

STATEMENT OF ENVIRONMENTAL EFFECTS AND PLANNING REPORT

DEVELOPMENT APPLICATION FOR COMMUNITY FACILITY BERRY SPINNERS AND WEAVERS

Lot 3 DP 840080
Station Road
Berry

Prepared for
BHI Architects
December 2022

Statement of Environment Effects and Planning Report

Project	Development Application for establishment of a Community facility – Berry Spinners and Weavers
Address	Lot 3 DP 840080, Station Road, Berry
Our ref:	22/24
Prepared by	Stuart Dixon

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1.0 INTRODUCTION

This development application seeks Shoalhaven City Council's consent for the development of a community facility to be occupied by Berry Spinners and Weavers.

The property is legally described as Lot 3 DP 840080 and is located at Station Road, Berry. The subject site has a total area of 5385 m² and is currently vacant.

The subject site is zoned RE1 Public Recreation under the Shoalhaven LEP 2014, and the development is permissible with consent.

This Statement of Environmental Effects (SEE) assesses a development application that is also supported by the following plans and documentation:

- Architectural Plans prepared by BHI Architects;
- Landscape Plan prepared by Bare Root Design Studio;
- Stormwater Plans prepared by MI Engineering;
- Traffic Impact Statement prepared by Allen Price and Scarratts;
- Heritage Impact Statement prepared by Weir Phillips;
- Flood Impact Assessment prepared by MI Engineers;
- Contamination Assessment prepared by Terra Insight;
- BCA Assessment prepared by Accredited Building Certifiers;
- Access Report prepared by Accessible Building Solutions;
- Geotechnical Assessment prepared by Southern Geotechnics; and
- Rail Noise Intrusion Assessment prepared by Harwood Acoustics.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The assessment concludes that the development, within its local context, is satisfactory and should be approved.

2.0 THE SUBJECT SITE AND SURROUNDS

The subject land comprises Lot 3 DP 840080 and has frontage to Station Road, Berry. The subject land is irregularly shaped with an area of 5385 m², with a long frontage to Station Road of some 197.7 m.

The subject site is a relatively thin allotment of land that is sited between Station Road (to the north) and the South Coast Railway line (to the south).

The site is generally level, with no significant slope. The site is generally devoid of significant vegetation, containing primarily exotic grasses. Mature vegetation is limited to a clump of trees which are unaffected by the proposed development, whilst a row of vegetation is sited to the south of the subject site within the rail corridor.

Figure 1 is a Site Locality Plan and **Figure 2** is an aerial photo of the site. The site is shown in **Plate 1** below.

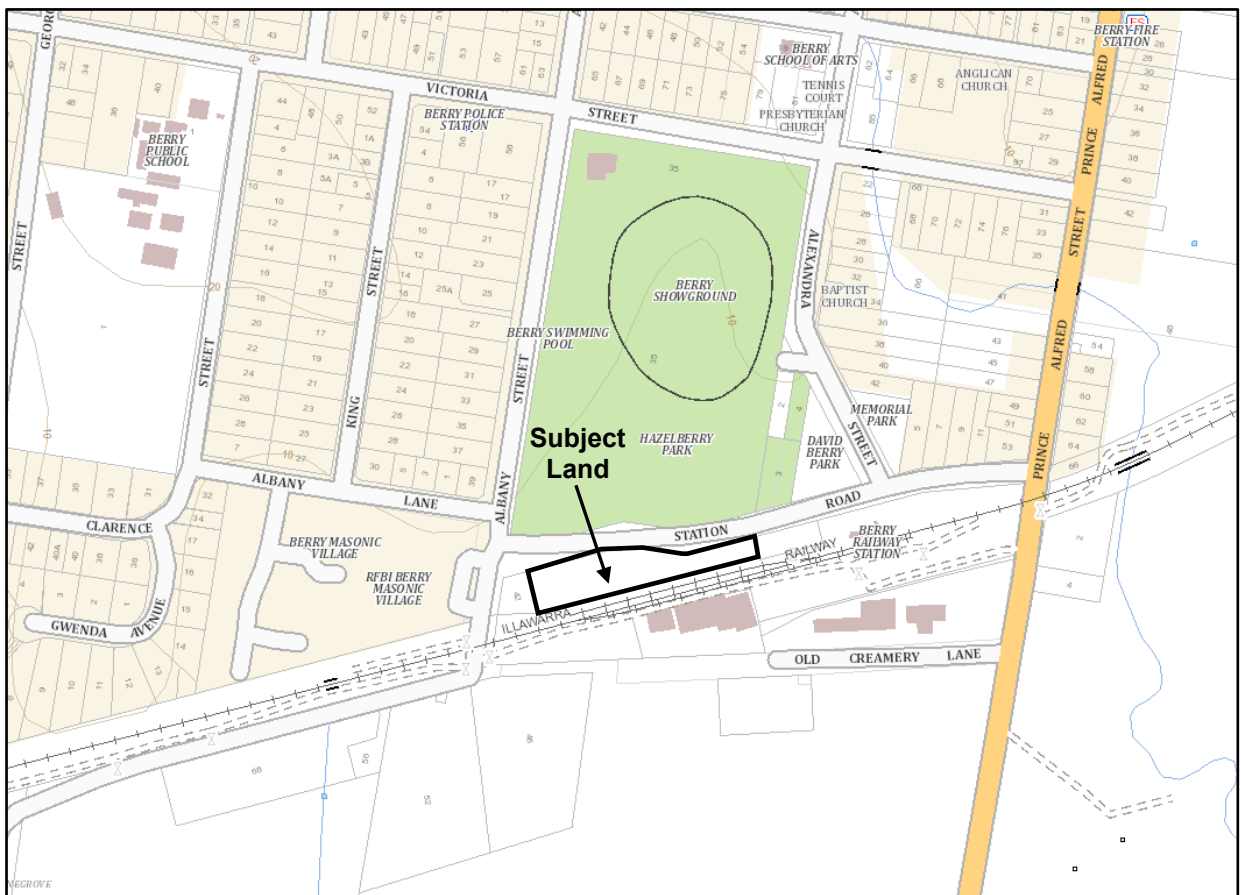


Figure 1: Site locality plan.



Figure 2: Aerial photo of the site and immediate surrounds.



Plate 1: Subject site from Station Road.

