

Development Committee

Meeting Date: Tuesday, 08 May, 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr Joanna Gash - Chairperson
Clr John Levett
All Councillors
General Manager or nominee

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Agenda

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4. **Mayoral Minute**
5. **Deputations and Presentations**
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8. Confidential Reports

Nil

Development Committee

Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule:

1. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
2. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
3. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
4. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which breaches a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
5. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
6. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
7. Review of all determinations of development applications under sections 82A and 96AB of the EP&A Act.
8. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 10 April 2018

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Time: 5.00pm

The following members were present:

Clr Joanna Gash - Chairperson
Clr Amanda Findley
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Cheyne
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

RESOLVED (Clr Cheyne / Clr White)

MIN18.255

That:

1. A leave of absence be granted to Clr Alldrick for the period 10 April 2018 until 15 May 2018 inclusive.
2. An apology be received from Clr Guile.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr White / Clr Gartner)

MIN18.256

That the Minutes of the Development Committee held on Tuesday 13 March 2018 be confirmed.

CARRIED

Note: Clr Findley advised that the Mayoral Minute regarding leasing Nowra Neighbourhood Centre for homeless accommodation arising from the Homelessness Taskforce Shoalhaven will be submitted to the Strategy & Assets Committee on 17 April 2018.

Declarations of Interest

Nil

DEPUTATIONS AND PRESENTATIONS

DE18.23 – S96 Modification Application – Tomerong Quarry – Parnell Rd, Tomerong – Lot 4 DP 775296

Lester Shute spoke for the recommendation.

DE18.28 – Development Application DA17/2337 – 16 Coolangatta Road, Coolangatta – Lot 1 DP 1204108

Allan Murphy spoke for the recommendation. The Deputation was made later in the meeting, see MIN18.261.

REPORTS

DE18.23 S96 Modification Application – Tomerong Quarry - Parnell Rd, Tomerong – Lot 4 DP 775296

HPERM Ref:
D18/49185

Recommendation (Item to be determined under delegated authority)

That the Development Committee resolve to refuse Application DS16/1532 to modify DA90/1912 to modify condition 14(h) for the following reasons:

1. The modification application has not adequately demonstrated that the proposal will not have adverse environmental impacts on the built environment and social impacts on the locality. (Section 79C(1)(b) of Environmental Planning and Assessment Act, 1979)
2. The information submitted with the modification application does not satisfactorily demonstrate that the site is suitable for the proposed modification. (Section 79C(1)(c) of Environmental Planning and Assessment Act, 1979)
3. Having regard to the information submitted with the modification application and having regard to submissions received, the modification of the consent is not considered to be in the public interest. (Section 79C(1)(e) of Environmental Planning and Assessment Act, 1979)

RESOLVED (Clr Wells / Clr Pakes)

MIN18.257

That the Development Committee resolve to refuse Application DS16/1532 to modify DA90/1912 to modify condition 14(h) for the following reasons:

1. The modification application has not adequately demonstrated that the proposal will not have adverse environmental impacts on the built environment and social impacts on the locality. (Section 79C(1)(b) of Environmental Planning and Assessment Act, 1979)
2. The information submitted with the modification application does not satisfactorily demonstrate that the site is suitable for the proposed modification. (Section 79C(1)(c) of Environmental Planning and Assessment Act, 1979)
3. Having regard to the information submitted with the modification application and having regard to submissions received, the modification of the consent is not considered to be in the public interest. (Section 79C(1)(e) of Environmental Planning and Assessment Act, 1979)

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.24 Proposed Submission - Aboriginal Cultural Heritage Reforms**HPERM Ref:
D17/362593****Recommendation (Item to be determined under delegated authority)**

That Council make a submission to the NSW Office of Environment & Heritage on the proposed Aboriginal Cultural Heritage Reforms based on the content of this report.

RESOLVED (Clr Wells / Clr White)

MIN18.258

That Council make a submission to the NSW Office of Environment & Heritage on the proposed Aboriginal Cultural Heritage Reforms based on the content of this report.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.25 Proposed Exhibition - Review of Shoalhaven Contributions Plan 2010**HPERM Ref:
D18/67978****Recommendation (Item to be determined under delegated authority)**

That Council:

1. Adopt for exhibition purposes the draft Amendment No. 10 to Shoalhaven Contributions Plan 2010 as attached;
2. Exhibit draft Amendment No. 10 for a minimum period of 28 days in accordance with legislation;
3. Receive a further report after public exhibition to consider any submissions and to adopt the amendment for finalisation; and
4. Acknowledge a further amendment to the Contributions Plan will be necessary once the two significant projects identified in this report have been revised and adopted by council.

RESOLVED (Clr Findley / Clr White)

MIN18.259

That Council:

1. Adopt for exhibition purposes the draft Amendment No. 10 to Shoalhaven Contributions Plan 2010 as attached;
2. Exhibit draft Amendment No. 10 for a minimum period of 28 days in accordance with legislation;
3. Receive a further report after public exhibition to consider any submissions and to adopt the amendment for finalisation; and
4. Acknowledge a further amendment to the Contributions Plan will be necessary once the two significant projects identified in this report have been revised and adopted by council.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Kitchener

CARRIED

**DE18.26 DA18/1010 – 27 Quinns Lane, South Nowra – Lot 4 DP
519090**

**HPERM Ref:
D18/75316**

Recommendation

That Council:

1. Confirm that it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 15.63m; and
2. Refer the development application (DA18/1010) back to staff for determination.

RECOMMENDATION (Clr Wells / Clr Findley)

That Council:

1. Confirm that it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 15.63m; and
2. Refer the development application (DA18/1010) back to staff for determination.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE18.27 DE18.16 - Update and Proposed Next Steps - Nowra CBD
Fringe Medium Density Study Recommendations Report
- Public Exhibition**

**HPERM Ref:
D18/98289**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the attached Nowra CBD Fringe Medium Density Study - Recommendations Report prepared by Studio GL for information and endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.
2. Consider a further report following the exhibition of the Nowra CBD Fringe Medium Density Study Recommendations Report on any comment received, with a view to proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.

RESOLVED (Clr Gash / Clr Gartner)

MIN18.260

That Council:

1. Receive the attached Nowra CBD Fringe Medium Density Study - Recommendations Report prepared by Studio GL for information and endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.
2. Consider a further report following the exhibition of the Nowra CBD Fringe Medium Density Study Recommendations Report on any comment received, with a view to proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.
3. Write to all affected residents as part of the consultation.

FOR: Cllr Gash, Cllr Findley, Cllr White, Cllr Wells, Cllr Levett, Cllr Cheyne, Cllr Gartner, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Procedural Motion - Deputation

RESOLVED (Cllr Pakes / Cllr White) MIN18.261

That a deputation be received from Mr Allan relating to DE18.28 – Development Application DA17/2337 – 16 Coolangatta Rd, Coolangatta – Lot 1 DP 1204108.

CARRIED

Allan Murphy spoke for the recommendation.

DE18.28 Development Application DA17/2337 – 16 Coolangatta Rd, Coolangatta – Lot 1 DP 1204108

HPERM Ref:
D18/98711

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Confirms that it supports the variation to the policy; and
2. Refer the application back to staff for determination.

RESOLVED (Cllr Findley / Cllr Cheyne)

MIN18.262

That the Committee:

1. Confirms that it supports the variation to the policy; and
2. Refer the application back to staff for determination.

FOR: Cllr Gash, Cllr Findley, Cllr White, Cllr Wells, Cllr Levett, Cllr Cheyne, Cllr Gartner, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.29 Additional Item - Development Application - 160 Kinghorne Street, Nowra

RESOLVED (Cllr White / Cllr Findley) MIN18.263

That DA17/2242 – 160 Kinghorne Street, Nowra Lot 2 DP 566370 be called in to Council for review under s8.2(1)(a) of the Environmental Planning and Assessment Act 1979, due to significant public interest.

FOR: Cllr Gash, Cllr Findley, Cllr White, Cllr Wells, Cllr Levett, Cllr Cheyne, Cllr Gartner, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.30 Additional Item - Development Application - Bangalee Motel - A10 Princes Highway, Berry

RESOLVED (Clr White / Clr Findley)

MIN18.264

That DA17/1359 – Bangalee Motel – A10 Princes Highway, Berry Lot 100 DP 1057897 be called in to Council for determination due to significant public interest.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 6.08pm.

Clr Gash
CHAIRPERSON

DE18.31 Planning Proposal (Rezoning) Guidelines - Proposed Revisions

HPERM Ref: D18/16929

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Revised PP Guidelines (under separate cover) [↗](#)
2. Community Engagement and Communication Strategy - Revision to PP Guidelines [↓](#)

Purpose / Summary

Obtain Council's endorsement to publicly exhibit proposed revisions to Council's Planning Proposal (Rezoning) Guidelines.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the attached draft revision to the Planning Proposal (Rezoning) Guidelines for public exhibition.
2. Exhibit the draft revision to the Planning Proposal (Rezoning) Guidelines in accordance with the attached Community Engagement and Communications Strategy.
3. Receive a further report to consider feedback received during the public exhibition period and enable finalisation of the Guidelines.

Options

1. Endorse the draft Planning Proposal (PP) Guidelines for public exhibition, with or without changes.

Implications: The draft PP Guidelines contain several significant policy positions to ensure that PPs are managed consistently and transparently. It is considered appropriate for Council to engage with the community and industry before determining what, if any, amendments should be made to the guidelines. This option is preferred.

2. Adopt the draft PP Guidelines (with or without changes) without public exhibition.

Implications: Council is not legally obligated to exhibit or consult prior to amending the PP Guidelines, but it is preferable given the amount of new information proposed and the importance of the document to the PP process.

3. Not revise the existing PP Guidelines.

Implications: Some of the proposed changes to Council's PP Guidelines address a policy gap that was identified recently when Council considered a PP request for Hitchcocks Lane, Berry. This prompted a broader review of the PP Guidelines and the proposed

amendments will provide more certainty, transparency and consistency in relation to the PP process. Retaining the PP Guidelines in their current form is not preferred.

Background

Council's Development Committee considered a report for a proponent-initiated PP at Hitchcocks Lane, Berry, on 14 November 2017. That report considered a request by the proponent to bring forward/accelerate a long term urban investigation area identified in the Growth Management Strategy (GMS). The report noted that Council does not have an adopted policy on such requests and it was resolved (MIN17.953) as part of the decision on that item to:

"...request a future report that provides options for a policy framework for considering Planning Proposals that accelerate consideration of an area ahead of its timing in Council's adopted strategic plans".

A subsequent review by Council staff has concluded that the most appropriate location for this policy is Council's Planning Proposal (Rezoning) Guidelines (PP Guidelines). No other appropriate existing policy or guidance document was identified, and it is also considered desirable to avoid the unnecessary proliferation of policies through the creation of an additional new one.

The PP Guidelines were initially adopted by Council on 26 March 2013 and followed earlier Rezoning Request Guidelines. The purpose of the PP Guidelines is to outline Council's processes and criteria for assessing proponent-initiated PPs. The current PP Guidelines can be viewed on the internet at:

<http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D16/22490>

Since the finalisation of the new LEP for Shoalhaven in 2014, a range of proponent-initiated PP requests have been made. These have progressed through the PP process to varying extents. This experience has revealed opportunities to improve the PP Guidelines, thus a broader review was undertaken, the outcome of which is detailed below.

Summary of Key Issues and Proposed Changes to the PP Guidelines

Updating the PP Process Diagram

The current PP Guidelines include a simplified diagram of the PP process. This diagram is now outdated due to changes made to the PP process by the NSW Government. For example, PPs are no longer considered by a Local Planning Panel; this role is now managed internally by the NSW Department of Planning and Environment (DP&E).

The current diagram also suggests that **all** specialist studies need to be completed before the PP is submitted for Gateway determination. The revised diagram shows that only studies for "threshold issues" need to be completed before sending a PP to Gateway. The revised diagram allows for specialist studies in relation to non-threshold issues to be prepared after the Gateway determination has been issued.

Other changes to the diagram include:

- a) Recognising that community consultation may occur prior to requesting a Gateway determination; and
- b) Identifying where in the PP process that fees will be charged.

Future Growth Areas - Requests to Vary Timing

In accordance with MIN17.953, the proposed changes to the PP Guidelines include a potential policy framework to consider requests to accelerate/bring forward longer-term urban investigation areas that are identified in endorsed Strategies or Plans.

This framework is based on the DP&E's Precinct Acceleration Protocol (PAP). The PAP applies to the Sydney Growth Areas and specifies what a proponent must demonstrate to accelerate a precinct.

The PAP's various requirements can be grouped into three main objectives:

1. A precinct will only be accelerated if it will be immediately developed. There is no value in accelerating a precinct otherwise. The PAP requires developers to show that they have the necessary experience, financial means and legal arrangements with owners to deliver the precinct as soon as it is released.
2. Only a logical and workable area of land will be released. The PAP is clear that an accelerated precinct must be a whole precinct. Accelerating a single lot in isolation makes infrastructure planning and delivery more difficult and expensive. It also prevents the proper master planning of development. If a precinct or part of a precinct is to be released it must be a logical and developable area of land.
3. Any additional infrastructure or servicing costs resulting from the acceleration must be borne by the proponent/developer. The PAP explains in detail the arrangements that need to be considered in funding infrastructure. The ultimate outcome is that the government will not incur any additional cost from the acceleration.

The above requirements have been adapted for inclusion into the draft PP Guidelines. Additional local provisions have been added to address the following matters:

4. There must be a need for land to be released in the local area. The PAP was established in the context of Sydney's need for housing supply. It assumes that demand will always exceed supply even if the precinct is 'accelerated'. While the demand for housing and land in Shoalhaven is currently strong, acceleration requests should only be supported if there is a demonstrated shortfall in urban land supply in the local area to the extent that would justify the proposed change in timing.
5. The Sydney Growth Centres were Biodiversity Certified, meaning that environmental land has already been identified and that Local Government will not incur the cost of managing the environmental land. As this is not the case for the investigation and growth areas in Shoalhaven, 'acceleration requests' should only be supported if the proponent provides for the long-term management of any environmental land at no cost to Council.
6. To varying extents, growth areas in Shoalhaven are more remote from a servicing perspective than the growth areas in Sydney. The draft PP Guidelines recognise this and require appropriate servicing if a precinct or area is to be accelerated. It also provides that acceleration should only occur if it will not give rise to development that is isolated from established urban services.
7. The draft PP Guidelines also require consideration of the 'public interest' in relation to any the acceleration request.

Specialist Studies

The draft PP Guidelines include information on how the specialist studies for a PP will be managed. It outlines which studies will be managed by the proponent and which studies will be managed by Council. The draft PP Guidelines state that studies will generally be managed by the proponent under the oversight of Council staff.

The following studies are however listed as exceptions to this and are to be entirely managed by Council:

- a) Heritage studies (including Aboriginal Cultural Heritage Assessments).
- b) Studies where there is a significant community interest.

- c) Studies that have a particular significance for Council (including Shoalhaven Water) or have a potential probity issue.
- d) Studies that are otherwise significant from a public interest perspective.

The draft PP Guidelines also require that all studies for proponent initiated PPs are to be wholly funded by the proponent. This is consistent with the current long-term practices of Council.

Urban Release Area Provisions (Part 6 of Shoalhaven LEP 2014)

The draft PP Guidelines outline the circumstances where Council will apply or consider applying the Urban Release Area (URA) provisions in Part 6 of Shoalhaven Local Environmental Plan (LEP) 2014 to the outcome of a PP.

Part 6 of Shoalhaven LEP 2014 requires certain matters to be addressed before the URA land can be subdivided. This includes preparation of a development control plan (DCP) and making satisfactory arrangements for the provision of public infrastructure.

The draft PP Guidelines include guidance on the circumstances in which Part 6 will or will not be used. Part 6 is proposed to be used:

- a) Where an adopted strategy/plan identifies multiple precincts with differing infrastructure issues and/or delivery timeframes;
- b) Where there is a need to resolve State public infrastructure or public utility infrastructure before the land can be subdivided;
- c) For major land releases that will be delivered over a long period of time and that require a staged master planning approach.

Part 6 is proposed not to be used in regard to a PP if it:

- a) Would defer a critical issue that could prevent the development from proceeding;
- b) Is clearly intended solely to facilitate the “flipping” of the site;
- c) Would result in unreasonable consultation fatigue for a community;
- d) Is unwarranted having regard to the scale and complexity of the PP.

Biodiversity Certification

Biodiversity Certification is a streamlined assessment process that allows the impacts on biodiversity to be fully resolved at the PP stage, thus avoiding the need for any further biodiversity assessment at subdivision/development stage.

The draft PP Guidelines provide that Council may require where appropriate/justified that a PP be biodiversity certified.

Development Control Plans (DCP)

The draft PP Guidelines include guidance on the form and place for any DCP controls required to accompany or ultimately support a PP. It also provides a general policy position that Council does not wish to see unnecessary site-specific DCP chapters.

Any new site-specific DCP chapters must achieve substantial planning outcomes.

Planning Agreements and Contributions Plans

The draft PP Guidelines include commentary on the use of contributions plans (CPs) and voluntary planning agreements (VPAs). It outlines the appropriate contexts for each approach. It also specifies that Council generally prefers VPAs where possible.

Classification of PPs

The draft PP Guidelines state that Council broadly classifies PPs as either ‘minor’ or ‘major’ based on potential impact.

These are defined as follows:

Minor PP:

PP for which no more than one (1) supporting specialist study is required. This includes ‘housekeeping’ PPs (prepared by Council to address minor anomalies etc) and other minor impact PPs.

Major PP:

PP for which two (2) or more specialist studies are required. Major PPs include:

- Local Impact PP - requires specialist studies that relate only to potential impacts on the locality; and
- Broader Impact PP - requires at least one (1) specialist study to address potential impacts beyond the land directly adjoining the subject land.

This informs community engagement approaches (see following section) and is used to determine the applicable fee for preparing proponent-initiated PPs for Gateway determination (as per Council’s fees and charges).

