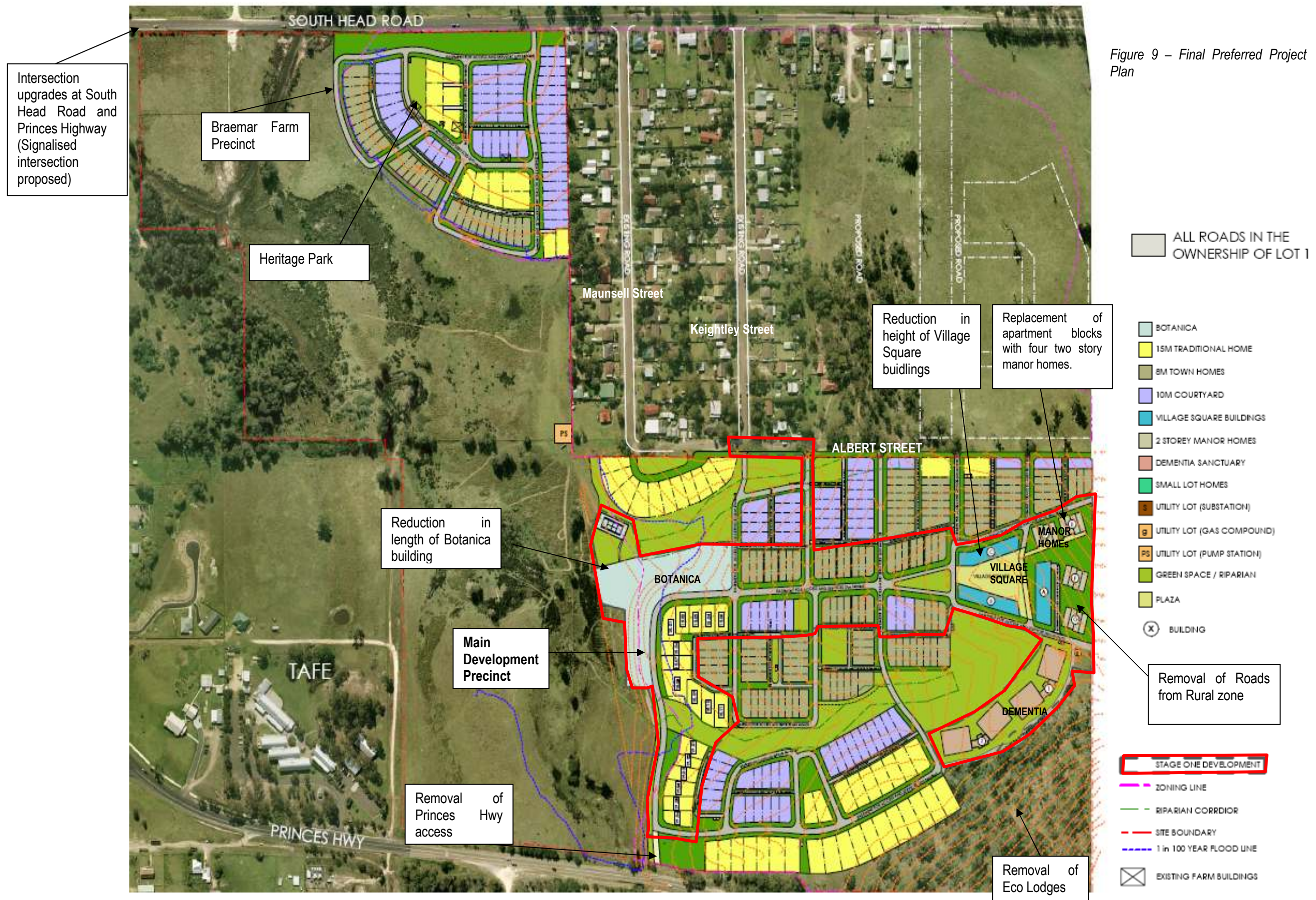
The Project Application seeks approval for Stage 1 of the development, which includes the following works:

Table 2 Components of the Project Plan (Final Preferred Project Report)

Component	Description
Subdivision	<ul style="list-style-type: none"> • Subdivision of 17 of the 70 Torrens title lots and erection of dwellings upon them;
Dwellings and Buildings	<ul style="list-style-type: none"> • Construction of 236 dwellings for seniors comprised of: <ul style="list-style-type: none"> ○ all 72 apartments, ○ 35 of the terrace dwellings, ○ 9 of the courtyard dwellings; and ○ All 120 dementia beds; • Construction of the Village Square and other uses contained within it; • Construction of the Botanica building;
Roads and Infrastructure	<ul style="list-style-type: none"> • Construction of part of the main loop road and the main east-west road to the Village Square and a small part of Albert Street to connect to Keightley Street, and construction of small parts of other streets and laneways at the rear of the dwellings; • Construction of services for the proposed lots and development and landscaping of the area contained within the Stage 1 area.



Figure 8 – Original Development Plan
Source: (Environmental Assessment, February 2008)



3 STATUTORY CONTEXT

3.1 MAJOR PROJECT DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being a subdivision of residential land containing more than 25 lots. The opinion was formed by the Minister on 27 November 2006.

3.2 PERMISSIBILITY

Under the Eurobodalla Urban Local Environmental Plan 1999 (ULEP), the majority of the site is zoned Residential 2(g) - General. The remainder of the site is zoned Rural 1(a) Environmental Constraints and Agricultural under the provisions of Eurobodalla Rural Local Environmental Plan 1987 (RLEP). Albert Street is unzoned under the provisions of the ULEP.

Residential Uses (Residential subdivision and Seniors Housing)

All of the proposed residential lots are located within the Residential 2(g) zone. Subdivision and dwelling houses are permissible with consent in this zone.

*Housing for older people and people with a disability*¹ is a permissible use in the Residential 2(g) zone, but is a prohibited use in the Rural 1(a) Environmental Constraints and Agricultural zone. The proponent's application was made on the understanding that Council's LEP provision made the development permissible. However, regardless of the provision in Council's LEP, the current State wide seniors housing policy, being *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* ('SEPP Seniors') controls permissibility and the development should be assessed against the principles and controls in the SEPP. The proposal is permissible under the SEPP Seniors.

Other Uses

In order for the non-residential uses proposed on the site within the Village Square and Botanica building, which include restaurants, bars, gyms, pools and visitors accommodation, shops, etc, to be considered to be permissible, they would have to be of a size and type of use that are integral to or ancillary to the seniors housing. Such uses should cater for the residents of the seniors housing and not provide services for the wider community.

Of the uses provided in the development (such as restaurants, bars, gyms, pools, visitor accommodation, shops), only a 'general store' is permissible use in the Residential 2(g) – General zone.

Part of the Botanica building is proposed in the Rural 1(a) Environmental Constraints and Agricultural zone, in particular the part containing the visitor accommodation, theatre, foyer, lounge, swimming pool and change rooms. Of these uses, the 'tourist accommodation', and a 'recreation establishment' would be permissible in the zone.

Roads are nominated permissible uses with consent in both the Residential 2(g) and Rural 1(a) zones.

Drainage and other infrastructure works are ancillary to subdivision and dwelling-houses and as such are permissible with consent in the Residential 2(g) and Rural 1(a) zones. Drainage is a nominated permissible use under clause 11 of RLEP and as such is permissible in the 1(a) zoned land and other infrastructure provision is ancillary to the permissible road use under that clause.

The above analysis sets out the compliance with Council's LEP, although it is noted that as the proposal is being considered under Part 3A with a Concept Plan, the Minister has the power to approve prohibited development.

¹ *Housing for older people and people with a disability* is defined under ULEP by reference to the meaning in State Environmental Planning Policy No. 5 (SEPP 5). SEPP 5 has now been repealed.

3.3 EXHIBITION AND NOTIFICATION

The Project Application and Environmental Assessment were placed on public exhibition from 5 May 2008 to 4 June 2008 and submissions were invited in accordance with section 75(H) of the Act. Notification of the exhibition was given in advertisements in:

- Moruya Examiner; and
- Bay Post

Exhibition locations were at:

- Department of Planning Head Office, Bridge Street Sydney;
- Department of Planning Illawarra/South Coast Region, 84 Crown St, Wollongong;
- Eurobodalla Shire Council, Vulcan St, Moruya; and
- Nature Conservation Centre, 301 Kent St, Sydney.

The EA was also provided for download on the Department's website. The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the Act.

Letters were sent to 243 nearby owners notifying of the exhibition and inviting a submission.

The Environmental Assessment and the Final Preferred Project Report were re-exhibited and notified between 17 December 2008 and 9 February 2009 and placed on the Department's website.

3.4 MINISTER'S POWER TO APPROVE

The purpose of this submission is for the Director General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75O of the Act. Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

(a) a copy of the proponent's environmental assessment and any preferred project report; and

The proponent's EA is included at Appendix F whilst the final preferred project report is set out for the Ministers consideration at Appendix G.

(b) any advice provided by public authorities on the project; and

All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix D and is discussed therein or in section 4 below.

(c) a copy of any report of a panel constituted under Section 75G in respect of the project; and

No independent hearing and assessment panel was undertaken in respect of this project.

(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and

An assessment of each relevant State Environmental Planning Policy that substantially governs the carrying out of the project is provided in Appendix B.

(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and

An assessment of the development relative to the prevailing EPI's is provided in Appendix B.

(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.

The environmental assessment of the project is this report in its entirety.

(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.

The **Director-General's Environmental Assessment Requirements** (DGRs) issued on 24 January 2007 required the following issues to be addressed:

- Subdivision Layout
- Urban Design, Visual Impact and Sustainability
- Seniors Living
- Social and Community
- Flooding
- Water Cycle Management
- Riparian Corridor Management
- Infrastructure
- Traffic and Access
- Aboriginal and Cultural Heritage
- Flora and Fauna
- Acid Sulfate Soils
- Bushfire
- Earthwork and Filling
- Noise

The EA lodged by the proponent on 13 February 2008 was accepted as adequate. An assessment of compliance with the environmental assessment requirements with respect to the project is included at Section 5.

3.5 ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments (EPIs) that have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is in Appendix B.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment and are discussed in detail at Appendices B and C. The controls applicable to the project are summarised following, together with the level of compliance.

3.5.1 State Environmental Planning Policies

The SEPPs that apply to the project are:

- State Environmental Planning Policy Major Projects 2005 (MP SEPP)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) - previously known as State Environmental Planning Policy (Seniors Living) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

The SEPPs that substantially govern the carrying out of the development are discussed as follows:

State Environmental Planning Policy Major Projects 2005

The MP SEPP applies to the project as discussed in section 3.1 above.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

This is discussed in detail in section 5.4.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 applies to the Village Square (Buildings A-C) only as they are three (3) storeys. The requirements of SEPP 65 are addressed in Appendix B. The Concept Plan and Project Application, as submitted, are currently inconsistent with those requirements, however is generally consistent with the requirements of the rules of thumb of the *Residential Flat Design Code*. It is considered modifications to the Concept Plan as outlined in Section 5.3 will ensure the development is consistent with the SEPP.

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies to the site as the site is contained within the coastal zone. The requirements of SEPP 71 are addressed in Appendix B.

The Concept Plan as submitted and the Project Application (Final PPR) are not fully consistent with a number of the requirements of SEPP 71, including those relating to the design and location of the built form and impacts on Ecologically Endangered Communities. These concerns with the Project Application for Stage 1 contribute to the recommendation for refusal. However, it is considered the proposal for seniors housing at this site is generally supported and the inconsistencies can be overcome by modifications to the Concept Plan, as discussed in more detail in Section 5.3 and Section 5.12.

3.5.2 Regional Environmental Planning Policies

Lower South Coast Regional Environmental Plan (No. 2)

The Lower South Coast Regional Environmental Plan (No. 2) applies to the site. The Concept Plan as submitted is generally consistent with these objectives except those relating to visual amenity and impacts on waterways, as is detailed in Appendix B. However, the proposal for a seniors living development on the site has merit and it is considered the inconsistencies and impacts from the proposal can be made acceptable by proposed modifications to the Concept Plan as outlined in Section 5.3 and 5.12.

3.5.3 Local Environmental Plans (LEPs)

Two LEPs apply to the site and are listed and discussed following:

- Eurobodalla Urban Local Environmental Plan 1999 (ULEP)
- Eurobodalla Rural Local Environmental Plan 1987 (RLEP)

The provisions of ULEP apply to the residential zoned and unzoned portions of the site and the provisions of RLEP apply to the rural zoned portions of the site. The current Concept Plan is inconsistent with a number of controls and objectives of the LEPs, primarily relating to proximity to services, environment protection of coastal areas/waterways, urban design and visual amenity (as detailed in Appendix B). The proposal for seniors housing at this site is considered to have merit and identified inconsistencies can be addressed through modifications to the Concept Plan, as discussed in more detail in Section 5.

3.6 OTHER PLANS AND POLICIES

The Eurobodalla Residential Design Code and the Moruya Structure Plan apply to the site. Compliance with the Code is outlined in the Table below. The issues of lot sizes, building heights and setback are discussed in section 5.

Table 3 Development Data

	Planning Control	Proposed	Compliance
Eurobodalla Residential Design Code (ERDC)			
Minimum lot size	450m ²	The application shows all lots to be 450m ² or over, however one allotment appears to be under 450m ² by virtue of an access handle being included in the figure provided in the application.	IN PART

Minimum width at building line	15m	The application shows all lots to have a minimum width at the building line of 15m.	YES
Maximum building height ²	8.5m	The maximum heights for the key buildings are as follows: Botanica building (15.2m) Village Square Buildings (11.3-14.3m) Dementia Buildings (11.6m) Manor Homes (8.6m)	NO
Moruya Structure Plan			
Setback from major road	40m vegetated setback	nil-32m	NO
Setback from major road	40m vegetated setback	nil-32m	NO

3.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

There are five accepted ESD principles:

- decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

While this report generally represents an assessment of ecologically sustainable development (ESD), it is considered appropriate to consider how the application specifically addresses the issues of ESD.

Integration

In making its recommendation on the proposed development, the Department has taken into consideration environmental, social and economic matters.

At a Concept Plan level, the proponent has generally demonstrated that the development will be a social and economic benefit for the region, through the creation of a range of residential accommodation in Moruya and provision of employment opportunities at the construction stage and for servicing of the development.

However, the location of a large seniors development in an isolated position away from the town centre and therefore reliance on the creation of its own town centre will discourage interaction with Moruya. The development is likely to increase the level of over 65 year olds in Moruya significantly, which will have significant implications for the provision of services within the region.

It is considered the concerns relating to the sites proximity to the town centre and the provision of services are able to be addressed though modification to the Concept Plan and the specification of requirements for future applications. The modifications to the Concept Plan, include limitation on the amount of on-site commercial floorspace, provision of an accessible bus service to Moyura and the provision of additional information in

² Maximum building height is defined in the ERDC as the vertical height of a building measured from the natural ground level at any point of any external wall to the topmost point of the building excluding arials, chimneys and plumbing stacks.

consultation with the local Area Health Service to verify that the health and support services will be available or to make provision for them to be enhanced if they are not. This is discussed in more detail in section 5.

Precautionary Principle

At a Concept Plan level, the proponent has generally demonstrated that the development will be beneficial for the region in both social and economic terms.

However, the current Concept Plan and Stage 1 Project Application do not adequately address environmental issues relating to riparian corridors or provide adequate mitigation measures to address the impact to Endangered Ecological Communities impacts on and adjacent to the site. Further, the proponent has not adequately qualified the likely impact of the increase in aged population upon the service provision available in Moruya.

Given that some environmental and social issues still need to be resolved, the precautionary principle is applied and the Project Application is recommended for refusal. Notwithstanding, it is considered that the development shows merit and the outstanding issues could be addressed through modifications to the Concept Plan. This is considered appropriate as the modifications to the Concept Plan would require the provision of sufficient information on environmental impacts and on adequate offset package for impacted EECs; and to provide additional evidence of the impacts on health services.

Intergenerational Equity

The development provides additional residential housing opportunities now and into the future in Moruya. In particular, the development will provide a variety of housing including a number of dwellings and seniors housing for future generations. This is considered to be beneficial for the region.

At a concept level, the proposed development for a range of housing types (catering for a range of demographics) is supported and will assist in servicing the housing needs of the region. However, the current proposal (as outlined in the Concept Plan and Stage 1 Project Application) does not adequately justify the bulk and scale of the development or demonstrate that the proposal can both integrate with Moruya and have adequate services available to the aged residents of the area into the future.

As discussed above, these matters are capable of being addressed, as outlined in the recommended modifications to the Concept Plan, such that future development applications will be capable of satisfactorily dealing with this and other ESD principles.

Protecting Biodiversity

As discussed above, the proposed development is generally supported at a Concept level. However, there are environmental issues relating to adequate buffers to riparian corridors and impacts on EECs (both ecological and water quantity) which have not been adequately mitigated, either through the appropriate placement of the development or through a robust vegetation offset strategy. The potential impacts warrant refusal of the Stage 1 Project Application as redesign of the development footprints of key buildings is required to address these impacts.

However, it is considered Concept approval for the development could be provided subject to modifications to the plan and additional requirements for future project approvals which address these issues (as outlined in further detail in Section 5.7, 5.8 and 5.12).

Improved Valuation

The proposal has incorporated principles of Water Sensitive Urban Design and includes provision for a dual reticulated system. The system is designed to promote an environmentally sustainable outcome through management of stormwater runoff and potable water. These measures will help future residential development applications for the site to comply with BASIX. However, the proposal has not adequately addressed the issue of appropriate valuation of riparian corridors and biodiversity in the design and layout. The Concept Plan is generally supported but required a number of modifications to address these issues. These modifications are outlined in further detail in Sections 5.8 and 5.12.

3.8 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a Project Application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iii), (v), (vi) and (vii) are significant factors informing the determination of the application.

The proposed development is generally supported on a conceptual level. However, the current Concept Plan and Stage 1 Project Application do not ensure objects relating to provision of services and protection of environment (objects (v), (vi) and (vii)) have been adequately demonstrated.

With regard to provision of services and facilities for the community, the proposal has not provided reasonable certainty that the proposal will not lead to significant shortages in the provision of aged and disability services within the area due to the large increase in older and/or disabled persons resultant from the development. Also, the proposal has not provided appropriate mitigation or offset strategies to address impacts on flora and fauna.

These deficiencies warrant the refusal of the Stage 1 Project Application and require a redesign of the development. However, the Concept Plan is generally supported and the issues relating to provision of services and environmental protection could be overcome by modifying the Concept Plan and requiring stringent requirements for future applications. The discussion in Section 5 indicates how the Concept Plan (as approved with modifications) will be satisfactory in terms of ESD and meeting the Objects of the Act. The requirements for future applications will also set the framework to ensure any development approved for construction on the site will also address and comply with the principles and Objects.

4 CONSULTATION AND ISSUES RAISED

4.1 PUBLIC EXHIBITION DETAILS

The major Project Application was exhibited from 5 May 2008 to 4 June 2008 for 30 days. The Final Preferred Project Report was lodged on 11 December 2008 and was notified and advertised between 17 December 2008 and 9 February 2009 and was placed on the Department's website.

4.1.1 Initial Notification

A total of thirteen (13) submissions were received to the initial notification, comprising **seven** (7) submissions from the public (5 in support and 2 in objection) and **six** (6) submissions from public authorities (3 in support and 3 in objection).

The seven submissions from the public included three letters of objection from residents from the existing suburb of Mynora, Moruya and Tuross Heads, one from the Nature Conservation Council of NSW and one from concerned professionals in the area (town planning, community values, public transport, heritage, water quality and hydrology and community facilities planning). A number of the issues raised in the public and public authority submissions, remain concerns despite the amendments proposed and are recommended reasons for refusal.

Thirty two letters and a petition with 1081 signatures in support of the proposal were provided by the proponent prior to the end of the notification period. The Department was also provided with the same petition at a meeting held with the proponent on 13 September 2007.

4.1.2 Notification of Final Preferred Project Report

A total of forty-nine (49) submissions were received to the notification of the Final Preferred Project report, comprising **forty one** (41) submissions from the public and **eight** (8) submissions from public authorities.

The forty-one (41) submissions from the public included twenty-six (26) submissions supporting the application, with seventeen (17) from residents of the region, eight (8) from businesses and one (1) from the Fire Brigade. The submissions in support provided two reasons for support, being increased jobs/economic benefits and the need for aged care in the area.

Fifteen (15) submissions were received objecting to the proposal, with ten (10) from residents of the region, three (3) from medical workers (including one on behalf of the area's GPs), one (1) from Coastwatchers and one (1) submission prepared by nine (9) local planning and environment professionals. The main reasons for objection include the lack of health care facilities to cater for the increased aged population, environmental impacts, traffic impacts, lack of infrastructure, creation of isolated new village rather than integration with the existing town of Moruya both physically and socially, excessive height, bulk, scale and density and inconsistency with zoning, controls and aims of plans and strategies for the region.

4.2 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

4.2.1 Eurobodalla Shire Council (Council)

In its initial response dated 22 July 2008, Council indicated that the development was inappropriate and that there were significant outstanding issues and as such it could not support the proposal and raised concerns with several aspects.

In response to the Preferred Project Report (PPR) lodged by the proponent, Council (letter dated 9 October 2008) indicated that whilst it supported some elements of the proposal, it could not support the proposal and identified several outstanding matters.

In response to the Final PPR, the Council (letter dated 9 February 2009) indicated in principle support for the concept, but that the quality and accuracy of the plans was inadequate to provide detailed comment.

Council indicated its willingness to continue to work towards modifying the project to result in a development that can be supported by all concerned parties. Council staff raised concerns with the current proposal including issues relating to: height/bulk/scale of buildings; excessive commercial space, parking requirements, visual amenity, flooding, road upgrades, stormwater and need for health services. A detailed summary of comments are provided in Appendix D.

Following a Council meeting on 24 February 2009 and a Council Workshop with the proponent on 18 February 2009, the Council resolved to support the proposal as proposed in the Final PPR. In a letter from Council, dated 2 March 2009, Council provided 'Issues of Concern' raised in the Council workshop, as well as a copy of minutes from the Council meeting. The issues of concern related to: sewer and water supply, required external and internal road upgrades, road intersections and stormwater management. A detailed summary of comments are provided in Appendix D. In the Council meeting, Councillors carried out a motion to support the proposal as proposed. An extract from the minutes is provided in Appendix D.

4.2.2 NSW Health Department - Greater Southern Area Health Service (GSAHS)

The NSW Health Department - Greater Southern Area Health Service (GSAHS) in its response to the Final Preferred Project Report indicated that if the application proceeded in its current form it would have a significant impact upon health service delivery in the area. In this regard, Stage 1 of the development alone would add approximately 300 residents over the age of 65 years plus up to 120 dementia patients. This would place considerable pressure on all health services including, acute hospital care, chronic and complex care, community nursing, transitional aged care, allied health, cancer care and other specialist services. Increased pressure will also occur to the rural health transport services and issues with ongoing rural health workforce supply and sustainability will also be likely. It is important to identify the potential problems in providing health services for such a large increase in population and a discussion with the developers to consider how best to meet the needs of residents would be beneficial if not essential.

4.2.3 Department of Environment and Climate Change (DECC)

In its **initial response** dated 23 July 2008, the DECC indicated that inadequate mitigation measures have been proposed to address the potential impacts of the development upon the Threatened Species and Endangered Ecological Communities (EECs) on the site (Refer to Figure 10 below). In particular, three (3) EECs were identified as occurring on the site, being *Lowland Grassy Woodland* on the high portion of the site and *Coastal Salt Marsh* and *Swamp Oak Floodplain Forest* on the low part of the site. DECC advised that the areas of these EECs have been under-represented in the assessment and the impacts of the development upon them have not been satisfactorily addressed.

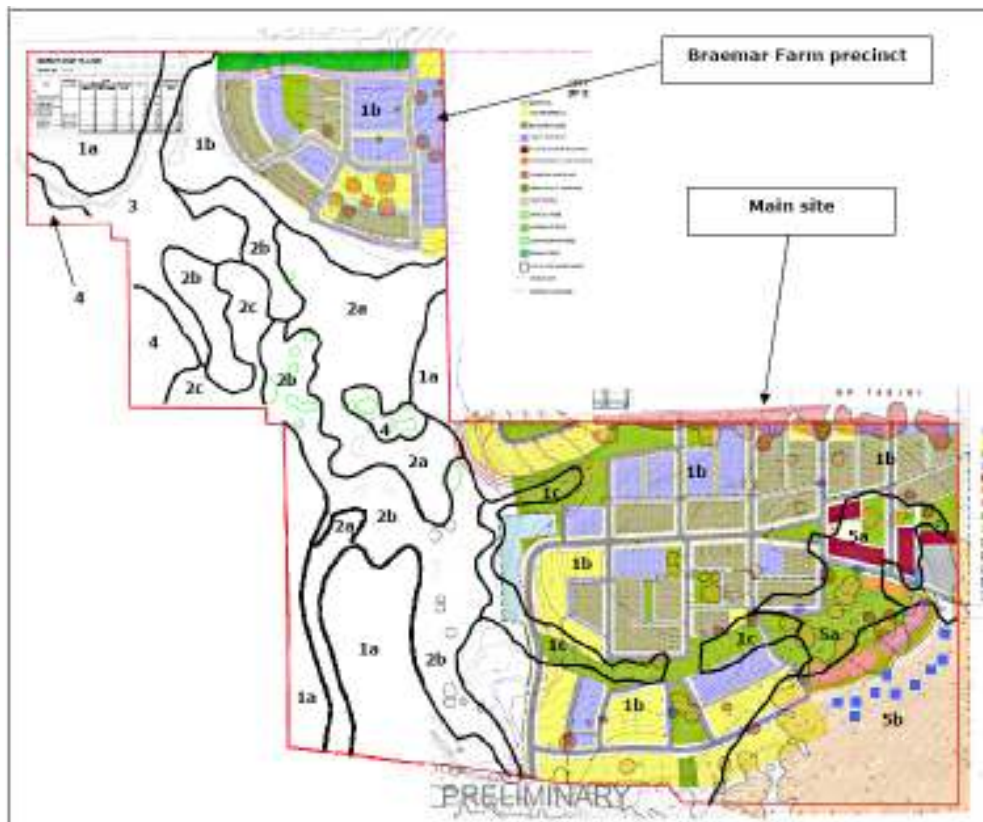
With regard to the Lowland Grassy Woodland, the EA under-represents the community, not including part of the area described as open cleared native and non-native grass land, and impacts upon the EEC due to the proposed "Eco Cottages" and proposed inadequate mitigation measures. (Note: the "Eco-Cottages" in south west corner of the site have been deleted from the Final Preferred Project).

With regard to the Swamp Oak Floodplain Forest, the EA under-represents the community, not including areas which contain representative ground cover species, and the impacts upon the EEC due to the proposed constructed wetland open water bodies. The creation of large open water bodies as part of a stormwater treatment system is not supported.

The stormwater treatment options proposed are not considered appropriate for highly sensitive receiving environments (ie the two lowland EECs), in particular the proposed open water bodies and in that no change should occur to the hydrological regime of overland flow and no change in the amount and quality of water which is released into the receiving environment.

Additional information was provided by the proponent and DECC provided its comments on 12 September 2008, which indicate that the previously raised issues remain outstanding. In particular, suitable mitigation measures against the impact of the proposal have not been provided.

However, the additional information provided clarified that the pasture-dominated part of the Woodland would not require offsetting. Issues identified in relation to the two (2) lowland EECs (5(a) and 5(b) on Figure 10) remain outstanding.



Key	Vegetation Type	Area (ha)
Grassland		29.9
1(a)	Open grassland	6.4
1(b)	Open grassland with scattered trees	21.9
1(c)	Swampy open grassland	1.6
Sedgeland		12.0
2(a)	Carex sedgeland	3.7
2(b)	Juncus sedgeland	7.0
2(c)	Carex sedgeland with scattered trees	1.3
Saltmarsh (EEC)		2.0
Swamp Oak Forest (EEC)		0.9
Woodland		6.6
5(a)	Open Woodland	1.8
5(b)	Woodland (EEC)	4.8

Figure 10 – View of low lying floodplain (extends along eastern portion of the site from the southern to northern border)

In its response to the **Final PPR**, the DECC still had concerns with the proposal relating to: potential presence of EEC Freshwater Wetlands on Coastal on the site, proposed development within the riparian area and required buffers, and the need for a more robust and detailed vegetation offset package.

4.2.4 Roads and Traffic Authority (RTA)

The proposal originally proposed direct access from the Princes Highway. In its **initial response** dated 28 May 2008, the RTA indicated that it would not support access from the site onto the Princes Highway and would not provide approval for such an access under the Roads Act 1993. The RTA carried out an analysis of the development based on access via South Head Road and determined that the intersection of South Head Road and the Princes Highway would continue to operate for the next 10 years at an acceptable level of service if no further development occurs in the area. However, the addition of the traffic from the proposal to the traffic anticipated to use the intersection would result in the intersection operating at an unacceptable level of service in the next 10 years. Therefore, the RTA advised that it would not object to the proposal only if no direct access was provided to the Princes Highway (except for emergency access) and if all other access occurred via South Head Road, with the developer providing a single lane roundabout at the aforementioned intersection. Further, conditions related to signage, noise attenuation, road design and approvals were also requested.

In response to the above advice, the proponent amended the proposal in the Preferred Project Report to remove access from the Princes Highway, other than for emergencies, and proposed the use of South Head Road, with the intersection of South Head Road and the Princes Highway to be upgraded to a traffic light controlled intersection.

In its response to the **PPR**, the RTA indicated it has a number of concerns with the proposed traffic light upgrade of the intersection of South Head Road and the Princes Highway and that a single lane roundabout should be provided. In particular, the RTA indicated that the traffic lights would result in unnecessary delays for through traffic in non-peak times and that the location of Racecourse Creek would impose construction constraints on the upgrade of the intersection given a requirement for a right-turn bay and would be likely to involve significant costs in the construction of culverts. Alternatively, the roundabout solution would maintain an appropriate level of service for future scenarios, other than in future seasonal peak periods, and would not delay through traffic unreasonably in non-peak periods.

In response to the **Final PPR**, the RTA reiterated its position as stated above and advised that the provision of an emergency access to the Princes Highway would only be supported if it was established that it was the only viable flood free access and if it was provided with a lockable physical barrier. The access would only be used in significant flood events (ie where all existing access to the Princes Highway was restricted).

4.2.5 Rural Fire Service (RFS)

In its response dated 29 May 2008, the RFS indicated that it has no concerns or special consideration in relation to bushfire matters for the proposal as the site is not classified as being bushfire prone.

In its response to the Final Preferred Project Report the RFS reiterated its previous position.

4.2.6 Department of Primary Industries (DPI)

In its response dated 20 May 2008, the DPI indicated that it supported the retention and rehabilitation of the riparian buffer areas to the unnamed watercourses on the site and placed importance upon the need to minimise the harm to the natural environment onsite and down stream during the development of the site. No objection was raised to the proposed stormwater management measures and the DPI concurs with the water quality targets set by that strategy.

The design of watercourse crossings is to be made "fish friendly". The DPI supports the weed control measures to remove the Spiny Rush from the wetland areas. Therefore, no objections were raised to the approval of the development subject to a series of conditions.

In its response to the Final PPR the DPI reiterated its previous position.

4.2.7 Department of Water and Energy (DWE)

In its **initial response** dated 5 June 2008, DWE raised concerns with issues relating to the protection and rehabilitation of vegetated riparian corridors on the site, the protection and enhancement of the Coastal Saltmarsh wetland and provision of an adequate buffer; and issues relating to groundwater.

The DWE indicated that it categorised the three (3) watercourses on the site, other than Racecourse Creek, as Category 3 watercourses, with Racecourse Creek being a Category 2 watercourse. A Category 2 watercourse should be provided with a minimum core riparian zone of 20m plus a 10m vegetated buffer either side of the

watercourse measured from the top of the bank (ie 60m plus the width of the watercourse). A Category 3 watercourse should be provided with a minimum core riparian zone of 10m either side of the watercourse measured from the top of the bank (ie 20m plus the width of the watercourse).

DWE indicated that inadequate information was provided to determine whether the development would comply with the above criteria, however the subdivision plan shows roads, development and pedestrian facilities and paths to be located in proximity to the southern and northern riparian corridors. DWE indicated all such uses should be located outside the above minimum zone areas. DWE indicated that it does not support the provision of constructed wetlands on line or within the riparian corridor, with water quality treatment to occur outside the riparian corridors. DWE does not support the piping of low flows from the site due to potential impacts upon the riparian corridors and seeks additional information in this regard.

DWE indicated its support for the retention of the Coastal Saltmarsh wetland in the north-western portion of the site but recommended a 50m wide buffer setback from this community and that no constructed waterbodies be located in this community. DWE advised that any open waterbodies located in the lowland area for stormwater treatment would need to be licensed under Part 5 of the Water Act 1912 if they were to intercept groundwater. DWE included a series of requested conditions to address all of the above issues. DWE also there has been no adequate consideration groundwater.

After referral of the **PPR**, DWE provided its comments on 23 October 2008, maintaining all its previously identified concerns with regard to the proposed "shallow excavation" to remove the Spiny Rush and create a series of ephemeral wetlands, DWE still maintained its concerns and suggests the advice of an experienced bushland regenerator be sought to determine the most appropriate removal method for Spiny Rush.

In its response to the **Final PPR**, the DWE indicated it generally does not support the modification of riparian areas, however further information is required in order to provide accurate advice. DWE does not support the use of gabions or the provision of pathways, seating or exercise areas within the riparian corridor. With regards to groundwater issues, DWE support the proposed reticulated sewerage service and stormwater treatment on the basis that the proposal no longer involves the creation of open waterways in the lowland areas and there is no excavation or reshaping of ephemeral wetlands to the east of the main development area (within the floodplain).

4.2.8 Department of Education and Training

The Department of Education and Training in its response dated 6 February 2009 indicate that the proposal will have no significant impact upon educational facilities and as such there are no infrastructure requirements in the form of land in relation to this project.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 SUMMARY OF ASSESSMENT OF IMPACTS

The proponent has been a passionate advocate for the development. Embodied in the proposal has been a vision to provide a new model of high quality housing for aged persons. The proposal is to provide an "integrated living environment with a basis in retirement living specifically aimed at the next generation of retirees" (p 8 of the Preliminary Assessment submission). The proponent has thoroughly researched the components of the development, including looking at retirement living overseas. The architects for the development, Durbach Block (Village Square), Stanic Harding (Botanica) and DKO Architects Pty Ltd (Manor Homes) were chosen due to their track record of designing buildings and places of excellence.

The aim was to create an *'incredible piece of architecture which will speak to the community in a very powerful way and...will become even more important to them over time'* (email from the Proponent, Mr Goodrich to Department 2/8/2007). The aim is to ensure that the *"...last 25 years of people's lives are to be ... as exciting and engaging as the years before and ...to create variety and enhance a sense of community"* (Mr Goodrich quoted in article in Canberra Times 17/9/07).

The vision, the concept and the ideals of the development are all completely supported. The commitment of the proponent to developing the site to provide all forms of housing, from self care houses, supported apartments and a dementia facility is commended. The Department endorses the vision and the outcomes proposed in the development.

However, no matter how innovative the concept or high quality the architecture, the assessment of an application under the Act requires an objective consideration of the matters identified in the DGRs, the objects of the Act and the impacts of the development. The key foundation of an assessment is consideration of the current strategic and planning controls, including the Council's LEP and the Seniors SEPP. Part 3A allows for flexible assessment outside of the requirements of planning controls. However, variations to key controls need to be justified and well argued.

Unfortunately, sufficient detail and justification for a number of aspects of the development have not been provided to enable the proposal to be approved as submitted. The conclusion of the assessment is that the Concept Plan is recommended for approval, but only subject to modifications that mostly require the development to relate better to the existing context. It is acknowledged that this is likely to be at odds with the Proponent's vision of a unique development that makes a statement in the landscape. Approval of the Concept Plan will allow the development to proceed, subject to the amendments required as documented in the modifications to the Concept Plan being embodied in a future application. Further information will be required in future development applications, importantly greater justification of the impacts on existing health services.

Stage 1 of the project (which includes the construction of 236 seniors living dwellings, Village Square, and Botanica building and associated infrastructure) cannot be supported and is recommended for refusal. This is because the Concept Plan will require potential modification of the general arrangement of development on the site. As Stage 1 Project Application relies on a modified Concept Plan layout, and has not been fully justified in terms of supporting information, project approval can not recommended for approval.

The Key issues considered in the Department's assessment of the Environmental Assessment (for the Concept Plan and Stage 1 Project Application), as detailed in the Director-General's Environmental Assessment Requirements, include the following, which are addressed below:

- Subdivision Layout
- Urban Design, Visual Impact and Sustainability
- Seniors Living
- Social and Community
- Flooding
- Water Cycle Management

- Riparian Corridor Management
- Infrastructure
- Traffic and Access
- Aboriginal and Cultural Heritage
- Flora and Fauna
- Acid Sulfate Soils
- Bushfire
- Earthwork and Filling
- Noise
- Staging

5.2 SUBDIVISION LAYOUT

5.2.1 Subdivision Type and Design

The application originally sought approval for a Torrens title subdivision into 9 super lots, 8 of which were to be further Torrens title subdivided and one was to be Community Title subdivided and was to contain the seniors housing development. Refer to Figure 11. The application was subsequently amended by the proponent to be a Torrens title subdivision only, involving the creation of 17 Torrens title residential allotments and 1 super lot in Stage 1. Future stages will involve subdivision for a further 53 lots, culminating in a total of 70 lots. The Torrens title residential lots vary in size from 450m² to 788m². Refer to Figures 12 and 13.