The site is zoned RE1 under the provisions of the Shoalhaven LEP 2014.

The site adjoins:

- To the south, the South Coast Railway corridor, and beyond is land zoned IN1 and which is used for the Berry Co-op. The South Coast Rail Corridor is vegetated immediately adjoining the location of the proposed community facility.
- To the north, a public reserve and the Berry Showground complex.
- To the west, a single dwelling on land zoned R2, however it is noted that this is sited in excess of 100 m from the proposed building.
- To the east, vacant land zoned RE1, the same as the subject site and then the Berry Railway Station.

3.0 THE PROPOSAL

This development application seeks Shoalhaven Council's consent for the construction of a new building as a Community Facility to be operated by the Berry Spinners and Weavers. Berry Spinners and Weavers are a community-based, non-profit group of artisans who design and create handcrafted articles who share common interests in preserving, practising and teaching the skills of spinning, weaving and related fibre arts.

In addition to the regular use of the facility by the Berry Spinners and Weavers, the building will also be available for hire by other user groups or individuals for functions and events in the same manner that other Council owned properties are utilised. This use is controlled through Council's general hire agreements on a case by case basis.

The development is to have the following characteristics.

3.1 PROPOSED BUILDING

The proposed building measures approximately 43.25 m by 9.96 m, and has an overall height of 6.17 m. The building is set back a minimum of 3.93 m from Station Road, 2.68 m from the closest side boundary, and 3 m to the rear boundary.

The elongated building features a roof form that is broken into several smaller pitches, reflecting the character of the Berry locality and also the industrial development sited to the south of the rail corridor.

The building comprises the following features:

- Two work rooms;
- Exhibition room;
- Storage in the form of separate storerooms;
- Amenities;
- Laundry;
- External decking with access ramp; and
- Office and separate w.c.

The development is to be undertaken in 2 two (2) stages. Stage 2 will comprise the separate office and w.c. addition, whilst Stage 1 will comprise all other development. It is noted that all car parking and servicing will be provided at Stage 1.

3.2 HOURS OF OPERATION

The facility is proposed to operate regularly between the hours of 9:00 am and 5:00 pm daily. However, in addition to this regularly use, there will be occasions when the use will operate of an evening usually finishing around 9:00 pm. In addition, very infrequently a need arises to occupy the premises until midnight. Finally, a need also arises to occasionally use the premises early in the morning to set up exhibitions from 6:00 am, to open publicly from 9:00 am.

In order to accommodate the proposed uses, operating hours of 6:00 am to 12:00 midnight are therefore proposed.

3.3 FINISHED MATERIALS

The development is to be finished in a combination of face brick, contrasting lightweight cladding in contrasting colours, and a roof finished in Colorbond.

3.4 ACCESS AND CAR PARKING

Access is proposed from Station Road to a car parking area located to the west of the proposed community facility.

A total of seventeen (17) formal car parking spaces are proposed, inclusive of one (1) disables accessible space which is located closest to the building entry.

3.5 LANDSCAPING

Site Landscaping is proposed in the form of screen plantings to the sites eastern and southern boundaries, feature tree planting to Station Road, vegetable garden bed and gardens throughout the site.

Site landscaping is shown in Landscape Plans prepared by Bare Roots Design Studio.

3.6 STORMWATER DRAINAGE

Stormwater from the proposed building is to be collected and piped to a rainwater tank prior to discharge via rein trench and level spreader to the west of the proposed car park. Drainage from the car park is to directed to the western end of the sealed area for overland flow.

3.7 DOCUMENTATION

Accompanying the application are the following separate plans and assessments:

- Architectural Plans prepared by BHI Architects;

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- Landscape Plan prepared by Bare Root Design Studio;
- Stormwater Plans prepared by MI Engineering;
- Traffic Impact Statement prepared by Allen Price and Scarratts;
- Heritage Impact Statement prepared by Weir Phillips;
- Flood Impact Assessment prepared by MI Engineers;
- Contamination Assessment prepared by Terra Insight;
- BCA Assessment prepared by Accredited Building Certifiers;
- Access Report prepared by Accessible Building Solutions;
- Geotechnical Assessment prepared by Southern Geotechnics; and
- Rail Noise Intrusion Assessment prepared by Harwood Acoustics.

4.0 STATUTORY SITUATION

4.1 STATE LEGISLATION

4.1.1 Environmental Planning & Assessment Act

Matters for Consideration

Section 4.15(1) of the Environmental Planning & Assessment Act 1979 outlines those matters that a consent authority must take into consideration when it considers and determines a development application. Section 4.15(1) stipulates:

4.15 Evaluation

(1) *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

(v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

The above matters are addressed in detail in Section 5.0 of this SEE.

State Significant and Regional Development

Pursuant to Section 4.36 of the Act, development that is declared to be State Significant Development (SSD) is referred within the SEPP Planning Systems. The Minister for Planning is the consent authority for SSD. The provisions of the SEPP Planning Systems, as they apply to this proposal, are addressed in Section 5.1.1.1.

Regional Developments, for which the Joint Regional Planning Panels are the consent authority, are listed in Schedule 6 of the SEPP Planning Systems, and with respect to this proposal include:

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if—

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The development has a capital investment value less than \$5 million that does not trigger this criteria.

As will be discussed further in Section 5.1.1.1, the proposal does not trigger the criteria for SSD or Regional Development under the provisions of the SEPP Planning Systems.

Shoalhaven City Council is therefore the consent authority for this proposal.

Integrated Development

Pursuant to Section 4.46 of the Act, Integrated Development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Table 1
Integrated Development – Section 4.46 EP&A Act

Act	Section	Approval
<i>Fisheries Management Act 1994</i>	s 144	Aquaculture permit.
	s 201	Permit to carry out dredging or reclamation work.
	s 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or leases

Table 1 (continued)

Act	Section	Approval
	s 219	Permit to (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat.
<i>Heritage Act 1977</i>	s 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1).
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein.
<i>Mining Act 1992</i>	ss 63, 64	Grant of mining lease.
<i>National Parks and Wildlife Act 1974</i>	s 90	Consent to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place.
<i>Petroleum (Onshore) Act 1991</i>	s 9	Grant of production lease.
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).
<i>Roads Act 1993</i>	S. 138	Consent to: <ul style="list-style-type: none"> • erect a structure or carry out a work in, on or over a public road, or • dig up or disturb the surface of a public road, or • remove or interfere with a structure, work or tree on a public road, or • pump water into a public road from any land adjoining the road, or • connect a road (whether public or private) to a classified road.
<i>Rural Fires Act 1997</i>	s 100B	Authorisation under Section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.
<i>Water Management Act 2000</i>	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.