Community Engagement for PPs

The draft PP Guidelines include an outline of the types of community engagement methods employed for various classifications of PPs, as summarised in the table below:

✓ = Generally Required ◆ = Determined on a case by case basis x = Generally Not Required	Minor PPs		Major PPs	
	Housekeeping PP	Minor Impact PP	Local Impact PP	Broader Impact PP
Preliminary notification/consultation				
Make available online ¹ (applies to proponent-initiated PPs)	NA	✓	✓	✓
Notify directly affected & adjoining landowners	◆	✓	✓	✓
Invite submissions ²	x	x	◆	◆
Formal public exhibition phase				
Notify directly affected & adjoining landowners	◆	✓	✓	✓
Notify relevant CCBs	✓	✓	✓	✓
Newspaper notice(s)	✓	✓	✓	✓
Official hard copy display at Council	✓	✓	✓	✓
Post on Council’s ‘On exhibition’ webpage	✓	✓	✓	✓
Invite submissions	✓	✓	✓	✓
Prepare/exhibit explanatory statement	◆	◆	✓	✓
Prepare/exhibit FAQs	x	x	◆	◆
Article(s) in community newsletter	x	x	◆	✓
Media release	x	x	◆	✓
Interactive Website (‘Get Involved’) ³	x	x	◆	◆
Public hearing ⁴	◆	◆	◆	◆
Information sessions, public meetings, workshops etc.	x	x	◆	◆

	Minor PPs		Major PPs	
	Housekeeping PP	Minor Impact PP	Local Impact PP	Broader Impact PP
✓ = Generally Required ◆ = Determined on a case by case basis x = Generally Not Required				
Social media	x	x	◆	◆

Notes:

1. PP request documents are published on Council's Planning Proposal webpage: <https://shoalhaven.nsw.gov.au/Planning-amp-Building/Strategic-planning/Planning-Proposals>
2. Proponents can request a review if their PP request has not been determined within 90 days of lodgement. This timeframe limits the opportunity for preliminary community consultation.
3. Council's 'Get Involved' webpage will be utilised where there is a high level of public interest in the PP and will generally be used for the duration of the PP process.
4. Public hearings are mandatory for PPs involving reclassification of Council land. DP&E's Gateway determination will stipulate if a public hearing is necessary.

The draft guidelines also provide information on notification of stakeholders prior to Council meetings. This essentially documents Council's existing processes.

Fees and Charges

Council's fees and charges for proponent initiated PPs aim to ensure 100% cost recovery. The fees for preparing 'minor' and 'major' PPs (definitions provided above) for submission to Gateway allow up to 40 and 80 hours of staff time respectively. A separate 'excess staff time' fee (hourly rate) applies for PPs where the time allocation is exceeded. A corresponding review of this hourly rate in Council's fees and charges has been conducted as part of the review for the 2018/2019 financial year and necessary adjustments will be made. The draft PP Guidelines include a framework for determining chargeable staff time (i.e. inclusions and exclusions).

Community Engagement

It is considered appropriate for Council to engage with the community and industry before finalising this matter. It is recommended that the draft PP Guidelines be adopted for exhibition and a further report be considered by Council following the exhibition and to enable the Guidelines to be finalised. A detailed Community Engagement and Communications Strategy has been prepared for this proposal and is attached to this report.

Policy Implications

The draft PP Guidelines contain several policy positions to help ensure that PPs are managed consistently and transparently. As noted above, it is proposed to engage with the community and industry before adopting Council's policy position in relation to these matters.

Financial Implications

The review of the PP Guidelines is being managed within the existing Strategic Planning Budget using existing staff resources.

ENGAGEMENT AND COMMUNICATIONS STRATEGY

2018 Draft Revision to Council's Planning Proposal (Rezoning) Guidelines February 2018

1. Background

- Council has the ability to amend its Local Environmental Plan via the Planning Proposal (PP) process.
- Council has a set of guidelines for this process.
- It is proposed to amend these guidelines to cover more aspects of the PP process.
- The amendment includes adding provisions that provides a policy framework for considering PPs that accelerate consideration of an area ahead of its timing in Council's adopted strategic plans in accordance with MIN17.953.

2. Purpose of the Engagement Strategy

- To INFORM the community, government and industry stakeholders of the proposed amendment
- To CONSULT with the community, government and industry stakeholders on the proposed amendment

3. Key Messages

- Council wants to be consistent and transparent in its approach to PPs
- Council is willing to accelerate adopted growth areas if:
 - It is justified in terms of land supply/demand in the local area
 - The development of the land will occur soon after the land is released
 - The precinct being accelerated is a logical and workable area of land
 - There will be no additional cost to government or Council as the result of the acceleration
 - Environmental land will be appropriately secured in the long term
 - There will be an acceptable level of amenity for the accelerated precinct
 - There are no other public interest reasons to warrant deferral of the precinct.
- Should Council support a PP request, the process and proposed outcomes will be managed and controlled by Council.
- Council directs the specialist study preparation for PPs, though some studies may be organised by the proponent under Council's oversight.
- Council will implement a clear community engagement framework for PPs that has regard for the complexity of the PP and its likely local and broader impacts.
- Council will recover the costs of preparing PPs by charging a loading on the time spent by professional officers working on the project.

ENGAGEMENT AND COMMUNICATIONS STRATEGY

4. Project Aims

- The primary aim of this policy is to ensure consistent and transparent in Council's approach to PPs

5. Relationship to Community Strategic Plan (CSP)

- This policy is consistent with the CSP in that it encourages planning decisions in line with parts 2 and 3 of the plan and is based on achieving good governance consistent with part 4.

6. Relationship to the Community Engagement Strategy (CES)

- The document implements the CES into the PP process.
- The document is a policy that will have a Citywide High Impact.
- The objective of the engagement is to inform and consult.
- The CES Engagement Matrix provides:
 - **Every Time**
 - Website
 - Publications, Fact sheets, Newsletters
 - Media release, Advertisement
 - Displays, Exhibits, Open Houses, Service Centres, Libraries, Noticeboards
 - Submissions
 - Blog, Twitter, Facebook
 - **In Most Circumstances**
 - Targeted Mail, Email, Phone
 - Public and Stakeholder Meetings
 - Surveys and Interviews
 - **On Specific Occasions**
 - Focus Groups

ENGAGEMENT AND COMMUNICATIONS STRATEGY

8. Risks

This project is moderate risk. It needs to be carefully managed and the community is to be given adequate opportunity to have their say.

Potential Issue	Likely Impact	Strategic Response
Perception that Council has already made up its mind.	Stakeholders take an adversarial position.	Council has only adopted the proposal for exhibition. It has not made any decision on the content of the document beyond this.
Perception that Council is favouring one stakeholder group over another.	One or more groups of stakeholders reject the document outright and do not provide constructive feedback.	The document has been deliberately drafted to be equitable. If this charge is raised, encourage stakeholders to address the specific perceived inequities in the document in addition to making a general observation.
Feedback from stakeholders in an existing project(s) overwhelms feedback from the broader community.	The particular issues of an existing project result in a policy decision that is a poor outcome when applied more broadly.	Produce a summary sheet for each current project detailing how this amendment will impact its process. Consider all feedback on merit.
A stakeholder does not understand part of the document.	Stakeholders raise concerns that are not actual and do not raise concerns that they would have raised if they understood the document.	Prepare plain English fact sheets. Council contact officers to be available for phone calls and appointments at the Nowra and Ulladulla administration centres.

ENGAGEMENT AND COMMUNICATIONS STRATEGY

9. Who are our Stakeholders?

Stakeholder Group	Stakeholders	Interest
Council	<ul style="list-style-type: none"> • Councillors • General Manager • Group Directors • Assessment Staff • Shoalhaven Water • Asset Management Staff 	Ensuring that processes meet statutory requirements, efficient and achieve the planning outcomes adopted by the elected Council whilst ensuring value for money for rate payers.
Community	<ul style="list-style-type: none"> • Residents and land owners in the City • CCBs • Community groups with a mandate that is impacted by planning decisions, for example: <ul style="list-style-type: none"> ○ Environmental conservation ○ Improvement of services and facilities ○ Heritage conservation 	Ensuring that their role and influence in the PP process is respected and is not stifled by these guidelines.
Government	<ul style="list-style-type: none"> • NSW <ul style="list-style-type: none"> ○ Department of Planning and Environment ○ Office of Environment and Heritage 	Ensuring that processes meet statutory requirements, efficient and achieve the outcomes desired by Parliament (NSW Government).
Landowners lodging PPs	<ul style="list-style-type: none"> • Landowners interested in rezoning • Owners of land within investigation areas • Landowners with a PP currently under consideration by Council 	Ensuring that the processes do not hinder their ability to develop their land or to sell the land as a development site.
Industry	<ul style="list-style-type: none"> • Consultants and Contractors working on PPs and supporting studies • Developers • Real Estate Agents 	Ensure processes allow the cheap, quick and simple delivery of the highest and best development that can be achieved on each site.

DE18.31 - Attachment 2

ENGAGEMENT AND COMMUNICATIONS STRATEGY

10. Engagement Phases and Approach

Phase	Approach
Promotion	<ul style="list-style-type: none"> • Get Involved Interactive Website • Community Newsletter • Information sheets for each existing PP • Fact Sheet • Advertisement • Media Release • Facebook Post • Targeted Mail/Email
Submission Period	<ul style="list-style-type: none"> • Submissions
Council Meeting and Reporting	<ul style="list-style-type: none"> • Deputations at Council Meeting
Evaluation	<ul style="list-style-type: none"> • Internal Process Only

11. Communications Strategy

Delivery Tactics

Phase	Approach	Channel	Target Stakeholders
Promotion	Get Involved Interactive Website	<ul style="list-style-type: none"> • Council's Get Involved online engagement platform • Also display documents on exhibition page on Council website. 	<ul style="list-style-type: none"> • Community • Industry • Landowners lodging PPs
	Community Newsletter	<ul style="list-style-type: none"> • Council's email newsletter 	<ul style="list-style-type: none"> • Community • Industry • Landowners lodging PPs
	Information sheets for each existing PP	<ul style="list-style-type: none"> • Council's Get Involved online engagement platform 	<ul style="list-style-type: none"> • Community • Industry • Landowners lodging PPs

ENGAGEMENT AND COMMUNICATIONS STRATEGY

Phase	Approach	Channel	Target Stakeholders
Promotion (continued)	Fact Sheet	<ul style="list-style-type: none"> Council's Get Involved online engagement platform Print copies available on request 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs
	Advertisement	<ul style="list-style-type: none"> Local newspaper(s) circulating across the city 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs
	Media Release	<ul style="list-style-type: none"> Council's website Direct transmission to local media 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs
	Facebook Post	<ul style="list-style-type: none"> Council's Facebook account 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs
	Targeted Mail/Email	<ul style="list-style-type: none"> Email and Post 	<ul style="list-style-type: none"> Industry Landowners lodging PPs CCBs Government Council
	Hard Copy Exhibition	<ul style="list-style-type: none"> Display hard copies at Council offices 	<ul style="list-style-type: none"> Community
Submission Period	Submissions	<ul style="list-style-type: none"> 28 day (4 weeks) submission period <u>Must be in writing</u> Council's Get Involved online engagement platform Email Post Hand delivery to Council offices 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs Government Council
Council Meeting and Reporting	Deputations at Council Meeting	<ul style="list-style-type: none"> Public Meeting (Normal Development Committee process to apply) 	<ul style="list-style-type: none"> Community Industry Landowners lodging PPs
Evaluation	Internal Process Only		

ENGAGEMENT AND COMMUNICATIONS STRATEGY

12. Budget

Item	Details	Cost Estimate
Advertising	<ul style="list-style-type: none"> A single advertisement in the South Coast Register and the Milton-Ulladulla Times. 	\$600
Printing	<ul style="list-style-type: none"> As required. As far as practical this should be an online engagement process. 	Minimal
Website	<ul style="list-style-type: none"> Utilise existing web platform with no additional costs 	Nil
Overtime and additional hours	<ul style="list-style-type: none"> No overtime or additional staff time is proposed. 	Nil

13.Evaluation and Monitoring

The process is to be evaluated as part of the report to Council following the conclusion of this engagement.

DE18.32 Proposed Project Commencement - Shoalhaven Growth Management Strategy (Version 2)

HPERM Ref: D18/30665

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

Advise of the proposed commencement of detailed work to prepare the Shoalhaven Growth Management Strategy - Version 2 (GMS V2), as per the resolution of Council when the original Growth Management Strategy - Version 1 (GMS V1) was adopted and to outline the suggested process to be followed and matters to be considered in preparing the updated version of the Strategy.

Recommendation (Item to be determined under delegated authority)

That Council

1. Formally commence the preparation of the Shoalhaven Growth Management Strategy Version 2, and
2. Hold a detailed Councillor workshop to consider the form and content of the Shoalhaven Growth Management Strategy Version 2 and the approach to be taken to prepare it.

Options

1. Proceed with the commencement of the preparation of GMS V2 with the form and content to be the subject of a Councillor Briefing.

Implications: This is the preferred option as it is consistent with the previous resolution of Council to prepare GMS V2 and will allow Council to plan the future direction for our area and accommodate predicted population increases.

2. Not proceed with the commencement of the preparation of GMS V2.

Implications: This option is not recommended as the GMS is the mechanism for setting the strategic direction for the City for the next 20 years. The current GMS was always intended to be a first stage to be followed by a second stage. Further, components of the plan are now outdated and require revision.

Background

In December 2012, Council adopted the Shoalhaven GMS - Version 1 (GMS V1) which incorporated:

- The key outcomes of the Community Strategic Plan (CSP);
- The strategic directions from existing endorsed structure plans and settlement strategies (Nowra-Bomaderry Structure Plan, Jervis Bay Settlement Strategy and Milton-Ulladulla Structure Plan); and

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- Provided direction for the remaining settlements where no strategy or plan existed.

The GMS V1 can be viewed on Council's website at

http://shoalhaven.nsw.gov.au/LepRegisterDocuments/Msc/115/GrowthManagementStrategy_Version1.pdf

The GMS was adopted by Council as a Version 1 (GMS V1), with a Version 2 (GMS V2) to follow which would set out future actions and policy guidelines to be prepared with the community, specifically for those areas outside the existing strategy areas that were identified as having potential for future growth (Berry, Kangaroo Valley, Wandandian, Fisherman's Paradise and Lake Tabourie).

The GMS V1, whilst adopted by Council in December 2012, was not endorsed by the NSW Department of Planning & Environment until May 2014.

Since its endorsement in 2014 a range of relevant strategic planning considerations have become relevant such as the finalisation of the Illawarra-Shoalhaven Regional Plan, a range of NSW Government planning reforms and the adoption of a new Strategic Planning Works Program by Council in July 2017.

Strategic Planning Works Program - Overview

In the new Strategic Planning Works Program (July 2017), 'managing future growth' is identified as the main priority area in the program. The overarching strategy in this regard in the adopted Works Program is:

Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.

There are several priority projects in this area of the Works Program, most of which are currently being worked on. However most relevant in this regard is the following priority project:

Priority Project - Growth Management Strategy version 2:

- *Outstanding investigation areas.*
- *Relationship with commercial and industrial land.*
- *Additional development opportunities (e.g. Berry expansion).*

Regarding the above extract from the program, it is noted that the 'Berry expansion' is now progressing as a Planning Proposal (PP) following the consideration by Council in November 2017 of a proponent-initiated request in this regard.

The Works Program also includes the following other projects that are considered specifically relevant to the GMS V2 project and these will be discussed later in the report:

Priority Project - Jervis Bay Settlement Strategy (MIN16.950):

- *Review additional urban development opportunities.*

and

Milton-Ulladulla Structure Plan Review:

- *Review additional development opportunities.*

The GMS V2 and associated projects are identified in the Works Program as priority projects and it is now appropriate, given resourcing opportunities and other relevant requirements (e.g. legislative changes) to commence work on it.

GMS Version 2 – Commencement

This report provides detail regarding the commencement of the preparation of GMS V2, the project scope and how it is intended to be carried out, for consideration.

Given the length of time that has elapsed since the adoption of GMS V1, some of the strategic direction in that document will also need to be revised or reviewed. Updated constraint information is available for inclusion, such as new or updated flood studies.

Other strategic documents identified for review in the Works Program and as such the review of those strategies could be incorporated in the preparation of the GMS V2, specifically the reviews of the Jervis Bay Settlement Strategy (JBSS) and the Milton-Ulladulla Structure Plan (MUSP).

There are also outstanding resolutions from the preparation of the Shoalhaven Local Environmental Plan (LEP) 2014 that could be addressed through the GMS V2 such as a review of the zoning of the Burton Street shops in Vincentia.

An initial overview of the matters to be considered/included in the GMS V2 are outlined below.

Revised Strategy timeframe

New population forecasts are currently being prepared for Shoalhaven by Councils demographic consultants (.ID) and these new forecasts will have a 20-year timeframe (at present proposed to be 2020 to 2041).

Thus, for consistency and to enable future monitoring the GMS V2 should be based on the same timeframe, which will extend its coverage from 2036 (GMS V1) to 2041.

EP&A Act amendments

Under the recent significant amendments to the Environmental Planning and Assessment Act 1979 (EP&A Act), Councils are now required to prepare 'local strategic planning statements' which will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved, and how change will be managed into the future.

The new statements will need to align with the regional and district plans (where these exist), and Council's own priorities in the CSP. Council's statement can be prepared for the City as a whole or broken down into Council wards, although this may not be practical/logical given the size and scale of Shoalhaven. Councillors are expected to have a lead role in preparing and endorsing these statements to ensure local views are reflected.

The timing for commencement of this component of the new legislation is expected mid to late 2019 with regional councils likely to be required to have statements in place by the end of 2020.

More detail will shortly be released on the preparation of these statements, however, discussions with the DP&E indicate that Council's ongoing strategic work, such as the GMS V2, can inform the statements and that there may be scope to align the processes e.g. if extensive community consultation is undertaken for the GMS V2, this will not need to be duplicated for the required local strategic planning statement.

As such it is intended to utilise the GMS V2 process to also advance and possibly deliver the required 'strategic planning statement' for Shoalhaven.

Relevant planning documents - consideration

The following documents be considered in the preparation of the GMS V2:

- Illawarra Shoalhaven Regional Plan (ISRP)

- Current Shoalhaven CSP
- Shoalhaven Affordable Housing Strategy
- Shoalhaven Community Infrastructure Strategic Plan
- Community initiated plans (e.g. Shoalhaven Heads, Berry etc.), where relevant

Where necessary the relevant outcomes or actions from these documents and others will need to be incorporated into the GMS V2.

Proposed Growth scenarios

The GMS V1 was based on a growth scenario where development is focused on the identified growth centres (Nowra-Bomaderry, Jervis Bay – St.Georges Basin, Sussex Inlet and Milton-Ulladulla), with some growth in a limited number of settlements that have potential to accommodate additional population in the longer term or pending detailed work.

There are some benefits to this approach (e.g. accepted by DP&E and community, provides an adequate supply of land to meet demand, areas identified are spread throughout the City and are reasonably free of constraints) and disadvantages (growth of settlements that may not have services available requiring residents to travel for work and daily needs).

The GMS V2 provides the opportunity to consider if this is still the most appropriate scenario for the growth of Shoalhaven.

Other potential options for how future demand for development could be met into the future are briefly outlined below.

1. *Northern centric*

This scenario focusses on the primacy of Nowra-Bomaderry (N-B) which is identified as a 'major regional centre' in the ISRP. Under this option, NB would continue to be the focus for growth within the City, with limited provision of additional land being zoned for new development in the remainder of the City.