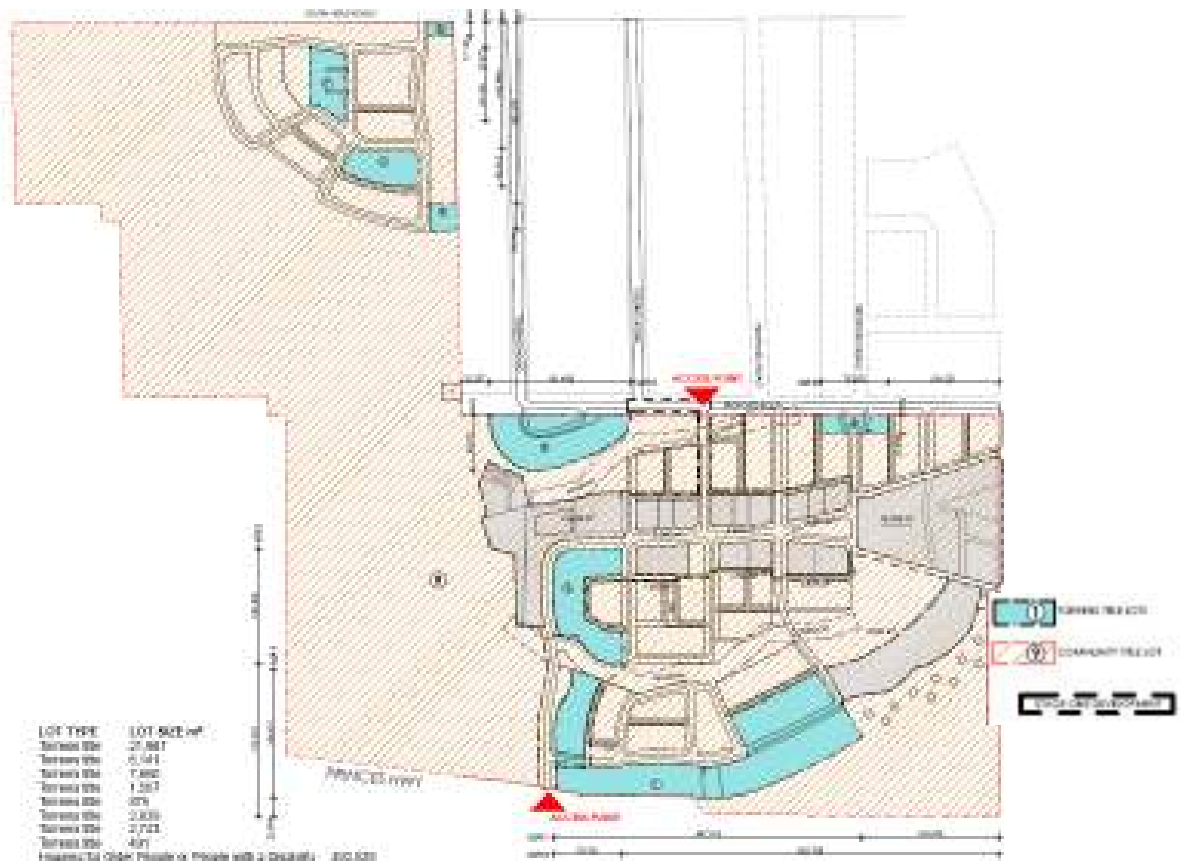


Figure 11 – Original Torrens Title Subdivision for Stage 1

Access to Public Roads from Torrens Title Lots

The proposed Torrens lots are land-locked, being surrounded by the remaining super lot to be used for seniors housing. It is unclear whether the proponent will subdivide the remaining super lot later as a community title subdivision or if the site will not be subdivided at all except through the mechanisms allowed via the *Retirement Village Act 1991*.

These lots can be accessed through private roads over which the future owners would have no control. As such, were the private roads to fall into a state of disrepair, the owners of the residential lots would have no control over their upgrade or maintenance.

It would be more appropriate if all Torrens title residential lots were provided with access directly off a public road, or at the very least, if the road was in a form of ownership that gave the future owners control over its maintenance, such as by way of a right-of-way over which they had partial ownership (though it is noted that the public road access is by far the most appropriate form of access).

This issue remains unresolved and contributes to the **refusal of the Project Application for Stage 1** (which includes subdivision for 17 torrens title lots). To address this issue, a **modification to the Concept Plan** is proposed to require the concept road layout in to be amended to ensure all Torrens title residential lots have access directly off a public road (Modification B2).

Easements for access to Torrens lots and servicing are also shown through the remaining super lot and connecting to Albert Street (Figure 12). It is noted that the easements do not cover all of the paths of service provision shown in the engineering plans, e.g the electricity line connects to existing lines in the Princes Highway and the service easements do not cover this service path. This should be addressed in the future application/s (see Condition C13).

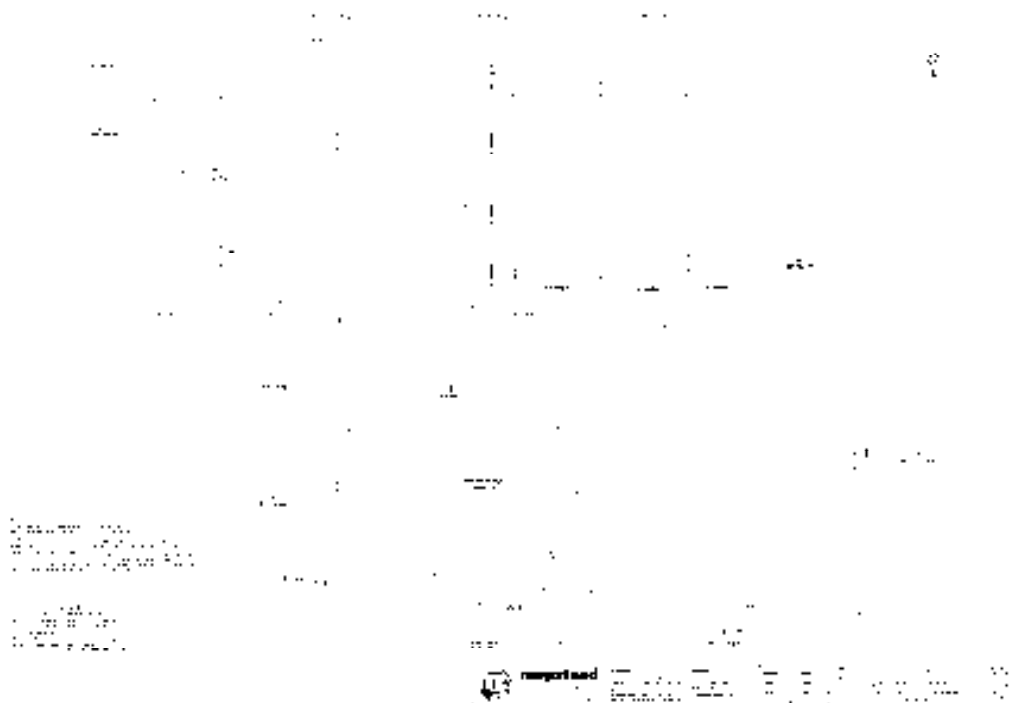


Figure 12 –Torrens Title Subdivision (17 lots in Stage 1)

Location of Torrens Title Lots

The current design of the subdivision, as outlined in the submitted Concept Plan and Stage 1 Project Plan, involves Torrens title residential allotments being scattered throughout the seniors housing development. This layout results in the seniors housing being more spread out than would otherwise be necessary and being more distant from the Village Square and Botanica building, such as those located in the north west portion of the development adjoining South Head Road.

A more appropriate design would be to concentrate the Torrens title residential lots near South Head Road with access via public roads, allowing dedication of the future heritage park to Council (refer to Section 5.10.1 for further details) for the benefit of the whole community, and concentration of the seniors housing in the main body of the site, with access via private roads (if preferred), other than in relation to a new public road suitable for a bus route.

Such a change would overcome some of the design anomalies such as the provision of Torrens title dwelling lots backing onto a private park and located opposite the Botanica building, but the residents not being able to use either the park or the facilities in the Botanic building (both being part of the separate seniors housing component).

The Stage 1 Project Application includes subdivision for 17 torren lots (Figure 12) and will require a redesign. As such, the **Project Application for Stage 1 is recommended for refusal**. However, the overall concept for the development is generally supported. It is considered this design issue can be addressed through a **modification to the Concept Plan** which ensures development located in the north west portion of the site is restricted to Torrens title subdivision only (Modification B2). Refer to Figure 14.

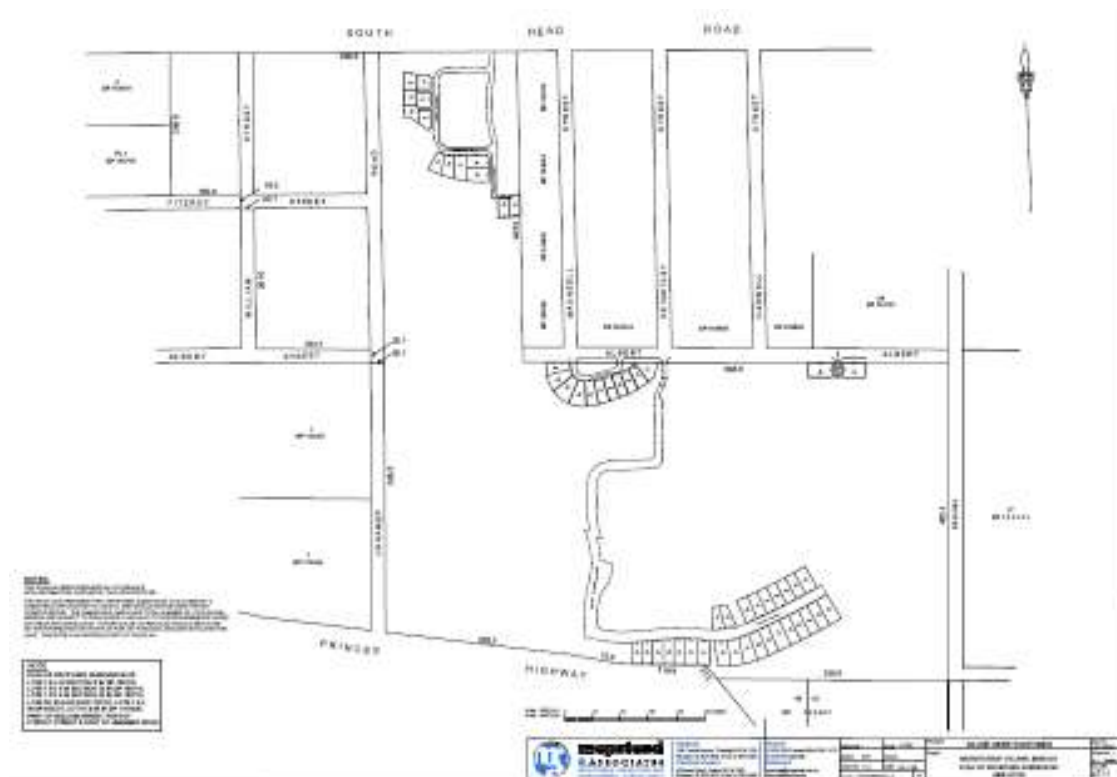


Figure 13 – Remaining Torrens Title Subdivision in anticipated in Future Stages (remaining 53 lots, giving a total of 70 lots)



Figure 14 – North West portion of the development where lots should be restricted to Torrens title

Use of Lane ways

The subdivision as proposed in the Concept Plan and Stage 1 Project Plan proposes excessive use of laneways, resulting in more roads and hard surfacing than is necessary. The proponent has argued that this approach was used to provide a more pedestrian friendly environment on the roadways, which would not have any vehicular crossing and as such was a safer design for residents of the development for older and disabled persons. Whilst this may have some validity for the seniors development, it is not suitable for the Torrens title residential lots and the proposal should be redesigned to remove the laneways from that component of the development. The Project Plan includes the incorporation of laneways within the torrens title development which will require a redesign and is therefore refused. A **modification to the Concept Plan** is recommended which requires the subdivision plan to be amended such that Torrens title allotments are not to be designed to have rear lane access (Modification B2).

Connectivity with Mynora

A further concern with the design of the overall subdivision layout in the Concept Plan is its connectivity with the existing suburb of Mynora (to the north), with roads poorly aligned with existing and likely future roads (particular connecting to the 'Blue Mist' development to the north of the site, refer to Figure 2). Also, the number and location of connections of private roads with Albert Street (which would become a public road) incorporated into the subdivision design is inadequate. There are eleven proposed access points in just over 500m of road, with on average one access point every 50m of the road and with eight access points in just over 300m of the road, averaging one every 40m of road. Such a concentration of access points on a local connector road is inappropriate, introducing an unnecessary number of points of conflict along the road.

The location of some of the access points onto Albert Street is also inappropriate, resulting in staggered "T" intersections with existing and future roads. The road layout is not consistent with the existing character of the area, being more appropriate to an inner city location than a residential suburb on the rural fringe and does not provide for any continuity of the character of the existing subdivisions in the area.

The overall Concept Plan is supported. However, to address this design issue, a **modification to the Concept Plan** is recommended which requires the road layout to be altered such that no more than five roads intersect with Albert Street and for better connections with existing, approved or proposed roads (in the case of the proposed subdivision to the north east of the site at Lot 69 DP 75215, known as 'Blue Mist') (Modification B2).

5.2.2 Assessment Against the Eurobodalla Residential Design Code

The controls relevant to the proposed subdivision (for all Torrens title lots) are contained within the Eurobodalla Residential Design Code (ERDC). The ERDC sets a minimum allotment size of 450m² for subdivision.

The Project Plan for Stage 1 of the development complies with this control. Additional information was submitted in relation to the proposed lots within the Concept Plan indicating that some of the proposed allotments would not comply with this minimum control.

Therefore, it is proposed to require an amendment to the Concept Plan to guide future development in terms of where larger lots may be required. There is no issue per se with allowing smaller lots in some areas, if justified but to allow for greater integration with Mynora, lots on the edge of the site should be larger.

This issue can only be addressed through a redesign of the final lot arrangement through future development applications. A **modification to the Concept Plan and future application requirements are recommended** that requires the re design of the subdivision layout to ensure lot sizes should be a minimum 450 m² unless justified and lots adjoining Albert Street should be a minimum lot size of 600 m² to ensure a better transition to the existing larger lots in Mynora (Modification B2).

The Concept Plan could be more appropriately aligned with the relevant controls from the ERDC by including the requirement to provide for cycle ways, for drainage structures to be dedicated to Council, for subdivision to be designed having regard to the environmental constraints of the site (ie the proposal has an unacceptable impact upon the Endangered Ecological Communities) and for the rear of allotments not to front main roads (proposed to the Princes Highway). It considered that these issues can be addressed through modifications to the Concept Plan. These issues are addressed in more detail Section 5.10 and 5.12 of the report.

Further, the current Concept Plan does not provide the required 40m setback from main roads (the Princes Highway and South Head Road). This setback requirement is for landscape treatment, though such a setback would also assist in mitigating noise impacts from the roads. The proposal for the Blue Mist site (to the north of the site as shown on Figure 2) complies with this requirement and it is considered appropriate for the subject proposal to also comply given it is significantly more visually prominent and proposes significantly higher densities and heights of buildings. A **modification to the Concept Plan is recommended** to ensure setbacks from Princes Highway and South Head Road to be a minimum of 40m (Modification B2).



Figure 15 – Diagrams showing locations where a minimum 40m setback is required

5.3 URBAN DESIGN, VISUAL IMPACT AND SUSTAINABILITY

A number of urban design issues were raised by the Department and Council following exhibition of the application. The height and location of the Village Square and Botanica buildings has been of contention throughout the application process. Approval of the Village Square and Botanica building is sought in Stage 1 of the Project Application. The height of both buildings exceeds that contemplated in Council's controls and in the Seniors SEPP. The amount of non-residential floorspace provided is also of contention.

As the Village Square and Botanica buildings are a main component of the Stage 1 Project Application, that application is refused. The changes required necessary to obtain better urban design and ameliorate any visual impacts cannot be conditioned through the Project Application. However, the concept for the development is

generally supported and it considered a suitable seniors housing development could occur on the site if modifications were made to the Concept Plan. As such, it is recommended **modifications to the Concept Plan** be undertaken with the intention of guiding future development in terms of height, building locations and quantum of floorspace. With these modifications, development (as submitted in future applications) on the site will be acceptable and approvable.

5.3.1 Height, Density and Design Approach

The proposed density on the site in the context of the zoning of the site and its location on the outskirts of a small country town is an area of concern in the current Concept Plan and Stage 1 Project Plan. All strategic planning for this site (Moruya Structure Plan, Eurobodalla Urban LEP and the Eurobodalla Residential Design Code) generally identifies the site as an area for low scale and density residential development, with structures to be a maximum of two storey in height and to be commensurate in scale with a low density residential area.

Notwithstanding that this is the strategic direction set for the site by both Council and State Government strategic plans, it was acknowledged that a well designed development for seniors housing, due to its specific service and access requirements could potentially be provided at a higher density and potentially even at a greater height.

This is generally acknowledged by the State Government as an appropriate approach in SEPP Seniors (as discussed further in Section 5.4). However, the SEPP in its aims, objectives and controls indicates that such development should be compatible with the character of the surrounding area and its future desired character notwithstanding it is designed to a higher density.

Despite the amendments proposed in the Final PPR, which do lower the density of the development and improve the visual character of the development, the built form proposed in the Stage 1 Project Application is still inappropriate in the context of its surrounding environment.

Village Square Buildings

The Village Square Buildings are included in the Concept Plan and approval is sought for their construction in the Stage 1 Project Application.

Buildings A, B and C of the Village Square (refer to Figure 16) are excessively long and have insufficient articulation by way of recessive and projecting elements. The buildings have lengths of between 69m and 76m and heights of between 11.3m and 14.3m (excluding lift overruns). Whilst the buildings have been reduced in height, the lack of articulation and length of the buildings are not in keeping with the desired character of the surroundings - an outskirt area of a small country town.

The longest building in proximity to the development is a building situated within the nearby TAFE complex (to the west of the site, refer to Figure 9), which is approximately 50m in length. Whilst it may be appropriate in the context of a seniors housing development to provide an area of higher density housing to allow for easier provision of services, the length of the buildings and lack of articulation are not necessary to achieve this.

It is also not necessary to locate the uncharacteristically large and bulky buildings on a highpoint within the development, rather than more centrally on lower lying land where they would not be so visually dominant. Effectively, rather than trying to locate these structures where other lower scale and density development on the site and landscaping could screen them from view from surrounding areas, they have been located to announce their existence and as such will present as discordant elements given the existing and desired character of the area, which is for low density housing on the suburban fringe of a country town.

The height and density issues relating to the Village Square warrant **refusal of the Project Application for Stage 1**. However, the concept of the development is generally supported and it is considered possible to design appropriate buildings on the site to cater for seniors housing. Therefore, a modification to the Concept Plan is recommended (Modification B5) to consider the following design principles (see Figure 17):

- relocate the larger Village Square buildings towards the centre of the site, on lower lands; and break the buildings into smaller components with reduced the length, to a maximum of 45m (buildings currently range from 69-76m in length).

- limit the height of the Village Square to a maximum of 12m³ or three storeys. The maximum heights of the Village Square building, as currently proposed, range from 11.3m (Building C) to 14.3m (Building A). It is envisaged that the height or length restrictions would not necessarily result in a reduction of yield, but would provide buildings of a smaller size, bulk and scale which are more commensurate with the surrounding area. It is considered a reduction in height, in conjunction with moving the Village Square development towards the centre of the development would assist in improving the bulk and scale of the development and minimise its visual impact on surrounding areas. Visual Impact is also discussed in Section 5.3.4.

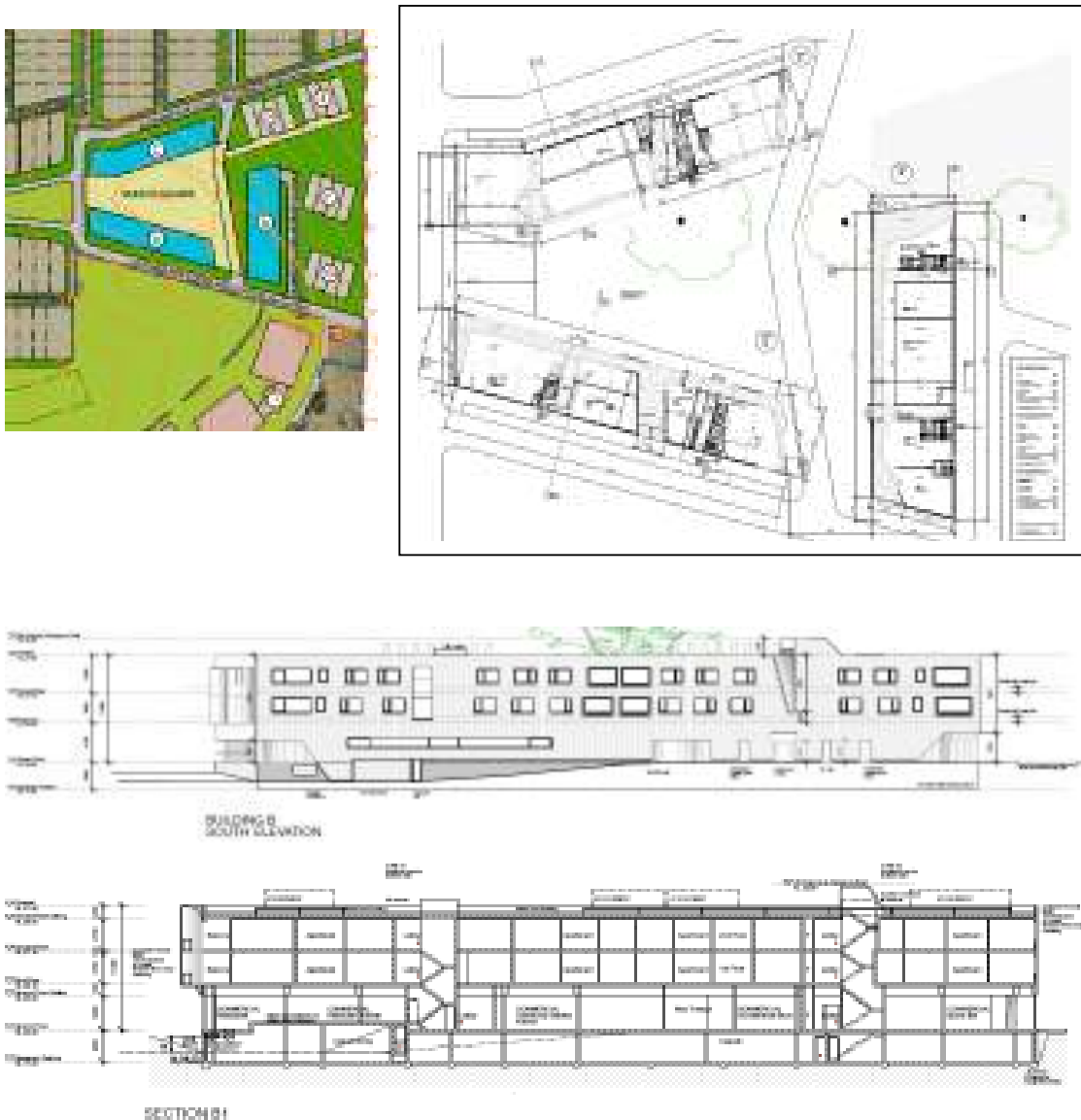


Figure 16 – Plan view of Village Square Buildings and typical sections (of Building B), as depicted in the Final Preferred Project

³ Height of building is defined as the vertical distance between ground level (existing) and any point to the highest point of the building excluding communication devices, antennae, flagpoles, chimneys, flues and the like (Source: *Standard Instrument (Local Environmental Plans) Order 2006*)

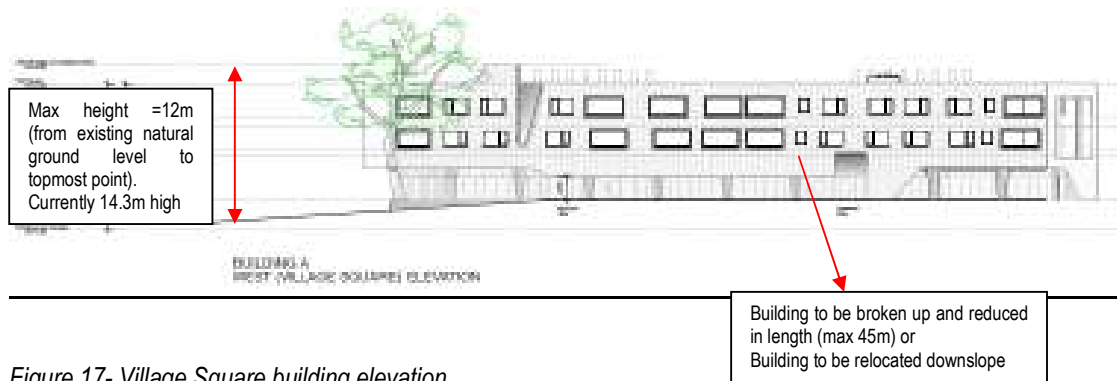


Figure 17- Village Square building elevation

Botanica Building

The Botanica Building is included in the Concept Plan and approval is sought for their construction in the Project Application for Stage 1.

The size of the Botanica building is significant in the context of its location on the edge of the urban zoning, and partial location in the rural zone. The length of the Botanica building is 103m and the width up to 56m in parts.

Currently, the longest building in proximity to the development is a building situated within the nearby TAFE complex (to the west of the site, refer to Figure 9), which is approximately 50m in length. It is considered the length of the proposed Botanica building and lack of articulation are not necessary for the purposes of providing ancillary services to the Seniors development.

These outstanding design issues have not been satisfactorily addressed by the Final Preferred Project Report and are reasons for **refusal for the Stage 1 Project Application**.

Notwithstanding, the premise behind the Botanica Building as a health and wellness centre to service the seniors housing is supported. However, concern is raised with the bulk and scale of the building and the proposed floor space should only be allocated to uses ancillary to the seniors development.

It is proposed to modify the Concept Plan to require reconsideration of the design and location of the building. A design approach to reduce the visual impact of the building would be to break it down into a series of smaller buildings. This could be achieved without affecting the functionality of the uses. However, the uses should be reconsidered in any case, as the extent of floor space appears excessive given the number of dwellings proposed for seniors (323 units plus 120 dementia beds).

The visitor accommodation (located on the upper floor) could be provided in smaller scale buildings and the lounge area, bar and restaurant (including the balcony areas) is considered not to be an ancillary use given the proposed restaurant, café and sports bar in the Village Square and is recommended to be deleted from the plan.

Further, the indoor pool and associated uses could also be provided in a smaller scale building and do not require duplication in the provision of an outdoor pool, which is inappropriately located in a riparian zone.

It is considered the Concept Plan could be redesigned to address the design issues with the Botanica building. Modifications B3 and B4 require the Botanica building to be redesigned to:

- have a maximum Gross Floor Area (GFA) of 2500m² (reduced from 5600m² as originally lodged) and the bulk reduced. The maximum GFA is based on allowing for a smaller group of buildings more commensurate with the size of surrounding buildings (the maximum length of buildings located nearby is 50m – building complex in the local TAFE). A possible design approach would be to break the building into a series of smaller buildings (for example, four buildings having a maximum building footprint of 15m x 30m and one building having a maximum footprint of 20m x 35m. This would equate to a maximum GFA of 2500m²);
- have a maximum height 8.5m (to top of building from existing ground level) and maximum of one storey. The building, as currently proposed, has a maximum height of 15.2m and is two storeys. The

modified height will be more commensurate with the surrounding areas which comprise are low scale development;

- exclude the outdoor pool lounge area, bar and restaurant. These uses add unnecessarily to the bulk/floor space of the building and are not justified given the size of the development. There is already an indoor pool provided in the development. A small café as opposed to a bar and restaurant would be more appropriate for the proposed recreational facilities; and
- be located wholly within the Residential zone – so as to ensure that the building is located in a non-floodprone area, and within a zone in which the development is permissible.

5.3.2 Location and Connectivity

Commercial/Retail/Recreational Facilities

The Moruya Structure Plan (adopted by Council in 2007) recognises Moruya as an ideal location for major new commercial, retail and employment generating developments, especially as it has an existing economic, service and social infrastructure to support increased activity whilst reducing the need to urbanise more remote and natural environments.

The concept of seniors housing on the site, which provides relevant community/recreational facilities and some retail/commercial facilities to its residents, is supported and is a site requirement under the *SEPP (Housing for Seniors and People with a Disability) 2004*.

However, it is considered that the proposed extent of non-residential uses to be provided in the project ancillary to the seniors component is not appropriate. Rather than supporting and complementing the existing town centre, as proposed the development creates a second town centre that is relatively self sufficient and not contiguous with the existing land use pattern.

This issue is grounds for refusal of the Stage 1 project which proposes construction of the Village Square and Botanica Buildings, but is able to be addressed through a modification to the Concept Plan.

The scale of services provided onsite needs to be reduced and consolidated by:

- the removal of the lounge/bar/ restaurant within the Botanica building;
- removal of the outdoor pool in the Botanica Building; and
- the scale of other components of Botanica building be appropriately reduced (as discussed above in Section 5.3.1).

Further, the amount of floor space of the within the ground floor of the Village Square building needs to be addressed, to ensure the services are genuinely ancillary to the development and do not compete with the established Moruya town centre. The total floor areas for retail, food & beverage and service suites as proposed in the final Preferred Project Report are considered acceptable. Therefore, it is recommended that the amended Concept Plan require (via Modification B5) there be up to a:

- maximum of 275m² of retail use. This area is based on the total retail areas already stipulated in the Final Preferred Project comprising: post office (65m²), newsagency (120m²) and convenience store (90m²);
- maximum of 615m² food and beverage services. This area is based on the total food and beverage areas already stipulated in the Final Preferred Project comprising: bar (170m²), restaurant 240m², café (90m²) and kitchen (115m²); and
- maximum of 250m² service suites (to include medical, health care and personal care).

There are no restrictions for other uses including management services, storage and facilities for residents of the development provided free of charge (e.g library/reading/meeting rooms, gallery/museum, hobby rooms. Admin areas and storage).

Distance from Moruya Town Centre and On Site Facilities

The Concept Plan for seniors housing on the site is supported and is recognised to be essential to providing aged care services in the Eurobodalla region. However, an area of key concern with the Concept Plan for the development is its distance from the town centre of Moruya and the poor connectivity with Moruya. The design

seeks to create a stand alone village, where residents have little need to leave the village to visit Moruya and indeed cannot do so as a aged pedestrian given the separation of the site from Moruya Town Centre (which is approximately 2km away).

The proposal seeks to create onsite facilities which would mimic those available in a small village centre (or in some cases such as the facilities in the Botanica and Village Square buildings mimic those available in a small country town). Provision of such an extent of facilities onsite, together with the physical isolation of the site encourages the social isolation of the residents on the site from the other residents of Moruya.

There is also an issue of distance from parts of the site within the development to the support and recreational services provided on site. The residents of the development, located on the north-western portion of the site adjoining South Head Road, have no physical connection with the remainder of the development or the services provided therein.

Further, there is a separation distance to the onsite Botanica facility of approximately 600m and to the Village Centre of approximately 900m as the crow flies from the furthest dwelling. If one wanted to walk to these facilities it would be significantly further. This isolated section of the site is inappropriately located for housing for seniors with even the onsite provision of services and facilities too distant for the residents.

The issues relating to the location of services on site and the distance of housing for seniors and disabled persons from these services have not been adequately resolved and are sufficient to warrant refusal **for the Stage 1 Project Approval**. However, in principle, these issues are capable of being addressed by a re configuration of elements in the Concept Plan and could be amended by modifications. **A modification to the Concept Plan is recommended** which requires the Village Square and Botanica buildings to be relocated centrally within the development and ensuring it is within 400m walking distance from all proposed dwellings (Modifications B4 and B5).

Operation of Village Bus

There is a limited bus services that currently runs along South Head Road and the Princes Highway, but this is well over 1km away. The residents will therefore need to drive or rely on the village bus to be provided as part of the development. In this regard it is noted that elderly or disabled residents may not be able to drive due to their age and/or health.

The provision of a village bus service may overcome this issue, but in the application as submitted, no details are provided of how many dwellings would be erected prior to the commencement of the operation of the bus or of whether the bus would be a complementary service to the residents or one that had to be paid for. Given the often fixed income of seniors and disabled persons and the costs that would necessarily be, an inability to pay for such a service may result in isolation from the remainder of the community of Moruya.

Were a village bus service be relied upon to provide access for the residents to Moruya it would need to be stringently conditioned to ensure it operated along an appropriate route, at an appropriate frequency and at a minimal cost to residents to ensure it could overcome the location deficiencies of the site.

This may be alleviated if existing private bus operators in the area agreed to service the site, however given the roads within the site are to be private roads and as no information has been provided to substantiate that there is a suitable route through the site or a sustainable patronage to make it economically viable for the bus company to service the route, it cannot be assumed that such a service will necessarily be provided.

A modification to the Concept Plan is recommended which requires the development to be amended to incorporate a public loop road (designed to Council's standards) through the site and connecting with Albert Street that is capable of servicing a potential future bus service (Modifications B2 and B9). Further, a **requirement of future applications** is to ensure the development includes the operation of a free village bus service which runs at regular frequency between the development and Moruya Town Centre (Condition C6).

5.3.3 Detailed Urban Design Issues

A number of detailed urban design issues were raised by the Department and Council following exhibition of the application and prior to submission of the Final PPR. These are capable of being addressed and hence are proposed as **modifications to the Concept Plan and requirements for future applications**.

Dementia Sanctuary (Block S3)

The Dementia Sanctuary proposes to provide hostel accommodation for seniors requiring a higher level of care, which is recognised to be a much needed facility in the region. However, concern is raised with some of the design elements of the building including the lack of usable secure external open space areas for residents in the dementia buildings (Block S3). Such a secure external space is critical to the wellbeing of residents that effectively cannot leave the building unsupervised without such a space. Given the dementia buildings are included in the Stage 1 Project Application a detailed landscape design of such an area should be provided, but has not. It is noted that access to such an area could only be via stairs given the location of the lifts and this would be inappropriate.

The accessibility of the centre for persons with mobility disabilities is also not satisfactory as the only access the Dementia Sanctuary is via a proposed gravel road.

The orientation and design of the dementia buildings are not optimal, with buildings designed on a repetitive block plan rather than for their location on the site, resulting in poor westerly orientation for some buildings. The location of the lounge areas is questioned, being recessed into the site such that they are unlikely to receive solar access. Further, the location of windows and their treatment to the bedrooms is poor. Solar access to bedrooms is particularly important in dementia facilities where residents may spend significant amounts of their time in that room.

Further, the buildings do not represent a balance of cut and fill and as such are unreasonably elevated, thereby unnecessarily increasing the height of what are already bulky structures. This also results in poor accessibility to the dwellings from the street and visitor parking area and to potential secure courtyard/landscaped areas.

These issues are considered significant enough to **warrant refusal of the Stage 1 Project Application**.

However, the need for residential accommodation for seniors which provides a higher level of care, such as a hostel is considered to be a facility required in the area. It is considered the aforementioned issues are capable of being overcome through a redesign, hence a **modification to the Concept Plan** is recommended to ensure the access road to the dementia buildings are sealed and at ground level secure private gardens are provided to each wing (east and west) of buildings 1 and 2 of the Dementia Sanctuary (Modification B6).

Dwelling Design (Terrace and Courtyard Houses)

The Project Application for Stage 1 seeks approval for the construction of some of the terrace and courtyard houses within the seniors housing development. There are some concerns with the design of the proposed dwelling component of the development, which are recommended to be addressed through the **requirements for future development applications** (see Condition C12).

Some of the Terrace and Courtyard Houses are designed with bulky roof forms. This is particularly evident with the single storey dwellings proposed in Blocks 10, 11, 12, 17 and part of Block 18. The roof forms need to be reduced in bulk. This could be addressed by an alternative roof form such as by the provision of a hipped roof form.

Several of the side fences have excessive heights of up to 3m given their location on retaining walls and as such the presentation to the street is unacceptable, particularly given the narrowness of the proposed streets. Where higher fences are required for privacy, they should be softened with landscaping.

Concern is raised with the use of screens/pergolas to the south elevation of dwellings to provide privacy from the street due to the impact upon light to the rooms. This further exacerbates the impacts of solar access as described in section 5.3.2. The screens should be deleted and alternative privacy measures provided.

The design with small setbacks to dual frontages and low open fences will result in a reduced level of privacy for occupants. In this regard each dwelling should be provided with at least one private open space area leading off the primary living area of the dwelling. This is of particular concern on corner lots. A balance needs to be achieved between privacy and casual surveillance/interaction with persons outside the property and it is not considered that the balance currently proposed is appropriate.

5.3.4 Visual Impact

The proposal is divided into two portions in the south eastern and north western parts of the site. With the exception of roads, part of the Botanica building and some open space, the proposal is located on residentially

zoned land. Both parts of the site lie south and west of an existing residential subdivision (known as Mynora) directly off South Head Road (Refer to Figure 2).