The proposed development does not trigger the integrated development provisions.

4.1.2 Biodiversity Conservation Act 2016

The subject site is generally cleared of native vegetation. This proposal is unlikely to have a significant effect on threatened species, endangered populations, ecological communities or their habitats. Consequently, this proposal is not considered subject to the further provisions of this legislation.

4.2 STATE POLICIES AND STRATEGIES

4.2.1 NSW Coastal Policy

The NSW Coastal Policy 1997 applies:

- *three nautical miles seaward of the mainland and offshore islands;*
- *one kilometre landward of the open coast high water mark;*
- *a distance of one kilometre around:*
 - ⇒ *all bays, estuaries, coastal lakes, lagoons and islands;*
 - ⇒ *tidal waters of coastal rivers to the limit of mangroves, as defined by NSW Fisheries (1985) maps or the tidal limit whichever is closer to the sea.*

The policy aims to provide a framework within the coastal zone that will provide population and economic growth but without putting the natural, cultural and heritage

Comment

The subject site is not identified as being affected by the NSW Coastal Policy (refer **Figure 3**) and therefore the Coastal Policy does not apply.



Figure 3: Coastal Zone.

5.0 ASSESSMENT

5.1 SECTION 4.15(1)(A) – ENVIRONMENTAL PLANNING PROVISIONS

5.1.1 Environmental Planning Instruments

5.1.1.1 *State Environmental Planning Policies*

The following addresses those matters that require consideration in this proposal.

SEPP (Planning Systems) 2021

The aims of this SEPP are:

- (a) *to identify development that is State significant development,*
- (b) *to identify development that is State significant infrastructure and critical State significant infrastructure,*
- (c) *to identify development that is regionally significant development.*

Schedules 1 and 2 of the SEPP outline those developments that are considered state significant development for the purposes of the SEPP. The proposal does not trigger any of the criteria listed within these schedules. The project is therefore not a state significant development.

The SEPP also makes provision for Regionally Significant Development for which the Regional Planning Panel for the area in which the development is to be carried out, are the consent authority. The SEPP stipulates that development referred to within Schedule 7 of the SEPP is Regionally Significant Development. The proposal is not listed within Schedule 7 and therefore does not constitute Regionally Significant Development.

The consent authority for this development application therefore is Shoalhaven City Council.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP incorporates and repeals the provisions of the State Environmental Planning Policy (Infrastructure) 2007, the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017, State Environmental Planning Policy (Major Infrastructure Corridors) 2020 and the State Environmental Planning Policy (Three Ports) 2013.

This SEPP is divided into five chapters which deal with the following matters:

- Chapter 1: Preliminary information about the SEPP;
- Chapter 2: Infrastructure;
- Chapter 3: Educational establishments and childcare facilities;

- Chapter 4: Major infrastructure corridors;
- Chapter 5: Three ports — Port Botany, Port Kembla and Newcastle.

The following addresses the relevant matters.

Chapter 1: Preliminary

This section details the preliminary information about the SEPP including name, commencement date and transferred provisions. The commencement date for this SEPP is 1st March 2022.

Chapter 2: Infrastructure.

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—

- a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- g) *providing opportunities for infrastructure to demonstrate good design outcomes.*

Division 15 deals with Railways and includes considerations for development in the vicinity of rail corridors. The subject site adjoins the South Coast Rail corridor as its southern boundary. It is noted that the South Coast Rail line is not electrified, and accommodates diesel trains only.

2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
 - (a) *is likely to have an adverse effect on rail safety, or*
 - (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*

- (c) *involves the use of a crane in air space above any rail corridor, or*
- (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Note—

Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

- (2) *Before determining a development application for development to which this section applies, the consent authority must—*
 - (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
 - (b) *take into consideration—*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*
- (3) *Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.*
- (4) *Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

Comment – the proposed development is unlikely to have an effect on the safety of the rail corridor given the siting of development clear of the common boundary, and the land use being for a community facility which will not cause impacts beyond the site.

It is noted that Council may notify the rail authority of the application, and if it does so, must consider any submission that is made.

2.99 Excavation in, above, below or adjacent to rail corridors

- (1) *This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
 - (a) *within, below or above a rail corridor, or*
 - (b) *within 25m (measured horizontally) of a rail corridor, or*
 - (c) *within 25m (measured horizontally) of the ground directly below a rail corridor, or*
 - (d) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must—*

- (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) *take into consideration—*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines issued by the Secretary for the purposes of this section and published in the Gazette.*
- (3) *Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.*
- (4) *In deciding whether to provide concurrence, the rail authority must take into account—*
 - (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) *The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—*
 - (a) *the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or*
 - (b) *in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.*

Comment – the application does not result in significant excavations where this section applies.

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

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
 - (a) *residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*

- (d) *an educational establishment or centre-based child care facility.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment – the proposal is not for residential accommodation, a place of public worship, a hospital, an educational establishment or a centre-based child care facility.

Consequently Section 2.100 has no strict implications for the current proposal. Notwithstanding this, Harwood Acoustics were engaged to prepare a Rail Noise Intrusion Assessment to consider the impacts of the rail line on the proposed development. This has recommended certain construction methods and materials to mitigate impacts. The plans prepared by BHI Architects include these recommendations.

The application is not inconsistent with the relevant provisions of Division 15.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 deals with Coastal Management. The site is not mapped as being within the Coastal Environment Area and therefore these provisions do not apply.

Chapter 4 – Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) deals with the remediation of land, replacing the former SEPP 55. Chapter 4 aims to essentially promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health and the environment. In particular clause 4.6 of the SEPP requires that a consent authority must not consent to any development unless:

- it has considered whether the land is contaminated;
- if the land is contaminated whether the land is suitable in its contaminated state (or will be suitable after remediation for the purpose for which development is proposed); and
- if the land requires remediation to be made suitable, it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore if a change of use of land for residential purpose is proposed, where:

- there is no knowledge (or incomplete knowledge) of past uses;
- on which it would have been lawful to carry out such past uses during any period in respect of which there is no knowledge (or incomplete knowledge).