Benefits

Council can focus its planning and other resources in one location. N-B is already well serviced and upgrading these services is less costly than providing new services to smaller areas. Growth of N-B may allow the centre to reach a critical mass of population and jobs which then attracts large employers and therefore more people. This in turn may encourage more investment by Government and makes public transport, retail options etc. more feasible.

Disadvantages

Limitations to this scenario are the geographical size of Shoalhaven, the spread-out nature of the population and reliance on the Princes Highway - most of the population would need to travel to N-B for jobs and other activities, increasing pressure on the Princes Highway. This option may or may not be favourably viewed by the community outside of N-B. It may also not be well received by the existing N-B community.

2. *Growth centres*

This scenario is based on limiting new or future growth to the three centres identified in the ISRP – N-B, Jervis Bay-St.Georges Basin and Milton-Ulladulla, with other settlements to remain as per current zoned areas or Strategies (i.e. Sussex Inlet). Under this option, Council through the Works Program has indicated a desire to possibly look at additional greenfield release potential in the broader Jervis Bay-St.Georges Basin and Milton-Ulladulla areas given the current uptake of existing zoned land in these areas.

Benefits

This approach allows concentration of resources into the identified existing higher order centres, maintains and/or builds on current footprint for other settlements. These centres will still benefit from a level of concentrated growth to maintain jobs and investment. It also potentially puts less pressure on the Princes Highway than the northern centric option.

Disadvantages

Physical and environmental constraints may mean that insufficient land can be identified in or immediately adjacent to these centres to accommodate forecasted population growth. Residents of smaller settlements may not be supportive of services being centralised in these locations. Also, landowners whose land is identified in GMS V1 for investigation may be concerned if their land is ultimately removed as a potential expansion area in favour of other areas closer to existing higher order settlements.

3. *Consolidated growth*

This scenario is based on accommodating future growth by increasing densities in existing centres, with no further greenfield rezoning, other than those already identified in strategies.

Benefits

Maintains current footprints of settlements, retains natural areas, reduces the need for the provision of new infrastructure, prevents encroachment into agricultural land etc. Also concentrated growth may make public transport more feasible.

Disadvantages

Likely to see continued change to the character of some settlements, with a shift in community attitudes needed to be more accepting of higher density forms of development. Council would also need to focus on provision and embellishment of open space and services to make this form of housing more sustainable and attractive. There is a risk of poor quality urban form requiring preparation of detailed planning controls to ensure good design outcomes. This approach is unlikely to be palatable to development industry which have traditionally focused on subdivision/construction of single dwellings on individual lots in Shoalhaven.

These and other potential long-term growth options, which could involve variations or a mix of the above, need to be considered and discussed through the GMS V2 process.

Inclusion of commercial and industrial land

The GMS V1 primarily related to future residential growth and development.

The scope of the GMS V2 should also be expanded to include commercial and industrial land to consider the supply, location, and take up rates, and if necessary, identify locations for additional employment land and/or new or revised provisions for incorporation in the LEP or DCP. This is particularly relevant as there is a need to ensure that there is sufficient 'employment' related land to support future residential growth.

Jervis Bay Settlement Strategy - Review

The Jervis Bay Settlement Strategy (JBSS) was finalised 2003 and intended to provide a strategic framework for residential and rural residential growth in the region for 15-20 years.

In the intervening 15 years, several of the plan's actions have been completed, such as the investigation of the residential potential of Heritage Estates, and others are only partially completed or have not yet commenced. Consistent with the Works Program, It is now timely

to review the strategy to confirm the direction for this important area and to also look at issues that have arisen since its adoption and need to be resolved or further considered, such as the future of the Burton Street shopping centre given the development of the Vincentia Marketplace and the Worworing Heights precinct for which Council has adopted a precinct plan (February 2018) .

Dependent on the growth scenario to be pursued, whether a new settlement or area outside existing settlements is required to meet future demand in the locality may need to be considered.

The Work Program identifies this as a high priority project. As such, it is logical to include this review as part of the GMS V2. This will ensure efficiencies and its delivery in a timely manner as opposed to pursuing the review as a standalone project.

Milton-Ulladulla Structure Plan – Review

The MUSP was adopted in 1996 and subsequently implemented through an LEP that was finalised in 2003.

The MUSP was intended to cover the timeframe to 2020 - it is also therefore timely to review and update the vision and strategic direction for the area as part of the GMS V2.

The details of the MUSP were incorporated in GMS V1. Including the review of the MUSP in the GMS V2 project will increase the scope of works for the project, but while it means additional work and an extended timeframe for the GMS, it reduces overall workload as processes such as community consultation are not duplicated. The review will still include confirming/revising desired future character and will identify how future growth is to be accommodated, depending on the growth scenario chosen.

Incorporating both the reviews of the JBSS and MUSP into the GMS V2 project means that the projects will not be delayed, to allow any one of them to be undertaken or completed. The review of the MUSP is also identified as a project in the Work Program.

GMS V1 Investigation areas

The GMS V1 nominates a limited number of settlements outside those covered by detailed strategies or plan that may have potential for additional growth or expansion in the longer term, subject to further investigation. These areas are:

- Berry
- Kangaroo Valley
- Wandandian
- Fisherman's Paradise and
- Lake Tabourie

Dependent on the overall growth scenario decided on for the future, these areas may need to be revised and possibly updated considering any new information that Council now holds (e.g. new and updated flood studies) or any areas that have or are being considered in detail through a separate planning process (e.g. Kangaroo Valley short term area which has already been rezoned through a PP).

Character Statements

The GMS V1 identified several areas where 'desired future character' statements would be prepared in conjunction with the community to be included in the GMS V2. These locations include the five investigation areas identified above and the following areas:

- Shoalhaven Heads
- Greenwell Point
- Orient Point
- Manyana and Cunjurong Point
- Bendalong/North Bendalong
- Lake Conjola
- Conjola Park
- Kioloa
- Bawley Point
- Pebbly Beach
- Depot Beach
- North Durras

Council may wish to prepare these character statements just for these settlements or for all settlements in Shoalhaven. These could be developed through community workshops and/or online surveys and feed into the 'local planning statement/s' that Council is required to deliver because of the recent legislative change.

Identification of key sites

Council may wish to consider the inclusion of 'key sites' including key waterfront locations, gateway areas, regional parks etc in the GMS V2 project. This could assist determine what the aspirations are for these areas and whether the current land use controls are consistent with these aspirations or require revision.

Rural Residential Supply

Submissions made during the Shoalhaven LEP 2014 process requested provision or consideration of additional rural residential areas.

These requests were largely 'deferred' for future consideration and given that it has been nearly 20 years since the finalisation of the Rural Plan (Amendment No. 127 to Shoalhaven LEP 1985 commenced in 1999), it may be timely to look at the current supply of rural residential or lifestyle land by area, the remaining subdivision potential of the zoned land and take up rates over time.

It should be noted that the NSW Department of Primary Industries are in the process of identifying regionally significant agricultural land and it may be prudent to defer identification of any potential new areas of rural residential land until this process is completed.

Phasing of the review

The GMS V2 is proposed to be broken up into the following phases (simplified):

Phase 1 – Planning and information/data gathering

This phase will commence with a Councillor Briefing to inform and agree on the scope of the GMS V2 project. Once the scope of the project has been set, staff can commence gathering information or data and updating regarding or to inform the preparation of:

- population projections (currently being undertaken with .ID)

- supply/demand of land (residential, rural residential, commercial and industrial)
- identification of needs/gaps
- Relevant/outstanding actions from ISRP, JBSS, MUSP etc.
- updated constraint mapping, particularly flooding
- Growth scenarios based on level and location of demand.
- Draft character statements for settlements nominated in V1 (or as determined).

This phase may also require additional studies to undertaken to determine supply and demand and to identify needs e.g. analysis of commercial and industrial land supply across the City. Consideration of key infrastructure constraints (water, sewer and electricity) will also be important at this stage.

Phase 2 - Early consultation phase

This phase will involve consultation initial engagement or consultation with the NSW State Government and the community to get initial feedback on growth scenarios and/or other components of the GMS. There will also be targeted consultation with those communities where draft character statements have been prepared.

Phase 3 – Revised GMS Preparation

In this phase, staff will analyse the results of early consultation and then prepare a draft GMS document and mapping for Council consideration. This will include a summary of actions, priorities, and timeframes/triggers.

Phase 4 Exhibition and consultation

Once the draft document has been prepared and accepted by Council, a more formal exhibition process will be undertaken. This is likely to involve community information sessions in several locations, digital and physical displays of exhibition material, possible interactive digital material etc.

Phase 5 – Finalisation

The outcomes of the community consultation will be considered, and changes made where required through the Council reporting process.

At the end of this phase Council can then adopt the plan and refer it to the DP&E for endorsement (key step).

Phase 6 - Implementation

The actions and priorities from the GMS V2 will feed into the Strategic Planning Works Program for individual implementation.

Councillor Workshop

Given the large range of matters to be considered, it is proposed to hold an initial Councillor Workshop to assist and determine the scope of the GMS V2 and to set the foundations for a detailed project plan.

Once this has occurred, staff will hold an initial meeting with DP&E to discuss the project and identify any additional matters for inclusion or any issues.

If necessary, the matter will be reported back to Council for information and consideration once these two steps have been undertaken.

Community Engagement

Given the scale and the nature of the project, it is intended to undertake two phases of community engagement/consultation as a minimum through processes outlined above. This consultation will be undertaken in line with Council's Community Engagement Policy. The GMS V2 is a Citywide High Impact project.

Policy Implications

The GMS V2 will set the direction for future growth in Shoalhaven and will be implemented through resulting projects to be included on the Strategic Planning Works Program which may include PPs and development control plan and contribution plan amendments.

It is also intended that this project/process inform the preparation of Council's 'local strategic planning statement' under the recent amendments to the EP&A Act.

Financial Implications

The GMS V2 can initially be undertaken with the Strategic Planning budget, however, additional funding may be required to fund consultant studies, community engagement etc. depending on the final scope of the project and this will be the subject of future reports as required.

DE18.32

DE18.33 Proposed Submission - Discussion Paper: Planning for the Future of Retail and proposed changes to retail land use definitions

HPERM Ref: D18/127062

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

Advise of the release of a Discussion Paper on 'Planning for the Future of Retail' by the NSW Department of Planning and Environment (DP&E), outline associated proposed amendments to retail land use definitions in the Standard Instrument Local Environment Plan (LEP) and obtain endorsement to make a submission based on the content of this report

Recommendation (Item to be determined under delegated authority)

That Council make a submission to the NSW Department of Planning and Environment on the Discussion Paper: Planning for the Future of Retail and the associated amendments proposed to retail land use definitions in the Standard Instrument LEP, based on the content of this report.

Options

1. Make a submission based on the content of this report.

Implications: This is the preferred approach as it enables Council to make a submission and have our feedback considered by the DP&E in moving forward with the future policy direction for retail land use planning in NSW.

2. Not make a submission on the proposed changes.

Implications: The opportunity to comment on the Discussion Paper and proposed amendments to the Standard Instrument LEP will be missed.

Background

DP&E have developed a Discussion Paper ('Planning for the Future of Retail') that describes how the NSW planning system could address the increasingly dynamic retail sector. The Discussion Paper sets out potential new directions for a NSW Retail Strategy. It identifies the ways in which customer trends are shaping retail today and proposes new initiatives aimed at modernising our retail planning framework and achieving the right balance of customer and community amenity.

The Discussion Paper puts forward three potential approaches:

1. Better local strategic planning of retail;
2. Modern approach to retail development that reflects a range of retail formats in centres; and
3. Adaptability and certainty for retail – developing a planning system that has the flexibility yet certainty to allow for innovative, contemporary retail solutions that match customer need while also bringing wider benefits to local areas.

DP&E have also identified potential amendments that could be made to the Standard Instrument LEP to improve the planning system for retailing. The initial proposed amendments are:

- Proposed new definition for ‘artisan premises’ to be permissible wherever ‘light industry’ is permissible (currently permissible in RU5, B5, B7, IN1, IN2 and IN4 zones) - Council can add to other zones via an amendment to the LEP if appropriate. The proposed new definition is as follows:

Artisan premises – a building or place used to produce and/or process foods and beverages on site, without being fully automated. It can also include:

- a. A restaurant or café;
- b. Tastings;
- c. Tours;
- d. Sales; and
- e. Workshops.

- Amended definition for ‘garden centres’ to clearly differentiate between the principle purpose and other permitted complementary uses (currently permissible in RU5, B2, B3, B4, B5, B7, IN1 and IN2 zones). The proposed amended definition is as follows:

Garden centre – a building or place where the principle purpose is the sale of:

- a. Plants; and/or
- b. Landscaping and gardening supplies and equipment.

A garden centre may also include a restaurant or cafes and the sale of:

- a. Outdoor furniture and furnishing;
- b. Barbeques;
- c. Shading and awnings;
- d. Pools, spas and associated supplies;
- e. Items associated with the construction, maintenance and improvement of outdoor areas;
- f. Pets and pet supplies;
- g. Fresh produce.

- New definition for ‘local distribution premises’ to be permissible wherever a ‘warehouse or distribution centre’ is permissible (currently permissible in B5, B7, IN1 and IN2 zones) - Council can add to other zones via an amendment to the LEP if appropriate.

Local distribution premises – a building or place used for storing or handling items purchased or ordered for local delivery, but from which no retail sales are initiated.

- New definition for ‘neighbourhood supermarkets’ to be permissible in the B1 zone and where ‘shops’ are permissible (currently permissible in RU5, B2, B3, B4, and B5 zones). ‘Neighbourhood supermarkets’ will also be limited in size to 1500m².

Neighbourhood supermarket – a shop selling food and other household items where the selection of goods is organised on a self-service basis.

- Amended definition for ‘bulky goods premises’ to be known as ‘specialised retail premises’. It is proposed that this use will replace ‘bulky goods premises’ wherever it is permissible (currently permissible in RU5, B2, B3, B4, B5, B7, IN1 and IN2 zones).

Specialised retail premises – a building or place used to sell, display or hire:

- a. automotive parts and accessories;
- b. camping, outdoor and recreation goods;
- c. electric light fittings;
- d. animal supplies;
- e. floor, wall and window coverings;
- f. furniture, bedding, furnishing, fabrics and manchester and homewares;
- g. household appliances, household electrical goods and home entertainment goods;
- h. party supplies;
- i. swimming pools and spas;
- j. office equipment and supplies;
- k. baby and children's goods, children's play equipment and accessories;
- l. BBQs, fireplaces and gas appliances;
- m. Sporting, cycling, leisure, fitness goods and accessories; or
- n. Goods and accessories which:
 - Require a large area for handling, display and storage of goods; or
 - Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.

It does not include the sale of food, clothing or footwear unless it falls into one of the above categories.

As reported to the Development Committee in December 2017, the DP&E were previously proposing an amendment to the definition of 'bulky goods premises' in the Standard Instrument LEP. They have decided not to proceed with that proposed amendment and are now proposing to replace 'bulky goods premises' with the new land use term of 'specialised retail premises' as outlined above.

The Discussion Paper and proposed land use definition amendments are currently on public exhibition until 18 May 2018, with the exhibition material available for viewing on DP&E's website at:

www.planning.nsw.gov.au/Policy-and-Legislation/Retail-planning/Retail

Proposed Submission

The need to respond to the changing nature of retailing is appreciated. However, better local retail strategic planning is favoured as this allows for the development of appropriate locality specific solutions.

The continued 'one size fits all' approach, such as the introduction of a State Environmental Planning Policy (SEPP), would not be supported as the needs and development pressures in the Sydney CBD, for example, are very different from the needs and development pressures in a regional centre like Nowra or Ulladulla. The Discussion Paper recognises this to a degree, however this recognition needs to continue through future reforms so that any future policies allow for local variations.

The detail of the proposed future reforms arising from the Discussion Paper need to be discussed in detail with the broader community and specifically local Councils.

At this stage, the following proposed initiatives are supported:

- The setting of criteria for emerging centres to minimise impact on existing centres. Agree with the need for support for existing centres, particularly the revitalisation of main streets. The proposal for DP&E to provide guidance to individual Councils to identify the future direction of retail in their area is generally welcomed.
- The use of 'open' zones in business and industrial zones (supported by an updated land use matrix to assist in interpretation) but noting that it can sometimes create uncertainties. However, the use of 'open' zones in residential zones is not supported as communities prefer certainty as to what can be developed in their residential neighbourhoods.

Note: The Standard Instrument LEP provides for 'open' and 'closed' zones. In 'open' zone the uses that are not specifically listed as permitted without consent or prohibited are permissible with consent. As such 'open' zones allow a degree of flexibility. In 'closed' zones on the other hand, prohibited and permitted with or without consent uses are specifically listed. Thus 'closed' zones are tighter in terms of what can be undertaken in them.

- The development of an 'innovation in retail' clause to be added to the Standard Instrument LEP to allow undefined uses to be assessed against established criteria and on merit.

Generally, the ongoing review of Standard Instrument LEP is supported to ensure it is contemporary and meets the needs of the community and appreciates the opportunity to comment. In relation to the specific amendments proposed, it is proposed that the following comments will be made:

Artesian premises - Support the inclusion of this land use and would like to see it able to be permissible in rural zones, for example RU1 and RU2. For regional areas, this is generally where these types of uses are likely to be situated/appropriate. It is acknowledged that Council can amend its own LEP to include this land use in those zones, but this takes time and resources for each individual council to implement. As such its implementation through the Standard Instrument LEP should be considered.

Local distribution premises – It appears that the intention is that these premises are to be of a scale appropriate for local deliveries and that this would mitigate amenity impacts such as the extent of traffic movements, the size of the vehicles and required floor area. However, the proposed definition is vague considering there is no definition of local (i.e. is local a neighbourhood, a town, a local government area?) and there is nothing in the definition to ensure minimal amenity impacts. Further consultation and dialogue is required regarding this definition and its use.

Specialised retail premises - The proposed definition is very open which may result in small format shops, for example, in traditional industrial and bulky goods areas which may compete with existing centres. This seems somewhat at odds with the dialogue in the Discussion Paper around renewing main streets.

There are generally no concerns with the proposed new definition of *Neighbourhood supermarket* and the amended definition of *Garden centre*.

Community Engagement

The Discussion Paper and proposed land use definition amendments are currently on public exhibition for community comment, with exhibition materials available for viewing on DP&E's website at: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Retail-planning/Retail>

DP&E is accepting submissions and feedback on the proposed amendment until 5pm Friday, 18 May 2018.

Policy Implications

Any update to the Standard Instrument LEP will automatically update Shoalhaven LEP 2014. If these amendments are made, Council will need to consider if the new definitions (*artesian premises*, *local distribution premises* and *neighbourhood supermarkets*) should also be made permissible in other zones.