The site is visible from the adjoining TAFE and from the Princes Highway (refer Figure 18), and is prominent in views from the south east. Limited views are available from South Head Road while the site is visible from the western side of the Princes Highway and the golf course.

The principal concern with regard to visual impact is that the proposal is inconsistent with the identified zone and character reflected in Council's adopted *Moruya Structure Plan* and the character of the area. The *Moruya Structure Plan* identifies the subject land as suitable for low density residential development. Parts of the proposed development, in particular the Botanica building and the Village Square buildings are inconsistent with this typology, particularly given their proposed dominant locations.

While the visual impact assessment concludes that the development will have low visual impact on the immediate, medium and distant surroundings, the photomontages submitted with the application depict the creation of a village which does not present as having a low density residential character. Refer to Figure 18. Of particular concern are the Botanica building and Village Square which stand out significantly in both aerial and ground view montages from the south west, particularly as the taller buildings are located at the top of the hill around the Village Square.

Notwithstanding that the Final Preferred Project reduced the height of the buildings and removed the curved accentuated architectural features (a revised photomontage was not submitted), the visual impacts of the proposal to the surrounding area are deemed to be adverse and, as such, the **Project Application for Stage 1** which includes the Botanica and Village Square buildings **can not be approved** in their current form.

As outlined above in Section 5.3.1, a **modification to the Concept Plan is recommended** to relocate and reduce the heights of the Village Square and Botanica buildings.



Figure 18 – Comparison of existing views and proposed photomontage (depicting Village Square Buildings and building), as viewed from Princes Highway (near TAFE). Source: Environmental Assessment 2008

5.3.5 Sustainability

The design (as outlined in the Project Application for Stage) responds reasonably well with regard to sustainability criteria, providing for rain gardens and rain water tanks to allow for reduction of stormwater runoff and re-use of part of the runoff for irrigation and toilet flushing. The design of dwellings addresses passive design and cross ventilation reasonably well, though it is noted that solar access could have been better addressed. The application will be conditioned to require that a future application for development will require appropriate low energy and low water usage fittings and appliances are installed in the development (Condition C14).

5.4 SENIORS LIVING

5.4.1 Objectives of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('SEPP Seniors') is a relevant environmental planning instrument to consider in the assessment of the project and given that the Policy is referred to in the Director General's Requirements (Appendix A).

An assessment of the proposal has been undertaken against the SEPP. Table 4 provides a summary of the assessment of compliance against the relevant key provisions. A detailed assessment against SEPP Seniors is provided in Appendix B.

Considering the proposal against the objectives of the SEPP, the proposal raises concern with regards to issues of design, bulk and scale having regard to the adjoining land uses and the desired future character of the area and location with regard to access to facilities and services. These have been addressed through recommended modifications to the Concept Plan.

The Department supports the concept of seniors housing in this location as the locality has an ageing demographic (with approximately 30% of the population in Eurobodalla aged 60 years and over⁴). As such, the development would assist in addressing the seniors housing shortage in the South Coast.

5.4.2 Design Requirements and Standards of SEPP Seniors

The critical design requirements of SEPP Seniors include density, landscape provision, height, lots size and frontage, parking and location. The proposal complies with or is generally consistent with these controls with the exception of location and height. These non-compliances are discussed as follows. Further, SEPP Seniors contains design principles, a number of which are breached by the proposal.

Location

Moruya Town Centre is the closest location in which all of the specified services and facilities are located. Whilst the application makes provision onsite for some of the services and facilities, not all are provided, (nor would it be desirable to provide a full village centre on the site). In terms of whether the site is suitably proximate to Moruya Town Centre, the site is further than 400m from the centre and as such cannot satisfy the requirement in the SEPP. As such the proposal must rely upon the transport provisions of the controls. The Accessibility Report indicates that there is no local bus service which would be capable of satisfying this provision. In lieu of the availability of such a service the application indicates an intention to provide a dedicated shuttle bus service as part of the development to pick up and drop off at the Village Square and Botanica building and travel to and from Moruya Town Centre. This level of connectivity, together with the onsite provision proposed for some services and facilities is proposed, until such time as a local bus service may become available.

Given the location of the development on the fringe of the Town, the residents will be reliant upon the proposed village bus service to access Moruya Town Centre, should they not be able to drive. Should the bus service cease operation, operate infrequently or charge too high a fee for the service, residents would be isolated from access to services. Further, if the bus service only has access points at the Village Centre and Botanica building, accessibility for residents in the Braemar Farm portion (north west) of the site is unacceptable, with

⁴ ID 2009, Eurobodalla Shire Council- Community Profile,
<http://www.id.com.au/profile/Default.aspx?id=319&pg=102&gid=10&type=enum&prn=1>

residents having to travel significantly further than 400m to access the bus and such access would be across a landscaped area. For this reason, a **modification is proposed to the Concept Plan** (B9) requiring the village bus service to be free of charge, until a public bus service is provided to service the site. With this surety, this aspect of the SEPP will be satisfied.

Height

The controls provide a maximum ground to ceiling height of 8m⁵ and a built height of two storeys. The height controls are intended to reflect the one and two storey character of residential areas where residential flat buildings are not permissible, such as the subject site. The maximum height of all dwelling houses complies with the control as do the Manor Houses.

However, the Botanica building (maximum height 9m), the Village Square buildings (maximum heights ranging from 8.3m to 11.3m) and the Dementia buildings (maximum height 8.6m) do not comply with the control. Note: height in this section of the report is measured as per the definition in the SEPP Seniors and varies to the definition of height as discussed in Section 5.3.1. Given the location of the Botanica building and Village Square buildings and their length and bulk, the extent of the non-compliance is not acceptable, and has not been adequately justified.

As discussed in Section 5.3.1, **modification to the Concept Plan is recommended** to address the height in the Botanica and Village Square buildings (to a maximum of 8.5m and 12m respectively – measured from the existing ground level to the topmost point, as outlined in Modifications B4 and B5).

Vertical Villages

The SEPP Seniors, in the 'Vertical Villages' provisions (Part 5, Clause 46 (6)) allows for an increased density (expressed as a FSR bonus of 0.5:1) where Residential Flat Buildings (RFBs) are permissible and where an LEP or DCP has an FSR control.

Although the site is not zoned to allow RFBs there is a FSR control in the Eurbodalla Residential Design Code (a development control plan) of 0.5:1. In consideration of allowing a building higher than 8 metres on the site, it is considered that it is reasonable to apply the policy intent of the SEPP Seniors. Part 3A of the EP&A Act 1979 allows the Minister to approve a residential flat building where it would otherwise be prohibited. Heights above 8 metres are supported as there is merit in designing units above ground floors services and in having a 'village square' as a focus for residents. Therefore, in recommending approval to the Concept Plan the provisions that also apply when greater density is allowed should also be applied. To not apply the policy intent because the proposal is a 3A project would undermine the application of the SEPP.

In order to approve a vertical village, the development must 'deliver on-site support services' and 'at least 10% of the dwellings for the accommodation for residents in the proposed development must be affordable places'. 'Affordable places' is a term defined in the SEPP. The proposal is capable of providing on-site support services and making provision for affordable housing, and a **requirement of the approval of the Concept Plan will be for future applications** to comply with this provision (Condition C11).

Neighbourhood Amenity and Streetscape

The desirable elements of the location's current character and the desired future character are identified in several documents, including the Moruya Structure Plan and the objectives of the zoning of the site. The character desired is for low density and low scale development commensurate with the appearance of detached housing. The development consciously differs from this character, in terms of the size, bulk, and height and location of the Village Square and Botanica buildings. The current form of the Village Square Buildings and Botanica would warrant **refusal of the Project Application for Stage 1** as a redesign of the development is required. However, with **modifications to the Concept Plan** with the intention of guiding future development

⁵ Note: Height is defined in the SEPP Seniors as 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. Ground level means the level of the site before development is carried out. Note: Height as defined by SEPP Seniors is different to the height as defined by the LEP.

in terms of height and building locations, the proposal could reflect the current and desired character of the area.

The setbacks proposed at the front of the dwellings are significantly smaller than for the surrounding area. This would only be appropriate internally to the site and not fronting any adjoining development.

Further the streetscape presentation to Albert Street (which will be a public road) is inappropriate, with no dwellings fronting that road, rather all dwellings present sides to Albert Street, which will emphasise the lack of connection with the existing suburb of Mynora by providing a visual separation as well. Dwellings should front Albert Street and setbacks of dwellings fronting Albert Street should be consistent with characteristic setbacks in the area. It is noted that the layout for the subdivision of the Blue Mist site provides for allotments addressing Albert Street.

The above components are not part of the Stage 1 Project Application. As such, a **modification to the Concept Plan** (Modification B2) is therefore recommended requiring:

- Lots along Albert Street are to directly face the street and are to have a minimum lot size of 600m²
- Other Torrens title lots are to have a minimum setback of 40m from the boundary of the site with South Head Road and the Princes Highway.

Acoustic Privacy

The proposed access to the site to being via Keightley Road to South Head Road may result in an unacceptable increase in noise for residents in that street, particularly during construction, but also during ongoing operation of the development.

Given that the proponent was advised that direct access from the highway was not acceptable, it was suggested that the appropriate response would be to provide a road connection between the main body of the development and the portion fronting South Head Road, to allow for containment of the noise impacts within the site. This would also remove the additional noise impact from residents fronting South Head Road.

However, this amendment was not made and there is inadequate information to determine whether the acoustic amenity of residents in the area will be lost.

Further, concern is raised in relation to the acoustic amenity of the proposed dwellings in proximity to the Princes Highway, with the Acoustic Report indicating such residences will need to be acoustically treated and mechanically ventilated to have an acceptable level of acoustic amenity.

The Stage 1 Project Application seeks approval for the access points into the site. As acoustic privacy has not been adequately addressed, **refusal of the Project Application** is warranted. However, it is considered this issue could be addressed by a **modification to the Concept Plan and requirement for future applications** requiring an acoustic report to be prepared to assess the impact of noise generated from the proposed development upon the existing streets of Mynora (Maunsell Street and Keightley Street) (Modification B8 and Condition C5).

Table 4 Assessment of Compliance against Relevant Provisions from the SEPP Seniors

Key Provisions of SEPP Seniors	Compliance	Comments on Compliance
Clause 2 Aims of the policy To encourage the provision of housing (including residential care facilities) that will: <ul style="list-style-type: none"> (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. 	IN PART	<ul style="list-style-type: none"> • The proposal results in an increase in the supply and variety of dwellings that may cater for the needs of seniors and people with a disability. • The proposal requires the provision of new infrastructure or upgrades of the existing infrastructure. • The proposal is not considered to be of good design, being inappropriate in design, bulk and scale having regard to the adjoining land uses and the desired future character of the area.
Clause 26 Location and access to facilities Residents of the proposed development will have access to: <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. Access complies if facilities are located at a distance of not more than 400 metres from the site of the proposed development or there is a transport service available to the residents who will occupy the proposed development located at a distance of not more than 400 metres from the site of the proposed development will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services.	NO	<ul style="list-style-type: none"> • Moruya Town Centre is the closest location in which all of the specified services and facilities are located, but is located more than 400m from the site. Whilst the application makes provision onsite for some of the services and facilities, but not all are provided and it is not appropriate that attempts are made to make an unsuitably located site suitable by providing all such services onsite. • The proponent indicates an intention to provide a dedicated shuttle bus service as part of the development to pick up and drop off at the Village Square and Botanica Building and travel to and from Moruya Town Centre. • The proposal does not satisfy the location provisions. Residents will be completely reliant upon the proposed bus service to access Moruya Town Centre. Should the bus service cease operation, operate infrequently or charge too high a fee for the service, residents would be isolated from Moruya Town Centre.
Division 2 Design Principles Clause 33 Neighbourhood amenity and streetscape The proposed development should: <ul style="list-style-type: none"> (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone. 	NO	<ul style="list-style-type: none"> • The desirable elements of the location's current character and the desired future character are identified in several documents, including the Moruya Structure Plan and the objectives of the zoning of the site. The character desired is for low density and low scale development commensurate with the appearance of detached housing. The development does not satisfactorily respond to this character, primarily due to the size, bulk, height and location of the Village Square and Botanica buildings.
Clause 34 Visual and acoustic privacy The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: <ul style="list-style-type: none"> (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. 	NO	<ul style="list-style-type: none"> • The vehicular access to the site being via existing residential roads (Maunsell and Keightley Roads) will result in an unacceptable increase in noise for residents in those streets, particularly during construction, but also during ongoing operation of the development. • With no assessment of the change in access provided, inadequate information exists to determine whether the acoustic amenity of residents in the area will be lost. Further, concern is raised in relation to the acoustic amenity of the proposed dwellings in proximity to the Princes Highway.
Clause 35 Solar access and design for climate The proposed development should: <ul style="list-style-type: none"> (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable 		An assessment has been made of the proposal and concern was raised with the proponent in relation to the solar access provision for dwellings in several blocks throughout the development, due to the design of the dwellings and the orientation of the allotments. In response a solar access study was prepared with particular regard to the design of dwellings in Blocks 16-18. Whilst this study showed solar access for in excess of 3 hours to open space areas within the dwellings, it did not delineate between private areas of open space and those that are not private (such as front yards and verandahs), nor did it delineate

Key Provisions of SEPP Seniors	Compliance	Comments on Compliance
use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	IN PART	<p>between more usable areas and less usable areas.</p> <p>Block 16 comprised of a series of detached two storey dwellings with zero lot lines for one side of each dwelling. Private open space is provided in a central courtyard and in the rear yard (south facing). The only north facing space is not private (front yard) and is narrow and is divided by the provision of a verandah. Solar access is extremely poor to the central courtyard in mid-winter. Further, solar access to the rear yard is poor, with approximately 2 hours to a reasonable portion of the yard.</p> <p>Block 17 has a similar orientation to Block 16, and similarly the front yard area (north facing) is ot private. The rear yard area received limited solar access to a small area adjoining the carport for approximately 2 hours.</p> <p>Block 18 contains dwellings similar to Block 16 and 17 and has similar solar access problems.</p> <p>The site layout has not optimised opportunities for solar access to private open space areas, not increasing the depth of lots with south facing rear yard and has not appropriately designed the dwellings for these lots, particularly in relation to the courtyard dwellings where the courtyards do not receive solar access, but elongate the building to also deprive the rear yards of solar access.</p>
<p>Part 4 Development standards to be complied with</p> <p>Clause 40 Development standards – minimum sizes and building height</p> <p>Site size The size of the site must be at least 1,000 square metres.</p> <p>Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	INPART (Non-compliance in Heights)	<p>Site Size - The site as a whole has an area of 51 ha, however the SEPP Seniors site has an area of 493,529m².</p> <p>Site Frontage - The site has a frontage to South Head road of a approximately 250m, of which approximately 175m is appropriately zoned.</p> <p>Heights – Residential flat buildings are not permitted in the 2(g) zone. Maximum height of all dwelling houses and Manor Houses complies. Heights for Botanica, Village Square and Dementia buildings do not comply.</p> <ul style="list-style-type: none"> Maximum height for the Botanica building 9m Maximum height for Village Buildings: 11.3m (Building A); 9.5m (Building B); 8.3m (Building C) Maximum height Dementia Buildings 8.6m Maximum height of Manor Houses 6m
<p>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</p> <p>Siting standards relating to</p> <ul style="list-style-type: none"> Wheelchair access, Common area, Security, Letterboxes, Private car accommodation, Accessible entry, Interior: general, Bedroom, Bathroom, Toilet, Surface finishes, Door hardware, Ancillary items 	UNKNOWN	<ul style="list-style-type: none"> In general, there has been inadequate information provided in relation to siting standards to make an assessment. Requirements for future project applications will include full compliance with Schedule 3 of SEPP(Seniors)
<p>Part 5 Development for vertical villages</p> <p>Clause 45 Vertical Villages</p> <p>Requirements relating to affordable places and on-site support services</p> <p>(i) the proposed development will deliver on-site support services for its residents, and (ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and (b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p>	INPART	<ul style="list-style-type: none"> The site is zoned part Residential 2(g) under the Eurobodalla Urban LEP and part Rural 1(a) under the Eurobodalla Rural LEP. Residential flat buildings are prohibited in both zones under the respective LEPs. As such, this Clause would technically not apply to the site. Notwithstanding, the Department in its merit assessment of the application considers that residential flat buildings for the purposes of 'housing for seniors or people with a disability' may be appropriate for the site. As such, the Department considers the proposal should be assessed against Clause 45(6) 'Requirements relating to affordable places and on-site support services'. The current development does not identify any accommodation which would be considered as 'affordable places' and does not satisfy clause 45(6)(ii). The proposed development will deliver onsite support services for its residents within the Dementia Sanctuary (a hostel). Dementia Sanctuary. The Dementia Sanctuary will provide hostel accommodation. This includes: meals, laundering, cleaning and other facilities are provided on a shared basis, and at least on staff member is available onsite 24 hours a day to provide management services. The Village Square provides some assisted living where apartments are located above the place where the services and facilities are located on the ground floor. This allows food, cleaning, health care, medication management etc to be delivered via lift in a cost effective and timely manner.

5.5 SOCIAL AND COMMUNITY

5.5.1 Social Impact Assessment

The proposal will result in an increased supply of housing allotments in the area and will provide for additional employment opportunities during construction of the subdivision and subsequently during the construction of the dwellings and more long term in the operation of the onsite services and facilities. This is considered to be a benefit for the region.

Further, the proposed evacuation route to the Princes Highway will assist the existing residents of Mynora to evacuate in the event of a flood. This may relieve the State Emergency Service, to some extent, of the existing burden to assist the residents of Mynora.

The proposal will also result in additional demand for medical facilities in the area, together with a potential increase in the demand on services provided for aged and disabled persons.

In order to determine whether the proposal would be likely to result in onerous demands being placed on existing services in the area, it was requested that the proponent provide detailed information on the service provision onsite, the cost of such services, an assessment of the likely increase in aged population and an assessment of the resultant likely impact on the demand for services provided in the area.

In response to this request for information the proponent provided the following:

- The provision of onsite activities and facilities (such as pools, tennis court and the like) will result in the residents of the development being happier and healthier than the general population and a such will utilise the general health services in Moruya less than other residents;
- As care will be available onsite the residents will reduce the pressure on the local hospitals and services;
- The response in terms of interest in the development from local residents has been tremendous and as such the uptake by locals will free up the traditional housing stock for new and younger people, renewing the town's population rather than resulting in an increased aged population. It is estimated that 65% of the residents would come from the local area, with the remainder from Canberra or Sydney;
- Moruya Hospital has 65 beds and in 03/04 had a 71.5% occupancy rate. Moruya Hospital provides acute services including medicine, surgery, gynaecology, emergency, outpatients and obstetrics. Eurobodalla Community Health Services provides community health, mental health and alcohol and drug services, with a centre operating from Moruya. The Eurobodalla Health Services Cluster Services Plan 2006-2001 indicated:
 - the demand for aged and extended care will be significant, with over 65's to grow from 22% to 31% of the population;
 - the Aged Care team at Moruya has an entry/wait time of 4 months and growing; and
 - No Aged Care Emergency Teams exist on the south coast and allied health services will not meet demand.

In order to meet the above identified demands, targets were set for **12-14 new rehabilitation beds** by 2016, realigned service delivery models and completion of an ambulatory and rehabilitation facility.

- The stated impact of the addition of 450 seniors due to this development would not require an additional hospital bed given the ratio of 0.3 aged care beds per 1000 residents. Further, the proposed Dementia Buildings will provide an important new facility. The development would place a greater demand on GPs and residential and community based aged care in the area.
- The proponent states that the Greater Southern Area Health Service has indicated that the above plan is out of date and is to be replaced and that due to budget constraints the new beds in Moruya Hospital will not be provided, with rehabilitation needs to be serviced by day care services and rehabilitation occurring from Goulburn Hospital.
- The proponent has indicated that rather than create a further shortfall in services, the onsite provision of services will cater for residents and potentially reduce the existing shortfall.

Whilst it is agreed that the Dementia facility will provide a valuable new resource (for hostel beds) and that onsite provision of services may assist in servicing the needs of residents, there is no evidence to suggest that the existing 12-14 bed shortfall will not be increased by the development.

Reliance upon a 0.3 bed per 1000 head of population figure is inappropriate given the population of the area does not comprise 100% seniors as does the proposed additional 450 population of the facility. People aged over 65's in the area currently form only 22% of the population. Therefore, of a population of 1000, 220 would be over 65's and 1 additional bed would be required. With an incoming population of 450 'over 65's an additional 2 aged beds would be required to be added to the existing 12-14 bed deficit. Further, the option of sending patients from the area to Goulburn for rehabilitation is inappropriate due to separation issues from family and the community.

It is also noted that the notification of the Final Preferred Project resulted in submissions being received from several medical service providers, including the Greater Southern Area Health Service, local GPs, the Nurse Unit Manager of Moruya Hospital and a recently retired allied health profession who worked in the Eurobodalla Shire for the Department of Health for over 20 years. The submissions by these health care professionals indicated that the figures quoted by the proponent do not accurately represent the state of health care provision for older persons and the disabled in the area, with the 71% occupancy rate for hospital beds relating to all beds for Moruya Hospital, including the maternity services, for which there will be little demand. Advice was provided that the occupancy rate for the general ward at the hospital is consistently over 90%. The submissions also advised that Moruya Hospital has recently had to close up to 10 beds due to a lack of staff.

The local GPs currently servicing the area have advised they also man the hospital (Visiting Medical Officers and emergency services at Moruya and Batemans Bay Hospitals) and that an additional 2-3 beds would be required for the increase in the seniors population due to the development.

The submissions note the area is currently experiencing difficulties attracting medical staff and allied health professions to the area and that existing services are stretched with significant waiting periods for some services. It is noted that the submissions indicate no consultation has occurred with Moruya Hospital, the local GPs or the Greater Southern Area Health Service in terms of availability of services to cater for the increased population from the development.

In the Final Preferred Project, it is indicated that medical services available within the development will include:

- Nursing care from nursing staff based within the Dementia Sanctuary; and
- Podiatrist, physiotherapy, dietician and GP services either from professionals occupying consulting rooms on-site (250m² professional suites) included in the Village Square Building. However, no detail has been provided in the report on how the professional suites will be staffed.

Therefore, further justification is required to show that adequate medical facilities exist, either in Moruya or onsite (as the cost of these facilities is unknown and the likelihood of successfully staffing the facilities is unknown), to cater for the needs of a development of the size proposed.

The Stage 1 Project Application includes part of the seniors housing development. As such, **the Project Application for Stage 1 of the proposal is recommended for refusal**. It is considered that these issues relating to health service provision are critical to the future residents of the site.

The capacity levels and staff employment strategies should inform the maximum size of seniors/people with a disability component of the project. The size of this component is to be limited by the medical and health care services that can be provided onsite or that can be catered for within the regional service system, to ensure that the development does not overburden the medical and health care services of the region.

Accordingly, the Concept Plan is recommended for approval, as it is considered that it should be possible to match the size of the facility and the needs of the future residents with the facilities to be provided on-site and within the capacity of those in the Town. However, as part of the submission of any development application to construct the development, it is recommended that a detailed Medical and Health Services Report prepared in consultation with the Greater Southern Area Health Service, Moruya Hospital, local GPs and other local medical and allied health service professionals (Condition C3); and the Council, in consultation with the relevant agencies must be satisfied with the impacts on health and medical services prior to issue of consent.

The Medical and Health Services report is to:

- provide a plan specifically identifying how the health and medical care needs of the proposed residents within the older and disabled persons development are to be met both onsite and within the region;
- assess the needs of residents in relation to acute hospital care, chronic and complex care, community nursing, transitional aged care, allied health, cancer care and other specialist services and rural health transport services;
- specify which services will be available onsite and those that are to be provided within the region by existing services and facilities and is to identify the capacity levels of the services to be provided both on and off-site;
- specify numbers of medical and health care staff required onsite to provide the services; and
- provide information on the ability to attract such staff to the region and the contingency plan to be put in place should such staff not be available or should such staff leave the employ of the facility.

5.5.2 Suitability of Onsite Services/Facilities

The additional information provided by the proponent in relation to the onsite accommodation indicates that the houses, courtyard homes and terraces would be for independent seniors who need little if any assistance and the assisted living component would be located around the Village Square in the apartments. All dwellings would be fitted with a 24 hour emergency response call out system staffed from the Dementia buildings.

It is noted that no dwellings are to be sold, but rather the purchase is of a 'licence' to occupy. The use of the Botanica building facilities is included in the cost of purchase, with a Deferred Management Fee (DMF) being deducted from the sale price and a monthly management charge being applied for maintenance and running of the services/facilities, garbage collection, landscape upkeep and general maintenance and cleaning. The DMF is said to range from 2-3% of the incoming price of the licence per annum to a maximum of 10 years (ie total of 20-30%). As such a return of 70% of the purchase price plus an unspecified percentage of the capital profit for the dwelling would be returned upon sale of the licence to occupy the dwelling. Services such as hairdressing, massage, yoga classes and the like would be provided on a user pays basis. Prices are to be comparable with those of similar services provided in Moruya. All medical services will be user pays via Medicare or private health insurance schemes.

The Dementia buildings would provide 24 hour care. Residents would pay a 100% refundable bond and a portion of the aged pension to cover their food and care costs, with non-pensioners paying the charges themselves. Medical care is funded via Medicare or private health insurance schemes.

Beyond the cost of purchase the following facilities and services would need to be paid for on a needs basis for all residents:

- meals,
- cleaning,
- health care,
- ancillary health services (eg physiotherapy, podiatry, medical management),
- 24 hour nursing care

Whilst the available services provided onsite is appropriate, little information has been provided in relation to the affordability of the services that need to be paid for and given the isolation of the development from the town, the residents may have few alternative options should the prices be excessive. **A modification to the Concept Plan is recommended** which requires further justification as to the affordability aspects of the retail and food services to be provided (Modification B5).

5.6 FLOODING

5.6.1 Flooding Assessment

The topography of the site is such that the western portion of the site is low lying and provides a drainage path for the runoff from the majority of the site and from three (3) local creeks from outside the site.

The site is subject to flooding from two sources, being the backwater effects from the Moruya River, 1.5km downstream from the site; and runoff from the local catchments.

Flood waters from the Moruya River, which occurs several days after the storm, pool back along Ryans Creek into the low lying land on the site, with the waters being largely static and/or having minimal velocity flows. The *Moruya Valley Floodplain Development Control Plan* classifies the low areas of the site as being located in the flood fringe. Local flooding results in storms of less than 12 hours duration and can be subject to flow velocities of in excess of 1m/s.

The 100 year Annual Recurrence Interval (ARI) identified for the site is RL 4.6m AHD and Councils flood planning level adopted for this site is RL 5.1m AHD. The proponent has proposed to adopt a flood planning level (FPL) of RL 5.3m AHD (0.7m above the 100year ARI) for all residential lots and all access roads in order to allow for the effects of climate change. The main access road (connecting to the emergency access proposed to the Princes Highway) is designed at RL 5.5m AHD, which equates to 900mm above the 1:100 year flood level. It is noted that this road would be underwater in the Probable Maximum Flood (PMF) which occurs at RL 6.2 m AHD, however current planning practice does not require design to the PMF.

It is noted that the lower level of the Botanica building is designed to a floor level of RL 4.3m AHD, placing it below the 1:100 year flood level. As such the location of this building is considered inappropriate as the floor level should be a minimum of RL 5.3m AHD, being the adopted FPL for the site. This issue, combined with the restriction on height and bulk, would warrant a potential redesign of the Botanica Building. As such, the Stage 1 Project Application (which includes the Botanica Building) cannot be approved.

A modification to the Concept Plan is recommended which requires amendments to the design of the Botanica building, including the need to move the to stand wholly in the Residential 2(g) zone; and to have all floor levels at or above the flood planning level for the site of RL 5.3m AHD (Modification B4).

The stormwater design does not include any onsite detention due to the need to disperse the water from the site prior to any peak flood event caused by flooding to the Moruya River. The proposal does involve 4,500m³ of fill below the 1:100 year flood level, however the *Water Cycle Management and Flooding* report prepared by Evans and Peck indicates that this will not have any impact upon the flood levels as it equates to <1% of the storage. Whilst concern is raised in relation to this, the issue has not been pursued given the recommendation of refusal the Project Application for the site. The level of fill proposed could potentially be counteracted by a requirement to carryout a similar level of excavation or by requiring a redesign to remove this fill.

5.6.2 Evacuation Plan

As all habitable floor levels are to be above RL 5.3m AHD, it is safe to stay onsite during floods of up to 1:100 ARI. However, as the town of Moruya (east of South Head Road) are flood affected in smaller flood events, it would be necessary to obtain supplies prior to the higher level flooding for such events.

In this regard, all lots have alternative access to the low points along South Head Road, including the lots adjoining that road as flood free access along South Head Road to the east, thence along Keightley Street. Emergency access is also available through the site to the Princes Highway in an emergency situation. A similar route is available in the event of a PMF which would only follow a prolonged period of heavy rain and would not occur prior to flood advice being issued by way of signs and local radio broadcast.

5.6.3 Climate Change

Additional information was provided (in the Final Preferred Project) by way of an additional report from Evans & Peck to address concerns raised in terms of the adequacy of the assessment of the application having regard to the effects upon flood levels of climate change. This information assesses the proposal in relation to the 2007 DECC guidelines, addressing the sensitivity guides for increased rainfall and sea level rise. The report indicates that the most likely scenario is a medium sea level rise and 5% increase in rainfall, which would lead to an increase in the 1:100 ARI event level by 0.19m. The worst scenario tested of high level sea rise and 15% increase in rainfall would result in a 0.49m increase in the 1:100 ARI event level.

Both increases would not result in flooding of the dwellings on the site or the access roads, which are designed to have a 0.7m freeboard above the existing 1:100 ARI flood level (4.6m AHD). However, both scenarios would result in the flooding of the lower level of the Botanica building. **A modification to the Concept Plan is**

recommended to ensure the floors levels of the Botanica building are at or above the flood planning level for the site of RL 5.3mAHD.

5.7 WATER CYCLE MANAGEMENT

5.7.1 Groundwater

It appeared that new open water bodies were proposed to be located in the lowland areas (for the purposes of stormwater treatment). The impact of the development on the existing groundwater regime and potential for interception with groundwater, and need for a water licence was considered. Additional information was provided by the proponent (prepared by Evans and Peck, dated 5 December 2008, and EDAW, dated 10 December 2008) to address these issues which confirmed no additional open water areas will be created on the lowland area. Further, the potential risks to the groundwater regime have been mitigated through the utilisation of reticulated sewage and suitable stormwater treatment systems. DWE has indicated general support of the mitigation measures used to protect the existing groundwater regime on the proviso that no excavation is undertaken in the lowland floodplain areas to create new open bodies of water or ephemeral wetlands. The documentation provided by the proponent indicates that no new open bodies of water/ephemeral wetlands will be created in the floodplain. To reinforce this, **a modification to the Concept Plan is recommended** to this effect (Modification B10).

5.7.2 Water Quality

The proposed development will result in an increase in impervious areas on the site and therefore, without management, the stormwater runoff following development would increase from the existing situation. The proposed development also has the potential to impact on the quality of stormwater runoff through such means as litter, oils and greases from roads, residue from fertilisers and pesticides used in domestic gardens etc. A combination of rainwater tanks, rain-gardens, bio-swales and gross pollutant traps is to be used to control the quality and quantity of water leaving the site.

The proponent has stated that their modelling suggests the proposal will be able to meet Council's pollutant reduction requirements. Council has provided no comment on this issue. The Department of Primary Industries (DPI) made comments during the public exhibition period, stating that it concurs with the stated water quality objectives for the site and recommends that stormwater management measures in the Water Cycle Management and Flooding Report are made mandatory in any approval. DWE has indicated its general support of the water quality management measures proposed.

5.7.3 Water Quantity

All site drainage will be directed into natural drainage lines that flow to the north-west of the site to join Racecourse Creek, apart from drainage from the north-east catchment of the Southern precinct, which will be directed onto neighbouring agricultural land. No details have been provided on the sustainability of directing concentrated flows of stormwater onto the neighbouring property to the north-east.

The proponent proposes to allow runoff from the development site to drain without detention to the creek system and Moruya River so as to minimise any downstream flooding effects from storm flows in the Moruya River as it slows down on reaching the floodplain downstream of South Head Road. No formal stormwater detention (other than the detention effect provided by rainwater tanks and rain-gardens) is proposed for this development.

DECC believe the proposed methods for stormwater treatment are potentially inappropriate for a receiving environment which is highly sensitive and has stated that there should be no change to the amount and quality of water being released into the receiving environment. The proponent has indicated that the increased rate and volume of runoff from the development will not adversely impact the EECs within the riparian corridor. However, as no data has been provided on the current runoff velocity or proposed runoff velocity, no assessment can be undertaken of the impact that this may have on riparian/wetland EECs. This issue remains unresolved and remains outstanding. **A requirement for future applications is recommended** which requires additional stormwater assessment to be undertaken to ensure riparian corridors and EECs are not impacted by potential additional flows from the proposal (Condition C7).

5.8 RIPARIAN CORRIDOR MANAGEMENT

There are a number of drainage lines and creeks that flow through the site (Figure 19). Racecourse Creek flows into the site from the north-west, two unnamed creeks (A and B) flow onto the site from the southern boundary and two minor drainage lines collect water from the elevated landscape in the south east of the site (D and C). It is proposed to undertake environmental restoration of the low lying portions of the site (to the east of the site) and to create recreational facilities within these areas, such as a network of walking trails and community facilities. Both DECC and DWE have raised concerns with works proposed in the riparian areas and it has been recommended that the current locations of the tennis court, outdoor swimming pool, paths, seats and recreation facilities proposed in the riparian should be reconsidered and/or relocated.

In the Response to Submissions (dated 9 March 2009), the proponent confirmed that there would be no excavation works proposed in this low lying portions of the site. The proponent also confirmed that the proposed tennis court and outdoor swimming pool were located outside the 20m riparian corridor. Notwithstanding, the plans provided failed to still clearly show that all facilities were outside riparian corridors.

DWE has stated that it has not been able to verify whether the proposal impacts on minimum corridor widths as scaled plans providing the location of the proposed development in relation to centrelines of the watercourses and the location of tops of banks/shores and riparian setbacks around wetlands and positions of EECs have not been provided. The proponent provided additional information relating to riparian corridor management in their response to submissions (dated 9 March 2009) but insufficient detail has been provided to undertake an assessment.

The proponent has stated that no significant areas of EEC within the floodplain will be subject to works and that it is expected that the resilience (and potentially also the extent) of these EECs will be increased in response to the proposed active management of the natural communities within the floodplain. Considering that the works are likely to impact on EECs to some extent the Department is of the opinion that insufficient detail has been provided about the proposed works within and adjacent to the riparian corridor to enable a proper assessment of the proposals. The Project Application for Stage 1 comprises development in the vicinity of riparian corridors and, as such, can not be recommended for approval.

Two **modifications to the Concept Plan and accompanying requirements for future applications are recommended** to address this issue including further survey work to be undertaken to more accurately distinguish the extent of riparian zones and its impact on development and clearly identify each EEC on the site (Modifications B10 and B11; Condition C7).

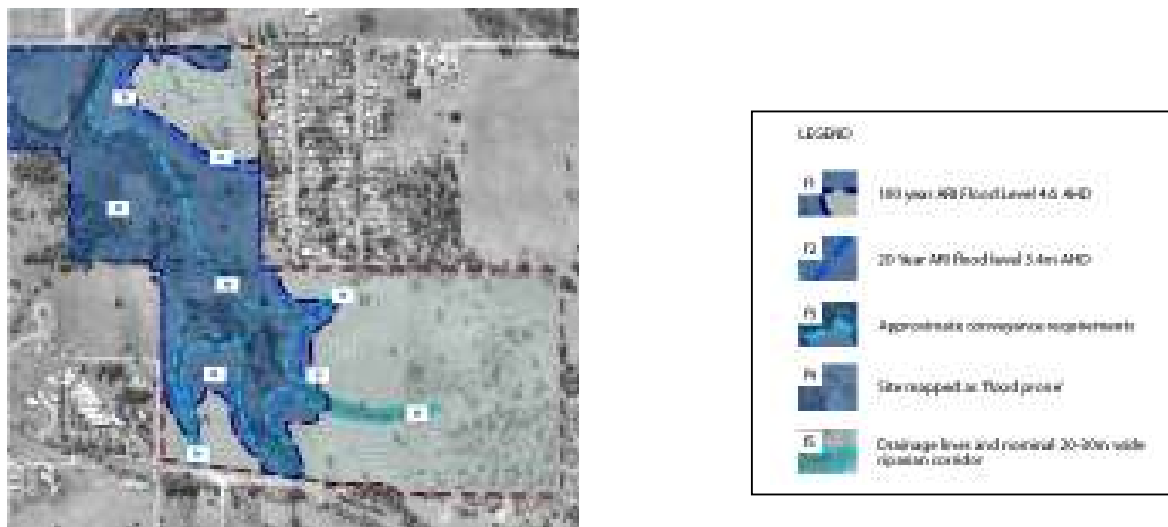


Figure 19 – Drainage lines and creeks running through the site

5.9 INFRASTRUCTURE

5.9.1 Water Supply

The Environmental Assessment identifies that there is an existing 200mm diameter pipe running down Albert Road, which would be adequate to service the site up to RL 22 AHD, with sufficient pressure. Any area above this level would need to be serviced by a booster pump and reservoir, including supplies for fire fighting. Council has stated in their submissions that significant works are required to augment the proposal and require the proponent to undertake works to Council's standards and at the full cost of the developer following approval by Council of detailed engineering. A **requirement for future applications to this effect is recommended** (Condition C10).