The consent authority is required to consider a report detailing the findings of a preliminary investigation of the land. Accompanying the SEE is a Preliminary Site Investigation prepared by Terra Insight which has considered the potential contamination of the site.

The assessment of Terra Insight has concluded that the site is suitable for the proposed use however, has made some mitigation recommendations which can be implemented as conditions of consent.

The following recommendations are made:

1. *To prevent further fly tipping on the site prior to development, the site should be fenced. Immediately prior to development, the site will require a general clean up to remove fly tipped inert material.*
2. *Soils stockpile on the site shall be waste classed prior to off-site disposal and then removed from the site.*
3. *An unexpected finds protocol should be documented for the site where subsurface earthworks are required.*
4. *Terra Insight recommends that to set out the appropriate management detailed in Recommendations 1 – 4 above, a short-term Construction Management Plan (CEMP) be developed for the Site. The plan shall address the following:*
 - a) *Off-site disposal of general solid waste (GSW) from the site;*
 - b) *Off-site disposal of the underlying VENM material generated by site earthworks;*
 - c) *Unexpected findings of contaminated material and management of any underlying soil guidelines exceedances if unexpected findings occur.*

These measures are supported by the SEE.

Given the above it is our view that Council has sufficient information before it to determine whether or not the land is contaminated.

5.1.1.2 Shoalhaven Local Environmental Plan (SLEP) 2014

Zone and Zone Objectives

The subject site is zoned RE1 Public Recreation under the provisions of the SLEP 2014 (refer **Figure 4** below).

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposal is consistent with the above zone objectives as it seeks approval for a community facility which is considered to be a compatible land use to recreational use.

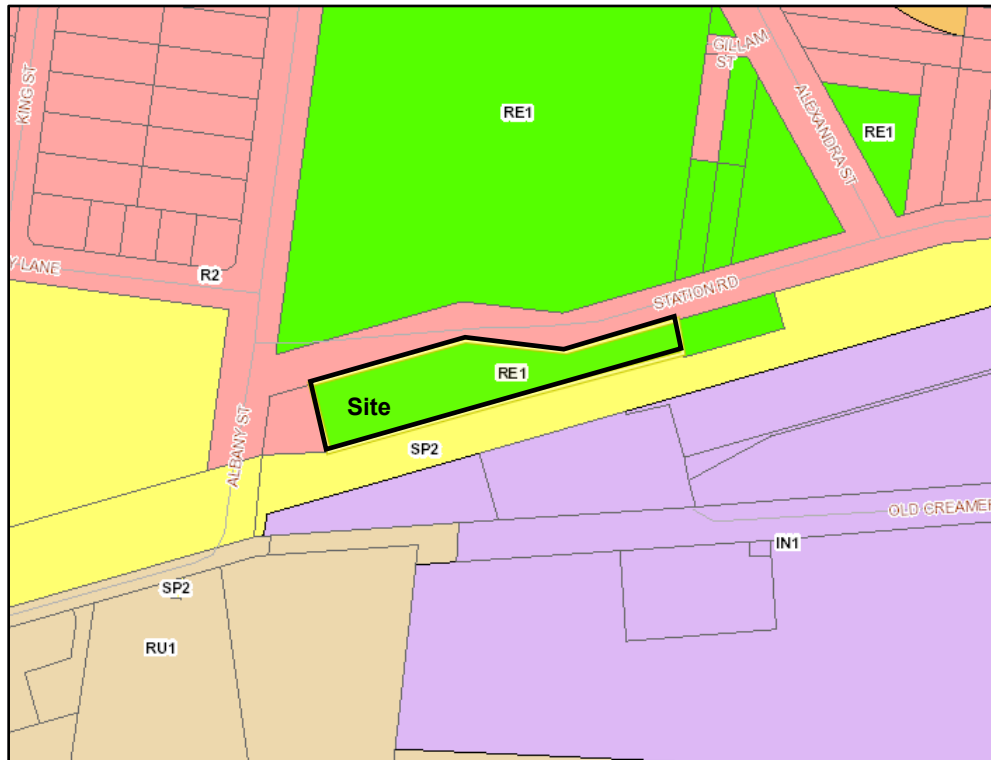


Figure 4: Zoning under Shoalhaven LEP 2014

The following land use table applies within the RE1 Public Recreation zone:

**Table 2
 Land Use Table Shoalhaven LEP 2014**

Permitted without consent	Nil
Permitted with consent	Agriculture; Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities ; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply systems
Prohibited	Any other development not specified in above 2 rows.

A community facility is defined as follows:

community facility means a building or place—

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The subject site is owned by Council and is to be operated by the Berry Spinners and Weavers for the social and cultural welfare of the community. Berry Spinners and Weavers are a community-based, non-profit group of men and women artisans who design and create handcrafted articles, and who share common interests in preserving, practising and teaching the skills of spinning, weaving and related fibre arts.

Community facilities are permissible with consent.

Other Provisions

The SLEP 2014 also has a number of specific provisions that apply to land and **Table 3** below addresses the requirements that are relevant to this proposal.

Table 3
Shoalhaven LEP 2014

Clause	Requirement	Comment
<p><i>Clause 4.3</i> <i>Height of Buildings</i></p>	<p>(1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,</i> (b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i> (c) <i>to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</i> <p>(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p> <p>(2A) <i>If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</i></p>	<p>The Height of Buildings Map stipulates a height for the subject site of 8.5 m. The proposal complies with this statutory requirement, having an overall height of 6.17 m which complies.</p>

Table 3 (continued)