Work is also continuing with the Council project to review the retail hierarchy in the Nowra-Bomaderry area. The proposed changes that are foreshadowed in the Discussion Paper will potentially impact on this and as such are being considered in more detail as part of this project. It is envisaged that the Nowra-Bomaderry Retail Hierarchy Review will be the subject of a further Councillor Briefing and Council report in coming months.

DE18.34 **Exhibition Outcomes and Finalisation – Shoalhaven Development Control Plan 2014 – Draft Amendment No. 14 – Proposed Chapter G18 Streetscape Design for Town and Village Centres**

HPERM Ref: D18/74047

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Submissions Summary [↓](#)
 2. Draft Development Control Plan Chapter G18 Streetscape Design for
 Town and Village Centres [↓](#)
 3. Draft Streetscape Technical Manual (under separate cover) [⇒](#)
 4. Subject Streets Map (under separate cover) [⇒](#)
 5. Draft Development Control Plan Dictionary (under separate cover) [⇒](#)

Purpose / Summary

- Report the outcomes of the public exhibition of Shoalhaven Development Control Plan (DCP) 2014 Draft Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres; and
- Adopt and finalise the amendment to the DCP and Streetscape Technical Manual with minor amendments as outlined in this report.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report on the submissions received during the exhibition of Shoalhaven Development Control Plan 2014 Draft Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres and its supporting documents (Streetscape Technical Manual and Development Control Plan Dictionary) for information.
2. Adopt Shoalhaven Development Control Draft Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres and its supporting documents, (Streetscape Technical Manual and Development Control Plan Dictionary), as exhibited with minor amendments as outlined in the report and provided in Attachments 2 to 5.
3. Note for future consideration, when appropriate, the priority streetscape renewal projects identified in the submissions.
4. Notify the adoption of Shoalhaven Development Control Plan 2014 Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres and its supporting documents (Streetscape Technical Manual and Development Control Plan Dictionary) in local newspapers in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Regulations.
5. Notify submitters and the NSW Department of Planning & Environment of the adoption of Shoalhaven Development Control Plan 2014 Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres and its supporting documents, Streetscape Technical Manual and Development Control Plan Dictionary.

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Options

1. Adopt the recommendation.

Implications: This is the preferred option as it will enable Council to consider the submissions received during the public exhibition and make minor amendments to the exhibited documents where appropriate.

Adoption of Shoalhaven DCP 2014 Amendment No. 14 will provide controls and a technical manual to guide inclusion of appropriate and complementary streetscape embellishments for future developments in nominated town and village centres, or developments of a certain scale.

The Streetscape Technical Manual will also provide Council, when undertaking works, a document to refer to with palettes prepared for individual town and village centres. This will ensure that all works, both undertaken by developers and Council, are consistent / cohesive and are complementary to the character of the town or village in which it is located.

2. Adopt an alternative recommendation.

Implications: Depending on the nature of an alternative decision, this could delay the adoption of Chapter G18 to Shoalhaven DCP 2014 and potentially require re-exhibition of the Chapter and supporting documents.

Background

During the preparation of the new Citywide DCP in 2014 (Shoalhaven DCP 2014), space for Chapter G18: Streetscape Design for Town and Village Centres was reserved, as given the time constraints the Chapter had not been prepared.

Draft Amendment No. 14 to Shoalhaven DCP 2014 implements a previous position of Council to undertake a review of the former DCP 80 - *Streetscape Guidelines for Paving and Tree Planting in the Nowra CBD* and replace it with a new DCP Chapter that applies more broadly to the City

The draft DCP Chapter introduces streetscape design controls for subject streets in thirteen (13) nominated town and village centres throughout the City that have a defined centre and commercial presence. The draft DCP chapter also applies to specific land uses including commercial premises, mixed use development, multi-dwelling housing, attached dwelling, residential flat building, shop top housing or seniors housing development.

The draft DCP Chapter is supported by a Subject Streets Map (identifies the streets subject to the application of the draft DCP chapter) and Streetscape Technical Manual containing design and construction technical detail for footpaths, planting, colour palettes, street furniture and unique features for each of the nominated centres. A generic design has also been prepared for use in other localities. The overall DCP Dictionary was also amended to add new definitions in relation to footpaths and pathways when using this new DCP Chapter.

In November 2017, the Development Committee considered a report on the draft DCP Chapter and supporting documents to proceed to prepare and publicly exhibit the documentation. The Committee resolved (under delegation) that Council:

1. *Prepare and publicly exhibit Draft Chapter G18 Streetscape Design for Town and Village Centres and Dictionary of Shoalhaven DCP 2014 for a six (6) week period and in accordance with the Environmental Planning & Assessment Regulation 2000.*
2. *Advise relevant Community Consultative Bodies of the public exhibition.*
3. *Receive a further report on the draft Chapter G18 Streetscape Design for Town and Village Centres following the conclusion of the public exhibition period.*

Public Exhibition

In accordance with the above resolution, draft DCP Chapter G18 was originally placed on public exhibition from Wednesday 29 November 2017 and Friday 12 January 2018 (inclusive). The exhibition was extended a further 14 days until Friday 26 January 2018 in response to a request from a Community Consultative Body (CCB).

The public exhibition involved the following:

- Public notification of the exhibition in local newspapers, including a second notice in relation to the public exhibition extension;
- Letters sent to relevant CCB's; and
- Copies of the draft DCP Chapter G18, Draft changes to the Dictionary Chapter, Supporting Maps, Streetscape Technical Manual and Plain English explanatory statement were available at Council's Nowra and Ulladulla Administration Building and on Council's website.

After the exhibition period, staff were requested to attend a meeting of the Basin Villages Forum to discuss the draft DCP Chapter and supporting documents. At this meeting the use of street furniture and fixtures which utilise sustainable or recycled materials was suggested as an appropriate consideration in the future. Given the Streetscape Technical Manual is a supporting technical guideline of Council, it has the potential to be amended without needing to go through the necessary steps associated with a DCP Amendment. Where Council explores the use of street furniture and fixtures that are made of sustainable or recycled materials, the Streetscape Technical Manual can be updated to include any new or additional products when appropriate.

Submissions

Four (4) formal submissions were received during the exhibition period including one (1) internal submission from Council's Natural Resource and Floodplain Unit, and three (3) external submissions from CCB's/community groups.

A detailed summary of the submissions with a response to all comments raised is provided in **Attachment 1**. Copies of the submissions will also be available for Councillors to view in the **Councillor's Room** prior to the meeting.

A brief summary of these submissions is outlined in the table below:

Submitter	Brief summary	Staff Comment
Internal		
Natural Resources and Floodplain Unit	Concerns with several tree and shrub species included in the Streetscape Technical Manual which are known to be invasive or environmental weeds in parts of NSW or Shoalhaven.	<i>Streetscape Technical Manual amended to replace the species identified as known environmental weeds and invasive species.</i>
External		
Kangaroo Valley Community Association Inc. in conjunction with the Kangaroo Valley Chamber of Tourism and Commerce	Support the amendment with emphasis on maintaining continuity of street furniture in Kangaroo Valley. What is the status of DCP No. 66 (now Chapter N1 Kangaroo Valley).	<i>Noted.</i> <i>Chapter N1 still applies, and where there are any inconsistencies, the controls within the area specific chapter prevail to the extent of the inconsistency.</i>

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(KVCTC)	<p>How much money would be allocated to Kangaroo Valley and what timeframe would the works be completed?</p> <p>The pavement type does not reflect the existing situation.</p> <p>Request that the area be expanded to apply to other areas such as Hampden Bridge.</p> <p>Raised several specific comments in relation to the Streetscape Technical Manual – Footpath and pathway Details including Type 3 with the Aboriginal paving imprints, use of concrete for kerb material, option for planting as an alternative to grass. Plant Palette and Street Furniture.</p>	<p><i>Budgeting and timeframes for streetscape renewal projects are outside the scope of this DCP amendment. Works will either be completed as development occurs, or when Council allocates a budget towards streetscape renewal projects.</i></p> <p><i>The paving plan demonstrates the future desired outcome.</i></p> <p><i>The aim of the DCP Chapter is to create legible centres, if the application of the DCP is extended to areas beyond the town or village centre, this desired aim is likely to be lost or diluted. The DCP Chapter may still apply in other areas where specific land use types are proposed.</i></p> <p><i>Type 3 pathways have been amended to the extent that it only includes Aboriginal paving imprints in certain locations (as per the submission recommendation), and planting has been included as an alternative to grass. Bin enclosures have been increased in size, and concrete material has been identified for kerb construction.</i></p>
Berry Forum	<p>The chapter does not address building finishes.</p> <p>Relocating power lines underground within Queen Street shopping precinct would significantly improve the attractiveness of the town centre.</p> <p>Full support for the objectives and controls.</p> <p>No indication of when the works will be completed. Attention drawn to several streetscaping issues which should be given priority to improve connectivity, amenity and safety in Berry.</p>	<p><i>The controls contained within the DCP only relate to the 'public domain' which is between the kerb and the front property boundary line.</i></p> <p><i>It is agreed that this would be a positive outcome, however this is outside the scope of the DCP.</i></p> <p><i>Noted.</i></p> <p><i>In relation to the identified 'priority works', it is recommended that they be noted for future consideration, when appropriate.</i></p>

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Shoalhaven Heads Community Forum	Support for the amendment and request for Council to adopt the Shoalhaven Heads Landscape Master Plan.	<i>Noted</i>
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It should be noted that the submissions received from CCB's or community groups in Kangaroo Valley identified their thoughts on priority areas for actual future streetscape renewal projects. Whilst the draft DCP Chapter does not specifically result in the immediate commencement of streetscape renewal projects as it is development related/driven, the identification of these priority areas should be noted and considered when Council does proceed to undertake streetscape renewal projects in these areas.

Post-Exhibition Amendments

Resulting from the submissions received during the public exhibition period, minor amendments are proposed to address the submissions and other functional matters.

The amended DCP Chapter is provided as **Attachment 2** and amended Streetscape Technical Manual is provided as **Attachment 3**. No changes have been made to the exhibited Subject Streets Map provided as **Attachment 4** or Draft Dictionary Chapter provided as **Attachment 5**. The post exhibition amendments are summarised below.

Draft Chapter G18: Streetscape Design for Town and Village Centres

The exhibited draft DCP Chapter has been amended to highlight terms defined in the Dictionary of Shoalhaven DCP 2014 or Shoalhaven LEP 2014 – this is consistent with the formatting of the existing DCP Chapters.

Streetscape Technical Manual

- Replace the following tree and shrub species with the identified alternatives to address concerns that the species are known invasive species and environmental weeds:
 - Replace *Fraxinus griffithii* with *Tristania* 'Luscious'
 - Replace *Pistacia chinensis* with *Pyrus calleryana* cultivars
 - Replace *Agapanthus* sp with *Dianella* sp
 - Replace *Dietes bicolour* with *Lomandra* sp & cultivars
 - Replace *Gleditsia triacanthus* with *Backhousia myrtifolia*
 - Replace *Robina pseudoacacia* with *Melaleuca decora*
 - Replace *Nandina domestica* with *Nandina* cultivars as shown
 - Replace *Duranta erecta* with *Melaleuca thymifolia*
 - Replace *Limonium* sp with *Liriope muscari* 'Amethyst'
 - Replace *Spiraea* sp with *Olearia phlogopappa* or cultivars
- Amend Type 3 Pathway diagrams for Kangaroo Valley to limit decorative paving stencils to the northern side of Moss Vale Road and to allow planting as an alternative to grass on the property boundary side.

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- Amend specifications for Kangaroo Valley garbage bin enclosure to a commercially available model designed to accommodate a 240-litre bin.

Some other minor amendments have also been made following recent operational feedback received from Council's Project Delivery Design Units and District Engineers, as outlined below, to ensure the current practice and recent changes are reflected.

- Amend seating in Junction Court, Nowra - Delete Seating Type 2 from Junction Court and update images for Seating Type 1 (p.18). This reflects recent refurbishments made to seating in Junction Court.
- Insert additional design and construction details for Type 2 and 4 Pathways for Nowra (p. 4 to 7) - Type 2 Pathway includes honed concrete with aggregate and resin banding. Type 4 Pathway includes honed concrete with brick paver header course.
- Insert additional design and construction specifications for street lighting in Huskisson Town Centre (p. 12).
- Update photos in Huskisson Section following repainting in October 2017 (p. 3).
- Additional Typical Sawcut Joint Details inserted for Shoalhaven Heads, Kangaroo Valley, Bomaderry, Nowra, Culburra Beach, Vincentia, Sanctuary Point, St Georges Basin, and Standard Details Sections.
- Paving notations added to Berry, Shoalhaven Heads, Kangaroo Valley, Bomaderry, Nowra, Culburra Beach, Huskisson, Sussex Inlet, Milton and Ulladulla Sections.

Community Engagement

Through the exhibition of the Amendment, Council has met its legislative requirements under the Environmental Planning & Assessment Act in this regard and provided an opportunity for the community to review the Amendment and make comment.

The subsequent adoption of the Amendment and the date it becomes effective will be notified in the local newspapers in accordance with legislation. The NSW Department of Planning and Environment, submitters and CCBs will be notified when the Amendment becomes effective.

Policy Implications

The draft DCP Chapter is proposed to be a new chapter within Shoalhaven DCP 2014. Adoption of the Chapter will form Council policy which future development will need to consider.

Financial Implications

Preparation and finalisation of the draft DCP Chapter and supporting documents has been completed within the existing Strategic Planning budget.

Risk Implications

If Draft Chapter G18 and its supporting documents are not implemented, there is a risk that streetscape design will not be adequately considered in future Development Applications, which may result in a haphazard approach to streetscape design and the eventual deterioration of the unique streetscape character within nominated town and village centres in Shoalhaven. Draft Chapter G18 and its supporting documents are expected to mitigate against these risk implications.

Submissions Summary

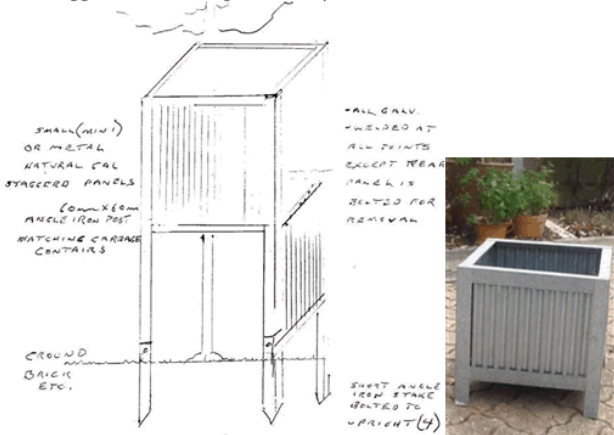
Submission Comment	Amendment Made? Yes/No	Comment
Council's Natural Resource and Floodplain Unit		
<ul style="list-style-type: none"> <i>Fraxinus griffithii</i> (Evergreen Ash) – is showing signs of becoming a serious environmental weed along creek lines around Bomaderry. <i>Pistacia chinensis</i> (Chinese Pistachio) – popping up on numerous reserves in Bomaderry. I have also seen reserves around Tahmoor where it is becoming quite invasive. <i>Agapanthus</i> species and <i>Dietes bicolour</i> are both known environmental weeds with the capacity to be very invasive. <i>Gleditsia triacanthus</i> and <i>Robinia pseudoacacia</i> are both very invasive. <i>Gleditsia</i> has spread prolifically along Wingecarribee River and become a serious environmental weed there. There is also a large infestation of <i>Gleditsia</i> adjacent to Broughton Creek along Bolong Road. The cultivars referred to in the Streetscape Technical Manual may be less problematic. <i>Nandina domestica</i> is invasive. Again, the cultivar indicated may be less problematic. <i>Duranta erecta</i> is weedy in northern NSW and QLD (also known to kill dogs and children who may be tempted to eat the berries). <i>Limonium</i> and <i>Spiraea</i> genera have several weedy species in each. 	Yes	<p>Streetscape Technical Manual amended to include less invasive species.</p> <ul style="list-style-type: none"> Replace <i>Fraxinus griffithii</i> with <i>Tristania</i> 'Luscious' Replace <i>Pistacia chinensis</i> with <i>Pyrus calleryana</i> cultivars Replace <i>Agapanthus</i> sp with <i>Dianella</i> sp Replace <i>Dietes bicolour</i> with <i>Lomandra</i> sp & cultivars Replace <i>Gleditsia triacanthus</i> with <i>Backhousia myrtifolia</i> Replace <i>Robinia pseudoacacia</i> with <i>Melaleuca decora</i> Replace <i>Nandina domestica</i> with <i>Nandina</i> cultivars as shown Replace <i>Duranta erecta</i> with <i>Melaleuca thymifolia</i> Replace <i>Limonium</i> sp with <i>Liriope muscari</i> 'Amethyst' Replace <i>Spiraea</i> sp with <i>Olearia phlogopappa</i> or cultivars
Kangaroo Valley Chamber of Tourism (KVCTC) and Kangaroo Valley Community Association (KVCA)		
Due to the inappropriate timing of the document exhibition over the Xmas period, we request an extension of two weeks to involve more of the community.	N/A	The public exhibition period was extended until Friday 26 January 2018 in response to this submission.
Could the area covered be extended as we are a strip development? Some of the emphasis should be applied elsewhere.	No	The subject streets map for Kangaroo Valley shows the area that the DCP Chapter would apply to. The location of the village centre was defined by a combination of the zoning and what currently appears to currently be the "entry" to the village centre from the east and west. Concentrating the streetscape works will have the benefit of demarcating the village centre, which is particularly important for visitors

Submission Comment	Amendment Made? Yes/No	Comment
		<p>to the area. Whilst areas outside of the identified village centre may benefit from streetscape renewal works, extending the subject street maps or applying the same streetscape design to other areas within Kangaroo Valley that is outside of the centre or not contiguous to the centre, may detract from the focus to the village centre which will be established through these works.</p> <p>The DCP Chapter may still apply in other areas where specific land use types are proposed. In these situations, the Streetscape Technical Manual may still be used as a reference for streetscape works outside of the subject streets.</p>
In the DCP document (G18) are the highlighted portions the only changes? How will these affect Kangaroo Valley?	No	<p>The DCP Chapter highlights definitions which are defined in the Shoalhaven Local Environmental Plan 2014 or Shoalhaven DCP 2014.</p> <p>The DCP Chapter is new in its entirety.</p>
What is the status of DCP 66 over Chapter G18, DCP 2014?	No	Development controls from the former DCP 66 were transferred to an area specific chapter, Chapter N1 – Kangaroo Valley, in the preparation of the Citywide DCP. Where there is any inconsistency between an area specific chapter and a generic chapter (including G18), the controls within the area specific chapter prevail to the extent of the inconsistency.
As we have been neglected for 20 years, how much money could be budgeted to KV and what time frame?	No	Budgeting and timeframes for streetscape renewal project are outside the scope of this DCP amendment. The Draft DCP Chapter seeks to introduce streetscape development controls to ensure works in the streetscape are undertaken in a coordinated and sustainable manner.
If footpaths are extended (past existing buildings), will property owners be forced to contribute as in the past?	No	In cases where development is proposed and the DCP Chapter applies, the development will need to demonstrate compliance with the controls of G18. Development proponents will be responsible for any works as required by any conditions of their development consent.
Is the drawing of sidewalks in the DCP for existing conditions or for proposed? It does not reflect the existing sidewalk layout.	No	The Footpath and Pathway Plan in the Streetscape Technical Manual reflects the long term desired future layout for footpaths and pathways and is not a reflection of existing conditions.