5.9.2 Sewer

The EA indicates that the existing sewer treatment plant to the north of South Head Road has sufficient capacity to treat sewerage from the site. Appropriate infrastructure to connect to the treatment plant would need to be provided at the cost of the proponent and this may include provision of infrastructure across land owner by others. Council has stated its submissions that significant works are required to augment the existing sewerage system to accommodate the proposal. Council require the proponent to undertake works to Council's standards and at the full cost of the developer following approval by Council of detailed engineering. A **requirement for future applications to this effect is recommended** (Condition C10).

5.9.3 Other Services

Existing County Energy high-voltage overhead wires run along the Princes Highway and Murray Street/South Head Road and can service the site. A step down transformer and underground services would need to be provided throughout the site.

The EA indicates that Telstra has advised that sufficient capacity exists in the Moruya network to provide services for landline telephone, broadband and mobile phone services, with existing cable and fibre optics running along the Princes Highway and Murray Street/South Head Road.

5.10 TRAFFIC AND ACCESS

5.10.1 Site Access

The main access to the site was originally proposed directly off the Princes Highway (Refer to Figure 1). Following the RTA's refusal to give approval to this access and associated speed reduction along the Princes Highway, the proposal was redesigned to achieve access off South Head Road. Access to the Princes Highway has been removed and replaced with a gated emergency access road only (primarily for the use for flood evacuation), which has received qualified supported from the RTA.

The amended proposal (as shown in Figure 2 and Figure 9) includes access into the southern part of the development via eleven private local roads and laneways connecting to a proposed extension of Albert Street. Two of the proposed roads align with Keightley Street and a proposed road in the Blue Mist development; however a third road is designed as a staggered "T" intersection with an approved road.

There are several issues associated with the new access and subdivision design but these are capable of being rectified and being acceptable, hence **modifications are proposed to the Concept Plan**. The aspects that need to be addressed are as follows:

- The number and location of connecting roads with Albert Street are inappropriate, with most being less than 40m apart (see Figure 20). This introduces an unnecessary number of conflict points to the road.
- No connecting road is proposed between the southern and northern (fronting South Head Road) components of the development. This design approach directs the traffic from the development through an existing residential street. Also, no assessment has been made on the impacts of this access route upon the existing street or the amenity of the residences along that street. In particular, no acoustic assessment has been carried out to determine the noise impacts of the additional traffic upon the residents of Keightley and Maunsell Streets.



Figure 20– Access Points and Roads to be relocated from Rural Zone

- The capacity of the intersection of Keightley Street and South Head Road to support the additional traffic is unknown as no assessment was provided. Council has provided advice that the intersection would need to be upgraded and a footpath/cycleway connection provided along Keightley Street, together with a pedestrian crossing being provided to South Head Road to ensure a reasonable level of accessibility.
- The current access through the existing road network also leaves the portion of the older and disabled persons development located adjacent to South Head Road isolated from the main portion of that development. In order to use the facilities within the development these residents would need to leave the site, enter South Head Road, travel along Keightley or Maunsell Street and then re-enter the site. This would be a circuitous route and it is unclear whether there would be a pathway connection between the two components of the site. Council has also raised concern with the location and design of the intersection of the road accessing the north-western portion of the development with South Head Road.

The proponent was advised that the appropriate remedy to the above concerns would be to provide a road connection within the site between the two portions of the development (see Figure 21). This would also allow the provision of any necessary sound attenuation fencing to the rear of the yards of the residences in Maunsell Street. The proponent has declined to make this change to the proposal. Approval for two access points was sought as part of the Stage 1 Project Application. However, as issues relating to traffic and noise impacts through adjoining development have not been adequately resolved, **refusal of the Stage 1 Project Application is warranted.**

Modifications to the Concept Plan are therefore recommended to address these issues (Modification B2):

- As a minimum, the four proposed laneway access points should be deleted and the westernmost allotments fronting a crescent road accessing Albert Street should be redesigned to directly front Albert Street in order to improve the streetscape presentation to the street;

- No more than five roads should intersect with Albert Street; and
- Where intersections are in proximity to existing, approved or proposed road they are to either to form an intersection opposite that road or are to be separated from the intersection by a minimum of 30m to avoid staggered "T" intersections.

A **requirement for future applications** (Condition C5) is recommended which requires an acoustic report to be prepared to assess the impact of the noise generated from the proposed development upon the existing streets of Mynora (being Maunsell Street, and in particular, Keightley Street).

Should the assessment find the impacts are above the acceptable standard the Amended Concept Plan is to provide for a direct road connection from the main body of the development, through the northwestern sector of the development fronting South Head Road and connecting with South Head Road (see Figure 21 below).



Figure 21 Potential provision of road connection between two portions of the development

5.10.2 Intersection performance / new roundabout and South Head Road and Princes Highway

The RTA has advised that traffic generated by the seniors living proposal would result in an unacceptable level of service on the intersection of the Princes Highway and South Head Road within the next 10 years, would also result in an unacceptable level of service within the next 10 years.

As a result, the RTA has indicated it could only support the seniors living proposal subject to the intersection of the Princes Highway and South Head Road being upgraded by the provision of a one lane roundabout in accordance with all relevant RTA standards, and constructed prior to occupation of the development. The RTA's support is also conditional on there being no direct access from the development to the Princes Highway (except for emergency access as mentioned above).

The proponent submitted additional information for consideration by the RTA suggesting the upgrade of the intersection by way of signalisation of the intersection rather than a roundabout. In its response to the suggestion, the RTA indicated that it has a number of concerns with the proposed traffic light upgrade of the intersection of South Head Road and the Princes Highway and that a single lane roundabout should be provided. In particular, the RTA indicated that the traffic lights would result in unnecessary delays for through traffic in non-peak times and that the location of Racecourse Creek would impose construction constraints on the upgrade of the intersection given a requirement for a right-turn bay and be likely to involve significant costs in the construction of culverts. Such works could also potential have detrimental environmental impacts.

Alternatively, the roundabout solution would maintain an appropriate level of service for future scenarios, other than in future seasonal peak periods, and would not delay through traffic unreasonably in non-peak periods.

Both the Department and Council support the RTA's recommendations.

It has been identified that there is development potential in already zoned lands for approximately 1055 new lots across multiple properties in Moruya and Moruya Heads, with access off South Head Rd. The identified sites include:

- The Silver Spirit development which currently seeks approval for the equivalent of 393 lots (excluding the dementia facility).
- The 'Blue Mist' proposal, which has approval for 77 lots,
- The other residential subdivision on South Head Road (Lot 2 in DP 534555) the subject of a Part 3A proposal by KeePlan, which seeks approval for 112 lots.
- An additional estimate of a possible 365 lots, spread across 8 sites, within the vicinity of Moruya Heads.

These new developments should contribute for the cost of the entire roundabout as the existing development will not result in a demand for a roundabout in the next 10 years and the existing development (by virtue of payment of rates) has already paid for the existing intersection that functions at an acceptable level of service.

There are an additional 1055 equivalent lots to share the cost of the provision of the roundabout. The RTA has indicated that the likely cost for the construction of the roundabout will be \$1M to \$1.5M (inclusive of design costs). That cost divided by the number of equivalent lots would result in a cost of \$947.86 - \$1,421.80 per equivalent lot, giving a cost to this development of between \$372,508 and \$558,767. This equates to approximately 37%.

Apportionment of the cost of the roundabout has been determined between the developments in the area, and was as a condition of approval for Blue Mist development. The Blue Mist condition required the Council to hold the monies, but the final contribution was to be the subject of consultation with the Council and the RTA.

However, given that it is the subject proposal that results in the intersection level of service becoming unacceptable, the actual construction of the intersection upgrade is required to be undertaken by the proponent of the Moruya East Village development. This must occur prior to the occupation of the proposed development. The other developments will benefit from the upgrade, but do not necessitate the upgrade at this stage. The proponent will need to recoup the proportioned amounts from the other developments, as construction certificates are issued. It is likely that agreements with the Council and the RTA and possibly other developers will be required.

The intersection upgrade is part of the overall Concept Plan. As such, **a modification to the Concept Plan and requirement for future applications is recommended** which stipulates that the proponent provide a single lane roundabout prior to the construction of any stage of the development. The condition also recommends requiring the payment of this development to the design and construction of the roundabout to be apportioned between the development in the area that will contribute to the reduced level of service of the intersection. The condition allows for the apportioned payment subject to finalisation of the final cost in the future (Modification B7 and Condition C4).

5.10.3 Location of Roads in Rural zone

A significant number of roads were initially proposed within the rural zoned land, and whilst roads are generally permissible in that zoning, the Proponent was advised that it is poor planning practice and inappropriate to provide roads for a development outside of the land zoned for that development. Whilst the preferred project removes some roads from the eastern boundary of the rural zone, it has retained some roads along the western side of the site, arguing that it will optimise the use of the residentially zoned land.

It is noted that the zone boundary between the rural and residential zones was nominally set to correspond to the 1:100 year flood event and as such locating the roads within the rural zone also requires them to be constructed using substantial amounts of fill (over 2m) to achieve a suitable flood free access level. Were the roads to be located in the residentially zoned portion of the site the same degree of fill would not be required. This is particularly the case with Road No. 1 (running along the eastern side of the Botanica building. Refer to Figure 9). If the Botanica building (or more appropriately the smaller scale building/s that should replace this

building) were also relocated to be inside the residential boundary and this road relocated to correspond, significant amounts of fill would be avoided and the visual bulk of the buildings would be substantially reduced. As this issue remains unresolved, the **Project Application for the Botanica building is refused**. However, a **modification to the Concept Plan** requires the Botanica building and Road No.1 to be relocated wholly within the 2(g) zone (Modification B4).

5.10.4 Albert Street

The use of Albert Street requires landowner's consent by the Department of Lands, which was granted on 13 November 2008.

Approximately half of Albert Street which lies along the southern boundary of the 'Blue Mist' site will be formed to provide a pavement width of 7.5m with a grass swale on the southern side under a condition recommended in the Director-General Report for the Project Application (06_0201) relating to that project. The other half of the road and the extension of the full width of the road to connect it westward to Maunsell Street would be required as a result of this proposal. As the land on the other side of the remainder of the road is either fully developed or already approved for development without access off Albert Street, the entire width of road works would need to be constructed by the proponent of the subject site. Albert Street should be constructed to Council's standards and will be dedicated to Council from the Department of Lands.

A **modification to the Concept Plan is recommended** which requires Albert Street to be designed in accordance with Council's standards, having a minimum carriageway width of 9.5m and a combined footpath/cyclepath on the southern side of the road (Modification B2).

5.10.5 Provision of a Cycleway

Inadequate detail is provided in relation to the connectivity of the site to the cycleway network which will connect to Moruya, particularly in relation to the provision of a cycleway connection along South Head Road. The Proponent's response to this issue was that they did not need to provide a cycleway within the site or a connection of one to South Head Road because no cycleway exists yet on South Head Road. This is not considered to be acceptable and it is considered that the development would benefit from the cycleway.

Eurobodalla Council's Section 94 Contributions Plan makes provision for a cycleway connection along South Head Road to the Princes Highway and thence to Moruya Town Centre. As part of the proposed Commitments for the 'Blue Mist' site which was recently approved by the Minister (Major Project No 06_0201), the proponent has agreed to provide line-marking to create an on-road cycleway on one side of South Head Road from their proposed intersection with it to the end of the existing Mynora residential area.

It is appropriate that the proponent for this site continue that cycleway from the eastern edge of the residential area of Mynora to the intersection with the Princes Highway, incorporating a cycleway into the upgraded intersection design. Further, a cycleway connection through the main body of the site and from the north-western portion to South Head Road should also be provided. A **modification to the Concept Plan to this effect is recommended** (Modification B8).

5.11 ABORIGINAL AND CULTURAL HERITAGE

5.11.1 European Heritage

'Braemar Farm' at Lot 50 DP 752151, 1A South Head Road (as depicted on Figure 9) is listed on the Eurobodalla Urban LEP 1999 as a local heritage item. The heritage items on Braemar Farm comprise the farmhouse (Braemar Farm Cottage), outbuildings and a Bunya Pine (*Araucaria bidwilli*). Braemar Farm is considered to have local heritage significance for the following reasons:

- The property is an indicator of middle class development in the town of Moruya in the mid Victorian period.
- Braemar Farm has an association with two pioneering families of the district, the Emmotts and the Louttits. The property has high-level regional social significance because of Englishman, Dr King's,

direct linkages with the pioneer Emmott family and because of the indications that the property was developed to house local social functions⁶.

The site, as depicted in Figure 22, comprises:

- A single storey weatherboard dwelling constructed c.1879 currently in a derelict state ('Braemar Farm Cottage')
- An inter-war dairy
- A barn and shed of more recent construction
- Several mature trees in keeping with the original house including a Spreading Tree (possibly an early planting associated with the cottage) and a Monkey Puzzle Tree. The heritage assessment report conducted by the proponent indicates the presence of a Monkey Puzzle Tree. However, upon inspection of photographs (refer to Figure 23), it is considered that the tree is a Bunya Pine.

The heritage item on the site has not been maintained and has collapsed (collapse and deterioration of farmhouse noted in Council Ordinary meeting on 27 March 2007). The item is now in a state that it could not be repaired but would need to be rebuilt in order for it to be retained.

The Heritage Assessment proposal to demolish the item after carrying out a photographic recording of the cottage is noted. However the current condition of the cottage would prevent any significant photographic recording. The Assessment then suggests that the early plantings be retained, including the mature Bunya Pine and the cluster of plantings around the knoll. It is also suggested that the site of the cottage be interpreted through on-site interpretive signage. A second option that was investigated was the possibility of retaining and stabilising the remaining fabric, within a suitable curtilage, as a picturesque ruin in the landscape. However, this option was not considered to be practical or economically viable due to the derelict state of the building. It is noted the Heritage Assessment was completed (November 2005) prior to the Braemar Farm cottage collapsing (March 2007).

It is considered that all of the identified options to ensure the heritage significance is not lost should appropriately be implemented on this site. In order to retain the heritage significance it is considered imperative that the park be publicly available, not part of a private development and be dedicated to Council once completed. Also, a public road should access the park. A **modification to the Concept Plan** to this effect is recommended (Modification B12 and Condition C8).

Further, inadequate information is provided, in terms of the location of the identified heritage structures and the boundaries of the park, to ensure the park encompasses all identified heritage structures as well as the trees. (Bunya Pine and Spreading Tree). As such, **a modification to the Concept Plan and a requirement for future applications is recommended** which requires a survey of the location of the structures and trees to be undertaken and for the heritage site and all structures and trees to be contained within the park (Modification B12 and Condition C8).

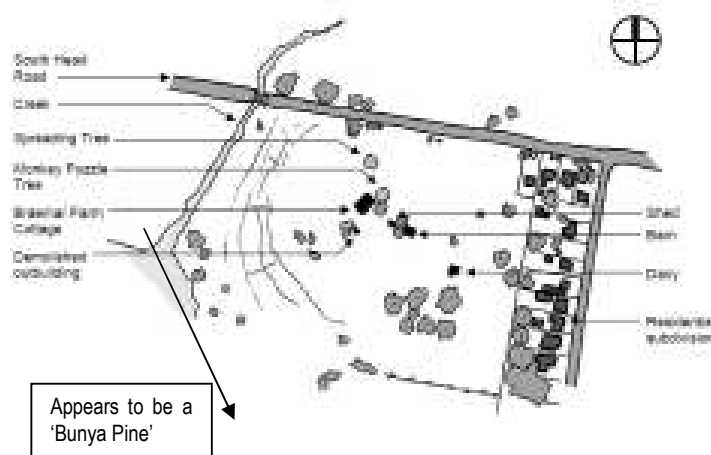


Figure 22—Schematic Plan of 'Braemar Farm' and heritage items

⁶ Heritage Branch 2009, *Braemar Farm Heritage Listing*, retrieved 1 April 2009, <http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=1550136>



Bunya Pine (left) and Spreading Tree (above)



Proposed location for public park to be dedicated to Council.

Figure 23 –Proposed location for public park to be dedicated to Council

5.11.2 Aboriginal Archaeology

An initial archaeological survey of the site was carried out by New South Wales Archaeology Pty Ltd in 2004, however effective survey coverage was assessed as being low across the study area and the ability to detect Aboriginal objects on the ground was correspondingly low.

It was determined that the visibility variables were less than adequate for determining the full nature and significance of Aboriginal archaeological deposits and a program of subsurface testing was recommended.

The results of the subsurface testing programs were analysed and the report recommended a number of measures including further consultation with the Cobowra Aboriginal Land Council, preparation of a management strategy of active conservation or salvage for certain parts of the site and a management strategy of unmitigated impacts for other parts of the site.

DECC advised that it supported the recommendations of the subsurface testing report and that the proponent should prepare and implement an Aboriginal Heritage Management Plan for the project to detail any outstanding commitments required to manage and mitigate impacts to Aboriginal heritage. Details of the required contents of the report were provided by DECC and any approval for the project should include this as a condition. A **requirement for future applications is recommended** which requires the preparation of an Aboriginal Heritage Management Plan (Condition C15).

5.12 FLORA AND FAUNA

5.12.1 Fauna

During fauna surveys across the site, the threatened Eastern Freetail bat (*Mormopterus norfolkensis*) was recorded. This microchiropteran bat roosts in tree hollows. Fifty-three (53) hollow-bearing trees were surveyed on the site, concentrated in the Woodland area in the south-eastern corner of the site. The proposal requires the removal of twenty-four (24) of the hollow-bearing trees. The proponent intends to replace the lost hollows with nest boxes.

The dominant tree species on site is *Eucalyptus tereticornis*. As this species is a primary Koala feed tree species targeted searches were made for signs of the presence of Koalas. No signs of Koala usage of the habitat on site were found.



Figure 24—Location of existing hollow bearing trees (depicted by white dots) and proposed trees to be removed



Figure 25 —Location of trees to be removed

5.12.2 Ecological Corridors

Aerial photography shows that the Woodland vegetation within the south-eastern corner of the site is part of a larger sparse vegetation remnant that extends for approximately 1 kilometre to the east, where it joins up to the larger and denser coastal range vegetation and eventually to Eurobodalla National Park. Vegetation to the east of the site has also been identified as part of the region's fauna habitat corridor system.

5.12.3 Flora and Endangered Ecological Communities

The site is presently covered by a matrix of vegetation types, including riparian corridors, wetlands, woodland and cleared grazing land. Vegetation surveys conducted on the site by the proponent (Figure 27.) identified a number of vegetation units. These can be described as:

1. *Grassland* of 29 hectares (ha), which is made up of the sub units: 1a. Open Grassland (6.4 ha); 1b. Open Grassland with Scattered Trees (21.9 ha); and 1c. Swampy Open Grassland (1.6 ha).
2. *Sedgeland* of 12 ha, which is made up of the sub-units; 2a. *Carex* Sedgeland (3.7 ha); 2b *Juncus* Sedgeland (7.0 ha); and 2c. *Carex* Sedgeland with scattered Trees (1.3 ha).
3. *Saltmarsh* of 2 ha
4. *Swamp Oak Forest* of 0.9 ha
5. *Woodland* of 6.6 ha, which is made up of the sub-units: 5a Open Woodland (1.8 ha); and 5b Woodland (4.8 ha).

A number of these vegetation units and sub-units can be characterised as endangered ecological communities (EEC) listed under the *Threatened Species Conservation Act 1995* (TSC Act), including Lowland Grassy Woodland, Swamp Oak Floodplain Forest, Coastal Saltmarsh and Freshwater Wetlands on Coastal Floodplains.

Lowland Grassy Woodland EEC (5a and 5b)

Vegetation Unit 5 *Woodland* represents the TSC Act listed EEC *Lowland Grassy Woodland in the South East Corner Bioregion*. There has been some discussion between Department of Environment and Climate Change (DECC) and the proponent about the extent of this EEC on site. The proponent did not originally specify the amount of this EEC that will be impacted by the development, although Departmental analysis indicates that most of this EEC would be impacted. Concerns have been raised by the Department with the proponent on a number of occasions over the extent of impact that the proposal will have on this EEC.

In response to the Department's concerns, the Final Preferred Project Report (PPR) amended the proposal by removing 10 proposed eco-cabins, located within the Lowland Grassy Woodland EEC, have been removed. Further the PPR confirmed that the amount of this EEC to be removed to accommodate the development would be 2.3 ha. Additionally, the proponent has offered to offset the loss of this EEC by undertaking restoration of grazed pasture to recreate 6.34ha of EEC, stating that this is a ratio of 4.6:1. The Department has not been provided with sufficient detail to enable proper assessment of this offset proposal including details of where the clearing would occur. A vegetation management plan was not provided, nor any details of what the proposed offsets should entail.

From the Department's analysis, the proposal will impact on virtually the entire 6.6 ha of this EEC through vegetation clearance (for the creation of residential lots, the Village Square, Manor homes and the Dementia buildings), the fragmentation of the remaining EEC and by the ongoing management of the remainder of the EEC to ensure that it does not regenerate into a fire hazard once grazing pressure has been removed. It is normal practice to ensure the provision of a vegetated buffer between development and EECs to reduce edge effects and increase protection of the EEC. No buffer has been proposed by the proponent for this EEC.

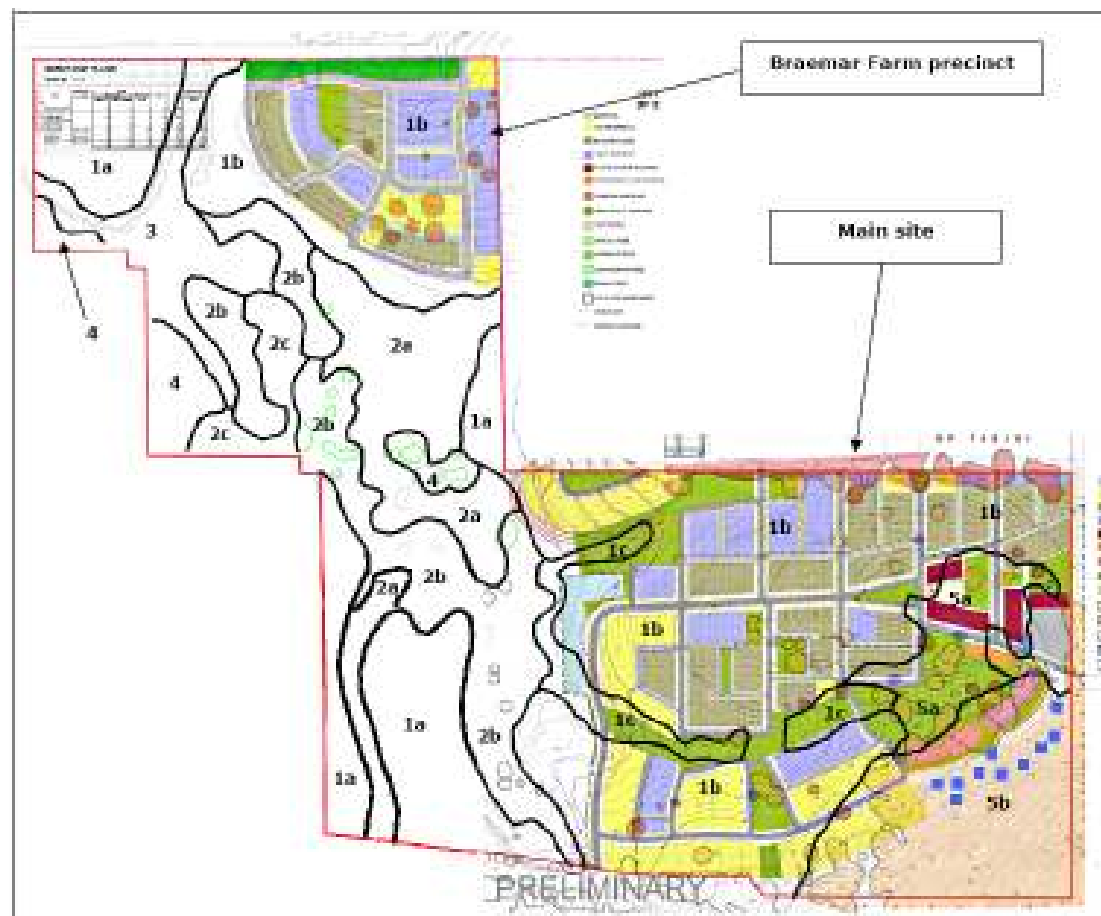
Swamp Oak Floodplain Forest EEC

Vegetation Unit 4. *Swamp Oak Forest* represents the TSC Act listed EEC *Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions*. The proponent has stated that there will be no impact on this EEC as a result of the proposal.

DECC believe that the extent of this EEC has been under-represented in the proponent's vegetation mapping and that most of the sub-units 2a and 2b are also *Swamp Oak Floodplain Forest* EEC. This would mean that there may be 10-11ha of this type of EEC present on the site.

Coastal Saltmarsh EEC

Vegetation Unit 3. Saltmarsh represents the TSC Act listed EEC Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner Bioregions. The proponent has stated that there are 2 ha of this EEC on site and that it will not be impacted as a result of the proposal.



Key	Vegetation Type	Area (ha)
Grassland		29.9
1(a)	Open grassland	6.4
1(b)	Open grassland with scattered trees	21.9
1(c)	Swampy open grassland	1.6
Sedgeland		12.0
2(a)	Carex sedgeland	3.7
2(b)	Juncus sedgeland	7.0
2(c)	Carex sedgeland with scattered trees	1.3
Saltmarsh (EEC)		2.0
Swamp Oak Forest (EEC)		0.9
Woodland		6.6
5(a)	Open Woodland	1.8
5(b)	Woodland (EEC)	4.8

Figure 26– Vegetation mapping prepared by proponent (including EECs)

Freshwater Wetlands on Coastal Floodplains EEC

DECC has identified the EEC *Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions* on the site. This EEC is said to be spread along the drainage lines of the site.

As outlined in the proponent's Response to Submissions, further analysis was undertaken by the proponent's ecologist including additional desk top analysis as well as floristic survey of drainage lines (undertaken on 5 March 2009). The survey findings indicated that whilst some species present in the drainage line are characteristic of Freshwater Wetland, they are commonly occurring species and does not constitute an example of the Freshwater Wetland EEC. It is considered that the additional survey adequately demonstrates that the Freshwater Wetland EEC does not exist on the site.

Impact on EECs

Both DECC and Department of Water and Energy have raised concerns about proposed construction of in-stream ephemeral wetlands, low-flow piping and open water bodies and the potential impacts of this construction on the riparian corridor and on these EECs. The concern is that in-stream works may impact on hydrology, water quality and increase sedimentation, adversely affecting the health of EECs. Both agencies have recommended a vegetated buffer (50m) from any EEC.

Nevertheless, it is considered overall that insufficient information has been provided to adequately determine the location and amount of EECs that will be impacted by the development. This issue is a **reason for refusal of the Project Application** which incorporates development over areas of EEC. Notwithstanding, it is considered that it is not a matter that warrants refusal of the Concept Plan, as it may be dealt with if adequate information on an offsets package was provided. **Modifications to the Concept Plan and requirements for future applications are recommended** (Modifications B10 and B11 and C7) which require the following:

a) The full extent of each of the Endangered Ecological Communities (EEC) on the site is to be surveyed and clearly identify:

- Areas of the each distinct EEC to be unaffected by the proposal;
- Areas of the each distinct EEC to be impacted by infrastructure and the proposal; and
- Areas of EEC to be used as part of the Offset Package. Refer to Condition C10 with regards to the proposed Offset Package.

b) An EEC offset package is to be prepared for any areas of EEC to be lost or impacted by the proposal or associated infrastructure in accordance with *Appendix II – Principles for the use of biodiversity offset in NSW* as outlined in Department of Environment and Climate Change's Draft Guidelines for Biodiversity Certification.

c) Requirement of 50m wide buffer zones surrounding the identified EEC areas for retention. The buffer zones are to form part of the offset package and are to be revegetated with appropriate species having regard to the adjoining EEC's characteristics. No recreational facilities, seating or pathways, or Asset Protections Zones are to be provided in the EECs or buffer zones.

5.13 ACID SULFATE SOILS

Survey of the site by hand auger techniques was carried out and results show the occurrence of potential acid sulfate soils (PASS) along the tidal sections of the creek, with some indications of acid sulfate potential elsewhere in the subsoil of the Salic Hydrosol. The report recommends that a soil recovery and management report requiring additional agronomic and erosion based testing occur and that quantitative acid sulfate testing occur in areas in the flood plain where soils are to be disturbed and an acid sulfate management plan be prepared if any are found.

5.14 BUSHFIRE

The site has not been mapped as bushfire prone in Eurobodalla Shire Council Certified Bushfire Prone Land Map records that the development of the site does not contain bushfire prone vegetation.

The site is grazed by cattle presently and as such bush-fire fuel levels are kept low. Notwithstanding, areas of EEC are located in the lowland area of the western part of the site. It is considered environmental restoration works within these areas may increase the likely hood of fire occurrence. As such, a precautionary approach was adopted and a number of asset protection zones (APZs) have been proposed in anticipation that re-vegetation of riparian corridors may increase the bushfire threat to future development on the site.

The bushfire report has assumed that the woodland (Lowland Grassy Woodland EEC) in the south-eastern corner of the site which is presently grazed and not considered a bushfire threat will remain in this state. However, the ecological report recommends protection and regeneration of the vegetation in the south-eastern corner due to it being an EEC (Lowland Grassy Woodland) and this is likely to increase the fire hazard.

The Department believes that APZs and/or continual management to keep the south-eastern corner in a fuel-reduced state will need to be provided within the EEC. In the Final Response to Submissions report, the proponent examined the requirement for APZs between the lowland grassy woodland in the south east corner of the site and the proposed adjacent lots to the north west. It was clarified that an APZ of 38m wide, measured from the buildings (comprising of an Inner Protection Zone of 23m and an Outer Protection Zone of 15m) would be provided. It is proposed to undertake management activities including fuel reduction by regularly slashing the understorey.

The Rural Fire Service has raised no issues with the development as they consider the site to be Bushfire Prone. Notwithstanding, the Department does not support modification of the EEC for bushfire fuel management and the EEC should be protected. As such, **a modification to the Concept Plan is recommended which stipulates that APZ should not be included in the Lowland Grassy Woodland EEC (Condition C7).**

5.15 EARTHWORKS AND FILLING

The proposal involves significant amounts of bulk earthworks, with the bulk earthworks plan showing that cut and fill is to occur over the majority of the site, with the exception of the drainage reserves, the Dementia buildings and open space to their north-west and the portion of the Woodland EEC that is not affected by development. A total of 79,000m³ of cut and 67,000m³ of fill are proposed on the main body of the site (with the extent of works to the area adjoining South Head Road not detailed).

Whilst a certain extent of earthworks is clearly necessary in order to allow for the construction, and in particular to provide for an appropriate level of accessibility, the extent of fill in the 1:100 year flood area is unnecessary and results from the provision of the Botanica building in this area and the provision of the access road to it also partially in this area. Were the Botanica building and its access road moved to the urban zoned portion of the site, the extent of fill in this area could be reduced. As outlined earlier, **a modification to the Concept Plan is recommended** which requires the Botanica building to be relocated to be wholly in the Residential 2(g) zone (Modification B3).

5.16 NOISE

5.16.1 Impact of Noise Upon Adjoining Residents

Potential acoustic impacts upon the adjoining residential properties as a result of the development were addressed in the Noise and Vibration Impact Assessment for the development. The report determined that such impacts would be ongoing noise during the operation of the development and construction of the development. In terms of the ongoing noise, issues addressed in the report included traffic noise and noise from plant/equipment. The report indicated that subject to appropriate design by a qualified acoustic engineer, all noise from plant/equipment could be ameliorated to a satisfactory level for both existing and future residents and a condition to this effect should be included in any approval.

With regard to traffic noise, the assessment was based on the previous access arrangement whereby access was gained from the Princes Highway. No update of the acoustic report has been prepared to address the additional traffic noise impacts upon residents in Maunsell and Keightley Streets (based on the amended proposal lodged).

In terms of construction noise impacts, the report indicated that earthworks and road construction would result in the largest noise and vibration impacts and would occur for extended periods due to the scale of the works involved.

The report recommended the preparation of a Construction Noise and Vibration Management Plan, to include the use of temporary acoustic barriers where required. The report did not consider the acoustic and vibration impacts of construction traffic using Maunsell and Keightley Streets to access the site and as such the potential to suitably ameliorate these impacts has not been discussed.

As such, any approval issued should require all construction access to occur from South Head Road at the location of the proposed intersection with that road, thence via a required road connecting the two components of the development on the site to South Head Road (as discussed in the Section 5.9 – Traffic and Access of this report). Temporary acoustic barriers could then be erected along the eastern side of this road to protect the amenity of the residents in Mynora.

The Stage 1 Project Application sought approval for access to the development. As issues relating to noise impacts have not been satisfactorily addressed, a recommendation for refusal is warranted. **A requirement for future applications in the Concept Plan approval is recommended** which requires the proponent to prepare an acoustic report to assess the impact of the noise generated from the proposed development upon the existing street of Mynora, as well as the impact of using these streets for access during construction of the development (Condition C5).

5.16.2 Impact of Noise Upon Future Residents

Potential acoustic impacts upon future residents in dwellings in the vicinity of the Princes Highway and South Head Road were identified in the Noise and Vibration Impact Assessment for the development. In this regard a noise breach of up to 13dB(A) for the Princes Highway and 4dB(A) for South Head Road would be experienced. In order to treat the impacts by buffer zones alone would require 200m setbacks from the Princes Highway and 40m from South Head Road. The report indicated that whilst this may be practical for South Head Road it was not for the Princes Highway.

Acoustic barriers were considered to mitigate impacts from the Princes Highway however they would need to be at least 3.5m high (higher for multi-storey buildings). The potential scenic impact of such structures was identified as a potential concern in the report and alternatively it was recommended that a combination of acoustic barriers and building treatments (such as upgraded glazing which would only operate efficiently when no doors or windows were open and as such would also necessitate mechanical ventilation of the dwellings). The report indicated it likely for the first two rows of dwellings to be treated in such a manner.

Council is aware of problems with noise impact due to the location of dwellings adjoining main roads and requires setbacks of 40m to dwellings in such locations. The proposed layout of the development has been amended to provide a setback of between 18m and 32m from South Head Road, however no additional setback is provided to dwellings backing onto the Princes Highway (though three allotments have been deleted). Any future approval should include conditions requiring a redesign to provide a minimum 40m setback between the edge of the road reserve and any residential allotment boundary. Further, a comprehensive acoustic report based on dwelling design and finished levels of dwellings should be required as a condition of any future applications to recommend a series of measures including acoustic barriers and/or mounds of no higher than 2.5m (setback and screen landscaped) and other measures, including limiting the dwelling heights to single storey to allow better protection and make provision for more sensitive rooms to be located to face away from the road. **A modification to the Concept Plan is recommended** which requires a 40m minimum setback for lots backing onto Princes Highway and the use attenuation structures within the dwellings (Modification B2).

5.17 STAGING

Stage 1 of the proposal commences development in the middle of the site (e.g Village Square, Dementia building, Botanica) thereby creating an isolated development for older and disabled persons separated (other than by one single road) from the existing suburb of Mynora. This will basically result in the development being located visually isolated in the middle of the existing paddock.

The Department considers that the proposed staging does not provide a logical extension from the existing residential areas of Moruya, which will add to the sense of creation of a separate village rather than an

extension of Moruya and to the sense of isolation of the future residents. Staging should occur sequentially from the existing edge of the developed area of Mynora. Such an approach would result in appropriate and logical extensions to the existing servicing infrastructure in the area, rather than a piecemeal approach to servicing. The visual impact of the higher density housing for older and disabled persons development will also be emphasised by its construction prior to other development which would partially screen it. This is particularly important given the current slow market in the Moruya area and the likelihood that the development would be visually and physically isolated for an extended period of time.

The staging of the development is unsatisfactory and contributes to the **refusal of the Stage 1 Project Application**. However, to address this issue a **modification to the Concept Plan is recommended** which requires a staging plan to be logical progression of development extending from the existing suburb of Mynora (Modification B13 and Condition C9) and this to be indicated in any future applications. The modification also requires the first stage to include the intersection work and/ or new road connection of the development with South Head Road.

6 CONCLUSION

The vision, the concept and the ideals of the 'Moruya East Village' development are all completely supported. The commitment of the proponent in developing the site to provide all forms of housing, from self care houses, supported apartments and a dementia facility is commended. Further, the proposal is of public interest as it seeks to address the demands for housing and aged care development in the South Coast and provides both construction and operational jobs to the local community.

The key foundation of an assessment of the development is consideration of the current strategic and planning controls, including the Council's LEP and the Seniors SEPP. Part 3A allows for flexible assessment outside of the requirements of planning controls but variations to key controls need to be justified and well argued.