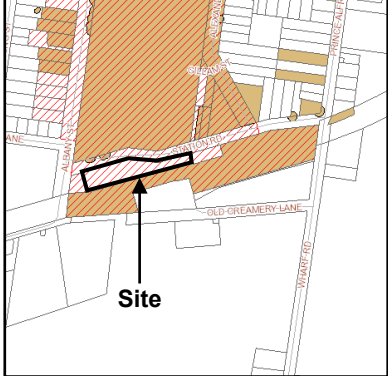
Clause	Requirement	Comment
<p><i>Clause 4.4</i> <i>Floor space ratio</i></p>	<p>(1) <i>The objectives of this clause are as follows—</i></p> <p style="padding-left: 20px;">(a) <i>to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of a locality.</i></p> <p>(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>No specific FSR applies to the subject site under the Floor Space Ratio mapping that accompanies the Shoalhaven LEP 2014.</p>
<p><i>Clause 5.10</i> <i>Heritage Conservation</i></p>	<p>(1) Objectives <i>The objectives of this clause are as follows—</i></p> <p style="padding-left: 20px;">(a) <i>to conserve the environmental heritage of Shoalhaven,</i></p> <p style="padding-left: 20px;">(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p style="padding-left: 20px;">(c) <i>to conserve archaeological sites,</i></p> <p style="padding-left: 20px;">(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p> <p>(2) Requirement for consent <i>Development consent is required for any of the following—</i></p> <p style="padding-left: 20px;">(a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i></p> <p style="padding-left: 40px;">(i) <i>a heritage item,</i></p> <p style="padding-left: 40px;">(ii) <i>an Aboriginal object,</i></p> <p style="padding-left: 40px;">(iii) <i>a building, work, relic or tree within a heritage conservation area,</i></p> <p style="padding-left: 20px;">(b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p style="padding-left: 20px;">(c) <i>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p> <p style="padding-left: 20px;">(d) <i>disturbing or excavating an Aboriginal place of heritage significance,</i></p>	<p>The subject site is within a Heritage Conservation area and is also in the vicinity of identified items of environmental heritage, being the Berry Railway Station Group, and the Berry Showground. Refer Figure 5.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Figure 5: Heritage (Shoalhaven LEP 2014)</p> <p>Accompanying this SEE is a Heritage Impact Statement prepared by Weir Phillips. The HIS prepared by Weir Phillips has considered the impacts of the proposal on the heritage significance of the Berry Showground Heritage Conservation Area, the Berry Railway Station Group and also the Berry Showgrounds. Heritage matters are further considered in Section 5.3.6 of this SEE.</p>

Table 3 (continued)

Clause	Requirement	Comment
5.10 continued	<p>(e) erecting a building on land—</p> <p style="padding-left: 20px;">(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p style="padding-left: 20px;">(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p style="padding-left: 20px;">(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p style="padding-left: 20px;">(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> <p>(3) When consent not required However, development consent under this clause is not required if—</p> <p style="padding-left: 20px;">(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</p> <p style="padding-left: 40px;">(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p style="padding-left: 40px;">(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p> <p style="padding-left: 20px;">(b) the development is in a cemetery or burial ground and the proposed development—</p> <p style="padding-left: 40px;">(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p style="padding-left: 40px;">(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of</p>	

Table 3 (continued)

Clause	Requirement	Comment
5.10 continued	<p style="text-align: center;"><i>grave goods, or to an Aboriginal place of heritage significance, or</i></p> <p>(c) <i>the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</i></p> <p>(d) <i>the development is exempt development.</i></p> <p>(4) Effect of proposed development on heritage significance <i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>(5) Heritage assessment <i>The consent authority may, before granting consent to any development—</i></p> <p>(a) <i>on land on which a heritage item is located, or</i></p> <p>(b) <i>on land that is within a heritage conservation area, or</i></p> <p>(c) <i>on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p> <p>(6) Heritage conservation management plans <i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	<p>The proposal does not adversely affect the Berry Showground Heritage Conservation Area or other identified items of environmental heritage given that:</p> <ul style="list-style-type: none"> • the location of works is outside of major view corridors; • the proposed community use is consistent with historical uses in the locality; • the bulk and scale of development is appropriate; • the materials are compatible with those utilised in the locality; • the proposal will have no impact on the functionality of the railway precinct. <p>A Heritage Impact Statement accompanies the application.</p>

Table 3 (continued)

Clause	Requirement	Comment
5.10 continued	<p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p>	

Table 3 (continued)

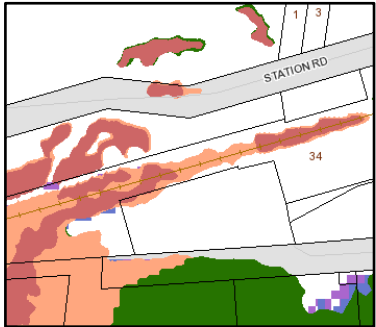
Clause	Requirement	Comment
5.10 continued	<ul style="list-style-type: none"> (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area. 	
Clause 5.21 Flood planning	<ul style="list-style-type: none"> (1) The objectives of this clause are as follows— <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and 	<p>A portion of the site is identified as being flood liable, as shown in Figure 6.</p> <p>Accompanying this SEE is a Flood Compliance Report prepared by MI Engineering. Flooding is further considered in Section 5.3.4 of this SEE.</p>  <p align="center">Figure 6: Flood Map – Shoalhaven Council</p>

Table 3 (continued)

Clause	Requirement	Comment
5.21 continued	<p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the <i>Considering Flooding in Land Use Planning Guideline</i> unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p>Considering Flooding in Land Use Planning Guideline means the <i>Considering Flooding in Land Use Planning Guideline</i> published on the Department’s website on 14 July 2021.</p> <p>flood planning area has the same meaning as it has in the <i>Floodplain Development Manual</i>.</p> <p>Floodplain Development Manual means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</p>	

Table 3 (continued)

Clause	Requirement	Comment												
<p><i>Clause 7.1 Acid Sulfate Soils</i></p>	<p>(1) <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i></p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;"><i>Class of Land</i></th> <th style="text-align: center;"><i>Works</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td><i>Any works.</i></td> </tr> <tr> <td style="text-align: center;">2</td> <td><i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i></td> </tr> <tr> <td style="text-align: center;">3</td> <td><i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i></td> </tr> <tr> <td style="text-align: center;">4</td> <td><i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i></td> </tr> <tr> <td style="text-align: center;">5</td> <td><i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></td> </tr> </tbody> </table> <p>(2) <i>Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause.</i></p> <p>(3) <i>Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i></p> <p>(4) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of works if:</i></p> <p style="margin-left: 40px;">(a) <i>a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate</i></p>	<i>Class of Land</i>	<i>Works</i>	1	<i>Any works.</i>	2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>	3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>	4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>	5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>	<p>The site is identified as containing Class 5 Acid Sulfate Soils by mapping accompanying the Shoalhaven LEP 2014.</p> <p>Having regard to Class 5 land, the subject site is within 500 metres of land comprising Class 4 acid sulphate soils, however this proposal will not lower the water table and further consideration therefore is not required.</p>
<i>Class of Land</i>	<i>Works</i>													
1	<i>Any works.</i>													
2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>													
3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>													
4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>													
5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>													