Submission Comment	Amendment Made? Yes/No	Comment
Service access and walk surfaces were proposed in DCP 66 to be essentially brick paving but a hodgepodge of surfaces was approved and continued to date. This approach represented the historic development of the village. Specifically service access drives were allowed in concrete to offset the heavy service traffic. Where brick (with concrete base) have been installed they are failing. Many service vehicles and public vehicles use driveways to turn around as there is no provision to turn until Broughton Street and although built to provide for turning it is not marked at Moss Vale Road.	No	The use of pavers in footpath design for Kangaroo Valley has been retained to reflect the heritage character of the centre. The issue of vehicular turning areas falls outside of the scope of this Draft Chapter.
Redundant driveway kerb cuts should be filled in, providing badly needed parking spots. Improves parking.	No	These comments have been passed on to Council's City Design Unit for consideration in future planning and works.
Aboriginal paving imprints should be limited to the north side of Moss Vale Road.	Yes	It is recommended that Type 3 Pathways for Kangaroo Valley in the Streetscape Technical Manual be amended to require decorative stencils on northern side of Moss Vale Road only.
Bus lay bye and set down should be moved to the Broughton Street location. There is a full turn circle for the largest bus, parking, public amenities and public shelter. Improves parking.	No	This issue falls outside of the scope for this Draft Chapter. These comments have been passed on to Council's City Design Unit for consideration in future planning and works.
Pedestrian crossings should be upgraded. Replace kerbs with limestone set in concrete or all concrete. They are constantly damaged and lay unrepaired for up to a year. Repairs are unsatisfactory, unsightly and dangerous.	No	It is assumed that the comment made is in reference to the blister constructed at the pedestrian crossing. It is noted that the design and construction of the blister incorporated sandstone kerb to reflect the historic character of Kangaroo Valley and in association with community consultation at the time. The kerb and gutter in the Streetscape Technical Manual identified the use of concrete material, which should address this concern. These comments have been passed on to Council's City Design Unit for consideration in future planning and works.
Review access in front of post office, sidewalk to highway, for impaired or elderly. Simple, safer and practical. A severely sloped, wet grassed surface is not.	No	The draft DCP Chapter requires that developments "allow for convenient and equitable pedestrian travel" (Performance Criteria P6) and that "footpaths / pathways should be provided to allow for equal access in accordance with the <i>Disability Discrimination Act 1992</i> ".

Submission Comment	Amendment Made? Yes/No	Comment
		These comments have been passed on to Council's City Design Unit for consideration in future planning and works.
Extend north sidewalk from Catholic Church to Broughton Street allowing pedestrian and cycle traffic a through route. They are presently forced to cross the highway twice.	No	<p>The Draft DCP Chapter and Streetscape Technical Manual apply to this area and identify a Type 3 Part Width Concrete pathway between the Church and Broughton Street as suggested by the submission.</p> <p>These comments have been passed on to Council's City Design Unit for consideration in future planning and works.</p>
Subject streets map – request incorporation of Hampden Bridge area.	No	<p>It is noted that Hampden Bridge is a popular tourist area and would benefit from streetscape renewal works, however the location of the bridge is outside the Kangaroo Valley centre which is the focus of this DCP Chapter.</p> <p>Concentrating the streetscape works will have the benefit of demarcating the village centre, which is particularly important for visitors to the area. Whilst areas outside of the identified village centre may benefit from streetscape renewal works, extending the subject street maps or applying the same streetscape design to other areas within Kangaroo Valley that is outside of the centre or not contiguous to the centre, may detract from establishing a clear and legible centre.</p> <p>The suggestion in relation to the Hampden Bridge area has been passed on to Council's City Design Unit for consideration in future planning and works.</p>
Footpath & Pathway Plan – surface treatment should be reviewed as it does not reflect existing Council approved treatments.	No	The Footpath and Pathway Plan in the Streetscape Technical Manual reflects the long term desired future layout for footpaths and pathways and is not a reflection of existing conditions.
Concrete service driveways should remain for heavy vehicles. Brick paving has resulted in repetitive repairs. Brick should predominate but not be exclusive.	No	Noted. The draft DCP Chapter includes an acceptable solution (A6.4) in relation to driveway crossovers that intersect a footpath / pathway that states that the driveway is to be of the same or similar material, finish and colour as the footpath / pathway. The acceptable solution does not explicitly require the use of the same materials for the driveway

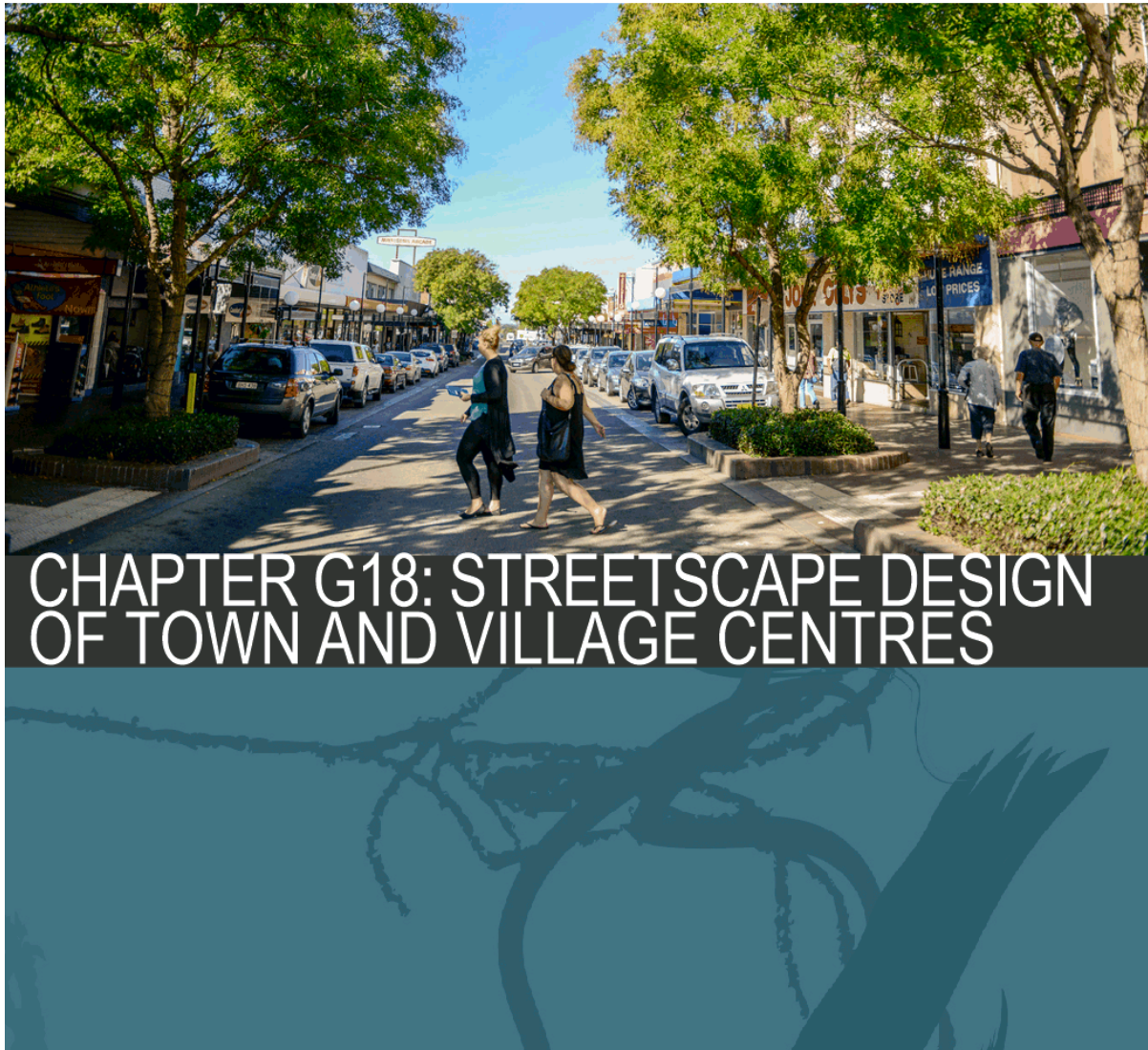
Submission Comment	Amendment Made? Yes/No	Comment
		<p>crossover as the footpath / pathway. Rather, the acceptable solution provides the opportunity for a Development Application to consider the footpath / pathway materials as detailed in the Streetscape Technical Manual and design the driveway crossover to incorporate sympathetic materials (that are practical), so as to not detract from the overall streetscape.</p> <p>The use of pavers in footpath design for Kangaroo Valley has been retained to reflect the heritage character of the centre.</p>
Type 3 pathway should have planting as an alternative to grass on property boundary side.	Yes	It is recommended that Type 3 pathways diagram be amended to allow planting as an alternative to grass on the property boundary side.
Conflict with DCP Chapter N1: Kangaroo Valley which specifies exotic street trees for the village centre.	No	As noted previously, the draft DCP Chapter does not replace any content within DCP Chapter N1. Where there is any inconsistency between an area specific chapter and a generic chapter (including G18), the controls within the area specific chapter prevail to the extent of the inconsistency.
<i>Toona ciliata</i> is not suitable in the subject area – high maintenance and decimation by 'tip moth'.	No	Retain <i>Toona australis</i> as shown – considered appropriate for Kangaroo Valley. In maturity the <i>Toona ciliata</i> will outgrow any impact of tip moth, particularly in a setting with a diverse array of canopy trees.
<i>Brachychiton acerifolius</i> is not suitable in the subject area – rarely if ever in the Valley and too big.	No	Retain <i>Brachychiton acerifolius</i> as shown – considered appropriate for Kangaroo Valley. <i>Brachychiton acerifolius</i> does grow in Kangaroo Valley and has been nominated by a botanist as a suitable tree in the Shoalhaven Species List of suitable trees for towns and villages.
<i>Malus floribunda</i> is in conflict with variety recommended in DCP Chapter N1.		As noted previously, the draft DCP Chapter does not replace any content within DCP Chapter N1. Where there is any inconsistency between an area specific chapter and a generic chapter (including G18), the controls within the area specific chapter prevail to the extent of the inconsistency.

Submission Comment	Amendment Made? Yes/No	Comment
Colour Palette – timber benches previously approved with natural finish hardwood.	No	Painted surfaces are suggested in the Streetscape Technical Manual as they do not require as much maintenance as natural timber hardwood, which have become a maintenance problem in recent years.
Garbage enclosure corner posts – small orb corrugated iron should remain natural galvanised.	No	Commercial grade bin enclosure as shown in Streetscape Technical Manual. To ensure product reliability and replicability.
Garbage enclosure are very large and would be difficult to install – could be reduced internally by 200mm.	Yes	It is recommended that the specifications for garbage bin enclosures be updated to a commercially available model designed to accommodate a 240L bin.
Own suggestions for tree guards and planter boxes: 	No	The Streetscape Technical Manual does not prescribe tree guards and planter boxes for the Kangaroo Valley subject streets. In addition, the inclusion of any streetscape furniture or landscaping fixtures such as tree guards and planter boxes are generally sourced from suppliers and not custom made. It is recommended that Council consider as part of a future review of the Streetscape Technical Manual that an appropriate design of tree guards and planter boxes is sourced.
Berry Forum The chapter does not deal with building finishes despite Streetscape Study commissioned in 1988 which made a number of recommendations including relocating power lines underground within the core Queen Street Shopping Precinct. If carried out this would make a significant improvement to the attractiveness of the town centre.	No	The potential to relocate power lines underground is outside the scope of this DCP amendment. The Draft DCP Chapter seeks to introduce streetscape development controls to ensure works in the streetscape are undertaken in a coordinated and sustainable manner.

Submission Comment	Amendment Made? Yes/No	Comment
Due to increasing volumes of pedestrian traffic in Berry, many cars park well outside the designated CBD area where there is no provision of footpaths. Foot traffic is often along roads and in a 50km/h zone. There are several critical pedestrian hazards which could be improved by the installation of refuge islands. Objectives (Section 4) and Controls (Section 5) are fully supported.	No	These comments are noted however the focus of this DCP Chapter is to introduce streetscape development controls for town and village centres, and improvements to the pedestrian environment are outside this scope.
Streetscape standards are generally supported however there is no indication in what timeframe remaining parts will be addressed.	No	Noted.
<p>Priority must be given to the following issues:</p> <ul style="list-style-type: none"> - Pedestrian refuge islands on Queen Street at intersections in Queen Street with Prince Alfred Street and Alexandra Street. - Footpaths with kerb ramps, within the designated area that have increasing volumes of foot traffic using the road: - Alexandra Street (west side) between North Street and Albert Street - Albert Street (south side) between Prince Alfred Street and Alexandra Street. - Princess Street (north side) between Prince Alfred and Alexandra Streets. - Improving nature verges in the areas immediately outside the Berry CBD where no footpaths exist (some of these are waterlogged for days after heavy rain) - Review some footpath widths where heavy pedestrian activity, eg Alexandra Street between Queen and Albert Streets. - Examining relocation of power-lines underground in main section of Queen Street. - Review of speed zones not only within the Berry CBD itself but also in the streets surrounding. - Completion of footpath as per Council diagram on west side of Prince Alfred Street (between Queen and Albert Streets) in vicinity of Apex Park toilet block. - Set tree planting plan as per Performance Criteria P8. 	No	Noted. Comments passed on to Council's City Design Unit for consideration in future planning and works.

Submission Comment	Amendment Made? Yes/No	Comment
<i>Shoalhaven Heads Community Forum</i>		
Support for the draft Streetscape Design Town and Village Centres and request that Council formally adopt the Shoalhaven Heads Landscape Master Plan. The plan was done in consultation with the Shoalhaven Heads community.	No	Noted.

NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



CHAPTER G18: STREETSCAPE DESIGN OF TOWN AND VILLAGE CENTRES

DE18.34 - Attachment 2

Shoalhaven Development Control Plan 2014

Chapter G18: Streetscape Design for Town and Village Centres

Chapter G18: Streetscape Design for Town and Village Centres

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Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1			Draft

Shoalhaven Development Control Plan 2014

Chapter G18: Streetscape Design for Town and Village Centres

1 Purpose

The purpose of this Chapter is to outline the:

- Design provisions for nominated town and village centre (nominated centre) streetscapes; and
- Relationship between the public domain and adjoining development on private land.

This Chapter aims to promote and guide the revitalisation of the nominated centres so that over time they become the focus of community life for residents and visitors to the area.

Advisory Note: In addition to the provisions outlined in this Chapter, you must refer to the supporting documents:

- *Streetscape Technical Manual* on Council's website; and
- Supporting Map 1: Subject Streets Map.

2 Application

This Chapter applies to:

- All nominated centres listed in Table 1 and to development fronting a subject street as illustrated on Supporting Map 1.
- All commercial, mixed use, multi dwelling housing, attached dwelling, residential flat building, shop top housing and seniors housing development (excluding applications for change of use and internal works).

This Chapter does not apply to dwelling house and dual occupancy development. Where there are any inconsistencies between this chapter and a relevant area specific DCP chapter, the area specific DCP chapter will prevail.

Table 1: Nominated Town and Village Centres

Town and Village Centre	Relevant Area Specific DCP Chapter
Berry	N2 Berry Town Centre
Shoalhaven Heads	N4 Shoalhaven Heads Village Centre
Kangaroo Valley	N1 Kangaroo Valley

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Chapter G18: Streetscape Design for Town and Village Centres

Bomaderry	N5 Bomaderry Town Centre
Nowra	N8 Nowra CBD Urban Design Development Controls
Culburra Beach	N14 Culburra Beach Village Centre
Huskisson	N18 Huskisson Town Centre
Vincentia	N15 Vincentia Coastal Village and District Centre
Sanctuary Point	N22 Sanctuary Point Local Centre
St Georges Basin	N23 St Georges Basin Village Centre
Sussex Inlet	S3 Sussex Inlet Town Centre
Milton	S6 Town of Milton
Ulladulla	S8 Ulladulla Town Centre

3 Context

A streetscape is the composition of a commercial street and civic public space (public domain), including but not limited to roads, pedestrian movement areas and the landscaping elements including street furniture within it. Streetscapes have the ability to contribute to the functionality and character of a town and village centre and help form its overall identity.

The *Streetscape Technical Manual* specifies the design and construction of the elements within the streetscape in nominated centres based on current best practice. The detail contained within the *Streetscape Technical Manual* aims to improve the overall quality of construction and provide continuity of streetscape elements including street trees, pavement and street furniture. The *Streetscape Technical Manual* is a technical guide only.

4 Objectives

The objectives are to:

- i. Encourage legible and accessible streetscapes in Shoalhaven town and village centres.
- ii. Provide attractive, safe, sustainable and active townships that are sympathetic to existing character and community strengths.
- iii. Ensure the design and construction of town and village centre streetscapes are developed in a coordinated and sustainable manner.

Shoalhaven Development Control Plan 2014

Chapter G18: Streetscape Design for Town and Village Centres

5 Controls

5.1 Streetscape Character and Function

Towns and villages in Shoalhaven have unique character, features and functions. The quality and character of the streets therefore play a significant role in the experience of the town or village centre. It is important that these existing strengths are protected and enhanced to ensure that future **development** reinforces the existing 'sense of place'.

The specific objectives are to:

- i. Improve the quality of streetscapes in town and village centres.
- ii. Establish a clear hierarchy of streets, where relevant, to increase legibility of the centre.
- iii. Protect and enhance elements which positively contribute to the existing character and function of the centre.
- iv. Protect and enhance the unique landscape and visual character of town and village centres.
- v. Encourage and promote **development** that integrates and contributes to the function, vitality, and character of town and village centres.

Performance Criteria	Acceptable Solutions
P1.1 Improve the quality of the streetscape in nominated town and village centres and subject streets as identified by Supporting Map 1.	A1.1 Streetscape works are provided in accordance with the <i>Streetscape Technical Manual</i> . Where the <i>Streetscape Technical Manual</i> does not specify a streetscape treatment (i.e. P1.2), streetscape works should be determined on merit.
P1.2 Improve the quality of the streetscape outside of nominated centres and subject streets, where the following development is proposed: <ul style="list-style-type: none"> • Commercial premises; • Mixed use development; • Multi dwelling housing; • Attached dwelling; • Residential flat building; • Shop top housing; and • Seniors housing. 	A1.2 A landscape plan is to be submitted with a Development Application illustrating works that are within the streetscape. See Chapter 2 General and Environmental Considerations for more detail.