The Department has assessed the EA and considered the submissions in response to the proposal. Whilst the proposal contains many areas of merit, and despite the additional information provided by the proponent and the amendments made to the plans, there still remain a number of outstanding issues where a desirable outcome to mitigate the adverse impacts was unable to be achieved. These impacts relate to issues such as traffic, visual amenity, compatibility with the prevailing scale and character of the area, and suitability of the on site services. As such, the Department is **unable to approve the current Concept Plan and Stage 1 Project Application, as submitted by the proponent.**

Approval of a Modified Concept Plan.

A number of modifications could be required to address the issues raised in the assessment. These modifications will mostly require the development to relate better to the existing context and set the parameters for future development in terms of the location of buildings, building height, subdivision considerations and traffic and access arrangements. It is considered these modifications could be addressed by amendments to the current Concept Plan. As such, the **Concept Plan is recommended for approval, subject to modifications.**

The proposed modifications to the Concept Plan (as outlined in Schedule 2 of the Determination) are required to:

- Ensure the development is of appropriate character in terms of location, bulk, height and scale,
- Ensure the development is reasonably consistent with the objectives for the Residential 2(g) zone and the strategic planning for the area,
- Provide for an acceptable level of amenity for existing and future residents,
- Ensure the development does not adversely affect the growth potential of Moruya Town Centre,
- Ensure the development makes provision for a potential future bus service, provides for appropriate traffic management,
- Ensure the protection of existing riparian corridors and endangered ecological communities on site, and
- Ensure the development does not unreasonably burden the health resources of Moruya and the region.

Approval of the Concept Plan will allow the development to proceed, subject to the amendments required as documented in the modifications to the Concept Plan being embodied in a future application. Concept Plan approval also allows the Minister to specify the environmental assessment requirements for the future applications for the development. The requirements for these future applications are also outlined in Schedule 2, part 3 of the Determination. It is recommended that future applications be lodged as Development Applications with the Council under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Council will be able to approve future applications, if consistent with the Concept Plan as modified, and if in accordance with the conditions (as well as any other merit assessment required under section 79c of the Act). It

is appropriate for the Council to deal with future development as local development given the broad parameters for the site will have been approved in the Concept Plan, as modified.

Refusal of Stage 1 Project Application

The Department recommends that the Project Application for Stage 1 be refused. Stage 1 of the project includes the 17 residential torrens title lots and construction of 236 seniors living dwellings, Village Square, Botanica building and associated infrastructure. Refusal is recommended because the Concept Plan will require potential modification of the general arrangement of development on the site. The Project Approval of Stage 1 relies on a modified Concept Plan layout and the extent of detailed changes and additional information required to favourably consider Stage 1 of the proposal is too great to warrant approval. These matters could not be addressed by conditions of approval.

It will be open to the proponent to amend the current plans, provide the additional information required and lodge development application/s with the Council, consistent with Concept Plan as modified, to build Stage 1 and other stages as desired.

The reasons for refusal for Stage 1 Project Application are as follows:

- 1) The proposal is unacceptable as the site is isolated from the Moruya Town centre and the proposal does not provide for adequate transport links. The provision of services on the site would compete with the existing Town Centre.
- 2) The proposal is unacceptable as inadequate information has been provided to substantiate that a development of the size proposed for older and disabled persons can be supported by the existing health infrastructure within the town of Moruya and the region or by the provision of services onsite.
- 3) The proposal is unacceptable as it seeks to create a new village that is relatively self sufficient on the outskirts of Moruya. This conflicts with all local and state government planning for the area, which seeks to strengthen the town centre of Moruya and prevent the creation of any new villages in the region. The provision of onsite services should provide for bare necessities (i.e. some groceries, meals, visits from health care professionals and personal care services) and it is important the facilities do not compete with those in Moruya, but rather assist the growth of the services in Moruya.
- 4) The proposal is unacceptable as the height, bulk, scale and locations of the Botanica building and Village Square Buildings are incompatible with the low density residential area that is located on the outskirts of Moruya, adjoining the rural area.
- 5) The subdivision design and road design of the development is inappropriate as it:
 - a) Increases the distance of travel between some of the to the onsite facilities by interspersing Torrens title residential lots through the development for older and disabled persons.
 - b) Makes no provision for a public road system to provide a suitable access to the Torrens title residential allotments and to make provision for a potential future bus service.
 - c) Makes no provision for an onsite cycle way system or its connection to the future cycle way along South Head Road to the Princes Highway.
- 6) The proposal is unsatisfactory as the traffic and noise impacts (both during construction and operation) associated with proposed access through the residential streets of Mynora have not been sufficiently assessed.
- 8) The proposal is inadequate as there is a poor streetscape to the new public road (Albert Street) and an excessive number of intersections.
- 9) The proposal is unsatisfactory as the design results in unacceptable impacts upon onsite Endangered Ecological Communities and riparian corridors. The proposed Offset Strategy proposed by the proponent lacks sufficient detail to enable proper assessment, including accurate mapping and identification of vegetation to be maintained, impacted and rehabilitated.
- 10) The proposal is unsatisfactory as some proposed roads and buildings are located within the Rural zone.
- 11) The proposal is inadequate as the staging of the development does not provide a logical extension from the existing residential areas.

7 RECOMMENDATION

It is recommended that the Minister:

- (A) **consider** the findings and recommendations of this Report;
- (B) **refuse** the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*;
- (C) **approve** the Concept Plan for the project, under section 75O *Environmental Planning and Assessment Act, 1979*; subject to modifications of the Concept Plan;
- (D) **determine** that future applications be considered under Part 4 of the Act by Eurobodalla Shire Council
- (E) and **sign** the Determination of the Concept Plan and the Project (**Tag A & B**);

Endorsed by:

Heather Warton
Director, Coastal Assessments

Chris Wilson
Executive Director, MPA

APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Attachment 1 Director-General's Environmental Assessment Requirements Section 75F of the <i>Environmental Planning and Assessment Act 1979</i>	
Application number	06_0322
Project	<p>Proposed Residential Subdivision and Community Titled Seniors Living Development at South Head Road, Moruya ("Moruya East Village")</p> <p>(1) Concept Plan Application: A concept plan approval is sought for the entire Moruya East Village development comprising residential subdivision; community titled Seniors Living development; community, wellness and service facilities; environmental restoration works for the creation of recreational areas; and associated infrastructure works.</p> <p>The application will involve approval of the following conceptual key design parameters: land use, indicative building heights and dwelling types, site coverage, FSR, setbacks, roads and vehicle access, pedestrian through site linkages, public domain works and infrastructure requirements.</p> <p>(2) Project Application: Further project approval is sought for Stage 1 of the development which will include:</p> <ul style="list-style-type: none"> ▪ Residential subdivision (22 lots); ▪ Community titled Senior Living Development (118 apartment units, 32 terrace style dwellings and 12 courtyard style dwellings); ▪ Community and recreational facilities; ▪ Environmental restoration works for the creation of recreational areas; ▪ Associated infrastructure works; and ▪ Associated road construction.
Location	Lots 1 & 2 in DP 553273, Lots 65 & 68 in DP 752151, Lots 1, 2, 3 & 4 of Section 33 in DP 758710, Lot 2 & 3 in Section 34 of DP 758710, Lots 1 & 2 of Section 42 in DP 758710, Lots 3 & 4 of Section 42 in DP 758710 – Auto Consol 3377-159, Portion 50,51 and 54 as described in deed of conveyance No 477 Book 3023. South Head Road, Moruya
Proponent	Silver Spirit Partners
Date issued	24 January 2007
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) must include:</p> <p>PART A : Concept Plan Application</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ol style="list-style-type: none"> (i) Any development options; (ii) Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; (iii) Outline of the staged implementation of the project, if applicable;

	<ol style="list-style-type: none"> 3. A thorough site analysis and description of existing environment; 4. Consideration of any relevant statutory and non-statutory requirements and identification of any non-compliances with such provisions, in particular relevant provisions of Environmental Planning Instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans 5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 6. An environmental risk analysis of the project including consideration of the issues raised during consultation; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 10. A Quantity Surveyor's certificate of cost to verify the capital investment value of the project; and 11. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above requirements have been addressed. <p>PART B: Project Application:</p> <ol style="list-style-type: none"> 1. The matters listed above in Part A, 2. A detailed description, including plan details, of the project application component (comprising Stage 1 of the development); and 3. Where relevant, demonstrate compliance with BCA and relevant Australian Standards for proposed building; traffic, road and parking; utilities; noise and flooding.
<p>Key issues</p>	<p>PART A: Key Issues to be addressed in the Concept Plan Application Environmental Assessment</p> <p>1. Subdivision Layout</p> <ol style="list-style-type: none"> 1.1. Address the requirements of the <i>Eurobodalla Urban Local Environmental Plan 1999 (as amended)</i>, <i>Eurobodalla Rural Local Environmental Plan 1987 (as amended)</i> and the <i>Eurobodalla Residential Design Code (ERDC)</i>. Specifically, suitably justify proposed lots sizes and demonstrate consistency with the objectives of the zone. 1.2. Consider the proposal against the requirements of the draft Moruya Structure Plan (Structure Plan) and draft South Coast Regional Strategy (Strategy). Demonstrate consistency with the Sustainability Criteria, outlined in Appendix 1 of the Strategy. 1.3. Address safety, provision of open space areas, potential perimeter road layouts, pedestrian and bicycle movement to, within and through the site. Ensure appropriate level of consultation with the adjoining property owner at Lot 69 DP 752151 to ensure an integrated and consistent design. 1.4. Identify the nature of subdivision proposed, including any areas of community title. With regards to the proposed cabins in the south-west corner of the site, indicate their principle use, permissibility and whether subdivision is proposed. <p>2. Urban Design, Visual Impact and Sustainability</p> <ol style="list-style-type: none"> 2.1. Demonstrate suitability of the proposal with the surrounding area in relation to potential character, bulk, scale, amenity (including noise) and visual amenity resulting from the development having regard to the <i>Coastal Design Guidelines of NSW (2003)</i>, <i>NSW Coastal Policy (1997)</i>, <i>State Environmental Planning Policy No. 71 – Coastal Considerations</i> (specifically Clauses 2 and 8). A visual impact assessment is required to demonstrate that the proposal will not have unacceptable visual impact. 2.2. Demonstrate suitable buffering to South Head Road to provide visual screening, noise

abatement and retention of habitat corridors in accordance with the *ERDC* and the draft Moruya Structure Plan.

3. Seniors Living

- 3.1. Demonstrate the Seniors Living component of the proposal complies with the objectives of the *State Environmental Planning Policy (Seniors Living) 2004*.

4. Social and Community

- 4.1. Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, access, public transport, community services and facilities (including schools and medical services), having regard to the *ERDC*. Examine cumulative impacts, having regard to the proposed development; and existing, approved and proposed development within 5km radius of the subject site.
- 4.2. Suitably justify the proposed community, wellness and service facilities, having regard to the *EULEP*.

5. Flooding

- 5.1. Demonstrate the development is compatible with the *Moruya River Floodplain Risk Management Development Control Plan (DCP)*, *Moruya River Floodplain Management Study* (December 1996) and is in accordance with the NSW Government's *Flood Prone Land Policy* as set out in the *Floodplain Development Manual 2005*.
- 5.2. Provide a flooding investigation report for the site which provides a detailed analysis of catchment flows into the Moruya River tail water, determines the flood hazard in the area, and addresses the impact of flooding on the proposed development, the impact of the development on flood behaviour and the impact of flooding on the safety of people/users of the development. Implications of climate change on flooding should be considered.
- 5.3. Provide a flood evacuation plan for the site, outlining details of measures to ensure safe evacuation and alternative access from the site during extreme flood events. Consultation should be undertaken NSW State Emergency Service (SES), Council and adjacent landowners to address access issues and develop an adequate flood evacuation route for the locality.

6. Water Cycle Management

- 6.1. Outline measures for Integrated Water Cycle Management (including stormwater drainage) in accordance with Council's adopted code of practice for water sensitive urban design (WSUD), Integrated Water Cycle Management Plan and the *ERDC*. Include considerations of impacts on the surrounding environment, use of treated grey water, and ongoing monitoring and maintenance.
- 6.2. Demonstrate the means and adequacy of managing stormwater within the site, in particular detailing measures to show how WSUD will be incorporated into the development, there will be no net increase in pollutant loads entering waterway systems, and the development limits post development flows to that of the predevelopment flows.
- 6.3. Address potential impacts on the water quality of surface and groundwater (during construction or occupation of the site) including, but not limited to Racecourse Creek and the Moruya River.
- 6.4. Demonstrate consistency with relevant State Groundwater, Rivers, Wetlands and Estuary Policies, any relevant Statement of Joint Intent established by the Healthy Rivers Commission.

7. Riparian Corridor Management

- 7.1. Demonstrate suitable riparian corridor management or buffering between the

development and adjacent waterways or natural drainage lines and demonstrate adequate protection of riparian and aquatic habitats.

8. Infrastructure

- 8.1. Address existing capacity and requirements of the proposal for water supply, sewerage, electricity and telecommunications services in consultation with relevant agencies. Identify staging, if any, of infrastructure works. Investigate the use of reclaimed water for the proposal. Please note: Council's Development Services have not taken into account such small lot sizes and therefore do not accommodate the increased lot yield. Major upgrade of the sewer system is required, including a new pump station and rising main, which would be at full cost to the developer. Also upgrade of water supply is required.

9. Traffic and Access

- 9.1. Prepare a Traffic Impact Study (TIS) which examines potential impacts of the development including: intersection analysis using aaSIDRA to determine projected traffic growth for the next 10 years with and without the development; and AM and PM peak volumes and holiday peak volumes.
- 9.2. Justify and assess impacts of proposed access points to the Princes Highway and local road networks.
- 9.3. Identify suitable treatments required to ameliorate any traffic and safety impacts associated with the development. This should include identification of pedestrian movements and appropriate provisions for shared path/cycleway/public transport connections to existing road network.

10. Aboriginal and Cultural Heritage

- 10.1. Submit an Aboriginal and European cultural heritage assessment, if relevant, and identify whether the site has Aboriginal cultural or European heritage significance heritage. Provide measures for conservation of existing heritage items on site (such as existing Bunya Pine trees and outbuildings on the Braemar Farm site).
- 10.2. Address and document information contained in *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC 2005)* and the NSW Heritage Office guideline *Assessing Heritage Significance (2001)*.

11. Flora and Fauna

- 11.1. Address the potential impacts of the project on any threatened species, populations or ecological communities listed in the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994* in accordance with the *Draft Guidelines for Threatened Species Assessment (DEC 2005)*.

12. Acid Sulfate Soils

- 12.1. Identify the presence and extent of acid sulfate soils on the site and outline appropriate mitigation measures.

PART B: Key Issues to be addressed in the Project Application Environmental Assessment (Stage 1 Development)

1. Compliance with the Concept Plan

- 1.1. The EA must demonstrate consistency with all Environmental Assessment requirements as detailed above in Part A, and the following additional matters.

2. Subdivision Layout and Design

- 2.1. Identify the extent of potential development footprints, building envelopes,

	<p>infrastructure frameworks, built form and design controls (and the means of implementing them) and any significant vegetation to be removed. Ensure subdivision and road works should be contained within the 2(g) Residential – General zone.</p> <p>2.2. Provide details of the community title scheme for Stage 1, including a copy of the Draft Community Management Statement.</p> <p>2.3. Demonstrate the proposal complies with BASIX.</p> <p>3. Seniors Living</p> <p>3.1. Demonstrate the Seniors Living component of the proposal complies with the design requirements and design standards of the <i>State Environmental Planning Policy (Seniors Living) 2004</i>.</p> <p>4. Water Cycle Management</p> <p>4.1. Provide a detailed plan for Integrated Water Cycle Management (including stormwater plans) in accordance with Council's adopted code of practice for water sensitive urban design (WSUD), Integrated Water Cycle Management Plan and the ERDC. Include considerations of impacts on the surrounding environment, use of treated grey water, and ongoing monitoring and maintenance.</p> <p>5. Bushfire</p> <p>5.1. Address the requirements of <i>Planning for Bush Fire Protection 2001</i> (RFS), in particular asset protection zones, adequacy of water supply for bushfire suppression operations and future management of any areas of hazard remaining, including natural areas and buffers zones. Demonstrate proposed revegetation will be undertaken to limit the spread and occurrence of fire.</p> <p>6. Acid Sulfate Soils</p> <p>6.1. If necessary, provide an ASS Management Plan in accordance with the <i>Acid Sulfate Soil Manual</i> by ASSMAC.</p> <p>7. Earthworks and filling</p> <p>7.1. Address impacts of earthworks and filling on the existing hydrology and water quality, the conservation of flora, fauna and habitat, and the management of acid sulfate soils and any contamination of the site.</p> <p>7.2. Provide details of the source of fill including types of material and soils, and details of suitable revegetation planting.</p> <p>8. Noise</p> <p>8.1. Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality</p>
<p>Consultation</p>	<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Eurobodalla Shire Council; • NSW Department of Planning – South Coast Regional Office; • NSW Department of Lands; • NSW Department of Natural Resources; • NSW Department of Primary Industries; • NSW Health Department;

	<ul style="list-style-type: none"> • NSW Police; • NSW Rural Fire Service; • NSW State Emergency Services; • NSW Department of Education & Training; • relevant utility and infrastructure providers; and • relevant Aboriginal Land Council. <p>(b) <i>Public:</i></p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
Deemed refusal period	60 days
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

APPENDIX B. COMPLIANCE WITH EPIs INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF A PROJECT

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Consideration
State Environmental Planning Policy (Major Projects) 2005	
Schedule 2 Clause 1 (1)	
(i) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.	The proposal involves subdivision into more than 25 lots and as such this identifies the site as an area to which Part 3A of the Act applies.

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy No. 71 – Coastal Protection		
Clause 2: Aims of Policy		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast, and	NO	The proposed development would result in unacceptable impacts upon the natural and cultural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measures and with unacceptable visual impacts given the low density residential zoning of the site and the site's location on the outskirts of a small country town. Concern is also raised in terms of the economic impacts of the development given the size of the onsite facilities and the isolation of the development may result in a loss in support of the businesses in the Moruya Town Centre and an additional drain on the regions health services and facilities.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	N/A	The site is not located within proximity to the coastal foreshore. Therefore the site will not damage any existing public access to or along the coastal foreshore and cannot provide opportunity for improving such access.
(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	N/A	Due to the site's distance from the coastal foreshore (refer to (b) above), there are no opportunities for the development to provide new public accesses.

(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	An assessment of the Aboriginal cultural heritage on the site has been made, and subject to the recommendations of the Aboriginal Archaeology Test Excavation Report, the proposal will not have unacceptable impacts upon Aboriginal archaeology.
(e) To ensure that the visual amenity of the coast is protected, and	NO	The scale, height and bulk of certain portions of the development (Village Square and building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(f) To protect and preserve beach environments and beach amenity, and	YES	The site is of sufficient distance from the beach that there will be no direct nor indirect impacts.
(g) To protect and preserve native coastal vegetation, and	NO	The proposal will result in impacts upon onsite EECs that have not been appropriately mitigated.
(h) To protect and preserve the marine environment of New South Wales, and	YES	Appropriate stormwater devices are proposed that will ensure the quantity and quality of stormwater is appropriate, in terms of its end destination at the coastline, however concerns are raised about the impact of the stormwater upon the onsite EECs.
(i) To protect and preserve rock platforms, and	N/A	The proposed development is not in close proximity to a rock platform and will not impact on a rock platform.
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	NO	The proposal will result in impacts upon onsite EECs that have not been appropriately mitigated.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	NO	The scale, height and bulk of certain portions of the development (Village Square and building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(l) To encourage a strategic approach to coastal management.	NO	The site is zoned for low density residential development and the strategic documents for the area seek for retail and service provision to be centralised in Moruya Town Centre with no new village centres proposed. The proposal is inconsistent with the low density residential desired future character of the site, with inappropriately large and bulky buildings

		proposed in visually prominent locations and proposes the provision of a new village centre in competition with the Moruya Town Centre.
Clause 8: Matters for Consideration		
(a) The aims of this Policy set out in clause 2	IN PART	Refer to consideration above.
(b) Existing public access to and along the coastal foreshore for pedestrians 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	YES	The proposed development will not impact on existing public access to the foreshore, due to its distance from the foreshore area.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	YES	Due to the site's distance from the foreshore, the site does not provide any additional opportunities for public access.
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	NO	The provision of the new Village Centre/Botanica building is inappropriate in terms of the scale of the proposed uses and the scale and bulk of the buildings in their visually prominent location given the intention for the area to be characterised as a low density residential area.
(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	YES	The distance from the foreshore is such that no shadow impact will occur and there are no public viewing positions from which views of the coastal foreshore will be lost as a result of the proposal.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(g) Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act) and their habitats	NO	The proposal has impacts upon onsite EECs and results in the loss of significant numbers of hollow-bearing trees having the potential to impact upon the Eastern Freetail bat. Inadequate mitigation measures are proposed to ameliorate these impacts.
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and plants (within the meaning of that Act), and their habitats	YES	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways. As such it is unclear is the

		proposal will have an acceptable impact upon fish habitat.
(i) Existing wildlife corridors and the impact of development on these corridors	NO	Aerial photography shows that the Woodland vegetation (EEC) within the south-eastern corner of the site is part of a larger sparse vegetation remnant that extends for approximately 1 kilometre to the east, where it joins up to the larger and denser coastal range vegetation and eventually to Eurobodalla National Park. Vegetation to the east of the site has also been identified as part of the region's fauna habitat corridor system. As the impacts upon these EECs have not been suitably mitigated it is not clear whether the development will have an unacceptable impact upon the corridors.
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	YES	The site is sufficiently distant from the coastal foreshore to ensure it will not be significantly affected by coastal processes. The only potential hazard is due to flooding and this has been appropriately addressed.
(k) Measures to reduce the potential for conflict between land based and water based coastal activities.	YES	Due to the site's distance from coastal water bodies, there is unlikely to be any conflict between land based and water based coastal activities.
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	YES	An appropriate Aboriginal Heritage Management Plan would be required as a condition of any approval to ensure appropriate management and handling of the onsite artefacts that have been identified.
(m) Likely impacts of development on the water quality of coastal water bodies	NO	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways. As such it is unclear if the proposal will have an acceptable impact upon fish habitat.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	NO	See response to (l) above. The site also contains an identified heritage item which has been allowed to deteriorate to a state where it is now derelict and unable to be restored. Given the lack of action by the owner to maintain the property it is considered inappropriate to allow a benefit to be achieved due to the neglect. It is appropriate that the heritage of the structure and its surrounds be

		interpreted and recorded on the site and that the portion of the site involved be turned into a public park to allow the appreciation of the heritage of the site to the wider public. The proposal is for a park to be provided within a private development, which is unacceptable. Further, at this stage due to the conceptual nature of the application in regard to this component, inadequate information is provided to ascertain whether the park is of adequate size or of whether proposed interpretive structures and information would be adequate to achieve the above aim.
(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	N/A	The proposal does not involve the preparation of a draft LEP.
<p>(p) Only in cases in which a development application in relation to proposed development is determined:</p> <p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</p>		<p>An assessment of the cumulative impacts of traffic was requested from the proponent and in response a report was prepared and provided to the RTA, which indicated that there were no objections to the proposal in principle, subject to the construction of a roundabout at South Head Road and Princes Highway. The RTA noted that it had no objection to other developments in the area contributing to the cost of the roundabout but that this development resulted in the need for the roundabout without consideration of the traffic from the other developments.</p> <p>An appropriate design in relation to water management and orientation for passive solar design is proposed.</p>
Clause 14: Public Access		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, 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.	YES	The site is located a sufficient distance from the coastal foreshore such that there will be no impact on public access.
Clause 15: Effluent Disposal		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or	YES	The effluent created by the proposed development would be disposed of via a connection to the existing reticulated sewer and would be treated at the Moruya Sewerage Works.

an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.		
Clause 16: Stormwater		
The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, 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.	NO	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development		
<p>Part 1, Clause 4 Application of Policy</p> <p>(1) This Policy applies to development being:</p> <ul style="list-style-type: none"> (a) the erection of a new residential flat building, and (b) the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and (c) the conversion of an existing building to a residential flat building. <p>(2) If particular development comprises development to which subclause (1) applies and other development, this Policy applies to the part of the development that is development to which subclause (1) applies and does not apply to the other part.</p>	YES	<p>SEPP 65 defines a residential flat building as follows:</p> <p>residential flat building means a building that comprises or includes:</p> <ul style="list-style-type: none"> (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), <p>but does not include a Class 1a building or a Class 1b building under the <i>Building Code of Australia</i>.</p> <p>As such the Village Square buildings are residential flat buildings as defined and SEPP 65 applies to those buildings, but given the provisions of sub-clause 4(2), does not apply to the remainder of the development.</p> <p>It is noted that clause 6 indicated that in the event of an inconsistency between the Policy and another environmental planning instrument (made before or after SEPP 65), this Policy applies to the extent of the inconsistency.</p>
<p>Part 2, Clause 7: Design Quality Principles</p> <p>The design quality principles for residential flat development are the principles set out in this Part.</p>		
<p>Clause 9 Principle 1 : Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the</p>	NO	<p>The context in which the residential flat buildings are proposed is a low density residential area which is located on the outskirts of the small country town of Moruya. The context is set not only by the surrounding</p>

desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.		<p>existing development in the suburb of Mynora, which comprises one and two storey detached dwellings on generally large allotments, but also by the zone objectives for the site.</p> <p>The proposed buildings are incongruous with the context of the site, being three storey in height and of excessive length (over 70m) and given their proposed location on a high point within the development.</p> <p>The height, length, bulk and scale of the buildings will clearly be visible from outside the site and will be clearly inconsistent with the surrounding development that sets the context for the site.</p>
<p>Clause 10 Principle 2 : Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	NO	<p>As is discussed above, the scale of the development is excessive for the context of the site and the location of the proposed buildings within that site, which accentuates the bulk and scale and allows it be viewed from outside the site, including from public roads.</p> <p>Having regard to the desired future character of the area this is clearly set by the zone objectives and controls, which limit development to 8.5m in height and in scale to that similar to detached dwellings.</p>
<p>Clause 11 Principle 3 : Built Form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	NO	<p>The proposed buildings have very long facades with little articulation by way of indents or setbacks, with the exception of Building C, which has an angled section comprising approximately ¼ of its length. Other than the angled wall for Building C, the articulation of such an extremely long façade is provided only by a single arch way of 1 storey height in two of the three buildings and by balconies. Each building also has a "tower" element, which whilst providing some additional articulation at the roof level, adds to the height and bulk of the buildings. No detailing of windows or doors, balustrades or the like is provided to assist assessment as the plans are not to an appropriate level of detail for a project application.</p> <p>The detailed design (such as is evident from the sketch type plans) does little to reduce the visual scale and bulk of the buildings and does nothing to make them consistent or even compatible with their context.</p> <p>If the buildings were reduced significantly in length (eg each building cut in half), provided with suitable articulation and located on a lower point on the site, they may have been more appropriate to the context.</p>
Clause 12 Principle 4 : Density	NO	The stated desire future character for the

<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>		<p>density of the area is set by the zone objectives, subdivision controls and the location of the site on the outskirts of a small country town adjacent to rural lands. The desired density is for low scale development commensurate with single detached housing on lots with a minimum 450m² area. The proposal seeks a significantly higher density, which whilst it may be able to justify on the basis of the proposed use of the site and the needs of proximity to reduce costs in provision of services such as in-house delivery of meals, cannot be justified given the excessively bulky design and the prominent location on a high point within the site.</p>
<p>Clause 13 Principle 5 : Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>IN PART</p>	<p>Insufficient information is provided in terms of window and door location, roofing of balconies and the like to determine whether the buildings are well designed with regard to passive solar access, though it is noted that the orientation of Building A is poor, ensuring only 4 of the 16 apartments achieve 3 hours of solar access to the living area and balcony. The above described missing information also makes it difficult to assess whether the design appropriately provides for cross ventilation, though it is noted that the provision of apartment on corners of the building and running the full width of the buildings would suggest cross ventilation may be adequate.</p> <p>Condition of any approval could ensure appropriate fittings and fixtures for water and energy efficiency, and could also potentially address suitability of materials.</p>
<p>Clause 14 Principle 6 : Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term</p>	<p>IN PART</p>	<p>The landscape plan details landscaping that is very urban in nature, with significant amounts of hard landscape, interspersed with specimen trees and water features. Small areas are proposed to contain gardens of herbs and productive trees, which if maintained would provide produce, though who would get the produce is unclear. Whilst the landscaping is attractive and in part functional (productive gardens and shade trees), its urban character is incongruous with the residential nature of the zone and surrounding area and would be more appropriate in a town centre, such as in Moruya. This again reinforces the proposal's inconsistency with the zone and surroundings.</p>

management.		
<p>Clause 15 Principle 7 : Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	IN PART	<p>Inadequate information is provided on the plans to assess this, with guess work required in terms of the location of doors and windows in order to assess solar access and cross ventilation. The outlooks afforded from the apartments would generally be attractive for those apartments overlooking the landscaped urban plaza and for the southern outlook of Building B to a landscape area. The outlook of Building A to the east and Building C to the north would be suburban in nature, though some outlook to rural land to the east may be available for some apartments in Building A. Inadequate information is provided to assess storage provision and accessibility given the sketch nature of the plans.</p>
<p>Clause 16 Principle 8 : Safety and security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	IN PART	<p>The design provides for casual surveillance of the urban plaza between the buildings, though division of access for parking for the retail/commercial component and the residential component is unclear. Further, the lack of provision of parking below Building C reduces the security of access to that building. It is unclear where the residents of this building would park.</p>
<p>Clause 17 Principle 9 : Social dimensions and housing affordability</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	IN PART	<p>No information has been provided to address housing affordability. In terms of housing mix, the buildings provide for a mix of one, two and three bedroom apartments which is appropriate. It is unclear whether an additional levy for maintenance of the buildings, landscaping and use of the other facilities (which are extensive) would result in all apartments being outside the affordable range.</p>
<p>Clause 18 Principle 10 : Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.</p>	NO	<p>Inadequate information is provided to allow a full assessment of the aesthetic merits of the buildings, however they would appear to be of excessive height and bulk given their prominent location and given the zoning and desired future character of the area.</p>

Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.		
Clause 29 Development Applications (1A) A development application that relates to residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies: <ul style="list-style-type: none"> (a) that he or she designed, or directed the design, of the residential flat development, and (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development. 	NO	No Design Verification Statement has been provided by the architect with the application.
Clause 30 Determination of Development Applications (2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): <ul style="list-style-type: none"> (a) the advice (if any) obtained in accordance with subclause (1), and (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and (c) the publication <i>Residential Flat Design Code</i> (a publication of the Department of Planning, September 2002). 	YES	No design review panel comments exist. See above assessment See Table following, which addresses the rules of thumb contained within the Residential Flat Design Code

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy No. 65 – Residential Flat Design Code – Rules of Thumb		
Maximum building depth of 18m	YES	Depth varies between 25.9m and 18m
Building Separation: Buildings up to 4 storeys (12m) high require separation of: <ul style="list-style-type: none"> • 12m between habitable/balcony; • 9m between habitable/balcony and non-habitable; and 	YES	Minimum separation 18m.

• 6m between non-habitable		
Single-aspect apartments should be limited in depth to 8metres from a window	YES	Maximum depth approximately 8m
The back of a kitchen should be no more than 8metres from a window	YES	If window locations are assumed the proposal appears to comply.
Provide primary balconies to all apartments with minimum depth of 2metres	YES	Minimum depth appears to scale as 2.3m.
Habitable rooms to be a minimum 2.7metres ceiling height Non-habitable rooms to be a minimum 2.4metres ceiling height	YES	Minimum floor to ceiling for all dwellings is 2.7m
Accessible storage to apartments: One bed = 6m ³ Two bed = 8m ³ Three bed = 10m ³ 50% in apartment	NO	Inadequate information provided due to sketch nature of plans, though there appears to be storage space provided in the garage level.
Width of cross-through apartments over 15metres deep should be 4metres or greater	YES	Appears to scale at 4.7m.
Affordable housing minimum apartment sizes (guideline): • 1 bed apartment 50m ² • 2 bed apartment 70m ² • 3 bed apartment 95m ²	NO	No information provided on housing affordability or size of apartments.
60% of residential units should be naturally cross ventilated.	YES	If window and door locations are assumed it appears that 70.8% could be naturally cross ventilated
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter.	NO	If window and door locations are assumed it appears that 75% of apartments would have 3 hours of solar access to balconies and 50% to living rooms. It is noted that 70% would have approximately 2.5 hours solar access to the living rooms or more.
Limit single-aspect apartments with southerly aspect to 10%	N/A	None proposed
25% of kitchen of development should have natural ventilation	YES	If window locations are assumed it appears that 91% of kitchens would be naturally ventilated
Minimum 20 percent of dwellings in the development have barrier free access.	YES	Given the provision of lifts it would appear that 100% of apartments would be visitable.

Provisions of Environmental Planning Instrument	Comply	Consideration
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004		
Clause 2 Aims of the policy (1) This Policy aims to encourage the provision of housing (including residential	IN PART	The proposal results in an increase in the supply and variety of dwellings that may cater for the needs of seniors and people with a disability.