Table 3 (continued)

Clause	Requirement	Comment
7.1 continued	<p style="text-align: center;"><i>soils management plan is not required for the works, and</i></p> <p>(b) <i>the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i></p> <p>(5) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):</i></p> <p>(a) <i>emergency work, being the repair of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i></p> <p>(b) <i>routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</i></p> <p>(c) <i>minor work, being work that costs less than \$20,000 (other than drainage work)</i></p> <p>(6) <i>Despite subclause (2), development consent is not required under this clause to carry out any works if:</i></p> <p>(a) <i>the works involve the disturbance of less than 1 tonne of soil, and</i></p> <p>(b) <i>the works are not likely to lower the watertable.</i></p>	

5.1.1.3 Development Control Plans (DCP) and Policies

Shoalhaven Development Control Plan 2014

The proposed development is affected by the provisions of the Shoalhaven Development Control Plan (DCP) 2014. The Shoalhaven DCP 2014 is divided into a series of chapters which outline the controls in detail. It is noted that the subject site is not affected by any area or placed based chapters of the Shoalhaven DCP 2014.

Having regard to this proposal, the following chapters of the Shoalhaven DCP 2014 are considered to have relevance to this application:

- Chapter 2 – General and Environmental Considerations;
- Chapter G1 – Site Analysis, Sustainable Design and Building Materials in rural and Coastal Areas;
- Chapter G2 – Sustainable Stormwater Management and Erosion/Sediment Control;
- Chapter G7 – Waste Minimisation and Management Controls; and
- Chapter G21 – Car Parking Requirements.

Chapter 2 – General and Environmental Considerations

This chapter of the DCP sets out requirements in relation to potentially contaminated land, European heritage and Aboriginal cultural heritage. The proposal, affecting lots recently created and undeveloped, does not conflict with these requirements.

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

Chapter G1 sets out controls for the management of the natural and built environment including site analysis, energy efficiency and solar access. The proposal complies with the requirements of this chapter.

Chapter G2 – Sustainable Stormwater Management and Erosion/Sediment Control

This chapter sets out guidelines for the management of stormwater and erosion/sediment control.

These issues are addressed in Section 5.3.7 of the SEE.

Chapter G7 – Waste Minimisation and Management Controls

Chapter G7 provides information in relation to Waste Minimisation and Management Controls. The key feature of this chapter is the requirement that a Waste Minimisation and Management Plan accompany a development application. The Waste Management Plan is required to specify waste by type, volume and nominate reuse and recycling potential. See Section 5.3.5 of the SEE.

Chapter G9 – Development on Flood Prone Lands

As outlined in **Table 3** above the rear of the subject site is identified as flood prone land by Council's Flood Mapping.

Accompanying this SEE is a Flood Compliance Report prepared by MI Engineering which has assessed the proposal against the requirements of Chapter G9. This concluded that

the “*proposed development meets the requirements and performance criteria outlined in Chapter G9 of DCP 2014*”.

Flooding matters are further considered in Section 5.3.4 of this SEE.

Chapter G21 – Car Parking Requirements

The objectives of this Chapter are to:

- * *ensure that adequate provision of off-street parking is provided;*
- * *discourage the use of streets for parking of vehicles associated with traffic generated by new development;*
- * *ensure that car parking areas are functional and operate efficiently;*
- * *ensure that car parking areas are visually attractive;*
- * *ensure that car parking facilities are safe and meet the needs of the users;*
and
- * *ensure that all vehicles enter and leave a site in forward direction and that the manoeuvring of vehicles does not take place within the road reserve, but within the subject site.*

Chapter G21 does not stipulate a specific requirement for community facilities.

Traffic and Parking matters are further considered in a separate Traffic Impact Statement prepared by Allen Price and Scarratts.

Traffic and parking matters are further considered in Section 5.3.3 of this SEE.

5.2 PRESCRIBED MATTERS UNDER THE REGULATIONS

Section 61 of the Environmental Planning & Assessment Regulations 2021 sets out those additional matters that a consent authority must take into account when determining a development application.

Section 61 reads:

61 Additional matters that consent authority must consider

- (1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*
- (2) *In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*
 - (a) *the subdivision order, and*
 - (b) *any development plan prepared for the land by a relevant authority under that Schedule.*

- (3) *In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—*
- (a) *land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,*
 - (b) *land less than 200 kilometres from the Siding Spring Observatory, if the development is—*
 - (i) *State significant development, or*
 - (ii) *designated development, or*
 - (iii) *development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.*
- (4) *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*
- (5) *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*
- (6) *In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*
- (7) *In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.*
- (7A) *In determining a development application for development on land to which Moree Plains Local Environmental Plan 2011 applies, the consent authority must consider whether the development is consistent with the Moree Plains Special Activation Precinct Master Plan published by the Department in January 2022.*
- (8) *Subsections (7) and (7A) do not apply to a development application made on or after 30 September 2022.*

These provisions do not affect the proposed development.

5.3 THE LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

5.3.1 Amenity

The subject site is situated within a locality that comprises predominantly community uses in the form of vacant land zoned RE1 to the east and the Berry Showground to the north opposite Station Road. The closest dwelling is to the west some 100 m from the proposed development. The South Coast Railway line immediately adjoins to the south and beyond this is the Berry Co-op complex zoned IN1 and which comprises a range of commercial activities. .

The proposal seeks to operate regularly between the hours of 9:00 am and 5:00 pm daily. In addition to this regular use, there will be occasions when the use will operate of an evening usually finishing around 9:00 pm. In addition, very infrequently a need arises to occupy the premises until midnight. Occasional use of the premises early in the morning to set up exhibitions from 6:00 am is also intended.

The proposed development is unlikely to impact on the amenity of the neighbourhood given the characteristics of the nearby land, along with the nature of the land use proposed and the regular hours of operation which are of a daytime.

Having regard for the above matters, it is considered that the proposal will not result in undue loss of amenity for the closest adjoining residential development, whilst the proposed community use is compatible with neighbouring activities.