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Chapter G18: Streetscape Design for Town and Village Centres

Performance Criteria	Acceptable Solutions
P2 Develop and enhance town and village centre streets as pedestrian oriented places with high amenity.	A2.1 Where applicable, streetscape works establish a street hierarchy to encourage accessible and permeable town centres, as indicated in the <i>Streetscape Technical Manual</i> .
P3 Provide a coordinated and consistent palette of streetscape elements to ensure a high level of amenity, legibility, and visual quality.	A3.1 Materials, finishes and colours of streetscape elements are to be provided in accordance with the <i>Streetscape Technical Manual</i> .
P4 Ensure streets within centres are: <ul style="list-style-type: none"> • Safe to use; • Encourage perceptions of safety; and • Comfortable to use in all weather conditions. 	A4.1 Clear sight lines must be maintained from each end of streets, lanes and through-site links. A4.2 You are to consider Crime Prevention Through Environmental Design principles. See Chapter 2: General and Environmental Considerations for more detail. A4.3 Where awning structures are present in a streetscape, new development should incorporate a continuous awning to provide protection from weather elements. A4.4 Where awnings are proposed, they are to best match surrounding awnings in character, height, and depth.

5.2 Streetscape Components

Streetscape components, such as street trees and furniture, can greatly assist in encouraging an engaging and attractive town and village centre. When considered and installed carefully through best practices, new streetscape components can dramatically improve pedestrian amenity and comfort, along with ongoing environmental and maintenance costs.

The specific objectives are to:

- Improve individual town streetscape character and amenity by using a selection of site-specific material, vegetation and furniture palettes.
- Provide streetscape components to ameliorate the effects of climate change and the urban heat island effect.
- Utilise best practice installation techniques to minimize ongoing management and lifecycle costs.

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Chapter G18: Streetscape Design for Town and Village Centres

Performance Criteria		Acceptable Solutions
P5	Streetscapes consist of high quality streetscape elements.	A5.1 Footpaths/pathways , planting and installation of street furniture are in accordance with the <i>Streetscape Technical Manual</i> .
P6	Allow for convenient and equitable pedestrian travel through provision of footpaths/pathways in centres. Footpath design is consistent to encourage visual continuity and legible centres.	<p>A6.1 Provide footpaths/pathways with high quality materials in accordance with the <i>Streetscape Technical Manual</i>.</p> <p>A6.2 Footpaths/pathways should be provided to allow for equal access in accordance with the <i>Disability Discrimination Act 1992</i>. Continuous accessible paths along the front building/ property line must be provided in accordance with Chapter G17: Business, Commercial and Retail Activities.</p> <p>A6.3 Where the footpath/pathway design in the <i>Streetscape Technical Manual</i> differs to the existing footpath design, the new footpath is to be provided as per the <i>Streetscape Technical Manual</i>.</p> <p>A6.4 Where a driveway crossover intersects a footpath/pathway, the driveway is to be of the same or similar material, finish and colour as the footpath/pathway.</p>
P7	Streetscape design and treatment is to provide opportunity to activate ground floor uses.	<p>A7.1 Where an active shop front (including food and drink premises) is proposed, paving should be provided as full-width footpaths.</p> <p>A7.2 Part-width pathways will only be considered appropriate where the subject street has a consistent part-width pathway and/or the street is identified in the <i>Streetscape Technical Manual</i> as a part-width pathway. In these circumstances, the pathway is to extend to the front building line.</p> <p>A7.3 Where part-width pathways are proposed, footpath trading must not obstruct the continuous accessible path from the front building / property line.</p> <p>A7.4 Placement of street furniture must take into consideration the location of commercial outdoor dining areas and entrances to public buildings in accordance with the <i>Smoke-free Environment Act 2000</i>.</p>

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Chapter G18: Streetscape Design for Town and Village Centres

Performance Criteria	Acceptable Solutions
P8 Provide street trees and landscaping elements to improve amenity, and encourage functional and attractive streetscapes.	<p>A8.1 A minimum of one street tree is to be provided per lot frontage. They shall be spaced evenly with other established trees within the streetscape.</p> <p>A8.2 Where new streets, laneways and pedestrian connections are provided, new streetscape components and treatments should be incorporated into their design. These will be considered on merit.</p> <p>A8.3 Tree species are to be selected and installed in accordance with the <i>Streetscape Technical Manual</i>.</p> <p>A8.4 The location of street trees must consider potential impacts to overhead and underground services (including easements), kerbs and footpaths.</p>

5.3 Unique Town and Village Centre Features

It is important that each town and village centre retain and enhance their unique character and features to provide a sense of community expression.

Should development on land front a streetscape with a unique feature, works within the public domain must incorporate the feature into the design in accordance with the *Streetscape Technical Manual*.

The objective of this control is to:

- i. Improve individual town and village streetscape character and individuality.

Performance Criteria	Acceptable Solutions
P9 Retain existing unique features and encourage enhancement of the centres character through additional unique features.	<p>A9.1 Where applicable, unique features are to be provided as per the <i>Streetscape Technical Manual</i>.</p> <p>A9.2 Works in the public domain which are adjacent to existing unique features should be complementary and not detract from their presence.</p>

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Chapter G18: Streetscape Design for Town and Village Centres

6 Advisory Information

6.1 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application.

Council Policies & Guidelines	<ul style="list-style-type: none"> • Town Street Tree Planting Strategy • Shoalhaven Plant Species List • Developing Public Art – Themes and ‘Sense of Place’
External Policies & Guidelines	<ul style="list-style-type: none"> • Australian Standards • NATSPEC - A Guide to Assessment of Tree Quality • Crime prevention and the assessment of Development Applications
Legislation	<ul style="list-style-type: none"> • Shoalhaven Local Environmental Plan 2014 • <i>Smoke-free Environment Act 2000</i> • <i>Disability Discrimination Act 1992</i>

DE18.35 Proposed Submission - Aboriginal Land Claims No. 6427, 26210 and 26251 - Koloona Drive, Watersleigh

HPERM Ref: D18/104373

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Map - Lot 7310 DP 1152344 - Koloona Drive Watersleigh - ALC 6427 26210 and 26251 [↓](#)
2. Request for Information - ALC 6427 26210 and 26251 - Lot 7310 DP 1152344 - Koloona Drive Watersleigh [↓](#)

Purpose / Summary

Obtain direction regarding Aboriginal Land Claims (ALC) numbers 6427, 26210 and 26251 at Koloona Drive, Watersleigh, which are now being investigated for determination by the NSW Government.

Note: This matter is being reported to the May 2018 Development Committee due to the need to meet an extended deadline to provide comment.

Recommendation (Item to be determined under delegated authority)

That Council notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that it does not support Aboriginal Land Claim Numbers 6427, 26210 and 26251 over Lot 7310 DP 1152344 at Koloona Drive, Watersleigh, for the following reasons:

1. In relation to Claim No.6427, at 31 March 2000, the land:
 - a. Formed part of the Bangalee Reserve and was being lawfully used for its reserve purpose of “Public Recreation”; and
 - b. Contained Council infrastructure that was used for this purpose, being the ‘Forest Walk’ walking trail and viewing barrier.
2. In relation to Claim No. 26210, at 21 June 2010, the land formed part of the Bangalee Reserve and was being lawfully used for its reserve purpose of “Public Recreation”.
3. In relation to Claim No. 26251, at 21 June 2010, the land:
 - a. Formed part of the Bangalee Reserve and was being lawfully used for its reserve purpose of “Public Recreation”; and
 - b. Contained Council infrastructure that was used for this purpose, being the ‘Forest Walk’ walking trail and viewing barrier.

Options

1. Advise NSW Department of Industry (DoI) – Crown Lands Aboriginal Land Claims Investigation Unit (ALCIU) that Council does not support ALC Numbers 6427, 26210 and 26251 as at the date of lodgement for all three claims the land formed part of the Bangalee Reserve and was being lawfully used for its reserve purpose of “Public

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Recreation”, and a portion of the land contained existing Council infrastructure to facilitate this use.

Implications: This is the preferred option, as it enables Council to assist DoI with their investigations into the status of the land at the date the claims were lodged, and ensure that the land, which forms part of the Bangalee Reserve, continues to be made available for public use consistent with its reserve purpose. This option also recognises that the land is an important community asset for a range of public recreational uses, which may no longer be possible if the land is transferred into private ownership.

2. Advise DoI – Crown Lands ALCIU that Council has no objection to the granting of ALC No's 6427, 26210 and 26251, subject to either the exclusion of land containing Council infrastructure and the Koloona Drive road reserve, or the creation of easements to protect this infrastructure and enable ongoing maintenance of Koloona Drive.

Implications: This option is not preferred. Although this option will still enable Council to assist DoI with their investigations, it does suggest that Council does not have any interest in the land other than the formed infrastructure, nor does it recognise that the remainder of the land is being used by members of the public for recreational purposes.

However, should Council resolve not to object to the claims, this option will still enable the protection of Council assets that are located on the western portion of Lot 7310 DP 1152344, and the Koloona Drive road reserve.

3. Provide alternative advice to the DoI as directed by Council.

Implications: This option is not preferred, as the advice provided to DoI needs to be justified and, as such, may not be consistent with the known history of the land at the date the claims were lodged.

4. Not respond to the invitation to comment on these ALCs.

Implications: This is not preferred as it does not enable Council to present evidence to DoI regarding the status of the land at the date the claims were lodged.

Background

Council received advice from DoI on 1 March 2018 that ALC numbers 6427, 26210 and 26251 at Koloona Drive, Watersleigh, were under investigation for determination.

These claims were lodged over land that is now identified as Lot 7310 DP 1152344, Koloona Drive, Watersleigh (see **Attachment 1**). This land forms part of the Bangalee Reserve and the claims affect the land as follows:

- ALC No. 6427 - Entire Lot 7310 DP 1152344;
- ALC No. 26210 - Part of Lot 7310 DP 1152344 east of Koloona Drive; and
- ALC No. 26251 - Part of Lot 7310 DP 1152344 west of Koloona Drive.

Council has been asked to provide comments on the claims (see **Attachment 2**) and specifically whether, at the date the claims were lodged, the subject land was:

- Lawfully used or occupied
- Needed or likely to be needed for an essential public purpose

Any comment, assertion or statement that is made by Council should be as at the date of the lodgement of the claims (see below) and be supported by evidence:

- ALC No. 6427 – lodged 31 March 2000
- ALC No. 26210 – lodged 21 June 2010
- ALC No. 26251- lodged 21 June 2010

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Council has been granted an extension of time until 16 May 2018 to respond to the claims to allow the matter to be reported for consideration.

Overview Summary of the Subject Land

The subject land is identified as Lot 7310 DP 1152344 and forms part of the Bangalee Reserve north of the Shoalhaven River, as shown in Figure 1 below. The land is identified as Crown Reserve R80062 (gazetted 28/12/1973) with the Reserve Purpose of “Public Recreation” and Council is the Trust Manager for the Reserve.

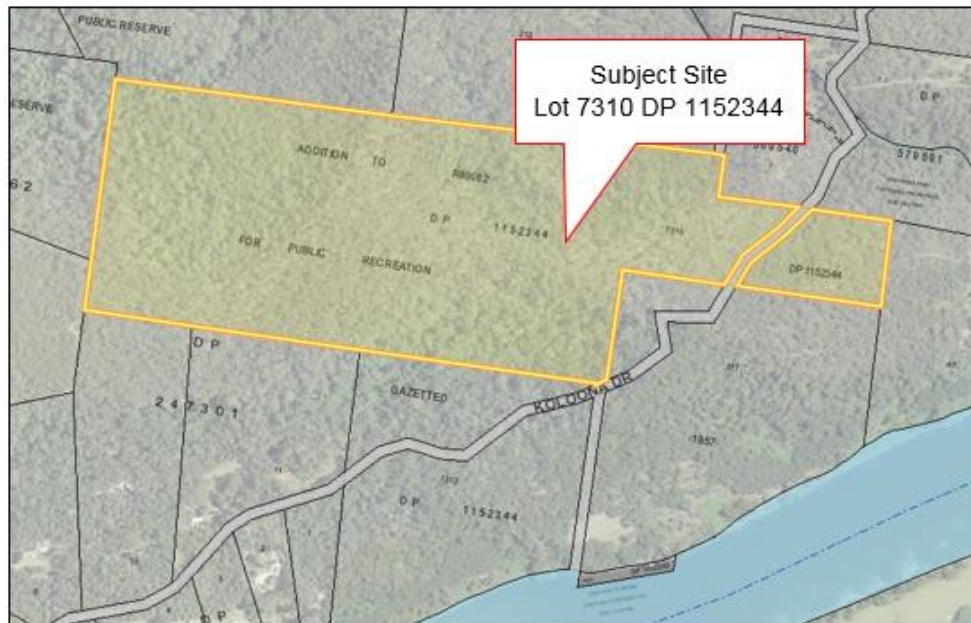


Figure 1: Location of the subject land, outlined in yellow.

The subject land has an area of 51.5 hectares and is zoned E2 Environmental Conservation under Shoalhaven Local Environmental Plan (LEP) 2014. It is bounded on all sides by other large parcels of land zoned E2 Environmental Conservation and E3 Environmental Management - which is either privately owned, owned by Council or is Crown Land.

The land is heavily vegetated and predominantly vacant, however parts of the land do contain some Council infrastructure that is used for the reserve purpose of public recreation, being the ‘Forest Walk’ walking trail and viewing barrier. This infrastructure is maintained by Council. The approximate location of this infrastructure is shown in Figure 2 below. There are no other Council assets or formed infrastructure located on the land.

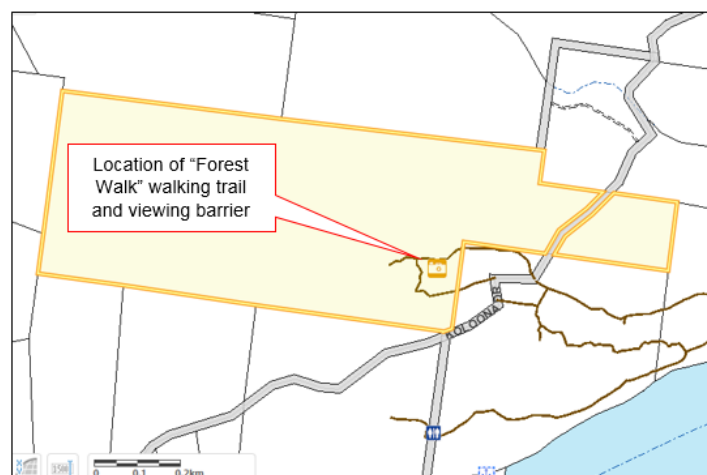


Figure 2: Approximate location of Council infrastructure: Forest Walk walking trail and viewing barrier.

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Bangalee Reserve

As noted above, the subject land forms part of the Bangalee Reserve that is managed by Council. The subject land was formally gazetted as an addition to the reserve on 28 December 1973 with the reserve purpose of “Public Recreation”. The overall Reserve is of great recreational and cultural heritage value to the area, providing several facilities for public recreation including picnic facilities, toilet block, jetty access to the Shoalhaven River and various walking trails.

As shown in Figure 2 above, the ‘Forest Walk’ walking trail and viewing barrier are located on part of the subject land; however, the absence of formal infrastructure on the remainder of the subject land does not prevent the land being utilised by the public for other recreational purposes. The subject land is known to be used regularly for bushwalking, birdwatching, mountain biking, orienteering and the like, which is consistent with its current Crown Reserve purpose of “Public Recreation”.

Alignment of the Koloona Drive Road Reserve

As shown in Figures 1 and 2, the land is split into two portions by the Koloona Drive road reserve. It is noted, due to historical reasons, that many existing Council managed and maintained roads are constructed partly or wholly outside the designated road reserve, particularly in rural areas and/or where they run through Crown Land. Thus, a survey will be necessary to determine the actual location of Koloona Drive in relation to the subject land, to ensure Council is able to effectively maintain the road in this location if the claims are granted.

Comment Summary

As noted above, a total of three (3) ALC’s have been lodged over the subject land and are now the subject of investigation by DoI. The following comments are provided regarding Council’s interests in relation to each claim.

Claim Number 6427

Was lodged over the whole of the subject land on 31 March 2000. At the date of claim, the land formed part of the overall Bangalee Reserve, and was being lawfully used for the Crown Reserve purpose of “Public Reserve”. As shown in Figure 2, there is some Council infrastructure on part of the site to the west of Koloona Drive, being the ‘Forest Walk’ walking trail and viewing barrier, which was in place at the date of claim. However, as noted above, even though there is no existing infrastructure over most of the site, this does not prevent the remainder of the land from being generally used by the public for recreational purposes such as bushwalking, birdwatching, mountain biking, orienteering and the like.

Previously on 19 December 2000, Council resolved not to support ALC No. 6427 on the basis that the land was required for an essential public purpose (MIN00.1622). It is considered that this position remains the same, this Council should not support this claim on the basis that, at the date the claim was lodged, the land was being lawfully used for its reserve purpose of “Public Recreation” and contained some formal infrastructure to facilitate this use.

Claim Number 26210

Was lodged over that portion of the site to the east of Koloona Drive on 21 June 2010. As noted above, at the date of claim lodgement, the land formed part of the Bangalee Reserve and was being lawfully used for the Crown Reserve purpose of “Public Reserve”. Thus, Council should not support this claim on the basis that, at the date of claim the land was being lawfully used for its reserve purpose of “Public Recreation”.

Claim Number 26251

Was lodged over that portion of the site to the west of Koloona Drive on 21 June 2010. At the date of claim, the land formed part of the Bangalee Reserve, and was being lawfully used for the Crown Reserve purpose of “Public Reserve”. Council infrastructure is also located on part of the Lot, as shown in Figure 2.

Council’s position on this claim remains the same as that of ALC 6427. Thus, Council should not support ALC No.26251 on the basis that, at the date of claim, the land was being lawfully used for its reserve purpose of “Public Recreation” and it also contained formal infrastructure to facilitate this use.

Financial Implications

There are no direct financial implications in providing this advice to DoI. Should the claims be refused, Council will continue to be Trust Manger for the land and bear the responsibility of maintaining the land and any of its associated infrastructure, and the Koloona Drive Road reserve.

Should the claims be granted subject to either the exclusion of land containing Council infrastructure and the Koloona Drive road reserve, or the creation of easements to protect existing Council assets, it is anticipated that any costs associated with both surveying the land and the creation appropriate easements (if required) will be met by DoI or the benefitting land council (either Nowra Local Aboriginal Land Council or the NSW Aboriginal Land Council).