<p>care facilities) that will:</p> <ul style="list-style-type: none"> (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. 		<p>The proposal requires the provision of new infrastructure or upgrades of the existing infrastructure.</p> <p>The proposal is not considered to be of good design, being inappropriate in design, bulk and scale having regard to the adjoining land uses and the desired future character of the area.</p>
<p>Clause 26 Location and access facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: <ul style="list-style-type: none"> (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service 	<p>NO</p>	<p>Moruya Town Centre is the closest location in which all of the specified services and facilities are located. Whilst the application attempts to make provision onsite for some of the services and facilities, not all are provided and it is not appropriate that attempts are made to make an unsuitably located site suitable by providing all such services onsite. To do so would disrupt the normal strategic planning for the area, which seeks for such services and facilities to be provided in Moruya and for no new village centres to be provided. To do so would detract from the ongoing viability of the Moruya Town Centre, which relies for its growth upon the spending of the expanded residential area surrounding it, a substantial part of which is the subject site.</p> <p>In terms of whether the site is suitably located in terms of proximity to Moruya Town Centre, the site is clearly further than 400m from the centre and as such cannot satisfy subclause (2)(a).</p> <p>N/A</p>

<p>available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services</p>		<p>As such the proposal must rely upon the transport provisions of this subclause. The Accessibility Report indicates that there is no local bus service which would be capable of satisfying this provision. In lieu of the availability of such a service the application indicates an intention to provide a dedicated shuttle bus service as part of the development to pick up and drop off at the Village Square and Botanica Building and travel to and from Moruya Town Centre. This level of connectivity, together with the onsite provision proposed for some services and facilities is said to be acceptable until such time as a local bus service may become available.</p> <p>Therefore, clearly the proposal does not satisfy the location provisions. Residents will be completely reliant upon the proposed bus service to access Moruya Town Centre. Should the bus service cease operation, operate infrequently or charge too high a fee for the service, residents would be isolated from Moruya Town Centre. Further, if the bus service only has access points at the Village Centre and building, accessibility</p>
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<p>referred to in subclause (1)) complies with subclause (3).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p>bank service provider means any bank, credit union or building society or any post office that provides banking services.</p>		<p>for residents in the Braemar Farm portion of the site will have to travel over 400m to access the bus.</p>
<p>Clause 28 Water and sewer</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities</p>	<p>YES</p>	<p>Satisfactory provision can be made for connection to water supplies and services for disposal of sewage, though Council have advised the site is outside the 5 year development plan. This would potentially lead to delays in service provision or additional costs.</p>

<p>for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>		
<p>Division 2 Design Principles</p> <p>Clause 33 Neighbourhood amenity and streetscape</p> <p>The proposed development should:</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p>	<p>NO</p>	<p>The desirable elements of the location's current character and the desired future character are identified in several documents, including the Moruya Structure Plan and the objectives of the zoning of the site. The character desired is for low density and low scale development commensurate with the appearance of detached housing. The development does not satisfactorily respond to this character, primarily due to the size, bulk, height and location of the Village Square and Botanica buildings.</p> <p>The only heritage item in the vicinity has been allowed to be demolished by apparent neglect.</p> <p>The separation and setbacks of development generally allows for acceptable solar access (discussed in more detail later in this table) and for reasonable bulk relationships other than for the Village Square and Botanical buildings as discussed previously.</p> <p>The built form of the Botanica building does not relate to the topography, being artificially raised due to the flood prone nature of the site.</p> <p>The heights of the Village Square and Botanica buildings are excessive and inappropriate in the context.</p> <p>N/A</p> <p>The setbacks proposed at the front of the dwellings are significantly smaller than for the surrounding area. This would be particularly incongruous with the character where located immediately adjoining existing/future</p>

<p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>		<p>development and were approval to be supported setbacks of development fronting Albert Street should be consistent with characteristic setbacks in the area.</p> <p>Appropriate landscape treatment of the site is proposed.</p> <p>A significant number of trees are to be removed, with some selected trees to be retained. In particular concern is raised in relation to the loss of trees within the Woodland EEC.</p> <p>Whilst no buildings are proposed in the riparian zones, structures are proposed which are not supported by DWE.</p>
<p>Clause 34 Visual and acoustic privacy</p> <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p> <p>Note. The Australian and New Zealand Standard entitled AS/NZS 2107-2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671-1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.</p>	<p>NO</p>	<p>Concern is raised that the change of vehicular access to the site to being via existing residential roads (Maunsell and Keightley Roads) will result in an unacceptable increase in noise for residents in those streets, particularly during construction, but also during ongoing operation of the development. It was suggested to the proponent that the appropriate response would be to provide a road connection between the main body of the development and the portion fronting South Head Road, to allow for containment of the noise impacts within the site, however the proponent has not chosen to follow this recommendation. This would also remove the additional noise impact from residents fronting South Head Road. With no assessment of the change in access provided, inadequate information exists to determine whether the acoustic amenity of residents in the area will be lost. Further, concern is raised in relation to the acoustic amenity of the proposed dwellings in proximity to the Princes Highway, with the Acoustic Report indicating such residences will need to be acoustically treated and mechanically ventilated.</p>
<p>Clause 35 Solar access and design for climate</p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by</p>	<p>IN PART</p>	<p>An assessment has been made of the proposal and concern was raised with the proponent in relation to the solar access provision for dwellings in several blocks throughout the development, due to the design of the dwellings and the orientation of the allotments. In response a solar access study was prepared with particular regard to the design of dwellings in Blocks 16-18. Whilst this study showed solar access for in excess of 3 hours to open space areas within the dwellings, it did not delineate between private areas of open space and those that are not</p>

<p>locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>		<p>private (such as front yards and verandahs), nor did it delineate between more usable areas and less usable areas.</p> <p>Block 16 comprised of a series of detached two storey dwellings with zero lot lines for one side of each dwelling. Private open space is provided in a central courtyard and in the rear yard (south facing). The only north facing space is not private (front yard) and is narrow and is divided by the provision of a verandah. Solar access is extremely poor to the central courtyard in mid-winter. Further, solar access to the rear yard is poor, with approximately 2 hours to a reasonable portion of the yard.</p> <p>Block 17 has a similar orientation to Block 16, and similarly the front yard area (north facing) is not private. The rear yard area received limited solar access to a small area adjoining the carport for approximately 2 hours.</p> <p>Block 18 contains dwellings similar to Block 16 and 17 and has similar solar access problems.</p> <p>The site layout has not optimised opportunities for solar access to private open space areas, not increasing the depth of lots with south facing rear yard and has not appropriately designed the dwellings for these lots, particularly in relation to the courtyard dwellings where the courtyards do not receive solar access, but elongate the building to also deprive the rear yards of solar access.</p>
<p>Clause 36 Stormwater</p> <p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>IN PART</p>	<p>Appropriate provision is made for use of rainwater tanks and rain gardens to limit runoff and allow reuse of stormwater from the site. However, paved areas have not been minimised, with excessive provision of hard surfacing for roads due to the design approach of providing a series of rear lanes for access.</p>
<p>Clause 37 Crime prevention</p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p>	<p>IN PART</p>	<p>The design of the dwellings allows for casual surveillance of the surrounding road network, however the provision of a network of laneways allows a series of areas that are not overlooked and could become a security issue, allowing unobserved access to the rear of properties.</p>

<p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>		
<p>Clause 38 Accessibility The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	IN PART	<p>The design provides for attractive pedestrian areas and safe footpaths, though parts of the footpaths to Road 1 appear not to be fully accessible paths of travel, with grades in excess of the maximum permitted. The breach is not large and it appears possible to correct the breach by way of a condition.</p>
<p>Clause 39 Waste management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	UNKNOWN	<p>Limited information is provided in relation to either storage or collection of waste material.</p>
<p>Part 4 Development standards to be complied with Clause 40 Development standards – minimum sizes and building height (1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line. (4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed</p>	<p>YES</p> <p>YES</p> <p>IN PART</p>	<p>The site as a whole has an area of 51 ha, however the SEPP Seniors site has an area of 493,529m². This area does not exclude that zoned Rural, upon which the proposal is not permissible and which should be excluded from the calculations. No details have been provided of the area within the allotment having the appropriate zoning, however it is estimated to be in the order of 55% of the site area, which would be approximately 271,500m².</p> <p>The site has a frontage to South Head road of a approximately 250m, of which approximately 175m is appropriately zoned.</p> <p>Maximum height of all dwelling houses complies. Maximum height for the Botanica building 9m Maximum height for Village Buildings: 11.3m (Building A); 9.5m (Building B); 8.3m (Building C) Maximum height Dementia Buildings 8.6m Maximum height of Manor Houses 6m</p>

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<p>space ratio.</p> <p>Note. For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.</p> <p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.</p> <p>(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.</p> <p>(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</p> <p>(6) Requirements relating to affordable places and on-site support services</p> <p>A consent authority may only grant consent to a development application as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p> <p>(7) Grounds on which consent cannot be refused</p> <p>A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).</p> <p>(8) Conditions on grants of development consent</p> <p>A development consent may be granted as referred to in subclause (2) subject to a</p>	<p>45(6)(ii).</p> <p>The proposed development will deliver onsite support services for its residents within the Dementia Sanctuary (a hostel). Dementia Sanctuary. The Dementia Sanctuary will provide hostel accommodation. This includes: meals, laundering, cleaning and other facilities are provided on a shared basis, and at least on staff member is available onsite 24 hours a day to provide management services.</p> <p>The Village Square provides some assisted living where apartments are located above the place where the services and facilities are located on the ground floor. This allows food, cleaning, health care, medication management etc to be delivered via lift in a cost effective and timely manner.</p>
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<p>condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.</p> <p>(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.</p> <p>(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p> <p>(11) Clause does not apply to certain heritage affected land Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.</p> <p>(12) Definitions In this clause:</p> <p>affordable place, in relation to seniors housing, means a dwelling for the accommodation of a resident:</p> <p>(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:</p> <p>y low income: than 50% household</p> <p>/ income household % or more but less than 80%</p> <p>derate income 120% household</p> <p>(b) who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.</p> <p>On-site support services, in relation to residents of seniors housing, means:</p> <p>(a) 3 meals a day provided on a communal basis or to a resident's dwelling, and</p> <p>(b) personal care, and</p>		
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<p>(c) home nursing visits, and (d) assistance with housework.</p>		
<p>Part 7 Development standards that cannot be used as grounds to refuse consent Clause 49 Standards that cannot be used to refuse development consent for hostels A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a hostel on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(c) landscaped area: if a minimum of 25 square metres of landscaped area per hostel bed is provided,</p> <p>(d) parking: if at least the following is provided:</p> <p>(i) 1 parking space for each 5 dwellings in the hostel, and</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>NO</p>	<p>The Dementia Buildings are considered to be hostel buildings.</p> <p>Maximum height Dementia Buildings 8.6m and two storeys.</p> <p>A calculation of the density is impossible as the building is not contained within a distinct site, however the originally proposed community lot (now no longer proposed) had an area of 9,091.8m² and the buildings a floor space of approximately 6,600m², giving an approximate FSR of 0.73:1. (Note no calculations provided by proponent).</p> <p>120 beds provided, with 3,000m² of landscaping required. An estimated landscape provision of in excess of 4,000m² is provided.</p> <p>Twenty parking spaces plus drop off zones are provided. Given 120 beds, 24 spaces would be required plus parking for staff.</p>
<p>Clause 50 Standards that cannot be used to refuse development consent for self-contained units A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on</p>		

<p>any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p> <p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(f) private open space for in-fill self-care housing: if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less</p>	<p>NO</p> <p>UNKNOWN</p> <p>UNKNOWN</p> <p>UNKNOWN</p> <p>YES</p> <p>YES</p>	<p>Maximum height of all dwelling houses complies. Maximum height for the Botanica Building 9m Maximum height for Village Buildings 9.8m Maximum height of Manor Houses 6m</p> <p>No calculations have been provided and as such this assessment cannot be made.</p> <p>No calculations have been provided and as such this assessment cannot be made.</p> <p>No calculations have been provided and as such this assessment cannot be made</p> <p>Of the 116 dwellings, 92 dwellings (79%) have 3 hours of solar access to their living areas and 90 dwellings (77%) have 3 hours solar access to their private open space areas.</p> <p>No calculations have been provided, though it would appear that the proposal complies with this requirement.</p>
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<p>than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>IN PART</p>	<p>Parking provision is required at a rate of 1.5 spaces per 3 bedroom dwelling, 1 space per 2 bedroom dwelling and 0.5 space per 1 bedroom dwelling.</p> <p>In general all 3 bedroom dwellings are provided with two spaces and 2 bedroom dwellings with at least one, however Dwelling 12..01 is a 3 bedroom dwelling with only one space.</p> <p>The manor house dwellings are two and three bedroom dwellings (given the location and design of the studies) and each building requires 7 spaces, with only 6 spaces provided. Any approval would require a condition of an additional space located external to the building.</p> <p>The Village Square apartments require 16 spaces for each building, a total of 48. The plans only show parking below Buildings A and B, with total parking for 58 cars. Therefore adequate parking is provided, though it is considered poor planning in terms of both amenity and security to require the residents of Building C to park under other buildings and have to travel through their lobbies and across a publicly accessible plaza to access their buildings.</p>
<p>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</p> <p>2 Siting standards</p> <p>(1) Wheelchair access</p> <p>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p>	<p>UNKNOWN</p>	<p>Inadequate information in relation to the gradient of the site is provided to assess this criteria</p>

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(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.		
6 Accessible entry Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	UNKNOWN	Inadequate information in relation to the entries however the Accessibility Report indicates compliance can be achieved.
7 Interior: general Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.	UNKNOWN	Inadequate information in relation to the interiors however the Accessibility Report indicates compliance can be achieved.
8 Bedroom At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel—a single-size bed, (ii) in the case of a self-contained dwelling—a queen-size bed, and (b) a clear area for the bed of at least: (i) 1,200 millimetres wide at the foot of the bed, and (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and (f) wiring to allow a potential illumination level of at least 300 lux.	UNKNOWN	Inadequate information in relation to the bedrooms however the Accessibility Report indicates compliance can be achieved.
9 Bathroom (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1: (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the	UNKNOWN	Inadequate information in relation to the bathrooms however the Accessibility Report indicates compliance can be achieved.

<p>future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p> <p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p> <p>11 Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note. Advise regarding finishes may be obtained from AS 1428.1.</p> <p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p> <p>13 Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	<p>UNKNOWN</p> <p>UNKNOWN</p> <p>UNKNOWN</p> <p>UNKNOWN</p>	<p>Inadequate information in relation to the toilets however the Accessibility Report indicates compliance can be achieved.</p> <p>Inadequate information in relation to the surface finishes however the Accessibility Report indicates compliance can be achieved.</p> <p>Inadequate information in relation to the door hardware however the Accessibility Report indicates compliance can be achieved.</p> <p>Inadequate information in relation to the ancillary items however the Accessibility Report indicates compliance can be achieved.</p>
<p>Part 2 Additional standards for self-contained dwellings</p> <p>15 Living room and dining room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	<p>UNKNOWN</p>	<p>Inadequate information in relation to the living and dining rooms however the Accessibility Report indicates compliance can be achieved.</p>

<p>16 Kitchen A kitchen in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a width at door approaches complying with clause 7 of this Schedule, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: <ul style="list-style-type: none"> (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: <ul style="list-style-type: none"> (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed. 	UNKNOWN	Inadequate information in relation to the kitchens however the Accessibility Report indicates compliance can be achieved.
<p>17 Access to kitchen, main bedroom, bathroom and toilet In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	YES	Provided in accordance with the controls.
<p>18 Lifts in multi-storey buildings In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p>	YES	Lifts are provided to all multi-storey buildings containing more than one dwelling.
<p>19 Laundry A self-contained dwelling must have a laundry that has:</p> <ul style="list-style-type: none"> (a) a width at door approaches that complies with clause 7 of this Schedule, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and 	UNKNOWN	Inadequate information in relation to the laundries however the Accessibility Report indicates compliance can be achieved

Provisions of Environmental Planning Instrument	Comply	Consideration
Lower South Coast Regional Environmental Plan (No. 2)		
Clause 3: Land to Which Plan Applies		
This plan applies to land within the Shires of Bega Valley and Eurobodalla.	YES	The site is located within Eurobodalla Shire and as such the Plan is applicable.
Part 2 Division 2: Coastal and Waterway Environments		
Clause 11: Objectives		
<p>The objectives of this plan in relation to coastal areas and waterways are:</p> <p>(a) to minimise changes to natural coastal</p>	NO	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain

processes resulting from development,		the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.
(b) to protect water quality,	YES	The proposed water management system will ensure the water leaving the site does so having appropriate quality, though the impact on the EECs of the water is unclear.
(c) to minimise risks to people and property resulting from coastal processes,	YES	The site is of sufficient distance from the coast such that it is not significantly affected by coastal processes.
(d) to maintain the visual quality of the coastal and waterway environments,	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(e) to provide for the appropriate recreational use of beaches, other coastal lands and waterways, and	YES	The use of the site will have no impact on the recreational use of the beaches, coastal land and waterways due to its distance from them.
(f) to maintain or enhance public access to and use of beaches, other coastal attractions and waterways in appropriate locations.	YES	Given the site's distance from the beaches, coastal land and waterways, there is no opportunity to maintain or enhance public access to them.
Clause 13: Policies for Development Control		
(1) In considering any application for development in coastal areas, the council shall take into account:		
(a) the "Coastline Management Manual" published by the New South Wales Government,	YES	The proposal is not inconsistent with the Coastline Management Manual.
(b) the "South Coast Design Guidelines" issued by the Department of Planning,	NO	The proposal is inconsistent with the South Coast Design Guidelines.
(c) any other guidelines issued by the Department of Planning in relation to development in coastal areas,	YES	The proposal has been assessed against the NSW Coastal Policy and the Coastal Design Guidelines.
(d) the "Estuarine Habitat Management Guidelines" or "Freshwater Habitat Management Guidelines" issued by NSW Fisheries, or both, and	NO	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways. As such it is unclear is the proposal will have an acceptable impact upon fish habitat.
(e) the "Crown Lands Coastal Policy" issued by the Department of Conservation and Land		The proposed works will have no impact on and do not involve Crown Land, other than in

Management, where relevant.	YES	relation to the adjoining unmade Crown Road, where it is proposed to form the road. The proposal is therefore not inconsistent with the Crown Lands Coastal Policy.
Part 2 Division 3: Environmental Hazards		
Clause 14: Objectives		
The objective of this plan in relation to environmental hazards is to encourage development on land that is free from flooding, coastal hazards, high bushfire risks, airborne pollution or other hazards.	YES	The site is free from hazards, other than in relation to flooding, which affects some portions of the site. The proposal appropriately responds to the threat from flood, subject to conditioning that the proposed fill within the flood storage area be either removed or that the lost storage capacity be provided by excavation in another area.
Part 2 Division 4: Heritage		
Clause 16: Objectives		
The objective of the plan in relation to heritage items is to protect, preserve and enhance heritage items and precincts or cultural or environmental significance to the community	NO	The site also contains an identified heritage item which has been allowed to deteriorate to a state where it is now derelict and unable to be restored. Given the lack of action by the owner to maintain the property it is considered inappropriate to allow a benefit to be achieved due to the neglect. It is appropriate that the heritage of the structure and its surrounds be interpreted and recorded on the site and that the portion of the site involved be turned into a public park to allow the appreciation of the heritage of the site to the wider public. The proposal is for a park to be provided within a private development, which is unacceptable. Further, at this stage due to the conceptual nature of the application in regard to this component, inadequate information is provided to ascertain whether the park is of adequate size or of whether proposed interpretive structures and information would be adequate to achieve the above aim.
Part 3 Rural Land		
Clause 19: Objectives		
The objectives of this plan in relation to rural land are: a) to conserve better quality agricultural lands for the purpose of agriculture; b) to facilitate farm adjustments, c) to enable other forms of development associated with, or compatible with, rural activity in appropriate locations, and	YES N/A NO	 The proposal does not result in the loss of any significant areas of quality agricultural land. N/A The proposed Botanica building is not compatible with the rural zone in which and

d) to minimise the cost to the community of fragmentation and isolated development.	N/A	adjoining which it is located given its unacceptable visual impact. N/A.
Clause 21: Policies for Development Consent		
Councils, before granting consent to the development of rural land for purposes other than agriculture must, where the land is classified as Class 1, 2 or 3 on the maps marked "Agricultural Land Classification Map – Lower South Coast Region" copies of which are deposited in the office of the councils, be satisfied that the development will not significantly reduce the agricultural potential of the land or adjoining lands.	YES	The proposal will not result in significant reduction in the agricultural potential of the rural land as the majority of the rural land to be utilised is either Saltmarsh (which is not quality agricultural land) or is of inappropriate shape for use (given the irregularly curved zone boundary).
Part 4 Division 4: Water Resources		
Clause 22: Objectives		
The objectives of this plan in relation to water quality and water resources is to encourage the effective use and the protection of the quality of the region's water resources.	YES	The provision of rainwater tanks within the dwellings on the subdivision will assist in reducing the use of the existing town water supply. Whilst the water quality treatment proposed is generally satisfactory, inadequate assessment of the impact of that water quality and quantity upon the sensitive downstream EECs has occurred.
Clause 24: Policies for Development Control		
In considering a development application relating to land in the vicinity of surface or ground water supplies, the Council shall: a) consider the impact the proposed development is likely to have on water quality and availability; and b) only consent to the application if satisfied adequate water quality and availability will be maintained if the proposed development is carried out.	YES	See above comments.
Part 7 Division 2: Utility Services		
Clause 43: Objectives		
The objective of this plan in relation to utility services is to facilitate the economic and orderly provision of utility services to new urban and residential area.	YES	Council has advised that the development is outside its 5 year Development Services Plan. However such services could ultimately be supplied subject the developer funding the necessary work.
Part 5 Urban Land		
Clause 32 Objectives		

The objectives of this plan in relation to urban development are: (a) to facilitate the orderly and economic provision and development of land,	NO	The proposed development is not considered to be orderly and economic development of the land, with the subdivision design which mixes the Torrens title lots within a private development (the seniors housing), with only easements for access being inappropriate. The design is also inappropriate because it isolates a section of the seniors housing (adjoining South Head Road) too distant from both the Moruya Town Centre and the proposed onsite facilities.
(b) to facilitate the economic provision and use of utility services,	NO	The staging proposed is inappropriate, proposing the development of isolated land distant from the existing serviced land prior to the land closer to existing serviced land.
(c) to facilitate the economic provision of community and welfare services,	NO	The development is likely to result in additional demand for services and facilities for the aged and disabled that are provided by government and non-government providers but inadequate assessment has been provided in relation to the capacity for such providers to support the significant increase in aged and disabled persons likely to live in the Moruya area as a result of this facility. It is however acknowledged that a dementia facility would be a significant benefit to the region subject to it being affordable to the people of the region.
(d) to minimise the impact of development on the natural environmental quality of the region, and	NO	The development will result in impacts upon the EECs on the site that have not been adequately mitigated by the proposal.
(e) to encourage a diversity of urban roles, functions and character	YES	Noted
Clause 34 Residential development		
The objective of this plan in relation to residential development is to promote the provision of a range of adequate, affordable and suitable housing to meet the needs of the region's population.	NO	Whilst a range of housing types are proposed on the site, their occupation is limited by a requirement for the occupants to be over 55 years of age or disabled and as such only caters for a limited section of the population. Further, no information has been provided to allow any assessment of whether the accommodation will be affordable.

Provisions of Environmental Planning Instrument	Comply	Consideration
Eurobodalla Urban Local Environmental Plan 1999		
Clause 7: The general objectives of the plan are		
(a) to encourage orderly and proper development within the area of Eurobodalla, and	NO	The proposal does not constitute the orderly and economic development of the site, particularly in relation to the staging of the development, which seeks construction of

		development isolated from the existing residential areas, rather than staging development to be contiguous with the existing residential areas, adding to the inconvenience and cost of servicing and running the potential of leaving residents isolated for a significant period of time.
(b) to identify zones in which particular classes of development are most likely to be appropriate, having regard to the environmental characteristics of the locality, servicing and access requirements and constraints, and the characteristics of the development, and	NO	The proposal is in part prohibited in the zones and is inconsistent with the zone objectives.
(c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in the future in accordance with the intensity and type of development proposed for the locality, and	YES	The development will require the upgrading of existing infrastructure and provisions can be made for the upgrades in the proposal and by conditions of approval. However the staging of the proposal is not optimal in terms of efficiency of provision of services.
(d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development, and	UNKNOWN	Inadequate information has been provided to determine whether adequate aged care services and facilities will be available at a reasonable cost for residents.
(e) to ensure that no development on any land is likely to jeopardise the future orderly and economic development of the land or of the land in its vicinity, and	NO	The development is not to be staged in an orderly fashion requiring Council to provide services to development distant from the existing serviced residential area.
(f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone-specific objectives and strategies in concert with development control plans giving expression to detailed planning provisions, and	YES	Noted
(g) to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations, and	YES	Noted
(h) to accommodate population growth and facilitate expansion and diversification in the area's economy.	YES	Noted
Clause 8: The particular objectives of the plan are:		
(a) in relation to environmental protection i) to protect coastal areas, estuaries, wetlands, rainforests and other environmentally sensitive areas from the effects of inappropriate use or other inappropriate development, and	NO	The proposed development would result in unacceptable impacts upon the natural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measure. Further, inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive

		environments of the onsite EECs, which lead to downstream wetlands and waterways.
(ii) to promote the retention of trees and tree cover and to conserve as far as practicable the existing pattern of vegetation to maintain landscape quality and remaining natural ecosystems, and	NO	See above comments in relation to (a).
(iii) to conserve soil, flora and fauna and significant natural features, and	NO	See above comments in relation to (a).
(iv) to conserve and manage significant natural resources in such a way that their essential values are maintained and enhanced, and	NO	See above comments in relation to (a).
(v) to provide for the existing and potential functions of water courses and floodways for domestic water supply, drainage, aquaculture, recreation and ecological purposes, and	NO	See above comments in relation to (a).
(vi) to control development in the catchment of the Deua River to protect water quality for domestic and ecological purposes, and	N/A	N/A
(vii) to maintain the overall scenic beauty of the rural landscape of the area of Eurobodalla and protect significant views from public roads, reserves and waterways, and	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(viii) to maintain air quality and avoid noise pollution, having regard to the nature and extent of their effects and the sensitivity of affected people or things, and	NO	Inadequate information has been provided to determine the impact of the additional traffic likely to use Keightley Street upon the acoustic amenity of the area.
(ix) to provide for the existing and potential functions of riparian and foreshore areas to ensure stability and to protect water quality and ecological, visual and recreational values, and	NO	The proposed development would result in unacceptable impacts upon the natural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measure. Further, inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.
(x) to ensure that development or activities in one zone do not adversely affect environmentally sensitive land in adjacent zones, and	NO	Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite

		EECs, which lead to downstream wetlands and waterways.
(b) in relation to ecologically sustainable development: (i) to integrate economic, environmental and social goals into policies, practices and decision-making, and	YES	Noted
(ii) to take a precautionary approach to decision-making to ensure that resources are utilised in a sustainable manner, and	YES	A precautionary approach has been taken in the assessment of impact on water quality and flooding and in terms of the assessment of impact upon the onsite EECs and the proposal has been found to be unacceptable.
(iii) to protect biological diversity, and	NO	The proposed development would result in unacceptable impacts upon the natural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measure.
(iv) to ensure that natural and environmental assets are properly valued, and	NO	See above comments.
(v) to provide for equity within and between generations, and	NO	The proposed development would result in unacceptable impacts upon the natural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measure.
(c) in relation to land management generally: (i) to minimise risks to life and property from bushfires, and geological or other hazards, and	YES	The site is not bushfire prone, however the potential bushfire impact has been assessed or subject to geological hazards, but is flood prone in part. This has been addressed by proposed construction levels and a flood evacuation route.
(ii) to reduce the impact of flooding/ocean inundation on land owners and occupiers and to reduce public and private losses due to flooding/ocean inundation in accordance with the NSW Government's Flood Prone Land Policy, and	YES	Raising the level of the proposed roads, providing an emergency access and elevating building platforms provides appropriate flood protection.
(iii) to ensure that coastal development is compatible with the degree of coastline hazard in accordance with the NSW Government's Coastline Hazard Policy, and	YES	The site is sufficiently remote from the coast not to be significantly affected by coastal hazards.
(iv) to encourage community services and facilities for residents of non-urban areas to be located in existing villages and towns, and	NO	The proposal seeks to provide an unacceptably high level of onsite services and facilities that would compete with those provided in the town centre of Moruya.
(d) in relation to heritage conservation—to conserve items, structures and places of natural, historic, scientific or cultural significance, including Aboriginal relics and places, and		The site contains an identified heritage item which has been allowed to deteriorate to a state where it is now derelict and unable to be restored. Given the lack of action by the owner to maintain the property it is considered inappropriate to allow a benefit to be achieved

	NO	due to the neglect. It is appropriate that the heritage of the structure and its surrounds be interpreted and recorded on the site and that the portion of the site involved be turned into a public park to allow the appreciation of the heritage of the site to the wider public. The proposal is for a park to be provided within a private development, which is unacceptable. Further, at this stage due to the conceptual nature of the application in regard to this component, inadequate information is provided to ascertain whether the park is of adequate size or of whether proposed interpretive structures and information would be adequate to achieve the above aim. Subject to appropriate conditioning the Aboriginal relics on the site would be appropriately treated.
(g) in relation to housing: (i) to encourage a range of housing opportunities to meet the needs of the community for a choice of dwelling size, type, tenure, cost and location, and	NO	Whilst a range of housing types are proposed on the site, their occupation is limited by a requirement for the occupants to be over 55 years of age or disabled and as such only caters for a limited section of the population. Further, no information has been provided to allow any assessment of whether the accommodation will be affordable.
(ii) to ensure that new development is consistent with the character of existing residential areas, having regard to the physical characteristics of the land, the nature of the vegetation and landscape, and existing buildings in the locality, and	NO	The proposed development is of a significantly higher density than surrounding development and the Village Square and Botanica buildings in particular are inappropriately designed and located having regard to the character of the area.
(iii) to provide opportunities for higher residential densities where essential public services are available or can be provided efficiently and economically, and in locations convenient to shops, entertainment and other facilities, and	NO	The proposal provides for higher residential densities distant from essential public services and seeks to rectify the situation by the provision of inappropriately located and sized facilities that would compete with such facilities in the Moruya Town Centre, robbing it of the opportunity for economic growth due to the nature of the proposed development.
(i) in relation to villages and towns: (i) to encourage the development of existing towns and some villages as centres of commercial activity, public facilities, indoor recreation and entertainment, and	NO	The proposal seeks to provide such facilities outside the existing Moruya Town Centre in competition with the town centre.
(ii) to maintain and enhance the character of towns and villages, and	NO	The proposal is inconsistent with the character and density of Moruya.
(iii) to encourage forms of settlement which are energy efficient, cost effective and environmentally sound, and	NO	Whilst the design satisfies the requirements of being energy efficient and cost effective it is not environmentally sound due to the unmitigated impacts upon the EECs onsite.

(j) generally: (i) to provide opportunities for public involvement and participation in environmental planning and assessment, and	YES	The application was advertised in accordance with Part 3A notification requirements.
(ii) to minimise the need for amendments to planning controls, and	N/A	N/A
(iii) to establish an appropriate balance between certainty and flexibility in the requirements that are imposed on development proposals.	YES	Noted
Clause 14 objectives of the 2(g) General zone		
<p>(a) to encourage a variety of residential development, while maintaining a generally low density residential character, by permitting:</p> <p>(i) limited non-residential uses, and</p> <p>(ii) a variety of residential uses in small scale buildings comparable to single dwelling-houses, and</p> <p>(b) to ensure new development in the zone has regard to the beneficial features of the character of the area in which it is proposed, and</p> <p>(c) to provide for non-residential uses that are compatible with other land uses in the locality, service local residents or, in the case of public authority premises, need to be close to residences in the zone.</p>	NO	<p>The proposal is inconsistent with these objectives as the proposal:</p> <ul style="list-style-type: none"> ▪ does not provide for development of a low density residential character; ▪ provides for an inappropriate amount of non-residential uses; ▪ provides a number of buildings that are incongruous with the character established by small scale buildings comparable to single dwelling houses; ▪ the provision of non-residential uses that do not service the surrounding residential population, but compete with the economic viability of the services provided for that population in Moruya.
Clause 15 What development may be carried out in the 2g Residential—General zone		
<p>(1) Development for the purpose of the following is allowed without development consent within the 2g Residential—General zone:</p> <ul style="list-style-type: none"> •utility installations. <p>(2) Development for the purpose of the following is allowed only with development consent within the 2g Residential—General zone:</p> <ul style="list-style-type: none"> •bed and breakfast establishments, •caravan parks where reticulated water and sewerage services are provided, •child care centres, •community centres, •dual occupancies, •dwelling-houses, •educational establishments, •exhibition homes, •general stores, •home businesses, •hospitals, •housing for older people or people with a 	NO	<p>The proposal is for subdivision and construction of housing for older people and people with a disability, both of which are permissible uses with under the provisions of clauses 15 and 64. However, the size of the facilities provided, particularly in the Botanica building are too large to be considered ancillary uses to the housing for older people and people with a disability and as such must be considered as individual uses. In this regard the size of the restaurant/bar/lounge are is considered to make it defined as a restaurant and/or a club, both of which are prohibited uses.</p>

<p>disability,</p> <ul style="list-style-type: none"> •integrated housing where reticulated water and sewerage services are provided, •land clearing, •manufactured home estates where reticulated water and sewerage services are provided, •places of assembly, •places of worship, •public authority premises, •recreation areas, •roads, •telecommunications facilities, •waste collection centres. <p>(3) Development not included in subclause (1) or (2) is prohibited within the 2g Residential—General zone.</p>		
Clause 53 What development can be carried out on unzoned land?		
<p>(1) Land to which this plan applies that is not within a zone is called unzoned land for the purposes of this plan.</p> <p>(2) Unzoned land may be developed for any purpose with the consent of the Council, except that aquaculture is prohibited in the waters of the following lakes:</p> <ul style="list-style-type: none"> ▪ · Coila Lake ▪ · Brunderee Lake ▪ · Tarouga Lake ▪ · Brou Lake ▪ · Mummaga Lake ▪ · Kianga Lake ▪ · Little Lake (Narooma) ▪ · Bullengella Lake ▪ · Nangudga Lake ▪ · Nargal Lake ▪ · Corunna Lake ▪ · Tilba Tilba Lake ▪ · Little Lake (Tilba) <p>(3) In considering whether to grant consent for development on unzoned land, the Council must consider:</p> <p>(a) the zoning of adjoining land and whether or not the development would be allowed in that zone, and</p> <p>(b) the impact of the proposed development on the pattern of land use in the vicinity and the amenity of the vicinity, and</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	<p>Albert Street is not zoned and as such this clause applies to the proposed road works in Albert Street.</p> <p>The construction of a road is permissible with consent.</p> <p>The adjoining land is zoned Residential g and the construction of a road would be permissible in that zone.</p> <p>The portion of unzoned land is a Crown Road and as such the construction of a road in this location is consistent with the pattern of land use in the vicinity and the amenity of the area.</p>

<p>(c) in the case of unzoned land that is below the mean high water mark of the ocean, an estuary, a tidal lake, an enclosed lake or a river:</p> <p>(i) whether or not the proposed development would alienate the use of the waters of the ocean, estuary, lake or river from recreational uses, including recreational fishing, or from commercial fishing and, if so, whether there is sufficient area set aside in the locality for those uses to mitigate the adverse effect of the proposed development on those uses, and</p> <p>(ii) the impact of the proposed development on the ecological integrity of the waterway and the ability of the waterway to continue to sustain multiple uses.</p> <p>(4) The Council must not grant consent for development on unzoned land that would be prohibited in a zone adjoining the land, unless the Council is satisfied that the development would have little or no adverse effect on the amenity of the locality and the future pattern of development of adjoining land.</p>	<p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p>
<p>Clause 57 What special controls apply to development of flood prone land?</p>		
<p>Before granting consent to development of flood prone land, Council must consider the following:</p>	<p>YES</p>	<p>The site is partially flood prone, being located in an area affected by flooding up to the PMF.</p>
<p>(a) the extent and nature of the flooding or inundation hazard affecting the land;</p>	<p>YES</p>	<p>The site is partially flood prone, being located in an area affected by flooding up to the PMF.</p>
<p>(b) whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity;</p>	<p>NO</p>	<p>The proposed fill within the flood storage area is not balanced by proposed cut.</p>
<p>(c) whether the risk of flooding or inundation affecting posed development could be reasonably mitigated and whether conditions should be imposed on any consent to further the objectives of this plan;</p>	<p>YES</p>	<p>Impacts of flooding upon the proposed lots has been adequately mitigated by the elevation of roads, construction of an emergency egress route and providing for appropriate building platforms above the 1 in 100 year flood level.</p>
<p>(d) the social impact of flooding on occupants, including the ability of emergency and support services to access, rescue and support residents of flood prone areas;</p>	<p>YES</p>	<p>An emergency access route is to be provided.</p>
<p>(e) the provisions of any Floodplain Management Plan, Interim Local Flood Policy, or Development Control Plan adopted by Council.</p>	<p>YES</p>	<p>All relevant flood policies of Council have been considered in the assessment of the proposal.</p>

Clause 63 What general controls apply to land near major roads?		
(1) The objective of this clause is to ensure that adjoining land uses do not undermine the primary role of major roads as safe and efficient traffic carriers as part of a hierarchy of roads and transport routes	YES	Subject to the required upgrade of the intersection of South Head Road and the Princes Highway by the single lane roundabout required by the RTA, the proposed development will not undermine the primary role of the major road as safe and efficient traffic carriers.
(2) For the purposes of this clause, major roads means any main road or arterial road or any other road which, in the opinion of the Council, carries or is likely to carry a significant volume of vehicular traffic and includes the following roads: Princes Highway, Kings Highway, Beach Road (Batemans Bay), George Bass Drive, Tomakin Road, North Head Drive, South Head Road, Hector McWilliam Drive, Mort Avenue – Dalmeny Drive, Bermagui Road	YES	The site has frontage to the Princes Highway and South Head Road.
(3) This clause applies to land: (a) that has a frontage to a major road, or (b) that relies on a major road for its sole direct means of vehicular access, or (c) that has direct vehicular access to another road at a point less than 90 metres from that road's intersection with a major road.	YES	The site has frontage to the Princes Highway and South Head Road and will rely on South Head Road for its access.
(4) The Council shall not consent to development on land to which this clause applies unless it is satisfied that: (a) the development, by its nature or intensity, or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the major road, and (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a major road, and (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the major road are not impeded, and (d) the development will not prejudice future improvements or realignment to a major road to be carried out by the Council or as may be indicated to the Council from time to time by the Roads and Traffic Authority or any associated intention to declare part	YES	The proposed development is likely to materially reduce the capacity and efficiency of the intersection of South Head Road and the Princes Highway, two major roads. In response to this impact the RTA have required the intersection to be upgraded to a single lane roundabout intersection to maintain a suitable level of service for a 10 year period, including of traffic generated by this development. It is noted that without this development, the intersection would continue to operate at a satisfactory level of service for the next 10 years.

<p>of a road as a State highway or freeway, within the meaning of the Roads Act 1993, and</p> <p>(e) the development will not prejudice further improvements to or realignment of a major road, particularly with regard to the number of access points to main roads, and</p> <p>(f) the views of the Local Traffic Committee, the Council's Development Committee or the Regional Development Committee (as appropriate) have been obtained and considered by the Council, and</p> <p>(g) access to the land will be provided by a road other than a main road, wherever practicable, and</p> <p>(h) existing and predicted traffic impacts, including noise, are considered in the design and location of the development.</p>		
Clause 64 What general controls apply to subdivision?		
Land may be subdivided, but only with the consent of the Council.	YES	Consent is sought for the proposed subdivision.
Clause 65 What general controls apply to earthworks on land?		
Earthworks, being filling or excavating of land to the extent that existing drainage patterns or the use to which the land may be put, or both, are changed, may only be carried out with the consent of the Council.	YES	Consent is sought by this application with regard to the proposed cut and fill works.
Clause 66 What general controls apply to tree removal?		
<p>(1) A tree preservation order may be made by the Council by resolution and may apply to any land to which this plan applies.</p> <p>(2) A tree preservation order may require the consent of the Council to remove, lop or damage a tree or other vegetation.</p> <p>(3) A person must not remove, lop or damage a tree or other vegetation contrary to a tree preservation order that has been published in a newspaper circulating in the area of Eurobodalla.</p>	YES	Consent is sought for tree removal as part of this application.
Clause 71 What special controls apply to development affecting heritage items?		