5.3.2 Visual Impacts

This development application seeks Shoalhaven Council's consent for the construction of a single storey community facility.

The building measures approximately 43.245 m by 9.96 m and has an overall height of 6.17 m, and is set back 3.9 m from Station Road frontage, 2.68 m from the closest side boundary and 3 m from the rear boundary (South Coast Rail Line).

The building is articulated along all elevations which creates visual interest. Furthermore, the building also features a verandah to the Station Road frontage which also adds to its architectural merit.

The building features a pitched roof form which breaks up the roof form which is important given its overall length. The pitched roof form is also consistent with the architectural character of the locality and the Berry township more generally. The development is

considered to be well designed and features architectural elements to reduce the bulk of the building and which includes meaningful articulation. The proposal also comprises suitable building materials and finishes to enhance the visual aesthetic of the development.

Parking is not a dominant element of the development, being sited behind landscaping which will screen and soften the paved areas.

The siting of development is considered suitable under the circumstances. No prescribed setbacks are required, and consequently, it is necessary to understate a merit consideration. Whilst the proposed building is set back 3.9 m from the front boundary with Station Road, the alignment of Station Road is such that it is well clear of the subject site, with the result being that the proposed building will be set back 11.385 m from the constructed carriageway. It is noted that this exceeds the setbacks of the stable complex immediately opposite the site which is set back 2.8 m from the boundary, and only 7.59 m from the constructed carriageway.

Given these circumstances, it is our view that the proposal has been designed in a manner that is consistent with the scale of development envisaged for this area having regard to the planning provisions that apply to the land; and incorporates design measures that will ameliorate the overall visual bulk and scale of the development.

5.3.3 Traffic and Car Parking

The proposal is supported by a Traffic Impact Statement (TIS) prepared by Allen Price and Scarratts (APS) and the following is based on the TIS.

Existing Situation

The subject site has frontage to Station Road which is a sealed public road maintained by Shoalhaven Council. Station Road runs generally east west, intersecting with Prince Alfred Street to the east, and Albany Street to the west.

The site is located on the fringe of the Berry township and is not subject to heavy traffic volumes.

Proposed Parking and Access

The proposal provides access to Station Road to the west of the proposed building.

Car parking is provided for a total of 17 vehicles, inclusive of 1 accessible compliant space.

Pedestrian entry is provided via a concrete pathway to Station Road.

Assessment

Traffic

The TIS of APS has examined traffic generation for the proposed development and, based on the extent of on-site car parking, considers that the activity will result in a maximum peak vehicle entry of 12 veh/hour. Based on several events a day, APS predict a maximum peak traffic generation for 35 vehicles per day. APS have averaged out the peak and other less intensive anticipated usage at the site, and considers that the average daily vehicle trips is 18.

APS have considered the impacts of this additional traffic on the existing local traffic network and concludes that the proposal will have an acceptable impact.

APS have examined the available sight distances and advises that the proposal exceeds the 69 m that is required, with a distance to the east of 100 m being provided, along with 130 m to the west.

APS have also assessed the need for intersection treatment, and considers that the existing formation is satisfactory to the proposed driveway intersection.

Parking

Having regard to parking, the Roads and Maritime Services *Guide to Traffic Generating Developments* does not identify a rate of traffic generation. Furthermore, in relation to the provision of parking, the provision of the Shoalhaven DCP 2014 or the RMS Guide to Traffic Generating Development does not prescribe a rate based on floor area.

This is reasonable given the variable nature of parking that is generated by buildings used for community purposes such as that proposed. Under these circumstances it is considered appropriate to base the provision of parking on a needs-based assessment.

APS have considered the proposal against the parking requirements for commercial areas, which is 1 space per 40 m². As the proposed building has a gross floor area of 248.11 m², this would require the need for 7 spaces, or 9 if additional outdoor deck areas were also included.

Alternatively, APS considered that parking demand could be based on club membership, somewhat similar to the requirements of rowing clubs, which is based on 1 space per 3 members. The Berry Spinners and Weavers have 57 members which would result in the need for 19 spaces. It is noted however that not all members may attend all events, whilst some members are local and will walk, whilst the site is in close proximity to the

Berry Railway Station and provides convenient access for members who wish to utilise public transport. This will reduce the demand for parking at the site.

The application proposes 17 spaces, and it is considered a reasonable number by APS which strikes a balance between the commercial use rate (7 to 9 spaces) and the expected member number method.

APS advise that the proposed layout of the car parking complies with *AS/NZS 2890.1:2004 Parking Facilities – Off-street Car Parking*, having regard to dimensions and manoeuvrability.

The car park accesses Station Road in a location that provides suitable sight distances to both the east and west.

Parking Layout

APS have assessed the layout against the requirements of AS 2890 and advise that the proposal is generally compliant, however modest widening in the vicinity of the loading bay is required to enhance manoeuvrability. This has subsequently been addressed in plans prepared by BHI Architects.

Conclusion

APS conclude that *“it is considered the proposed development will not generate a level of traffic that will adversely impact the local road network. Furthermore, it will provide safe and suitable access and parking for the vehicles it generates”*.

The proposal is not expected to result in any adverse parking and traffic impacts given that:

- The development provides for reasonable extent of onsite parking to meet the expected demand;
- The location of the parking and access complies with relevant standards;
- The proposal is not expected to generate traffic beyond the capacity of the local road network.

5.3.4 Natural Hazards

The subject site is identified as being flood liable, as shown in **Figure 6** above. However, the location of the proposed building is to the east of the allotment on land that is not identified as being flood liable. Consequently, no impacts arise for this aspect of the development.

The proposed car parking is located on land that is identified as flood liable, however according to the Flood Compliance Report prepared by MI Engineering, the proposed car park is above the 1% AEP flood scenario.

5.3.5 Waste Management

A Waste Minimisation and Management Plans (WMMP) has been prepared and lodged with the development application and deals with the construction phase of this development, and also waste requirements for ongoing use.

The Architectural Plans prepared by BHI Architects include a Site Management Plan which shows the siting of stockpiles, site shed, waste storage areas which are confined within the site which is to be fenced in temporary construction fencing during the short term construction phase.