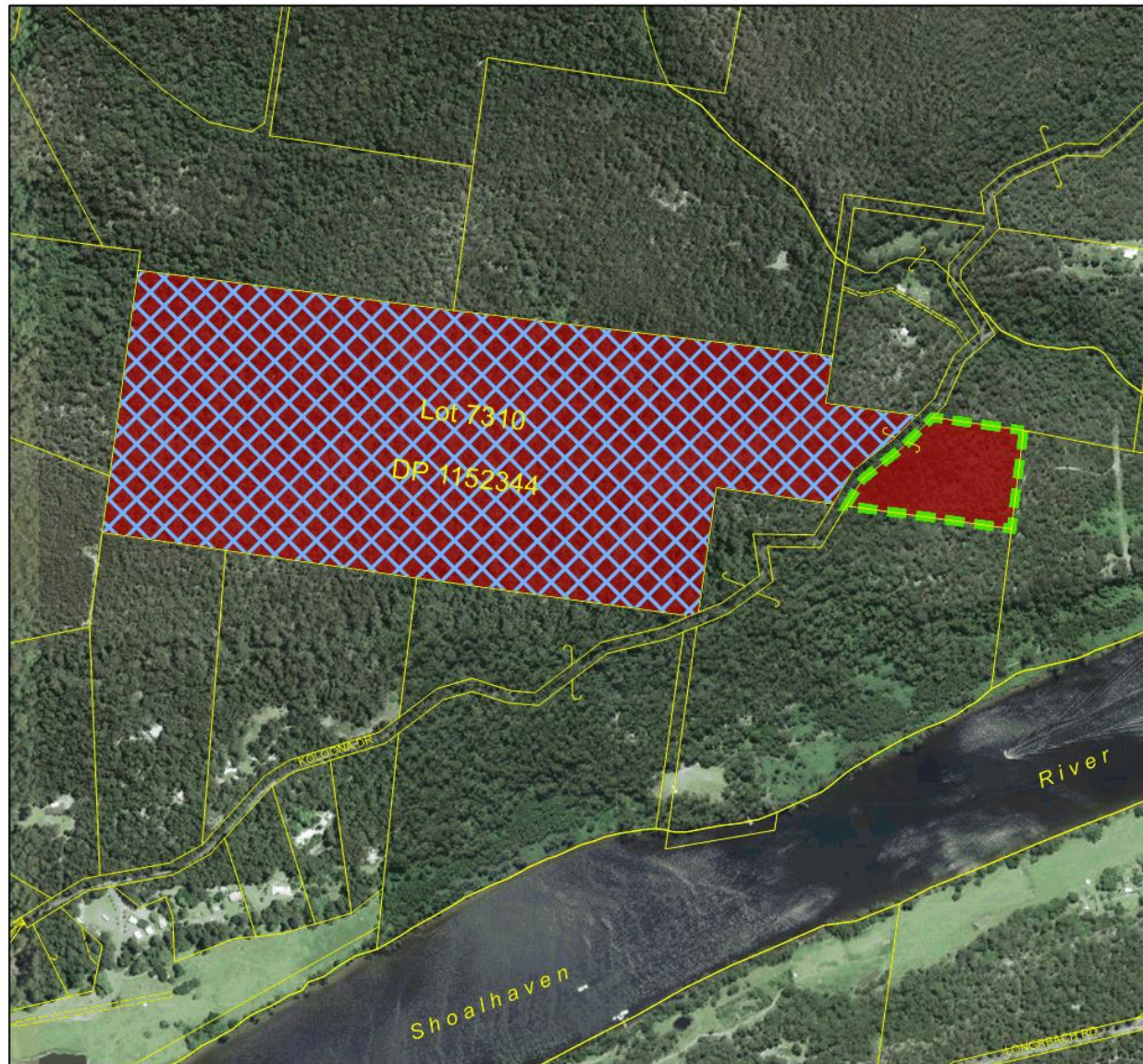
Any ongoing costs associated with the maintenance of the existing walking trail or viewing platform will continue to be met by Council for the foreseeable future, as per the existing arrangement with Crown Lands.

Risk Implications

There is no risk to Council in providing this information to DoI, as it ensures that all relevant information is made available to assist in determining these claims.

Should the claims be refused, the public can continue to gain access to the land and utilise it for its reserve purpose of “Public Recreation”.

Should the claims be granted subject to the exclusion of certain land or the creation of easements, Council will continue to gain access to existing assets and infrastructure, and the public will still be able to make use of the walking trails; however, access to the remainder of the land may be prohibited should it be transferred into private ownership.



Legend

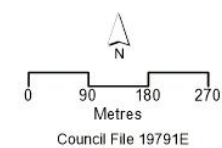
- Claim No 6427
- Claim No 26210
- Claim No 26251

Submission On Aboriginal Land Claims
6427, 26210 & 26251

Lot 7310 DP 1152344 &
Pt Lot 7310 DP 1152344

Parish: Illaroo
County: Camden
LGA: Shoalhaven
Locality: Watersleigh
Electorate: South Coast

BANGALEE



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Our Reference: 0347248-01

Reference to authorities and stakeholders via email:

Shoalhaven City Council

council@shoalhaven.nsw.gov.au

To whom it may concern

Aboriginal Land Claims at Watersleigh

The Department of Industry (DoI) – Crown Lands, Aboriginal Land Claim Investigation Unit (ALCIU) is currently investigating the Aboriginal land claims shown on the attached list.

Lodging of an Aboriginal land claim creates an interest in the land. Prior to any future dealings in this land, consultation should be undertaken with DoI – Crown Lands.

Aboriginal Land Claims are investigated in accordance with the provisions of section 36(1) of the *Aboriginal Land Rights Act 1983*. Regardless of when an investigation is conducted the key date for the investigation is the **date the claim is lodged**.

The ALCIU is seeking information from your organisation as a relevant authority that may have evidence or hold an interest in the land at the **date of claim** that establishes:

- Lawful use or occupation
- Need or likely to be needed for an essential public purpose.

The Minister's decision is subject to appeal to the Land & Environment Court. It is important all information relevant to the claimed land be made available to the ALCIU to ensure the claim is properly and thoroughly assessed.

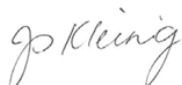
Any comment, assertion or statement you make should be as at the date of the claims and should be supported by documented evidence. Attached is an information sheet for your reference. The document also provides a definition of the assessment criteria mentioned above.

Please note, if the claimed land is subject to multiple claims, your response should address each claim and should provide evidence as at the date of each claim.

A response is requested to be provided by 28 March 2018. If you have no interest in the granting or refusal of this claim it would be appreciated if you could contact this office via e-mail advising of such. This will prevent unnecessary delays in processing claims, and we will not reference you further.

If you have any questions or require an extension of time to provide a response please contact the Aboriginal Land Claim Investigation Unit on (02) 6883 3396, or by email alc@crowland.nsw.gov.au.

Yours sincerely



Senior Case Manager
Aboriginal Land Claim Investigation Unit

1 March 2018

Claim No	Land Council	Land Claimed	Lodged
6427	Nowra LALC	Lot 7310 DP 1152344	31 March 2000
26210	NSWALC on behalf of Nowra LALC	Part Lot 7310 DP 1152344 (east of Koloona Dr)	21 June 2010
26251	NSWALC on behalf of Nowra LALC	Part Lot 7310 DP 1152344 (west of Koloona Dr)	21 June 2010

NSWALC = New South Wales Aboriginal Land Council
LALC = Local Aboriginal Land Council



NSW Department of Industry, Crown Lands
Aboriginal Land Claim Investigation Unit
PO Box 2185 DANGAR NSW 2309
cl.alc@crowland.nsw.gov.au
www.crownland.nsw.gov.au
PH: 02 6883 3396 FAX: 02 6884 2067

Information to assist you in your response

Lawful use and/or occupation

"*Lawful use*" of claimed lands occurs when use is to more than a notional degree. The lands need to be used for its specified public purpose or for a purpose that furthers or is ancillary to the public purpose. The use needs to be actual, not just contemplated or intended.

"*Lawful occupation*" encompasses legal possession, conduct amounting to actual possession and some degree of permanence. It involves an element of control, of preventing or being in a position to prevent the intrusion of strangers. Continuous physical presence on every part of the land is not required, however some physical occupancy is required, mere activities of maintenance are insufficient.

Examples of evidentiary materials supporting lawful use and occupation include, but are not limited to;

- Copies of tenure documents (licences, leases, permits etc.)
- Receipts
- Rosters, sign in books, attendance sheets etc.
- Photographs taken at time
- Documents that prove activity at the location
- Evidence of improvements made and/or maintenance undertaken
- Utilities bills
- Anything that establishes a presence upon the lands
- Diary entries
- Media material

If reference is made to a document in the course of providing a response, it would be appreciated that the entire document be provided as an annexure/attachment to support the response.

Needed or likely to be needed for an essential public purpose

"*Needed*" means required or wanted. Where lands are needed for an essential public purpose, a manifestation of political will is required to establish need. Where lands are likely to be needed for an essential public purpose, it is a question as to whether it is likely that there will in the future be a government requirement; and if this addressed by considering a trajectory, then the trajectory needs to be towards a requirement at the appropriate government level at the specified time in the future.

"*Likely*" is a real or not remote chance, a real chance or possibility, not more probable than not (possibility being a lower legal standard than probability). The essentiality of the need has to be sufficient to counteract the beneficial intent of the *Aboriginal Land Rights Act*. A 25 to 30 year time frame is appropriate when establishing a likely need.

"*Essential public purposes*" are those that are required and created by the government of the country, or purposes of the administration of the government of the country. To be essential, the purpose must be indispensable, or at least material and important. The use of the word essential sets a high standard. Public purposes may be served by private interests. Purposes carried out under statutory authority or requirement, for example, the *Local Government Act* (Shire Councils) can be public purposes.

Examples of evidentiary materials supporting the need or likely need for an essential public purpose include, but are not limited to;

- Government materials stating the lands are required for the essential public purpose
- Material illustrating a trajectory towards the land being developed for the essential public purpose
- Any documentation relating to the development of the land in general
- Documentation supporting the lack of development of the kind proposed
- Documentation showing the lack of other suitable lands in the area
- Documentation illustrating why the purpose proposed is important and indispensable
- Documentation proving that the intended use for the claimed lands existed as at the date of claim lodgement

Again, if reference is made to a document in the course of providing a response, it would be appreciated that the entire document be provided as an annexure/attachment to support the response.

If you have any questions regarding this information please contact the Aboriginal Land Claim Investigation Unit on 02 6883 3396 or email alc@crowland.nsw.gov.au.

DE18.36 Outcomes - Shoalhaven Local Heritage Assistance Fund 2017-2018

HPERM Ref: D18/115416

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Annual Summary Project Report [↓](#)
2. Revised Shoalhaven Heritage Strategy 2018-2021 [↓](#)
3. Current Shoalhaven Heritage Strategy 2017-2020 [↓](#)

Purpose / Summary

Detail the outcomes of the Shoalhaven Local Heritage Assistance Program 2017-2018 and adopt the revised Shoalhaven Heritage Strategy for 2018-2021 to enable the program to continue.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the annual Summary Project Report (**Attachment 1**), which details the outcomes of the Local Heritage Assistance Fund Program 2017-2018, for information.
2. Adopt the revised Shoalhaven Heritage Strategy 2018-2021 (**Attachment 2**).

Options

1. Adopt the recommendation.

Implications: This option is preferred as it will enable the outcomes of the Shoalhaven Local Heritage Assistance Fund Program 2017/2018 to be received for information (via the Summary Project Report) and enable Council's Heritage Strategy for the years 2018-2021 to be adopted to enable the program to continue.

This will allow this year's program to be finalised so that Council can claim reimbursement of NSW Heritage Grant funding.

2. Adopt an alternative recommendation.

Implications: Depending on the nature of any alternative recommendation, this may not be in keeping with the established process and will possibly prevent the finalisation of this year's program, and prevent Council making a claim for reimbursement under the NSW Heritage Grants funding, particularly if Council's Heritage Strategy is not adopted.

Background

Council has continued its commitment to local heritage projects by supporting the NSW Heritage Grants. The grant funding provided by the NSW Office of Environment and Heritage (OEH) assists Council to employ a Heritage Advisor and to run an annual Local Heritage Assistance Fund to provide grants of up to \$5,000 for a wide range of small heritage projects including general maintenance, adaptive reuse, or sympathetic alterations/additions for heritage items.

DE18.36

The conservation of Shoalhaven's cultural heritage by its owners is clearly beneficial to the broader community and visitors to the area. These grants, although small, show that Council and the NSW State Government are committed to helping owners to conserve and enhance their properties for future generations. These heritage projects contribute to heritage conservation management, promote cultural sustainability and encourage heritage tourism.

NSW Heritage Grants Program 2017-18 and 2018-19

NSW Heritage Grant funding was accepted under the following streams:

- Local Heritage Places (Shoalhaven Local Heritage Assistance Fund) – Council has accepted a grant offer of up to \$7,500 per annum (ex GST) for both the 2017-18 and 2018-19 financial years, with a funding formula for both years of \$1: \$1 (OEH: Council). The claim for reimbursement needs to be made by 15 May 2018.
- Local Government Heritage Advisors – Council has accepted a grant offer of up to \$8,000 per annum (ex GST) for both the 2017-18 and 2018-19 financial years towards providing a Heritage Advisory Service for Shoalhaven. The claim for reimbursement needs to be made by 15 May 2018.

Community Engagement

The Shoalhaven Local Heritage Fund Program 2017/2018 was advertised in local newspapers on 19 July 2017 and included a link to Council's website for relevant information on eligibility and assessment criteria. Direct advice was also provided to persons who had previously expressed an interest in the program.

Policy Implications

In recent years, Council has been required to submit a four-year heritage strategy to claim reimbursement of the Local Government Heritage Advisor grant. In this regard, a major review and amendment of the Heritage Strategy has been undertaken by staff and Council's Heritage Advisor and requires adoption by Council. The current Strategy is included as **Attachment 3** to enable comparison with the revised version.

Financial Implications

Shoalhaven Local Heritage Assistance Fund (Local Heritage Places Grant)

The funding offer from OEH for the 2017-18 and 2018-19 years is up to \$7,500 (ex GST) per annum, with a funding formula for both years of \$1: \$1 (OEH: Council). Therefore, Council needs to budget at least \$15,000 each year to be able to provide the grant payments to successful applicants as OEH requires Council to first spend the money then claim reimbursement of the grant by 15 May 2018.

For the 2017/18 financial year Council's budget allocation is \$21,000 and the recommended amount of funding for the Shoalhaven Local Heritage Assistance Fund for 2017-18 is \$22,500. This means there will initially be a shortfall of \$1,500 which will need to be allocated to this budget and this will be managed within the current overall Strategic Planning budget. These funds will be able to be recouped when Council receives reimbursement of the grant funding by OEH.

Council will need ensure that a similar level of funding is provided in the 2018-19 financial years to cover Council's required financial commitment for that period.

Local Government Heritage Advisors Grant

The funding offer from OEH for the 2017-18 and 2018-19 financial years is up to \$8,000 (ex GST) per annum, with a funding formula for both years of \$1: \$1 (OEH: Council). Therefore, Council will need to contribute at least \$16,000 to claim reimbursement of the maximum grant amount offered of \$8,000.

For the 2017-18 financial year Council's budget currently includes \$15,000. The additional \$1,000 required to make up the \$16,000 required will be managed within the current overall Development Services budget. These funds will be able to be recouped when Council receives reimbursement of the grant funding by OEH.

Council will need to ensure that sufficient funding is provided in the 2018-19 financial year budget to cover Council's required financial commitment for this period.

Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	358 Woodstock Road, Milton, 2538
Project description:	Replace the roof including the verandah roof
Reason for the project:	Original roof no longer weatherproof
Heritage item listing:	Local
Applicant name:	Susan Curran
Date commenced:	November 2017
Date completed:	January 2018
Total project cost:	\$14,090
Applicant contribution:	\$9,090
Local heritage fund contribution:	\$5,000

BEFORE

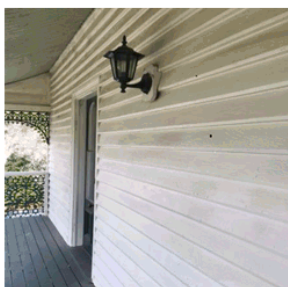


AFTER



Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	"Llanthony", 1 Kalinga Street, Cambewarra, 2540
Project description:	Exterior painting of the dwelling
Reason for the project:	Existing paintwork in poor condition
Heritage item listing:	Local
Applicant name:	Kathryn Dale
Date commenced:	November 2017
Date completed:	March 2018
Total project cost:	\$10,100
Applicant contribution:	\$6,100
Local heritage fund contribution:	\$4,000

BEFORE



AFTER

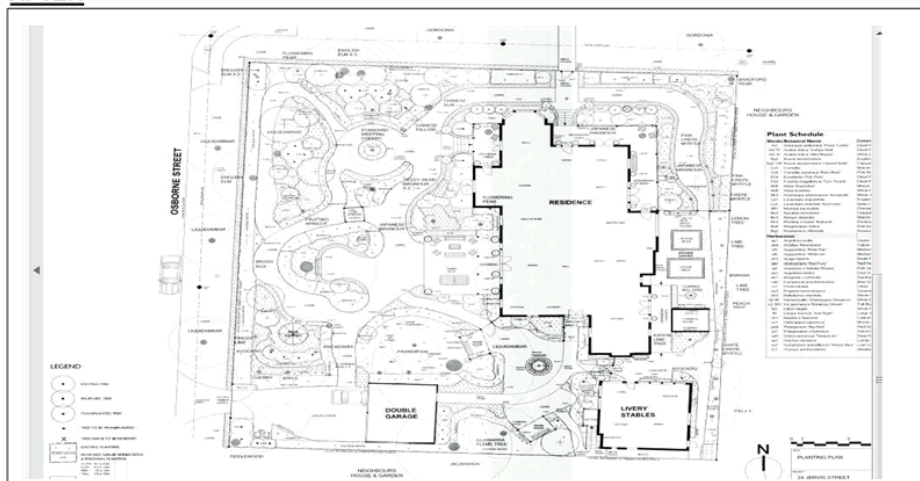


Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	20-24 Jervis Street, Nowra
Project description:	Conservation Management Plan for the Gardens
Reason for the project:	Provide Landscape Masterplan appropriate to the heritage setting of the dwelling
Heritage item listing:	Local
Applicant name:	John Hallihan
Date commenced:	December 2017
Date completed:	March 2018
Total project cost:	\$9,000
Applicant contribution:	\$4,500
Local heritage fund contribution:	\$4,500

BEFORE



AFTER



Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	"Woodside Park", 94b Tannery Road, Berry, 2538
Project description:	Repair and/or Reglaze 7 broken panes of sashes in dormer windows
Reason for the project:	Ensure the windows are not leaking and in good repair
Heritage item listing:	Local
Applicant name:	Susan McIntosh
Date commenced:	November 2017
Date completed:	March 2018
Total project cost:	\$6,500
Applicant contribution:	\$5,000
Local heritage fund contribution:	\$1,500

BEFORE



AFTER



Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	"Thistlebank", 85 Ryans Lane, Pyree, 2540
Project description:	Replace Roof & Guttering
Reason for the project:	Original roof no longer waterproof
Heritage item listing:	Local
Applicant name:	Karen Terry & Russell Merrick
Date commenced:	December 2017
Date completed:	January 2018
Total project cost:	\$34,500
Applicant contribution:	\$29,500
Local heritage fund contribution:	\$5,000

BEFORE



AFTER



Shoalhaven City Council Local Heritage Fund for 2017–2018 financial year	
Final Project Report	
Heritage item address:	"Somerset House", 117 Pyree Lane, Pyree, 2540
Project description:	Replace verandah decking boards on south side
Reason for the project:	Verandah is unsafe to use
Heritage item listing:	Local
Applicant name:	John & Christine Tyrrell
Date commenced:	December 2017
Date completed:	January 2018
Total project cost:	\$6,073.25
Applicant contribution:	\$3,573.25
Local heritage fund contribution:	\$2,500

BEFORE



AFTER





City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Planning, Environment & Development Group

Shoalhaven Heritage Strategy 2018-2021

Policy Number: POL17/51 • **Adopted:** 24/02/2009 • **Amended:** 28/06/2011, 9/05/2017 • **Reaffirmed:** 21/05/2013, 24/06/2014 • **Minute Number:** MIN09.245, MIN11.575, MIN13.494, MIN14.409, MIN17.382 • **File:** 39336E • **Produced By:** Planning, Environment & Development Group • **Review Date:**

1. PURPOSE

Shoalhaven City Council has reviewed the best practice advice contained in the NSW Office of Environment and Heritage and Heritage Council of NSW publication 'Recommendations for local council heritage management' and has resolved to:

1.1. Increase awareness and appreciation of heritage in the local area.

Council will work with local history groups and historical societies to promote heritage conservation particularly in regard to heritage items and conservation areas listed in the Shoalhaven Local Environmental Plan (LEP) 2014. Links to heritage organisations are contained on Council's website.