<p>(1) Consent of the Council is required to:</p> <ul style="list-style-type: none"> (a) demolish, deface, damage or move a heritage item, or (b) alter a heritage item by making structural changes to its exterior, or (c) alter a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or (d) move a relic, or excavate land for the purpose of discovering, exposing or moving a relic, or (e) erect a building on, or subdivide, land on which a heritage item is located. 	<p>YES</p>	<p>Consent is sought by this application to demolish a heritage item and subdivide the land on which a heritage item is located. The identified heritage item is the Braemar Farm, comprising farmhouse, outbuildings and Bunya Pine.</p>
<p>(3) In assessing an application for consent required by this clause, the council must take into account the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</p>	<p>YES</p>	<p>The previous actions and/or lack of action by the owners of the site appear to have led to the heritage item on the site being neglected in such a manner that the item has now collapsed.</p> <p>The item is now in such a state that it could not be repaired but would need to be rebuilt in order for it to be retained on the site.</p> <p>Whilst the item may not be of such significance as to warrant its reconstruction, utilising largely new materials given the state of the item, the owner should also not benefit financially from their apparent wilful neglect and the heritage significance of the site should not be lost by this action.</p> <p>Accordingly, it is appropriate that the item be removed from the site, given it has already been demolished by apparent neglect, but it is appropriate that this portion of the site be retained in a manner that allows the heritage significance to be retained and understood by the general public.</p> <p>The Heritage Assessment proposal to demolish the item after carrying out a photographic recording of the cottage. The Assessment then suggests that the early plantings be retained, including the mature Monkey Puzzle tree and the cluster of plantings around the knoll. It is also suggested that the site of the cottage be interpreted through on-site interpretive signage. A possible option of constructing a new building mirroring the envelope and form of the item which could then form an open pavilion in a park set aside for community recreational</p>

		<p>purposes or residential use.</p> <p>It is considered that all of the identified options to ensure the heritage significance is not lost should appropriately be implemented on this site. However, in order to retain the heritage significance it is considered imperative that the park be publicly available, not part of a private development. As such any consent for a Concept Plan for the site should include a recommendation to this effect, and require public road access to the park and dedication of the completed park to Council.</p>
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Provisions of Environmental Planning Instrument	Comply	Consideration
Eurobodalla Rural Local Environmental Plan 1987		
Clause 2 Aims		
<p>(1) The overall aim of this plan is to further the objects of the Environmental Planning and Assessment Act 1979, that is:</p> <p>(a) to encourage:</p> <ul style="list-style-type: none"> (i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns, and villages, for the purpose of promoting the social and economic welfare of the community and a better environment, (ii) the promotion and co-ordination of the orderly and economic use and development of land, (iii) the protection, provision and co-ordination of communication and utility services, (iv) the provision of land for public purposes, (v) the provision and co-ordination of community services and facilities, and (vi) the protection of the environment, 	NO	<p>The proposal does not appropriately conserve natural resources, resulting in impacts upon EECs on the site that have not been appropriately mitigated.</p> <p>The proposal does not constitute the orderly and economic development of the site, particularly in relation to the staging of the development, which seeks construction of development isolated from the existing residential areas, rather than staging development to be contiguous with the existing residential areas, adding to the inconvenience and cost of servicing and running the potential of leaving residents isolated for a significant period of time.</p>
(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and	YES	Noted
(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.	YES	The assessment of the application includes consideration of submissions in response to the notification of the application.
Clause 3 Objectives		

(1) The general objectives of this plan are: (a) to encourage orderly and proper development within the Shire of Eurobodalla,	NO	The proposal does not constitute the orderly and economic development of the site, particularly in relation to the staging of the development, which seeks construction of development isolated from the existing residential areas, rather than staging development to be contiguous with the existing residential areas, adding to the inconvenience and cost of servicing and running the potential of leaving residents isolated for a significant period of time.
(b) to identify zones where particular classes of development are most likely to be appropriate, having regard to the environmental characteristics of the area, servicing and access requirements and constraints, and the characteristics of the development,	NO	The proposal is in part prohibited in the zones and is inconsistent with the zone objectives.
(c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in future in accordance with the intensity and type of development proposed for the area,	YES	The development will require the upgrading of existing infrastructure and provisions can be made for the upgrades in the proposal and by conditions of approval. However the staging of the proposal is not optimal in terms of efficiency of provision of services.
(d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development,	UNKNOWN	Inadequate information has been provided to determine whether adequate aged care services and facilities will be available at a reasonable cost for residents.
(e) to ensure that no development on any land is likely to jeopardise the future orderly and economical development of the land or land in its vicinity,	NO	The development is not to be staged in an orderly fashion requiring Council to provide services to development distant from the existing serviced residential area.
(f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone specific statements of objectives and strategies in concert with development control plans giving expression to detailed planning provisions.	YES	Noted
(2)The particular objectives of this plan are: (a) in relation to environmental protection: (i) to protect coastal areas, estuaries, wetlands, rainforests and other environmentally sensitive areas from the effects of inappropriate use or development,	NO	The proposed development would result in unacceptable impacts upon the natural attributes of the area, with impacts upon the onsite EECs without suitable mitigation measure. Further, inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.
(ii) to promote the retention of trees and tree cover and to conserve as far as		See above comments in relation to (a).

practicable the existing pattern of vegetation to maintain landscape quality and remaining natural ecosystems,	NO	
(iii) to conserve soil flora and fauna and significant natural features,	NO	See above comments in relation to (a).
(iv) to provide for the existing and potential functions of water courses and floodways for domestic water supply, drainage, aquaculture, recreation and ecological purposes,	NO	See above comments in relation to (a).
(v) to control development to the catchment areas of the Buckenbowra, Deua and Tuross Rivers and Deep and Dromedary Creeks to protect water quality for domestic purposes,	N/A	N/A
(vi) to maintain the overall scenic beauty of the rural areas of the Shire of Eurobodalla and protect significant views from public roads, reserves and waterways,	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
(vii) to maintain air quality and avoid noise pollution, having regard to the nature and extent of the effects and the sensitivity of affected people or things,	NO	Inadequate information has been provided to determine the impact of the additional traffic likely to use Keightley Street upon the acoustic amenity of the area.
(viii) to ensure that development or activity in one zone does not adversely affect environmentally sensitive land in adjacent zones,	NO	Concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
(f) in relation to housing—to encourage a range of housing opportunities to meet the needs of the community for a choice of dwelling size, type, tenure, cost and location, where essential public services are available or can be provided efficiently and economically to the standard required by the nature of the development,	YES	No housing is proposed on the land zoned rural.
(i) generally: (i) to expand opportunities for public involvement and participation in environmental planning and assessment, and	YES	Appropriate notification of the application occurred and the submissions received have been considered in this assessment.
(ii) to minimise the need for amendments to planning controls.	YES	Noted
Clause 11 Zone Objectives and Development Control Table		
Zone No 1 (a) Rural (Environment Constraints and Agriculture) Zone		

<p>1 Objectives of zone The objectives of this zone are:</p> <p>(a) permanently maintain as rural, land</p> <ul style="list-style-type: none"> (i) having proven or potential agricultural productivity; (ii) at risk from bushfire or flooding; (iii) remote from existing settlements; (iv) for which it is uneconomical to provide public facilities and essential services; (v) characterised by steep slopes or other environmental constraints; or (vi) having significant scenic, habitat or other natural or cultural conservation value <p>(b) on or in relation to land which has proven or potential agricultural productivity;</p> <ul style="list-style-type: none"> (i) to prevent subdivision of land holdings into parcels unsuitable in size or shape for sustained agricultural production; (ii) to limit the erection of dwellings to the minimum necessary to maintain or enhance the long term agricultural viability of the land, and (iii) to minimise the erection of structures or establishment of permitted non-agricultural uses on better quality agricultural land. <p>(c) to permit recreational or tourist facilities only where those facilities are related to and compatible with the natural characteristics or rural activity of the zone,</p> <p>(d) to minimise development on land which has significant environmental constraints or hazards and ensure that any development in these areas makes adequate provision for maintaining environmental quality;</p> <p>(e) to ensure that subdivision of land in the zone occurs only where it is necessary to maintain or increase agricultural production or to allow the conduct of any use permitted in this zone, other than dwelling-houses, dual occupancy or rural worker's dwellings;</p> <p>(f) to permit a variety of uses where these are compatible with rural activity and the capability of the land, or require a location remote from urban areas or villages, or both; and</p>	<p>IN PART</p> <p>IN PART</p> <p>N/A</p> <p>NO</p> <p>N/A</p> <p>NO</p> <p>YES</p>	<p>The use of the land will not result in any significant loss of agricultural productivity. The land to be included in the proposed development is to be filled, removing it from significant flood risk. The land is not bushfire prone. The land is not remote from settlements. The land is not steep, but does contain areas of environmental constraints, being the identified EECs. These areas are in part proposed to be affected by the development. The land has, in parts, areas of significant natural value which are unacceptably being impacted by the proposal (EECs). The proposal does not involve the subdivision of land zoned rural, rather it consolidates a number of lots into one allotment. The visitor accommodation units would be identified as tourist facilities if determined not to be ancillary to the use, however given the small number they could be interpreted as being ancillary. However, the proposed use is prohibited in the zone and in the built form proposed (Botanica Building) is incompatible with the natural characteristics of the zone.</p> <p>N/A</p> <p>The development seeks to erect a building (Botanica building) partially in a 1:100 year flood area, requiring it to be significantly elevated, causing unacceptable visual impacts. Further, the proposed stormwater measures will have an unacceptable impact upon the EECs.</p> <p>No subdivision is proposed in the zone, only consolidation.</p> <p>The provision of the Botanica building partially within the zone is inappropriate and incongruous with the location and capability of the land, having regard to its flood prone nature.</p> <p>Where such services are proposed in the</p>
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<p>(g) to permit the provision, expansion or maintenance of utility services within the zone.</p> <p>2 Without development consent Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments); forestry (only on Crown timber land as defined in the Forestry Act, 1916).</p> <p>3 Only with development consent Agriculture (other than as permitted without consent); airline terminals; airports; aquaculture; bed and breakfast establishments; bulk stores; bus depots; child care centres; community centres; clubs ancillary to recreation areas or recreation establishments or tourist recreation facilities; depots; drainage; dual occupancy and dwelling-houses (other than as permitted without consent); educational establishments; extractive industries; forestry (other than as permitted without consent); general stores; helipads; heliports; home businesses; hospitals; industries; institutions; junk yards; land clearing; liquid fuel depots; mines; places of assembly; places of public worship; professional consulting rooms; public utility undertakings; racecourses; recreation areas; recreation establishments; recreation facilities ancillary to recreation establishments or tourist recreation facilities; retail plant nurseries; roads; road transport terminals; roadside stalls; rural industries; rural worker's dwellings; sawmills; showgrounds; stock and sale yards; stock transport terminals; telecommunications facilities; timber yards; tourist recreation facilities; utility installations; veterinary establishments; waste collection centres.</p> <p>4 Prohibited Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.</p>	<p>NO</p>	<p>project they are generally acceptable in the zone subject to appropriate design.</p> <p>The variety of uses proposed is permissible and compatible with the surrounding rural activities.</p> <p>Roads and recreation areas are nominated permissible uses with consent in the Rural 1(a) zone under clause 11 of the RLEP. Drainage is a nominated permissible use under clause 11 of RLEP and as such is permissible in the 1(a) zoned land and other infrastructure provision is ancillary to the permissible road use under that clause. However, the Botanica building, which would be partially classified as ancillary to the housing for older persons and disabled persons and hence would be prohibited in the zone and partially as restaurant and/or a club, both of which are prohibited uses unless ancillary to tourist development.</p>
<p>Clause 24 Development on major roads</p>		
<p>(1) In this clause - "major road" means any main road or arterial road or any other road which in the opinion of the Council carries or is likely to carry a significant volume of vehicular traffic.</p> <p>(2) This clause applies to land –</p> <p>(a) having a frontage to a major road;</p> <p>(b) which relies on a major road for</p>		<p>South Head Road and the Princes Highway are considered to be major roads and as the rural zoned portion of the site has frontages to</p>

<p>sole direct means of access; or</p> <p>(c) which has direct access to another road at a point less than 90 metres from that road's junction with a major road;</p> <p>(3) The Council shall not consent to development on land to which this clause applies unless it is satisfied that -</p> <p>(a) the development, by its nature, intensity or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the major road;</p> <p>(b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a major road;</p> <p>(c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the major road are not impeded;</p> <p>(d) the development will not prejudice future improvements or realignment to a major road as may be indicated to the Council from time to time by the Commissioner for Main Roads, or any associated intention to declare part of a road as a State highway or freeway, within the meaning of the State Roads Act 1986;</p> <p>(e) the development will not prejudice future improvements or realignment to a major road, particularly with regard to the number of access points to main roads; and</p> <p>(f) the views of the local traffic committee or Regional Advisory Committee (as appropriate) have been obtained and considered by the Council.</p>		<p>South Head Road and the Princes Highway the provisions of the clause apply to the application.</p> <p>The nature of the proposed development (ie that on the rural zoned land) is not likely to intensify traffic volumes or result in any other hazard to traffic. The works within the rural zone would not prevent any future road widening in relation to either road.</p>
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APPENDIX C. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Development Control Plans and other relevant planning policies considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Comply	Consideration
South Coast Regional Strategy		
The Regional Strategy will guide sustainable growth throughout the South Coast over the next 25 years. The aim is to:	N/A	Noted
Protect high value environments including pristine coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.	NO	The proposed development would result in unacceptable impacts upon the high value environments of the site, with impacts upon the onsite EECs without suitable mitigation measure. Further, inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.
Cater for a housing demand of up to 45 600 new dwellings by 2031 to accommodate the additional 60 300 people expected in the Region over the next 25 years.	YES	The proposal will provide for additional residential lots an accommodation.
Increase the amount of housing in existing centres to ensure the needs of future households are better met, in particular the needs of smaller households and an ageing population.	YES	The proposal will provide for additional residential lots and accommodation. The accommodation will assist in housing an aging population, however only a few of the accommodation units are for smaller households.
Prioritise and manage the release of future urban lands to ensure that new development occurs in and around existing well serviced centres and towns.	NO	The new subdivision can be serviced by existing services (subject to upgrades for which the developer will pay), however the proposed staging of the development is inappropriate and may result in an isolated development for a number of years rather than being developed in a manner that is contiguous with the existing residential area.
Use the recommendations of the Sensitive Urban Lands Panel to guide the finalisation of the development form and environmental management of the 17 'sensitive urban lands'.	N/A	N/A
Manage the environmental impact of settlement by focusing new urban development in existing identified urban growth areas such as Nowra-Bomaderry, Milton-Ulladulla, Batemans Bay and Bega.	N/A	N/A

Only consider additional development sites if it can be demonstrated that they satisfy the Sustainability Criteria (Appendix 1).	N/A	N/A
No new towns or villages will be supported unless compelling reasons are presented and they satisfy the Sustainability Criteria.	NO	The proposal is attempting to create a new village where none is planned by the provision of onsite shops/facilities in order to overcome the isolation of the site from the Moruya Town Centre.
No new rural residential zones will be supported unless as part of an agreed structure plan or settlement strategy.	N/A	No change in zoning is requested.
Ensure an adequate supply of land to support economic growth and provide capacity to accommodate a projected 25,800 new jobs particularly in the areas of finance, administration, business services, health, aged care and tourism.	N/A	Residential land, not appropriate to create new jobs.
Limit development in places constrained by coastal coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes.	IN PART	The limitations of the site due to flooding have been addressed by the proposed civil works, elevated roads and emergency flood evacuation route, however, the location of the Botanica building within the 1:100 year flood area, and artificially raising it to ensure it is above the flood level is inappropriate and results (together with the excessive length and height) in an inappropriate building in the context of the area.
Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.	YES	The proposal will not result in significant impacts upon Aboriginal heritage.
Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure, having regard to the State Infrastructure Strategy and equity considerations.	YES	The development results in the need for an upgrade of the intersection of South Head Road and Princes Highway. The required roundabout should be funded in part by this project, together with surrounding and nearby development, however the roundabout should be constructed prior to occupation of the development.

Provisions of Environmental Planning Instrument	Comply	Consideration
Coastal Design Guidelines of NSW 2003		
Part 1 Determining a hierarchy of settlements		
Inland Coastal Centres	YES	Moruya is categorised as an Inland Coastal Centre
<u>Desired Future Character</u> The relevant provisions in relation to desired future character are addressed following <i>Relationship to Environment</i> - is enforced by maintaining a relationship with the topography,	IN PART	The proposal does not appropriately address the topography, providing an unacceptably elevated Botanica building due to its inappropriate location on a low (flood prone) part of the site and unacceptably locating the highest buildings on a higher portion of the land, thereby making

protecting Aboriginal heritage, impacts upon water quality in downstream, waterways and wetlands is protected by water sensitive design, planning for emergencies in flood, .		<p>them unacceptably visible given the character of the area.</p> <p>The proposal will have no significant detrimental impact on Aboriginal heritage.</p> <p>Inadequate information has been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.</p> <p>Proposed roads are appropriately elevated above the 1:100 year flood level and an emergency evacuation road is proposed to connect directly to the Princes Highway for use in the event of a flood.</p>
Streets – public transport is optimised, a clear hierarchy is provided for streets that includes streets with development fronting only one side edging natural areas and the 1:100 year flood line.	YES	<p>The PPR alters the proposed access to the development but has not addressed the potential of provision of a future public transport route via through the site. For a public transport route to be possible it would be necessary to create public roads through which the service could travel and only private roads are proposed. Any approval for a Concept Plan should require the loop road from Albert Street to be a public road (with suitable construction standards to satisfy Council's controls), thereby allowing a bus service to run down South Head Road, along the proposed Road No. 1 in the Blue Mist site, along Albert Street, through the loop road in the site and back to South Head Road through the requested connection between the two parts of the proposed development (discussed previously).</p>
Part 2 Design Principles for Coastal Settlements		
<u>Defining the Footprint and Boundary</u> Settlements are to have clearly defined footprints and boundaries with separation from other settlements by bushland, aquatic and coastal ecosystems	YES	<p>The boundary of the settlement is clearly defined.</p>
<u>Connecting Open Spaces</u> Open spaces are connected to form ecological corridors, are to cater for a variety of uses including ecological, sporting, playgrounds, are to be of a variety of sizes according to the use and are to incorporate stormwater and water quality control devices.	YES	<p>The proposed open space areas are connected, largely being drainage lines, running to the lowland EECs, and are connected to the higher EEC.</p>
<u>Protecting the Natural Edges</u> Setbacks should be provided in public property to	NO	<p>According to DWE, inadequate information in relation to the delineation of the creek banks has</p>

protect the foreshore and foreshore systems, including wetlands.		been provided to determine whether the proposed development provides appropriate riparian zones (ie setbacks).
<p><u>Reinforcing the Street Pattern</u></p> <p>Edge streets should define boundary with bushland and provide APZ, residential streets should have limited traffic and all streets should have footpaths and cycle paths.</p> <p>Continue pattern from existing urban area and connect to existing streets, minimise crossings over waterways, consider topography and ensure streets are logical, encourage grass swales and pervious structures, limit fast moving traffic and reinforce street character with appropriate street planting.</p>	IN PART	<p>Edge streets are provided in some portions of the development, but notably are missing from the southern edge of the Torrens title lots and the eastern edge adjoining the Manor Houses. Residential streets have limited traffic and are provided with footpaths, however no indication is provided of cyclepaths.</p> <p>The existing pattern of the urban area is not continued and the existing streets are not well connected to the proposed streets.</p>

Provisions of Environmental Planning Instrument	Comply	Consideration
NSW Coastal Policy 1997		
Protecting, rehabilitating and improving the natural environment of the coastal zone.	NO	Concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
Recognising and accommodating the natural processes of the coastal zone.	YES	The site is adequately removed from the coastline so as not to be affected by coastal processes.
Protecting and enhancing the aesthetic qualities of the coastal zone.	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
Protecting and conserving the cultural heritage of the coastal zone.	NO	<p>The previous actions and/or lack of action by the owners of the site appear to have led to the heritage item on the site being neglected in such a manner that the item has now collapsed.</p> <p>The item is now in such a state that it could not be repaired but would need to be rebuilt in order for it to be retained on the site.</p> <p>Whilst the item may not be of such significance as to warrant its reconstruction, utilising largely new materials given the state of the item, the owner should also not benefit financially from their apparent wilful neglect and the heritage significance of the site should not be lost by this</p>

		<p>action.</p> <p>Accordingly, it is appropriate that the item be removed from the site, given it has already been demolished by apparent neglect, but it is appropriate that this portion of the site be retained in a manner that allows the heritage significance to be retained and understood by the general public.</p> <p>The Heritage Assessment proposal to demolish the item after carrying out a photographic recording of the cottage. The Assessment then suggests that the early plantings be retained, including the mature Monkey Puzzle tree and the cluster of plantings around the knoll. It is also suggested that the site of the cottage be interpreted through on-site interpretive signage. A possible option of constructing a new building mirroring the envelope and form of the item which could then form an open pavilion in a park set aside for community recreational purposes or residential use.</p> <p>It is considered that all of the identified options to ensure the heritage significance is not lost should appropriately be implemented on this site. However, in order to retain the heritage significance it is considered imperative that the park be publicly available, not part of a private development. As such any consent for a Concept Plan for the site should include a recommendation to this effect, and require public road access to the park and dedication of the completed park to Council.</p>
Providing for ecologically sustainable development and use of resources.	IN PART	The design of the subdivision incorporates water sensitive design, utilizing rainwater tanks for harvesting and reuse and the development is reasonably orientated for passive solar access. However, unmitigated impacts are likely to EECs.
Providing for ecologically sustainable human settlement in the coastal zone.	IN PART	See above comment
Providing for appropriate public access and use.	YES	The site is not located on the foreshore.
Providing information to enable effective management of the coastal zone.	YES	Adequate information is provided to assess the application.
Providing for integrated planning & management of coastal zone.	N/A	Noted

Provisions of Environmental Planning Instrument	Comply	Consideration
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Eurobodalla Residential Design Code		
Clause 1.3 Land to which this plan applies		
The code applies to all land zoned residential under Eurobodalla Urban LEP 1999 and to land zoned Urban Expansion (10) under Eurobodalla Rural LEP 1987.	N/A	The Code applies to the portion of the site zoned residential.
Clause 1.4 Aims and objectives		
To ensure that the scale, design and appearance of new residential development is compatible with and respects the character of the surrounding neighbourhood, and with what is desired in new areas having regard to an adopted masterplan,	YES	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area, which is inconsistent with the strategic planning for the area.
To encourage high quality design that enhances the streetscape and amenity for adjacent residents,	NO	See above comments. Further, the amenity for adjacent residents is reduced by the increased traffic and resultant noise from the proposed access to the development through Keightley Street.
To allow flexibility in development controls to ensure that the design of new residential development relates to the particular characteristics and potential of each site,	NO	Whilst flexibility is sought by the application to the development controls, it does not result in the protection of the character of the area.
To protect and/or re-establish environmental integrity by retaining and enhancing ecological values and environmentally sensitive areas,	NO	Concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
To ensure residential development complements and enhances the scenic quality of natural areas and coastal waterway environments of the Shire,	NO	The scale, height and bulk of certain portions of the development (Village Square and Botanica building, together with their location on the most visually prominent portions of the site will result in an unacceptable visual impact upon the area.
To encourage energy and water efficient residential development through the use of solar energy and other design elements in order to promote the principles of sustainable development and reduce greenhouse gas emissions and implement water sensitive urban design,	IN PART	The design of the subdivision incorporates water sensitive design, utilizing rainwater tanks for harvesting and reuse and the development is reasonably orientated for passive solar access. However, unmitigated impacts are likely to EECs.
To require and maintain high quality landscaped areas, primarily through the use of fire resistant and drought-tolerant native species,	YES	The proposed landscaping, is appropriate with regard to species selection, with the use of endemic species.
To promote a high level of protection from natural hazards in residential design and development	YES	The proposal makes provision for appropriate protection of the development from bushfire

for both current and future inhabitants,		and flood hazards.
To provide the widest possible choice of housing to meet the demands of the community and to encourage the private sector to contribute to the provision of affordable housing for all sectors of the community,	YES	The proposal would provide for an increased choice in housing options for certain sections of the community, however no information has been provided to determine that the housing will be affordable.
To promote the consolidation and containment of existing urban areas of the Shire through the provision of a range of housing styles and densities, aimed at minimising urban sprawl,	YES	The proposal subdivision is largely contained within the existing residentially zone portion of the site, however the Botanica building and some roads are inappropriately located in the rural zone. A range of housing styles are proposed.
To ensure development does not result in an unreasonably high cost burden to the community in terms of maintenance of public land and provision of services,	UNKONWN	In adequate information is provided in relation to the future likely demand upon the locally provided aged and disabled services.
To ensure development proceeds in a manner that is consistent with Council's existing and future servicing requirements, and	NO	The staging of the development is not consistent with the 5 year development plan.
To protect the community interest through leadership and by example	N/A	N/A
Clause 2 Development Guidelines – Subdivision		
Clause 2.2.1 Layout		
Objectives		
To provide an access network that minimises reliance on private motor vehicles	NO	The lack of consideration of a potential bus route in the PPR road plan and the lack of provision of cycleways reinforces a reliance upon private motor vehicles for transportation.
To respond to the historical pattern of subdivision in the locality, the topography of the land and the carrying capacity of the land	NO	Inappropriate integration of the subdivision with the existing subdivision of Mynora is proposed, with proposed private roads not connecting appropriately with existing roads.
To have regard to important vistas, views and natural assets	NO	An important vista occurs along South Head Road and along the Princes Highway and the proposal will detrimentally impact upon these vistas due to the height, length and bulk of the Village Square and Botanica buildings, which are inappropriately located having regard to their impact upon these vistas. of the wetland on either side of South Head Road in the vicinity of the site and this vista is to be retained.
To provide connectivity with adjoining land so that adjoining vacant land can be developed in	NO	The proposed design provides for poor connectivity with the existing and future

an orderly and economic manner		residential area of Mynora.
To create a clear urban structure containing special places and safe streets encouraging community interaction	IN PART	The design provides for safe streets, with all streets and provides special places such as the landscaped areas and Village Square, however it does not encourage interaction with the remainder of Moruya.
To offer access to user-friendly open spaces	YES	The proposal incorporates areas of open space which would be user friendly.
To facilitate homes and gardens for comfortable and productive living	YES	The size and orientation of the lots and design of dwellings are generally appropriate.
To retain the character of existing areas, and create and maintain a sense of place	NO	The area is characterised by low density lots containing single dwellings and parts of the proposed development are inconsistent with this character. Those parts of the development will be visible from outside the site and as such will detrimentally impact upon the character of the area.
To assist the protection of vulnerable vegetation and environmentally sensitive land	NO	The proposal has impacts upon the EECs which are not appropriately mitigated.
To enable a range of housing types to be built in a variety of residential densities	YES	The proposal provides for a range of allotment sizes and dwelling types.
To maximise scenic and amenity values of the coastline and heritage conservation areas	NO	The uncharacteristic building forms are inappropriately located in visually prominent positions and will detract from the character of the area.
Site Characteristics Subdivision plans shall show an access network that provides connectivity to facilities and areas of everyday use, such as shops, sporting fields and open space, by way of walking tracks, or shared pedestrian/cycleways.	NO	The proposal does make provision for appropriate connectivity, with no cycleways proposed on the site to connect to the future regional path to Moruya Town Centre.
A street pattern and arrangement of allotments that is determined by topography, geographical features and the character of the adjoining built-up urban area.	YES	The street pattern is logical and clear, having due regard to the topography and character of the area, with the exception of a portion of Road No. 1 which is located in the 1:100 year flood area and requires excessive levels of fill to construct to a suitable level. Its relocation to within the urban zoned land would address this issues.
Streets that are interconnected, have a clear hierarchy and cul-de-sacs kept short in length and infrequent.	YES	The street hierarchy provides for appropriate connectivity within the site but less than satisfactory connectivity with the existing subdivision of Mynora.
A street network that has regard to fire and flood risk and means of evacuation.	YES	The proposal makes appropriate provision for bushfire and flood hazards.
Residue land, where not dedicated to Council as reserve, remaining in private or communal ownership and subject to ongoing management and maintenance.	YES	Residual land is proposed to be maintained as community land.
All drainage paths dedicated to Council	NO	It is proposed to retain all onsite drainage paths within the development.

as public open space		
Site Planning Transport corridors serving as multiple use for utility easements, such as water and sewer trunk mains, electricity and telecommunications.	YES	The roads are to contain all infrastructure.
Building envelopes and the extent of clearing required for bushfire asset protection zones.	N/A	The site is not identified as being bushfire prone.
Rear boundaries of allotments to major roads are not permitted. Where rear boundaries are to a road other than a major road, soil bunding or landscaping is to be provided.	NO	The design proposes the rear boundaries of a number of allotments to the Princes Highway, however any consent should include a 40m setback requirement, which once landscaped would satisfactorily address this concern.
Subdivision designs where the land adjoins a major road must incorporate perimeter roads where the land adjoins a major road. A minimum buffer of 40m depth is to be incorporated for visual screening, noise abatement and retention of habitat corridors. The perimeter road reserve may form part of this buffer.	NO	The proposed layout of the development has been amended to provide a setback of between 18m and 32m from South Head Road, however no additional setback is provided to dwellings backing onto the Princes Highway (though three allotments have been deleted). Any approval for the project should include conditions requiring a redesign to provide a minimum 40m setback between the road and any residential allotment boundary
For subdivision proposals of 100 lots or more and in the early stages of design, the subdivision designer is to compare the layout to satellite imagery, remote sensing data and geographic information system layers held by Council to verify that environmental and other significant features have been considered and protected.	N/A	N/A
Subdivision designers should consider: Road widths and alignments that can accommodate pedestrian and cycle pathways, emergency vehicle and servicing access, shuttle buses and public transport, street trees and furniture having regard to pedestrian and motorist safety, manoeuvrability and minimising vehicular noise and emissions	NO	No provision is made for cycle paths and no consideration has been given in the amended PPR road plans for a bus route.
Using areas of retained vegetation and drainage corridors for walking tracks within the subdivision and to connect to neighbouring lands	YES	The EA discusses the potential for providing such walking tracks, however DWE has indicated they should be located outside riparian zones.
Selecting an indigenous theme for street trees (Council provides three trees to the first dwelling on each lot for planting along the nature strip)	YES	Conditions of approval would require indigenous street trees within the road reserves.
Where the land adjoins public open space, such as a park, reserve, or a sporting or recreation field, a layout that does not cause development to dominate or intrude on that open space	N/A	N/A
Taking advantage of visual links and view corridors to landscape features and foreshore	YES	Whilst the site will not afford any significant views, advantage has been taken in the layout

areas by aligning transport corridors as avenues with a visual focus towards those attractions		of the surrounding general rural views.
Entry features to the subdivision that are in the context of the landscape (gated developments are not permitted)	N/A	No entry provisions are detailed.
Clause 2.2.2 Lot Size		
Objectives To provide a variety of lot sizes which provide opportunities for a range of housing types and densities	IN PART	The subdivision provides for lots varying in size from 450m ² to 788m ² , providing for a range of sizes, but the dwellings to be built on all of the lots are 3 bedroom dwellings, providing little choice, other than layout, in the dwellings.
To reinforce the existing density and character of urban development in the vicinity of new subdivisions.	IN PART	The proposal rather than providing the Torrens title lots in the vicinity of existing residential properties adjacent to the western side of Mynora, inappropriately provide for significantly higher density accommodation. However, adjacent to part of the southern edge of Mynora, larger Torrens title lots are provided.
To provide adequate area for the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, and convenient vehicle access and parking and ancillary vehicle storage.	YES	Each proposed allotment is of sufficient size to allow for the construction of a dwelling, ancillary out buildings and provision of open space and vehicle parking/storage.
To ensure site characteristics and features are considered in the design of subdivision.	NO	Inadequate consideration has been given to the impact of the development upon the EECs on site.
To optimise the provision of infrastructure services in the most efficient and effective way.	NO	The inappropriate staging of the development does not ensure efficient and effective service provision and is outside Council's 5 year development plan.
To ensure lot size and densities can be adequately serviced	YES	The reduction in lot sizes from those previously provided in Mynora is appropriate and can be adequately serviced.
Allotment diversity Building envelopes for all developable allotments are to be nominated on subdivision plans, exclusive of minimum boundary setback requirements.	YES	Building envelopes have not been shown on the subdivision plan, however the proposed dwellings are shown.
No development or land clearing shall occur on slopes equal to or greater than 1:4 (or 25 %). Where slopes are greater than 1:6.5 (or 15 %) a report prepared by a qualified geo-technical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land.	YES	No area of land with slopes in excess of 25%, nor in excess of 15% are to be developed.
Where a reticulated sewerage system is not available, effluent disposal envelopes that are capable of adequately distributing or absorbing	N/A	A reticulated sewerage system is proposed.

treated effluent are to be shown on subdivision plans accompanied by a report analysing soil type, permeability and the capability of the soil to absorb effluent.		
Conventional Lots Lots with a minimum area of 450m ² which are capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line. Site characteristics, particularly slope, will determine whether the building envelope can be achieved and therefore the feasibility of subdividing to the minimum lot size.	IN PART	Proposed lots vary in size from 450m ² to 788m ² , however not all capable of containing a rectangular building envelope of 10m x 15m.
Clause 2.3.1 Energy Efficiency		
Objectives To protect the solar access of each dwelling created in and adjoining the subdivision through appropriate lot design, layout, and streetscaping	YES	The design of the subdivision is such that adjoining allotments are protected from unacceptable shadowing. However concern in relation to shadowing may occur upon development of the designs for housing on the land immediately to the west of the Mynora residential area.
To promote reduced energy usage of residential dwellings and, at the same time, enhance the comfort of the occupants	YES	The subdivision is appropriately designed to allow dwellings to have passive solar designs, thereby reducing greenhouse gas emissions.
To protect air quality and minimise greenhouse gas emissions	IN PART	See previous comment. However, the design does not incorporate appropriate bus route design or provide for cycleways to encourage alternative forms of transport.
Clause 2.4.1 Water cycle management		
Objectives To protect the ecological and visual qualities of waterways, gullies, creeks and associated riparian vegetation	UNKNOWN	DWE has raised concerns that inadequate information has been provided to determine whether appropriate riparian corridors are provided in line with its classification of the waterways on the site.
To facilitate building design that maximises the re-use of stormwater, rainwater and treated wastewater and conserves potable water.	YES	The development proposes the installation of water tanks on all new dwellings, minimising runoff and allowing reuse of stormwater.
To preserve the natural water cycle regime by allowing for overland flow paths through adequate inter-allotment drainage systems and by retaining predevelopment flows	UNKNOWN	Concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
To maximise the efficient use of domestic water supplies by providing opportunities to retain and re-use water and through appropriate landscaping.	YES	Rainwater tanks are proposed for all new dwellings and rain gardens are proposed to reduce runoff from roadways.