Ongoing, the operations of Berry Spinners and Weavers generate very little solid waste. In this regard, minimal waste from craft activities is generated as smaller materials/offcuts and the like are utilised in the craft products that are made. The result being that even the smallest materials are generally utilised. Most waste that is generated is derived from the general attendance at the site, and includes food scraps and waste such as coffee cups and the like. Currently the Berry Spinners and Weavers operate out of the Berry School of Arts Building and utilise the domestic bins that are provided at that property. Waste generation at the subject site will reduce even further than that currently experienced as the vegetable garden beds will enable the composting of food scraps that are otherwise disposed of in the general waste.

The site is serviced by Council's weekly kerbside collection service and the modest extent of waste that is generated by the Berry Spinners and Weavers will be readily accommodated by this service.

The Architectural Plans prepared by BHI Architects show the provisions of garbage storage areas within the site to accommodate the general and recyclable waste bins that are available for kerbside collection.

5.3.6 Heritage

The subject site is located within the Berry Showground Heritage Conservation Area as identified in the Shoalhaven LEP 2014. Furthermore, a number of identified heritage items are located in the vicinity of the site, the closest being the Berry Railway Station.

The proposal has been considered by Weir Phillips in a Heritage Impact Statement (HIS) which has assessed the proposal and its impact on the heritage conservation area and the identified heritage items.

The HIS prepared by Weir Phillips concludes:

This Heritage Impact Statement has been prepared in conjunction with a Development Application for a new community facility on the in the southern

section of the Berry Showgrounds at Station Road. The site is located within the Berry Showgrounds HCA and in the vicinity of the Berry Showgrounds and Berry Railway Station Group.

The location of the proposed new community facility is in the southernmost point of the showgrounds, adjoining Berry Station. The location is outside any major view corridors between significant buildings and will generally not be visible in conjunction within the picturesque landscape setting of the Grounds. There will be no disruption to the interaction between streetscapes, memorials and showgrounds as a result of the proposed buildings.

The proposed community use for the new buildings is consistent with the long-established community use of the Showgrounds. The showground will be able to continue their important community usage.

The proposed works fulfil the aims and objectives of the Shoalhaven LEP 2014 and the Shoalhaven DCP 2014 while respecting the heritage significance of the area in which it lies.

Based on the assessment of Weir Phillips, it is evident that the proposal will not result in unreasonable impacts on the Berry Showground Heritage Conservation Area, or items of environmental heritage that are identified by the Shoalhaven LEP 2014 located in the vicinity of the proposal.

5.3.7 Stormwater and Erosion Control

Accompanying the documentation submitted in support of this proposal is a Concept Stormwater Plan prepared by MI Engineers.

The Concept Stormwater Plan prepared by MI Engineers shows the provision of:

- rainwater tank to accept rainwater from the proposed building;
- grated surcharge pit;
- discharges via rein trench and level spreader; and
- surface water from the car park graded towards the western edge of the sealed car park towards the level spreader.

Based on the assessment and Concept Stormwater Plans prepared by MI Engineers, it is evident that the proposal can adequately collect and dispose of stormwater without impacting the existing stormwater infrastructure, or the receiving environment.

MI Engineers have also prepared a Concept Erosion and Sedimentation Control Plan which shows the provision of sediment fencing, stabilised site access, mesh and gravel inlet filters and geotextile inlet filters around stormwater pits and table drains.

Also, accompanying the suite of Architectural Plans prepared by BHI Architects is a Site Management Plan that shows the management of the suite during construction.

The relatively level nature of the site with no water courses/drainage depressions is such that these controls will be suitable to control sediment and avoid erosion.

5.3.7 Building Code of Australia and Accessibility

The application is accompanied by a BCA Assessment prepared by Accredited Building Certifiers and an Access Report prepared by Accessible Building Solutions and which conclude that the proposed development can comply with the relevant construction and accessibility requirements.

5.4 THE SUITABILITY OF THE SITE FOR DEVELOPMENT

In our view the site is suitable for the proposed development:

- The subject land is suitably zoned and the proposal generally satisfies state, regional and local planning provisions applying to the land.
- The development will not result in any significant adverse effects on local amenity.
- The property is provided with all essential infrastructure to enable the works and land use to be undertaken.
- The proposal will not adversely impact the carrying capacity or traffic safety of the local road system. Further, the property can accommodate the reasonable parking needs of the development.
- The subject site, although flood liable, is within land categorised as low hazard flood storage and the proposed building can reasonably build to the required Flood Planning Level.
- The site is well located for this community facility, provided with good access to the Berry Railway Station.

Given these circumstances it is our view that the subject site is suitable for the proposed development.

5.5 SUBMISSIONS

It is envisaged that the development application once submitted to Council will be placed on public exhibition; and the general public will be afforded an opportunity to review the documentation supporting the application.

Any public submissions made following the exhibition will need to be taken into consideration by Council when it determines the application.

5.6 THE PUBLIC INTEREST

It is our view that the proposal is in the public interest:

- The proposal is consistent with the zoning objectives that apply to the land and the local, regional and state planning provisions that apply to this locality.
- The proposal will not adversely affect the visual amenity of the surrounding neighbourhood.
- The proposal will not adversely impact on the carrying capacity or safety of the local road system.
- The proposal provides onsite car parking to meet the expected parking demand of the proposed community facility.
- The proposal has been designed in a manner that will minimise adverse impacts on the amenity of the surrounding locality.
- The proposal will result in the provision of a community facility to serve the needs of the community.
- The proposed land use is not expected to adversely impact on the amenity of surrounding properties.
- The proposal is sympathetic to the heritage significance of the locality.
- Although flood prone, this imposes a very modest threat to development and the building is of a height compliant with the Flood Planning Level.

6.0 CONCLUSION

This development application seeks Shoalhaven City Council's consent for a community facility, being a building to accommodate the Berry Spinners and Weavers community group.

The property is legally described as Lot 3 DP 840080 and is located at Station Road, Berry.

The proposal is well designed and considers the requirements of the Shoalhaven LEP 2014 and Shoalhaven DCP 2014.

The proposal will result in the provision of a well-designed facility that will complement the character of Berry, and will not adversely affect the heritage significance of the locality.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979. The assessment concludes that the development, within its local context, is satisfactory and should be approved.

Council's approval for this application is therefore sought.



STUART DIXON RPIA
TOWN PLANNER