



Key Issue Summary

Maximum Building Heights in the SLEP2009

6 Sept 2011

Key Points

1. Loss of community scrutiny of over development in the Shoalhaven

- a. Increasing the max height from 2 Storeys to 11m, absorbs the existing right of Council to approve construction up to 11 m ... through removing the right of the community to scrutiny and comment
- b. The L&E Court will uphold the new height irrespective of what is included in the New City Wide DCP ... which will be based on “performance criteria” and “Acceptable solutions” and not strict unequivocal guidelines
- c. Flexibility for Councillors has replaced scrutiny and the option to object from the community
- d. A DA could be handled by a private certifier and the default height of 11m would be considered as “complying”. Therefore, no community or council input.

2. Max heights in all zones of 11 meters PLUS Lot size averaging in R5 zone opens residential land for URBAN sub-division

- a. Except for the three “strategic centres” nominated by Council, Huskisson and Ulladulla CBD and the Civic Precinct in Nowra. All three of these “strategic centres” have attracted community outrage and legal complications.
- b. Council should be required to declare their “strategic centres” rather than simply raise the max height across the Shoalhaven to 11 meters, giving them flexibility to adopt any opportunistic proposal that may arise rather than constructing a future Plan for the Shoalhaven that will give stability and predictability to the community and investors.
- c. Instead of good planning, residential zones such as R1 (general residential) , R3 (medium density) and R5 (Large lot residential) have simply had their height limits raised to 11 m. Coupled to the soon to be released “Lot Size Averaging” strategy SCC have opened the way to urban subdivisions that will change the face of coastal and rural villages.
- d. Council, through the Community Engagement Strategy, currently being review by community representatives, should work with the community to create a future plan for the Shoalhaven. Ad-Hoc decision making by Councillors in a 4 year term, in isolation from and without the input of the community, does not represent good decision making or good democracy.

3. Council “intends” to consider Mapping R2 (low density residential) and RU5 (village) zones at 8.5m

- a. The same “intention” includes mapping height limits included in “site specific” DCP’s
- b. The outcome of this “intent” will depend on the level of support shown by the community and their submission in support of the “intent”.
 - i. There is a high likelihood that many submissions will be received supporting the continuance of the 11m default max building height across all residential zones.

4. Community ACTION

- a. Max Building height for Shoalhaven to be returned to 8.5 meters = 2 Storeys (as in LEP 1985) ... an Administrative Changeover
- b. In accordance with the adopted “Administrative Changeover” All previously approved heights and fsr established with the community through existing DCP’s to be shown on the HOB maps. Council to be required to declare its “strategic centres” and include HOB and FSR Maps after consultation with the community ... *the first task under the Community Engagement Strategy*
- c. Options:-
 - i. Remove the “optional” height from Clause 4.3
 1. Map all zones (HOB and FSR) in the Shoalhaven to reflect existing maximum heights whether they are set by DCP or by convention / precedence. This will enable Council to succinctly declare its “strategic centres” and plans for the future of the Shoalhaven, rather than persist with the surreptitious changes being made within the Draft SLEP2009

The above research is provided for guidance in responding to the SLEP2009, we urge that all CCB’s make their own investigations to verify content and construct their own submissions