A Comprehensive Water Cycle Strategy is required to be submitted for all subdivision proposals in accordance with Council's adopted code of practice for water sensitive urban design. The strategy is to address the key areas of water quality, aquatic habitat, stream flow management and riparian vegetation management. A point source of stormwater runoff from the land is to be identified in the plan to assist with water quality monitoring during and after site works, and to assess other downstream impacts such as sediment loads.	IN PART	Such a strategy has been provided, however concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
Ways in which subdivision design can conserve and re-use water include: Natural drainage lines are to be retained and additional drainage lines should follow the natural contours of the land	IN PART	The natural system of drainage on the site has been retained, however concern is raised that the system is proposed to be unacceptably modified by the provision of constructed ponds within the EECs.
The type and location of fencing is to be selected so as not to obstruct overland flow paths which should be used instead of to augment piped culverts.	UNKNOWN	No information is provided in relation to fencing in or near overland flow paths.
According to site conditions and topography, kerb and gutter and pipe networks are to be minimised, with stormwater to be captured, conveyed and disposed using grassed swales, filter strips, bio-retention systems or any combination of these to filter contaminants and provide for deceleration and detention of flows.	YES	Whilst kerb and gutter systems are proposed, rain gardens are proposed to minimise runoff and allow filtering of contaminants..
Street tree corridors and landscaped areas are to be planted with fire retardant species that utilise stormwater drainage and methods of retaining runoff, such as reed bed systems or artificial wetlands, as a means of watering. Indigenous tree species should be selected for low maintenance and low water consumption.	YES	Street trees will be reliant upon rain water/stormwater drainage for watering.
Clause 2.5.1 Ecosystem management		
Objectives To protect and conserve native vegetation and biodiversity in the Eurobodalla local government area	NO	The proposal has unacceptable impact upon the on site EECs, which have not been suitably mitigated.
To retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term	NO	See comments above.
To protect and enhance habitat for threatened species, populations and ecological communities	NO	See comments above.
To maintain corridors for fauna and flora	NO	See comments above. It is noted that the EECs form part of such corridors.
To retain, re-establish and augment natural	YES	The proposed landscaping is appropriate.

landscapes and ecosystems		
To protect natural areas that are important to the well-being of the community	NO	See previous comments in relation to the EECs.
Greenfield residential subdivision proposals will be subject to Strategic Environmental Assessment to determine the suitability of the land for development. Subdivision design is to take into account the identified and mapped environmental features in the planning stage, to ensure that these features are retained and protected.	NO	See previous comments in relation to the on site EECs.
Subdivisions shall be designed to avoid impacts on threatened species, ecological communities and their habitats, as defined in the Threatened Species Conservation Act. A flora and fauna study is to be submitted for all subdivision proposals	NO	See comments above.
Habitat trees are to be identified and shown on subdivision plans to be retained. Vegetation within a reasonable radius of habitat trees is to be retained as recommended in the flora and fauna study	NO	Trees are to be lost within the Woodland EEC and hollow-bearing trees are to be lost.
An appropriate riparian buffer width is to be indicated for any significant natural watercourse (as shown on topographic maps) to act as a buffer to human disturbance and provide habitat for fauna movement. Endemic vegetation is to be retained or re-planted within the buffer.	UNKNOWN	DWE has raised concerns that inadequate information has been provided to determine whether appropriate riparian corridors are provided in line with its classification of the waterways on the site.
There shall be no net loss of wetland areas, and no disturbance to or degradation of wetlands and associated land or aquatic habitat	UNKNOWN	The proposal seeks to disturb on site EECs by constructing ponds within them and altering the flow of stormwater by providing low flow piping. Inadequate information has been provided to assess the impact of these works.
Only the minimum amount of vegetation is to be removed to satisfy bushfire protection and public safety requirements such as motorist sight lines, and to provide for services and building envelopes. Trees to be removed and/or retained on allotments are to be indicated on subdivision plans	NO	Unacceptable loss of the Woodland EEC is proposed that is not suitably offset.
A sediment and erosion control plan is to be submitted to address land clearing activities.	YES	A soil and sedimentation plan has been submitted.
Plant matter that is removed is to be chipped and mulched on site, during normal working hours, then re-used within the subdivision. Vegetation that is removed may also be used to establish natural barriers, habitat and as sediment traps.	YES	A condition to this effect can be recommended.
The clearing of land on significant ridgelines that are important backdrops are highly visible from a public place such as the foreshore and recreational areas, from waterways or town	N/A	The site does not contain any ridgelines.

centres, or from major or arterial roads is not permitted		
All waste generated by the construction of roads and the installation of services is to be managed so that there are no adverse impacts on the integrity of existing native ecosystems.	YES	Can be addressed by conditions of approval.
Clause 2.6.2 Public safety and accessibility		
Objectives To integrate all groups, including young people, persons with disabilities, the elderly and parents with prams, into the wider community	NO	The development seeks to provide an enclave of older and disabled persons distant from the Moruya Town Centre.
To ensure that all new development is accessible to all groups within the community	NO	See above comment.
To provide safe and interesting means of walking and cycling between and within residential areas and places of interest	IN PART	Whilst the proposal provides for appropriate pedestrian paths within the site, no cycle paths are proposed and no connections to external paths are proposed.
To improve the perception of safety in public spaces	NOTED	Noted
Shared pedestrian/bicycle pathways are to be adjacent to residential development, preferably along road reserves adjacent to the carriageway, where surveillance opportunities exist, and with appropriate landscaping and lighting	NO	See above comments about cycle paths.
Constructed and high traffic pathways shall not be located in secluded areas where they are screened from the view of residences and streets, such as through bushland, gullies, dunal areas and between the rear yards of dwellings	YES	No pathways are proposed in secluded locations, with all paths located on residential streets.
Cul-de-sacs, dead end pathways and streets shall be signposted as no through roads to restrict unintentional movement and access	YES	No cul-de-sacs or dead-end streets are proposed.
The street layout shall ensure that public spaces are visible and that development overlooks the street to facilitate passive surveillance	YES	Proposed areas of public space are generally bounded in part private roads to ensure an appropriate level of surveillance.
Clause 2.6.3 Aboriginal archaeology		
Objectives To protect the heritage interests of the Aboriginal community	YES	Noted
To provide certainty to land owners and applicants about the process of assessing subdivision applications that are potentially subject to cultural heritage assessment	YES	Noted
To recognise the values of sites of cultural significance to the Aboriginal community that are identified on the Department of Environment and Conservation (DEC) sites register or the	YES	Noted

predictive model or are known to Council		
To engender respect for Aboriginal notions of care and custodianship of the land	YES	Noted
A site assessment, where required by the protocol, is to be prepared by a qualified archaeological consultant.	YES	An assessment was prepared and test excavations were carried out. The results of the excavation were that there were no relics that would prevent the development as proposed.
Clause 2.6.4 Rural landscape and built heritage		
<i>Objectives</i> To conserve natural features and items of environmental and built heritage	NO	The heritage item on site has apparently been allowed to be demolished by neglect. Inadequate information is provided in terms of the interpretation of the derelict heritage item on the site and its inclusion within private land is inappropriate.
To design new subdivisions in a way that respects and embraces the history of the locality and surrounding region.	NO	See above comments
A Statement of Heritage Impact is to be submitted where the land accommodates a listed heritage item, a place that is contained in the Eurobodalla Heritage Inventory or that has been identified as requiring further investigation, or is within the Tilba Conservation Area.	YES	Heritage impact statement provided.

Provisions of Environmental Planning Instrument	Comply	Consideration
Eurobodalla Settlement Strategy		
Broadly, the aims of the Eurobodalla Settlement Strategy are to conserve biodiversity, respect our diverse cultural background, stimulate economic and community development, and provide efficient public services. The approach is one that takes into account land capability and the carrying capacity of the land to determine appropriate land uses. It is also about generating social capital, cohesion, trust and human support systems through community economic development and a sustainable pattern of settlement.	N/A	Noted
<i>The objectives then are to:</i> <ul style="list-style-type: none"> Balance urban growth within ecological, natural resource and servicing constraints, 		The proposed development would result in unacceptable impacts upon the high value environments of the site, with impacts upon the onsite EECs without suitable mitigation measure. Further, inadequate information has

	NO	been provided to determine whether the proposal has appropriate stormwater treatment measures in terms of both quality and quantity to maintain the sensitive environments of the onsite EECs, which lead to downstream wetlands and waterways.
<ul style="list-style-type: none"> Strengthen the role of the major centres of Batemans Bay, Moruya and Narooma and reinforce the existing commercial hierarchy to ensure that neighbourhoods are centred around services and civic facilities, 	NO	The proposal has the potential to weaken Moruya within the commercial hierarchy by providing a new village centre that would reduce the growth potential of spending in Moruya by the loss of the spending that will be retained onsite in the proposed development.
<ul style="list-style-type: none"> Restrict commercial development outside of settlement centres, except where land has been identified for such uses and servicing plans are in place, 	NO	The proposal provides an unacceptably high level of commercial development on the site in an attempt to make provision for appropriate services and facilities within a reasonable distance of the residents in a site that is too remote from the Town Centre of Moruya.
<ul style="list-style-type: none"> Provide opportunities for greater diversity in retail and commercial businesses by supporting active and vibrant town and village centres and protecting the viability and safety of main streets, 	NO	See above comments.
<ul style="list-style-type: none"> Protect and manage change so that the character and identity of our settlements is retained, 	NO	The design of the development is not consistent with the character of Moruya.
<ul style="list-style-type: none"> Consolidate growth in existing urban and rural residential areas to prevent new unsustainable settlement patterns developing, such as ribbon development 	IN PART	The majority of the development is appropriately located in the residential zone, but the staging is inappropriate.
<ul style="list-style-type: none"> Limit coastal sprawl and maintain separation between settlements, 	YES	The proposal is largely within the existing urban area.
<ul style="list-style-type: none"> Provide efficient infrastructure and services by managing land release and development fronts to ensure orderly and economic development, 	NO	The proposed staging does not follow the orderly land releases along within the area, not providing for orderly service provision.
<ul style="list-style-type: none"> Facilitate community economic development and protect existing commerce and industry 	IN PART	The proposal will stimulate job in the area in the construction and post construction phases, however the provision of such large services and facilities on site (including the large restaurant/bar) reduces the opportunities for existing businesses in Moruya to grow with the growth of the area.
<ul style="list-style-type: none"> Protect and enhance the cultural, social, heritage, ecological and visual characteristics of each locality, 	NO	The proposal will have an unacceptable impact upon the EECs on site which is not suitably mitigated and the visual character of the area.
<ul style="list-style-type: none"> Provide a greater range of housing choices to address the needs of various lifecycle stages and socio-economic categories, 	YES	The range of lot sizes and accommodation forms provides for greater choice in the area, however no information has been provided to determine whether the accommodation will

		include affordable forms of accommodation.
<ul style="list-style-type: none"> Improve access to and within settlements and at the same time respect the physical and social character of those settlements and safety for pedestrians and cyclists, and 	NO	The proponent does not propose to make provision for a cycleway through the site to connect to South Head Road. Given a s94 contribution is required towards the cycleway on South Head Road and given the Commitment made by the developer of the Blue Mist site to construct an on-road cycleway along one side of South Head Road from that development to the end of the existing Mynora subdivision, the developer of the subject site should continue that cycleway to the intersection of the Princes Highway and throughout the subject site.
<ul style="list-style-type: none"> Preserve sensitive and valued environmental attributes and provide certainty to the community by respecting values associated with adjoining bushland, the rural landscape, natural ecosystems, tourism uses and agricultural activities. 	NO	The proposed development would result in unacceptable impacts upon the high value environments of the site, with impacts upon the onsite EECs without suitable mitigation measure.
<p>The Strategy contains a number of directives , the relevant ones of which are addressed following:</p> <ul style="list-style-type: none"> Ensure that only flood compatible development and activities are carried out on flood affected lands 	IN PART	The civil works proposed will ensure no dwelling is constructed within land prone to flooding up to and including the 1:100 year flood. However, the location of an elevated Botanica building in the flood prone land is inappropriate visually.
<ul style="list-style-type: none"> Enable areas subject to natural hazard to remain unencumbered by activities that would be environmentally detrimental and pose unacceptable community risk. 	YES	No residential development is to be provided on land that will remain flood liable and suitable bushfire risk reduction is proposed.
<ul style="list-style-type: none"> Provide long term protection of water quality and natural waterways in accordance with the NSW Water Quality Objectives and estuary management planning principles. 	IN PART	Concerns are raised that the proposed works will unacceptably impact upon EECs onsite and off site due to proposed stormwater works and inadequate assessment has been made of the impacts upon downstream sensitive receiving environments of the stormwater from the site.
<ul style="list-style-type: none"> Conserve biodiversity including native flora, fauna and natural ecosystems on private land. Conserve whole ecosystem assemblages to ensure long term survival of icon species and the systems that are likely to support those species. 	NO	The proposed development would result in unacceptable impacts upon the high value environments of the site, with impacts upon the onsite EECs without suitable mitigation measure.
<ul style="list-style-type: none"> Conserve, manage and enhance the Eurobodalla Nature Coast values in perpetuity by ensuring that development does not harm or compromise significant environmental values 	NO	See above comments.
<ul style="list-style-type: none"> The delivery of facilities and services, including transport services, is co-ordinated so that settlements are strengthened and equitable access is achieved allowing for alternative modes of transport. 	NO	No consideration has been given in the amended PPR plans for a future bus service route.
<ul style="list-style-type: none"> Retain the existing settlement hierarchy to 		The proposal alters the existing settlement

ensure that character, identity and sense of place are retained.	NO	hierarchy by providing for a new village in close proximity to the Town Centre of Moruya.
• Settlements optimise the efficient use of land, services and infrastructure to minimise impacts on the surrounding environment.	YES	The design is appropriately efficient.
• Settlements grow to accommodate a larger working, residential and retirement population whilst maintaining the qualities that make them sought after.	IN PART	The growth provided for by the development has been anticipated for a period of time, with the site zoned residential for a number of years, however the physical built form proposed is not envisaged by the planning strategies for the land.
• Settlements are contained within existing settlement boundaries and separation between settlements is maintained to ensure settlement character is protected and urban sprawl is avoided.	IN PART	The proposal is generally contained within the zoned boundaries of the residential area of Moruya. However some roads and part of the Botanica building are located in the rural zone.
• Setbacks to estuary foreshores, beaches, lakes and other natural areas ensure environmental protection and add amenity to urban settlements.	N/A	N/A
• Settlement character is maintained through appropriate placement of multi-unit and medium density housing, the application of minimum lot sizes, and protection of scenic and environmental attributes.	NO	The placement of the Village Square Buildings and the Botanica building, in combination with their excessive length and scale make them inappropriate and will have an unacceptable impact upon the scenic attributes of the area.
• Population growth and investment housing needs are accommodated within existing settlement boundaries	YES	The proposed dwellings are contained within the existing settlement boundary.
• Urban residential land is developed in an orderly sequence that responds to the market and is able to be serviced economically.	NO	The proposed staging of the development will result in the creation of an isolated development rather than a development that is contiguous with the existing suburban fabric of Moruya.
• Ensure that a range of housing opportunities are available in urban settlements and rural areas to satisfy demographic and socio-economic demands.	YES	The proposal will increase the range of housing for some sectors of the community.

Provisions of Environmental Planning Instrument	Comply	Consideration
Eurobodalla Coastal Settlements Development Guidelines		
<i>Objectives</i>		
(a) To provide more detailed controls to assist developers to achieve the aims and objectives in the Urban LEP in relation to development in coastal settlements.	N/A	Noted
(b) To reinforce the existing character of the coastal settlements.	NO	The design of the Village Square and the Botanica buildings, emphasises by their inappropriate locations, result in the

		development being incompatible with the existing character of Moruya and being inappropriate to the site.
(c) To promote development opportunities which respect the character of existing neighbourhoods and minimise loss of amenity to adjacent residents.	NO	See above comment
(d) To ensure development does not compromise the scenic quality of the natural areas and coastal waterway environments of the Shire.	NO	See above comment
(e) To ensure the scale of development is commensurate with the level of services available.	YES	Subject to augmentation, local services will be able to be provided for the development.
<i>Development guidelines</i>		
(a) Development should be of a bulk and scale that is in keeping with the character of the locality.	NO	The design of the Village Square and the Botanica buildings, emphasises by their inappropriate locations, result in the development being incompatible with the existing character of Moruya and being inappropriate to the site.
(b) Development should aim to preserve the existing tree cover wherever possible. Landscaping should be used to enhance the environment of the locality.	NO	The proposal seeks to remove trees contained within the Woodland EEC on the higher portion of the site, the impacts of which have not been suitably mitigated.
(c) Development should have regard and be of a scale that is in keeping with the visual and scenic environment.	NO	The design of the Village Square and the Botanica buildings, emphasises by their inappropriate locations, result in the development being incompatible with the existing character of Moruya and being inappropriate to the site.
(d) Development should be of a scale that is commensurate with the level of services available.	YES	An appropriate level of services can be provided for the development.
(e) Development should embrace the principles of energy efficient design.	IN PART	The allotments are reasonably oriented and the subdivision provides for water sensitive design. However, the proposal has unacceptable impacts upon the EECs on site.
(f) Development should have regard to and plan for natural hazards, for example, flooding, drainage overflow or bushfire, where appropriate.	YES	The civil works have dealt with the flooding potential of the site and a suitable flood free access route is proposed in the case of an emergency.
(g) Development should have regard to and plan for the location of services and easements including the constraints that they may impose on the land.	YES	The proposal does not impose any constraints on adjoining land and makes appropriate provision for services and easements.

Moruya Structure Plan

The Moruya Structure Plan provides a range of guidelines for development within the wider Moruya area, with the key guidelines of relevance addressed following:

- Density:** Site is located in area designated for low density development and the development is not consistent with this. However, it may be appropriate for a higher density development on the site given it is for older persons and disabled persons, were it appropriately designed to have the appearance of a low density development, which it does not.
- Setback:** A 40m vegetated setback from arterial roads is recommended for scenic purposes. The proposal does not satisfy this requirement in relation to either South Head Road or the Princes Highway and any approval for a Concept Plan should include this as a requirement.
- Cycleway:** A cycleway connection between Moruya Heads and Moruya is proposed to connect with the existing cycleway along the Princes Highway and through Moruya town centre. The proponent does not propose to make provision for a cycleway through the site to connect to South Head Road. Given a s94 contribution is required towards the cycleway on South Head Road and given the Commitment made by the developer of the Blue Mist site to construct an on-road cycleway along one side of South Head Road from that development to the end of the existing Mynora subdivision, the developer of the subject site should continue that cycleway to the intersection of the Princes Highway and throughout the subject site.
- Lot Sizes:** A range of lot sizes is sought by the document and the Torrens title lots are generally smaller lots than exist in the area, increasing the choice of lot sizes in the area.
- Roads:** Generous road reserves are required to allow for appropriate provision for safe and attractive pedestrian and cycle access. The proposal seeks to provide narrow road reserves in a private road system and whilst making provision for pedestrians, makes no provision for cyclists.
- Dwelling Style:** The Plan provides guidance in relation to building style and colours. Generally, the style of the proposed dwellings is appropriate (subject to some changes to the bulk of roofs and other minor changes), however the design of the Village Square and Botanica buildings is inappropriate in the character context of the town of Moruya.

APPENDIX D. SUMMARY OF SUBMISSIONS

Residential Subdivision, South Head Road, Moruya MP 06_201

Summary of all submissions received for this application

The submissions at all levels of referral to the government authorities are discussed following together with the submissions in response to the exhibition of the Final Preferred Project Report.

Date	Agency comment	Department's response
Response to initial notification	Eurobodalla Shire Council (Council) <ul style="list-style-type: none"> Residential flat building are not permitted under the zoning and the proposal breaches the height controls of SEPP Seniors; The character will not blend with the character of Moruya and the bulk and scale of some elements, particularly the 6 storey buildings, are unacceptable; The proposal has inadequate connectivity with Moruya, visually, physically and commercially; Traffic flows from this site should be integrated with the Blue Mist development traffic flows; Council concurs with the RTA position in relation to access off the Princes Highway; The proposal is inconsistent with the identified zone and character in the Moruya Structure Plan; and The majority of the land falls outside Council's 5 year Development Services Plan. 	<p>The Project Application is refused but the Concept Plan Approved with conditions</p> <ul style="list-style-type: none"> Conditioned to reduce height to 12m and relocate away from hillside to allow affordable in-home food service whilst protecting visual character of area. Conditioned to reduce height of structures (Village Square and Botanica building) as well as building footprint and relocate higher structures to low land to protect visual character. Conditioned realignment of roads to better connect with Mynora and reduce onsite provision of retail/commercial services/require bus service provision. Conditioned to realign roads with approved road locations within the Blue Mist development. Conditioned installation of one lane roundabout at the intersection of Princes Highway and South Head Road and no access from Princes Highway. The reduced heights and footprints, Village Square relocation and increased Torrens title subdivision adjoining Mynora will protect character. Conditioned to require staging to progress logically outward from Mynora.
Response to PPR	<ul style="list-style-type: none"> The excessive height, bulk and scale of the Village Square buildings and their inconsistency with the desired character; The bulk and scale of the Botanica building, its location at a distance from the majority of the housing and a concern that all of the uses within the building are not ancillary to the primary use; The density of the development; The lack of integration of the main portion of the development with the 	<ul style="list-style-type: none"> Conditioned to reduce height to 12m and relocate away from hillside to allow affordable in-home food service whilst protecting visual character of area. Conditioned to be broken into 4-5 smaller buildings of reduced height and footprint and reduction/deletion of several proposed services to ensure use is ancillary to primary use. Density of development reduced by reductions in numbers of dwellings. Conditioned to require South Head Road component to be Torrens title subdivision not

<p>Response to FPPR</p>	<p>component adjoining South Head Road, given its intended market; and</p> <ul style="list-style-type: none"> ▪ The potential for some of the uses to compete with and subsequently detract from the Moruya town centre. ▪ Concern was raised due to the lack of information provided in relation to the proposed tenure arrangements, integration of the road network with the existing and proposed network on Blue Mist and the ultimate ownership and responsibility for the proposed road network. ▪ In principle support for the concept, but that the quality and accuracy of the plans was inadequate to provide detailed comment. ▪ Council indicated its willingness to continue to work toward modifying the project to result in a development that can be supported by all concerned parties. ▪ Staff concerns raised with the current proposal are summarised following: <ul style="list-style-type: none"> • Village Square buildings remain excessive in height, bulk and scale, particularly given the visual prominence of their location on the highest part of the development area, and have excessive length and a lack of articulation, making them out of character with Moruya; • Excessive amount of commercial/retail space has a potential to conflict with Moruya Town Centre, in particular the size of the restaurant and bar facilities is excessive; • No parking provision for Building "C", with a parking deficit; • Inappropriate visual prominence of Botanica building from the Princes Highway, with excessive length, height and roof height. The size of the uses are excessive and the ground floor appears to be below the 1:100 year flood level; • Inadequate parking for the Manor Houses and inadequate detail is provided of vehicle manoeuvring areas; • Works required to the intersection of South Head Road and the Princes Highway need to be finalised with and agreed to by the Roads and Traffic Authority (RTA) and funding for the works need to be provided to the RTA not Council; • Junctions with South Head Road need intersection upgrades, including pedestrian and lighting facilities and the new intersection with South Head Road needs to be moved to the west to improve sightlines and needs to include pedestrian and lighting facilities; 	<p>older and disabled persons development to remove connection concern.</p> <ul style="list-style-type: none"> ▪ Number and size of non-residential uses reduced by condition. ▪ Condition requiring an Amended Concept Plan and additional information to be provided prior to progressing to Project Applications will ensure appropriate integration with Mynora and the Blue Mist development site. ▪ Noted ▪ Noted ▪ Conditioned to reduce the height and footprint of the structures, provide additional articulation and to relocate them on the lower part of the site. ▪ Conditioned to reduce the amount and size of non-residential uses and to require them to be run not for profit to ensure they do not compete with Moruya Town Centre. ▪ Conditioned a requirement for provision of parking for Building C. ▪ Conditioned to break the Botanica building into 4-5 smaller and lower buildings which are to be located above the Flood Planning Level for the project. ▪ Not approved at Project Plan level. ▪ Conditioned requirement for intersection works to the satisfaction of the RTA and at the cost of the developer. ▪ Conditioned a requirement for traffic studies with the Amended Concept Plan to identify intersection upgrade and pedestrian facilities required.
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<ul style="list-style-type: none"> • All freehold lots are to have access to public roads and bus routes must be along public roads, to be constructed to Council's standards; • Traffic management devices have not been detailed and inadequate information is provided in relation to access for garbage collection services; • Too many intersections are proposed with Albert Street; • Speed management and pedestrian facilities are not proposed in Keightley Street; • Internal pathways are required on all roads, with shared pathways on main bus routes and links between the Village Square and Botanica building with external pathways to Moruya along South Head Road and back to the TAFE and pedestrian crossing facilities are required on South Head Road; • Number of GPTs should be reduced and rationalised to reduce ongoing maintenance and further information is to be provided on ownership of system; and • Impact upon health services needs further assessment. <p>Extract from Council Minutes (dated 24 February 2009):</p> <p><i>"Council inform the NSW Minister for Planning that after reviewing all the issues associated with the Moruya East Village Project... the Council supports the project as proposed noting the following:</i></p> <ol style="list-style-type: none"> <i>1. The height, bulk and scale of the Village Square and Botanica buildings are considered acceptable given the unique design of the project and the particular site on which the project is to be developed and indicates that in accepting this variation Council conveys that it should not be considered as establishing a precedent for other projects in the Shire generally and in Moruya particularly;</i> <i>2. After reviewing the list of comments made by Council staff as indicated in correspondence to the Department of Planning dated 9 February 2009 and workshopping these issues with the proponent on 18 February 2009, that there are no issues of concern that would preclude it from supporting the project in the form proposed;</i> <i>3. The access into the project exclusively via South Head Road is not the preferred option for Council as this will over time cause unacceptably high volumes of traffic movements through the existing street network of</i> 	<ul style="list-style-type: none"> ▪ Conditioned that all Torrens title lots have public road access and that a public road be provided for a future bus route to be constructed to Council's standards. ▪ This is a detail for a Project Application and the Project Application has been recommended for refusal. ▪ Conditioned to reduce the number of intersections with Albert Street. ▪ Conditioned to require traffic study into impact upon Keightley Street. ▪ This is a detail for a Project Application and the Project Application has been recommended for refusal. ▪ This is a detail for a Project Application and the Project Application has been recommended for refusal. ▪ Conditioned to require a medical and health services report to inform the ultimate size of any older and disabled persons development on the site.
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	<p>Keightley and Maunsell Streets and add to the traffic problems currently being experienced at the junction of the Princes Highway and South Head Road;</p> <p>4. The Minister for Planning be asked to consult with the NSW Minister for Roads to review the previous decision to deny the previously proposed access from the Princes Highway into the Moruya East Village. The Ministers be asked to consider that the preferred access point from the Princes Highway would be a shared entrance for the Moruya TAFE College and the Moruya East Village development at the adjoining Crown Reserve road with either a reduction in the speed limit in this location from 80km/h to 50km/h or an extension of the 80km/h zone;</p> <p>5. The Minister note that the project continues to receive the overwhelming support of the business and commercial sector in Moruya, the unanimous support of the Moruya Chamber of Commerce and is supported by a significant number of residents in the Shire most noticeably in Moruya itself;</p> <p>6. Council has noted the proponents' comment that the Village will be developed in stages over time and thus believes that the social impact of the proposed development such as the provision of health and aged care services will need to evolve over that staged timeframe;</p> <p>7. In the event that the owner at any subsequent time seeks to pass ownership of the private internal roads to Council that it only be agreed to if the roads are to a standard acceptable to Council at that time should it occur;</p> <p>8. Access points for the collection of waste and recyclable material from the site be provided so that the vehicles used for this collection are not required to reverse on site;</p> <p>9. The proponent be requested to contribute to the provision of a footpath linking the Village along the highway to the already constructed footpath ending at the entrance to the Moruya TAFE;</p> <p>10. Council asks that the Minister expedite the approval process and in so doing ensure the creation of both short term and long term jobs that will come about as a result of this project proceeding. Council considers this is a desirable outcome in this time of national economic emergency in which both Federal and State Government have funded significant projects designed to stimulate the Australian economy. This project will assist this process within the Moruya community particularly and in the wider Eurobodalla community generally."</p>	
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<p>Response to initial notification</p> <p>Response to PPR</p> <p>Response to FPPR</p>	<p>Roads and Traffic Authority (RTA)</p> <ul style="list-style-type: none"> Will not support access from the site onto the Princes Highway and would not provide approval for such an access under the Roads Act 1993. Don't object to the proposal only if no direct access is provided to the Princes Highway (except for emergency access) and if all other access occurred via South Head Road, with the developer providing a single lane roundabout at the aforementioned intersection. Traffic lights at the intersection of South Head Road and the Princes Highway would result in unnecessary delays for through traffic in non-peak times and that the location of Racecourse Creek would impose construction constraints on the upgrade of the intersection given a requirement for a right-turn bay and would be likely to involve significant costs in the construction of culverts. As such they are not supported. RTA maintain position in relation to PPR 	<ul style="list-style-type: none"> Plans were amended at the PPR stage to delete direct access from the Princes Highway other than for emergency flood access. Conditioned installation of one lane roundabout at the intersection of Princes Highway and South Head Road and no access from Princes Highway. Conditioned installation of one lane roundabout at the intersection of Princes Highway and South Head Road and no access from Princes Highway. Conditioned installation of one lane roundabout at the intersection of Princes Highway and South Head Road and no access from Princes Highway.
All responses	<p>Rural Fire Service (RFS)</p> <ul style="list-style-type: none"> The site is not bushfire prone and as such no objection is raised to the proposal. 	<ul style="list-style-type: none"> Noted
Response to initial notification	<p>Department of Primary Industries (DPI)</p> <ul style="list-style-type: none"> Supported the retention and rehabilitation of the riparian buffer areas to the unnamed watercourses on the site and placed importance upon the need to minimise the harm to the natural environment onsite and down stream during the development of the site. No objection was raised to the proposed stormwater management measures and the DPI concurs with the water quality targets set by that strategy. 	<ul style="list-style-type: none"> Noted

Response to PPR	<ul style="list-style-type: none"> The design of watercourse crossings is to be made "fish friendly". The DPI supports the weed control measures to remove the Spiny Rush from the wetland areas. Therefore, no objections were raised to the approval of the development subject to a series of conditions. 	<ul style="list-style-type: none"> Noted
Response to FPPR	<ul style="list-style-type: none"> The DPI reiterated its previous position. 	<ul style="list-style-type: none"> Noted
Response to initial notification	<p>Department of Water and Energy (DWE)</p> <ul style="list-style-type: none"> Categorised the three (3) watercourses on the site, other than Racecourse Creek, as Category 3 watercourses, with Racecourse Creek being a Category 2 watercourse. A Category 2 watercourse should be provided with a minimum core riparian zone of 20m plus a 10m vegetated buffer either side of the watercourse measured from the top of the bank (ie 60m plus the width of the watercourse). A Category 3 watercourse should be provided with a minimum core riparian zone of 10m either side of the watercourse measured from the top of the bank (ie 20m plus the width of the watercourse). DWE does not support the piping of low flows from the site due to potential impacts upon the riparian corridors and seeks additional information in this regard. DWE indicated its support for the retention of the Coastal Saltmarsh wetland in the north-western portion of the site but recommended a 50m wide buffer setback from this community and that no constructed waterbodies be located in this community. 	<ul style="list-style-type: none"> Conditioned to require the specified riparian and buffer zones.
Response to PPR	<ul style="list-style-type: none"> DWE maintained all its previously identified concerns with regard to the proposed "shallow excavation" to remove the Spiny Rush and create a series of ephemeral wetlands. 	<ul style="list-style-type: none"> Noted
Response to FPPR	<ul style="list-style-type: none"> DWE indicated it generally does not support the modification of riparian areas, however further information is required in order to provide accurate advice DWE does not support the use of gabions or the provision of pathways, seating or exercise areas within the riparian corridor. However, the proposed reticulated sewerage service and stormwater treatment (no longer involving the creation of open waterways in the lowland areas) are supported 	<ul style="list-style-type: none"> Noted Conditioned that no such structures are to be permitted in the riparian corridor.

Response to initial notification	<p>Department of Environment and Climate Change (DECC)</p> <ul style="list-style-type: none"> Inadequate mitigation measures have been proposed to address the potential impacts of the development upon the Threatened Species and Endangered Ecological Communities (EECs) on the site. In particular, three (3) EECs were identified as occurring on the site, being Lowland Grassy Woodland on the high portion of the site and Coastal Salt Marsh and Swamp Oak Floodplain Forest on the low part of the site. DECC advise that the areas of these EECs have been under-represented in the assessment and the impacts of the development upon them have not been satisfactorily addressed. 	<ul style="list-style-type: none"> Conditioned that a 50m buffer be provided to the EECs and that the buffer be revegetated as part of a required offset package. The required offset package is conditioned.
Response to PPR	<ul style="list-style-type: none"> With regard to the Lowland Grassy Woodland, the EA under-represents the community, not including part of the area described as open cleared native and non-native grass land, and impacts upon the EEC due to the proposed "Eco Cottages" and proposed inadequate mitigation measures. With regard to the Swamp Oak Floodplain Forest, the EA under-represents the community, not including areas which contain representative ground cover species, and the impacts upon the EEC due to the proposed constructed wetland open water bodies. The creation of large open water bodies as part of a stormwater treatment system is not supported. The stormwater treatment options proposed are not considered appropriate for highly sensitive receiving environments (ie lowland EECs), in particular the proposed open water bodies and in that no change should occur to the hydrological regime of overland flow and no change in the amount and quality of water which is released into the receiving environment. 	<ul style="list-style-type: none"> Additional work was required to clarify its location. Additional information was provided by the proponent and DECC provided its comments on 12 September 2008, which indicate that the previously raised issues remain outstanding. In particular, suitable mitigation measures against the impact of the proposal have not been provided. However, the additional information provided clarified that the pasture-dominated part of the Woodland would not require offsetting. Issues identified in relation to the two (2) lowland EECs remain outstanding. Additional work was required to clarify its location and waterbodies within the EEC are not longer proposed.
Response to FPPR	<p>In its response to the Final Preferred Project Report the DECC indicated the following concerns remain with the proposal and note that the number of inconsistencies in the information provided make it difficult to identify whether the proponent has effectively addressed the matters previously raised:</p> <ul style="list-style-type: none"> Concern is raised with the additional tree loss now proposed within the Lowland Grassy Woodland EEC; Concern is still raised with the potential presence of EEC Freshwater Wetlands on coastal Floodplains occurring on site and the impact of the 	<ul style="list-style-type: none"> Noted. The proponent has indicated that the increased rate and volume of runoff from the development will not adversely the EECs within the riparian corridor. However, as no data has been provided on the current runoff velocity or proposed runoff velocity, no assessment can be undertaken of the impact that this may have on riparian/wetland EECs. This issue remains unresolved and remains outstanding. A modification to the Concept Plan is required which requires additional stormwater assessment to be undertaken to ensure riparian corridors and EECs are not impacted by potential additional flows from the proposal (Condition B12).

	<p>development on the potential EEC;</p> <ul style="list-style-type: none"> ▪ The proposed tennis court and pool is located in a riparian area and associated buffer which may support the Freshwater Wetlands on Coastal Floodplains EEC and should be relocated out of this sensitive area; ▪ No buffer is provided between the Botanica development and the Swamp Oak Floodplain Forest, a buffer should be provided between the development and the flood plain vegetation; ▪ The use of the riparian areas for the treatment of stormwater is not supported and no drainage structures should be provided in this area; ▪ Impacts of the change in the quantity and quality of stormwater upon the EECs has not been adequately addressed; ▪ No mechanism is currently proposed for the long-term protection of the area to be used as an offset (should be protected in perpetuity); ▪ The current offset package appears to propose rehabilitation of an area of Lowland Grassy Woodland EEC, however DECC has previously advised that only 2.3ha of development is impacting on the EEC and the remaining area should be considered exotic pasture. No information is provided on where the rehabilitation will occur. The remaining undeveloped areas should be rehabilitated back to the former vegetation communities of Swamp Oak Floodplain Forest and Lowland Grassy Woodland. 	<ul style="list-style-type: none"> ▪ Conditioned that a 50m buffer be provided to the EECs and that the buffer be revegetated as part of a required offset package. The required offset package is conditioned. ▪ Noted ▪ Conditioned that the pool be deleted and the tennis court relocated. ▪ Conditioned that a 50m buffer be provided to the EECs. ▪ Noted ▪ Noted ▪ Conditioned that offset package required such a mechanism. ▪ Detailed offset package required by condition.
Response to initial notification	<p>Department of Education and Training</p> <ul style="list-style-type: none"> ▪ The Department of Education and Training in its response dated 6 February 2009 indicate that the proposal will have no significant impact upon educational facilities and as such there are no infrastructure requirements in the form of land in relation to this project. 	<ul style="list-style-type: none"> ▪ Noted
Response to FPPR	<p>Greater Southern Area Health Service</p> <ul style="list-style-type: none"> ▪ The Greater Southern Area Health Service in its response to the Final Preferred Project Report indicated that if the application proceeded in its current form it would have a significant impact upon health service delivery in the area. In this regard, Stage 1 of the development alone would add approximately 300 residents over the age of 65 years plus up to 120 dementia patients. This would place considerable pressure on all health services including, acute hospital care, chronic and complex care, community nursing, 	<ul style="list-style-type: none"> ▪ Conditioned that a Medical and Health Services report be prepared by a suitable medical or health care professional to inform the maximum size of the older and disabled persons component of the development, based on the capability of the existing and proposed services in the region to support the resident population proposed,

	transitional aged care, allied health, cancer care and other specialist services. Increased pressure will also occur to the rural health transport services and issues with ongoing rural health workforce supply and sustainability will also be likely. It is important to identify the potential problems in providing health services for such a large increase in population and a discussion with the developers to consider how best to meet the needs of residents would be beneficial if not essential.	
	Moruya Chamber of Commerce <ul style="list-style-type: none"> Support proposal due to appropriate location of site close to town, good mix of buildings, appropriate level of commercial facilities, employment generation and innovative nature of design. 	<ul style="list-style-type: none"> Noted
	Reasons Raised in Support of Proposal by General Public <ul style="list-style-type: none"> Boost to unemployment in the area Boost to the local businesses by increased population Need for aged care facilities 	<ul style="list-style-type: none"> Noted Noted Noted
	Concerns Raised in Objection to Proposal by General Public <ul style="list-style-type: none"> Inadequate medical and health care facilities and services in the region to support such a large increase in aged population Unacceptable traffic impacts upon South Head Road and intersection if it with Princes Highway Inadequate local infrastructure to service such a large development The proposal will result in an isolated new village rather than an extension of the existing suburbs of Moruya The proposed development has excessive height, bulk and scale for the character of Moruya The proposed development is of excessive density for the character of the area 	<ul style="list-style-type: none"> Conditioned requirement to prepare a Medical and Health Services report to inform the maximum size of the older and disabled persons component of the development. Conditioned requirement for a single lane roundabout to be constructed at the intersection of South Head Road and the Princes Highway and an additional traffic and acoustic study to determine the impact of the traffic upon the local roads and to assess whether a new road connecting South Head Road to the west of the existing suburb of Mynora is required. The Proponent will need to fund and construct upgraded infrastructure for the development. Conditioned that the size and number of non-residential uses be reduced to reduce social isolation and the design is to be amended to provide better physical connectivity with the existing suburb of Mynora. Conditioned that the size and bulk of the Village Square and Botanic Building be significantly reduced to respect the character of the area.

	<ul style="list-style-type: none">▪ The proposed development is inconsistent with the zoning of the site, controls and aims of plans and strategies for the region	<ul style="list-style-type: none">▪ Conditioned that the density of the development be reduced by increasing the number of Torrens title lots and reducing the number of dwellings for older and disabled persons.▪ The conditioned changes as discussed above will ensure the development is more consistent with the zoning, controls and strategic direction of the area.
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APPENDIX E. RESPONSE TO SUBMISSIONS

Response to Submissions (dated 9 March 2009) – arising from re-exhibition of the Environmental Assessment and Final Preferred Project Report.

APPENDIX F. ENVIRONMENTAL ASSESSMENT

APPENDIX G. FINAL PREFERRED PROJECT REPORT

Preferred Project Report (dated 10 December 2008)