Council has a page on its website dedicated to heritage information which contains links to studies, conservation management plans, databases, and has general information for property owners.

The heritage information webpage also provides a link to the NSW Office of Environment and Heritage directory of professional consultants, services and trades specialising in heritage.

1.2. Identify places of heritage significance in Shoalhaven and list them in Shoalhaven Local Environmental Plan 2014

Heritage listed items in Shoalhaven are listed in Schedule 5 Environmental Heritage of Shoalhaven LEP 2014. This schedule also includes heritage conservation areas and archaeological sites.

Schedule 5 of Shoalhaven LEP 2014 will be amended and updated as new studies are undertaken and new heritage places and areas are identified.

1.3. Appoint a heritage and urban design advisor to assist the Council, the community and owners of listed heritage items

Council will continue to provide a free heritage advisory service to property owners and others using the services of an experienced heritage consultant on a monthly basis. The Heritage Advisor is expected to meet with property owners and others to assist in understanding the

Shoalhaven City Council - Shoalhaven Heritage Strategy 2018-2021

heritage values of their properties and to provide on the spot advice on suitable forms of development and the maintenance of heritage items and their fabric.

The Heritage Advisor will also provide strategic and detailed advice to Council's Planning, Environment and Development Group on heritage issues and prepare a range of studies and strategy documents to guide Council's development policies and works on Council owned heritage assets.

The Advisor will also run internal and external workshops to improve an understanding of heritage and provide guidance on specific heritage issues and planning controls applying to heritage items and in conservation areas.

1.4. Manage local heritage in a positive manner

Much of Shoalhaven is undeveloped and contains a range of natural and modified landscapes that are an important reminder of both Indigenous and early colonial settlement. Following colonisation, the landscape was quickly transformed as it was developed for timber supplies and farming and the resulting landscape is an important element in the character of the area.

Development pressures close to towns and villages, and subdivision and development in rural areas can lead to a loss of buildings, plantings and landscape features that can erode this character.

Council will seek funds to prepare a study with the aim to identify common characteristics for the rural and semi-rural areas of the Shoalhaven, to provide an understanding of important components of the landscape and provide guidelines for the study of these landscapes to allow for better development outcomes.

1.5. Introduce a local heritage incentives fund to provide small grants to encourage local heritage projects

Council has an annual local heritage grants programme known as the 'Shoalhaven Local Heritage Assistance Fund' to assist owners of heritage listed properties with basic repairs and conservation works. The grants programme is intended to continue for the period 2018-2021.

Submissions will be called from heritage owners and the applications will be assessed by Council's Heritage Advisor and Council staff. Successful applicants are required to complete their projects by the end of the following March and these will be inspected by Council's Heritage Advisor to ensure compliance with the application details and sound conservation practice.

These small monetary assistance grants may be used for a wide range of small local heritage projects such as:

- Sympathetic alterations/additions to heritage items;
- Conservation works and general maintenance works;
- Adaptive reuse;
- Urban design projects that support heritage;
- Interpretation projects; and
- Conservation management plans.

1.6. Run a heritage main street programme

Shoalhaven is endowed with over 40 towns and villages including many of which still retain an unspoilt character such as Berry, Milton and Kangaroo Valley.

Council runs a Nowra CBD Façade Improvement Financial Assistance Program providing building and business owners the opportunity to apply to receive financial assistance for labour and materials to improve their façades. Council has also prepared a Streetscape Design Technical Manual for various towns in Shoalhaven.

Council will actively pursue monetary grants that are available to assist with developing a detailed landscape master plans to ensure that projects are “shovel ready” when implementation funding becomes available.

1.7. Present educational and promotional programmes

The Heritage Advisor will provide presentations and training sessions to Planning, Environment and Development staff, as required, to improve understanding of the following heritage matters:

- The heritage planning framework;
- Statutory controls relating to heritage;
- An understanding of heritage terminology (fabric, curtilage etc);
- Heritage issues relating to development of heritage items and in conservation areas; and
- Specific treatment of development of heritage items and items in conservation areas.

1.8. Set a good example to the community by properly managing places owned or operated by the Council

The Heritage Advisor will provide advice and assistance to Council in the management of its assets that are of heritage significance. It is Council's aim to carry out its own development projects, or assist in larger projects, to ensure that it sets a benchmark for heritage development in Shoalhaven. The projects are aimed at protecting heritage assets and encouraging a public appreciation of heritage.

1.9. Promote sustainable development as a tool for heritage conservation

Council is committed by its Community Strategic Plan to ensure that land use and related strategies for future growth are based on the principles of connectivity, ecological sustainability, flexibility and accessibility.

2. IMPLEMENTATION

The policy will be administered by Council's Planning, Environment & Development Group within the limits of State Government Funding.

3. REVIEW

The policy will be reviewed in March 2019 or as required.

4. APPLICATION OF ESD PRINCIPLES

This policy now reflects the requirements for ESD.



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For more information contact the Planning, Environment and Development Services Group

Shoalhaven Heritage Strategy 2017-2020

Policy Number: POL17/18 • **Adopted:** 24/02/2009 • **Amended:** 28/06/2011, 9/05/2017 • **Reaffirmed:** 21/05/2013, 24/06/2014 • **Minute Number:** MIN09.245, MIN11.575, MIN13.494, MIN14.409, MIN17.382 • **File:** 39336E • **Produced By:** Planning, Environment & Development Services Group • **Review Date:** 31/12/2017

1. PURPOSE

Shoalhaven City Council has reviewed the best practice advice contained in the NSW Office of Environment and Heritage and Heritage Council of NSW publication *'Recommendations for local council heritage management'* and has resolved to:

- 1.1. Increase community participation awareness and appreciation of heritage in the local area.

Council will work with local history groups and historical societies to promote heritage conservation particularly in regard to heritage items and conservation areas listed in the Shoalhaven Local Environmental Plan 2014.

The NSW Office of Environment and Heritage provide a directory of professional consultants, services and trades specialising in built heritage tradespeople on their website at: <http://www.environment.nsw.gov.au/heritage/professionals.htm>.

INFORMATION SOURCES

Council will update its list of information sources for heritage owners wishing to investigate the history of their property or who are seeking specialist guides on the treatment of the fabric of their properties in terms of materials, colours and specialist construction techniques.

1.2. Identify the heritage items in the area and list them in the Local Environmental Plan

Council will be preparing specific conservation studies to allow a more detailed analysis of specific areas and guide development in these areas.

1.2.1. Terara Township

Terara Township is an early village on the edge of Nowra that began as a private town established by the De-Mestre Family on their *Terara Estate*. The township is an important early settlement and, due to its flood prone location, has survived relatively intact with little intrusive development. It is laid out in a regular grid pattern and contains many buildings from its earliest development.

Shoalhaven City Council - Shoalhaven Heritage Strategy 2017-2020

The Terara township is identified as a conservation area in the Shoalhaven Local Environmental Plan 2014. The study will consider:

- The boundaries of the conservation area;
- Its historic and visual cartilage;
- Significant buildings and elements in the area; and
- Management guidelines for the protection of its heritage qualities.

1.3. Appoint a heritage and urban design advisor to assist the Council, the community and owners of listed heritage items

1.3.1. Heritage Advisory Service

Council currently employs an external heritage consultant to provide a free advisory service to property owners and others on a monthly basis.

Council will continue to provide a free heritage advisory service using the services of an experienced heritage consultant on a monthly basis. The advisor is expected to meet with property owners and others to assist in the historical understanding of their properties, provide on the spot advice on suitable forms of development and the treatment of heritage items and their fabric.

The heritage advisor will also provide strategic and detailed advice to Council on heritage issues and prepare a range of studies and strategy documents to guide Council's development policies and works on Council owned heritage assets.

The advisor will also run internal and external workshops to improve an understanding of heritage and provide guidance on specific heritage issues and planning controls applying to heritage items and in conservation areas.

1.4. Heritage Grants Programme

Council has a yearly heritage grants programme known as the 'Shoalhaven Local Heritage Assistance Fund' to assist heritage owners with basic repairs and conservation works. The submissions are assessed by Council's heritage advisor and completed works are inspected to ensure compliance with the guidelines.

The grants programme will continue for the years 2017-2020. Submissions will be called from heritage owners and the application assessed by Council's heritage advisor. Successful applicants are required to complete their projects by the following March and these will be inspected by Council's Heritage Advisor to ensure compliance with the application details and sound conservation practice.

These small monetary assistance grants are used for a wide range of small local heritage projects such as:

- Sympathetic alterations/additions to heritage items;
- Conservation works and general maintenance works;
- Adaptive reuse;
- Urban design projects that support heritage;
- Interpretation projects; and
- Conservation management plans.

The conservation of Shoalhaven's cultural heritage by its owners is clearly beneficial to the broader community and visitors to the area. These grants, although small, show that Council

Shoalhaven City Council - Shoalhaven Heritage Strategy 2017-2020

and NSW State Government are committed to assisting owners to conserve and enhance their properties, for the benefit of future generations. The monetary component is included in the annual State of the Environment report and demonstrates Council's continuing commitment to heritage conservation management and promoting cultural sustainability, heritage tourism and the Community Strategic Plan.

1.5. Manage Local Heritage in a positive manner

1.5.1. The Shoalhaven Cultural Landscape Study

The Shoalhaven is largely undeveloped and contains a range of natural and modified landscapes that are an important reminder of both pre European and early settlement. Following European arrival the landscape was quickly transformed as it was developed for timber supplies and farming and the resulting landscape is an important element in the character of the area.

Development pressures close to towns and villages and subdivision and development in rural areas can lead to a loss of buildings, plantings and landscape features that can erode this character.

Council will seek funds to prepare a study with the aim to identify common characteristics for the rural and semi-rural areas of the Shoalhaven, to provide an understanding of important components of the landscape and provide guidelines for the study of these landscapes to allow for better development outcomes.

1.5.2. Shoalhaven Local Environmental Plan 2014

Clause 5.10 *Heritage Conservation* provides provisions for heritage items, conservation areas and items within the vicinity of heritage items.

1.6. Run a heritage main street programme

Shoalhaven is endowed with over 40 towns and villages including many of which still retain an unspoilt character such as Berry, Milton and Kangaroo Valley.

Council will actively pursue monetary grants that are available to assist with developing a detailed landscape master plans to ensure that projects are "shovel ready" when implementation funding becomes available.

Council runs a Nowra CBD Façade Improvement Financial Assistance Program providing building and business owners the opportunity to apply to receive financial assistance for labour and materials to improve their façades. Council is also preparing a draft Streetscape Design Manual for various towns in the Shoalhaven.

1.7. Present Educational and Promotional Programmes

1.7.1. Internal Education

1.7.1.1. Training Programmes

Council will aim to provide two internal seminars a year for planning staff and councillors to improve their understanding of:

- The heritage planning framework
- Statutory controls relating to heritage
- An understanding of heritage terminology (fabric, curtilage etc.)

Shoalhaven City Council - Shoalhaven Heritage Strategy 2017-2020

- Heritage issues relating to development of heritage items and in conservation areas
- Specific treatment of development of heritage items and items in conservation areas

1.7.1.2. Heritage Advisor Visits

Council intends to have all planners who carry out development assessments relating to heritage items and in conservation areas to accompany the heritage advisor for a half day to:

- Give the planners a better understanding of heritage issues
- Allow them to appreciate first hand the advice given to heritage owners
- Improve their assessment technique when dealing with planning applications relating to heritage matters
- Improve their knowledge of the history of the area

1.7.2. External Education

1.7.2.1. Training Programmes

Council will aim to provide two external seminars a year for external stakeholders (property owners, designers, architects, developers, real estate agents and heritage consultants) that aim to improve their understanding of:

- The heritage planning framework
- Statutory controls relating to heritage
- An understanding of heritage terminology (fabric, curtilage etc.)
- Heritage issues relating to development of heritage items and in conservation areas
- Appropriate methodologies for preparing heritage studies and analysing and understanding heritage significance
- Specific treatment of development of heritage items and items in conservation areas

1.7.3. Heritage Events and Festivals

Council will support community events associated with the National Trust Heritage Week celebrations. The event may also include talks, presentations and displays relating to the heritage in the Shoalhaven to provide historical background on the development of the area. The event may also include a series of public open days at specific heritage sites to allow public appreciation of some of the finer heritage elements in the area.

1.8. Set a good example to the community by properly managing places owned or operated by the Council

It is Council's aim to carry out its own development projects, or assist in larger projects, to ensure that it sets a benchmark for heritage development in the Shoalhaven. The projects are aimed at protecting heritage assets and encouraging a public appreciation of heritage.

1.8.1. Graham Lodge

Graham Lodge is a substantial Victorian house that was built c.1860 on a large estate close to the Nowra CBD. It had fallen into disuse and Council has carried out substantial external conservation works.

Council will consider preparing schemes for the use of the place that will encourage the internal conservation of the building and promote appropriate adaptive reuse.

1.8.2. Ulladulla Elevated Board Walk

Ulladulla is an important coastal town that was established in the 1830s with a harbour that provided a safe anchorage for ships exporting and supplying goods to and from the Shoalhaven.

To assist in the revitalisation of the Ulladulla CBD, Council is establishing an elevated boardwalk that will allow excellent views of the historic harbour and other buildings in the area. Part of the boardwalk has been constructed with historic interpretation material and is proposed to be included in the future stages of the design.

1.8.3. Crookhaven Heads Lighthouse

The Shoalhaven coast was the subject of several wrecks and a pilot station was established at Crookhaven in 1872 and a pilot's house and cottages for the boatmen constructed nearby. The first light was constructed in the same year and a second structure was built in 1882 with a lantern held by four posts in a tower.

The lighthouse is currently not used, has deteriorated over time and has been the subject of vandalism.

Council will continue to assist Crown Lands as owner of the Lighthouse, to implement a program to protect and/or conserve all or key elements of the Lighthouse.

1.9. Promote sustainable development as a tool for heritage conservation

Council is committed by its Community Strategic Plan to ensure that land use and related strategies for future growth are based on the principles of connectivity, ecological sustainability, flexibility and accessibility.

Council will undertake a building energy, gas and water audit for its heritage buildings under its control and prioritise and implement a list of efficiency improvements over the next three year period.

2. IMPLEMENTATION

The policy will be administered by Council's Planning, Environment & Development Group within the limits of State Government Funding.

3. REVIEW

The policy will be reviewed in 2017 or as required.

4. APPLICATION OF ESD PRINCIPLES

This policy now reflects the requirements for ESD.

DE18.37 DA17/2435 – 148 Island Point Road, St Georges Basin – Lot 43 DP 25550

DA. No: DA17/2435/4

HPERM Ref: D18/124969

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Cover Letter - To the General Manager - Lot 43 DP 25550 - 148 Island Point Rd St Georges Basin [↓](#)

Description of Development: Two (2) Storey Commercial Building

Owner: T J Harpley & E Bellinato

Applicant: I Architecture

Notification Dates: 7 March 2018 to 22 March 2018

No. of Submissions: Nil

Purpose / Reason for consideration by Council

This report seeks Council's direction with respect to the provisions concerning rear lane access as detailed in Chapter N23: St Georges Basin, Village Centre, Shoalhaven Development Control Plan 2014 (SDCP 2014) having regard to potential financial implications.

Recommendation (Item to be determined under delegated authority)

That Council resolve to reaffirm the current requirements of Chapter N23: St Georges Basin, Village Centre, SDCP 2014 and Shoalhaven Contributions Plan 2010 (SCP 2010) in support of the rear service lane arrangement to have one-way access, noting the available width.

Options

1. Reaffirm the current requirements of Chapter N23, SDCP 2014, in accordance with the recommendation of this report; and acquire a section of the subject site and adjoining properties for the one-way rear service lane. (Note Council could also consider an easement for access over the land in lieu of acquisition which would require other sites to be treated similarly.)

Implications: Potential costs associated with land acquisition. It is noted that project 03ROAD2113 in SCP 2010 is for the St Georges Basin Village Centre Service Lane, the service lane subject to this report and current Development Application (DA).

As such, contributions will be levied for any approved development within the catchment area of the project for the provision of this infrastructure item. Alternatively, Works-in-Kind *may* be able to be undertaken in association with development.

One-way movement is practical, noting the available width and legal mechanisms in place (i.e. easements). However, there is an issue with the infrastructure/design, which impacts on some vehicles using the lane, namely articulated vehicles (i.e. with a long wheel base).

DE18.37

2. Not to pursue the acquisition of land and the requirements of Chapter N23, SDCP 2014 and SCP 2010.

Implications: Council will ultimately need to update the relevant provisions of Chapter N23 and SCP 2010. Resolving to do so would require a formal DCP and CP Amendment which must follow certain procedures under the relevant legislation. The applicant would also be required to redesign the development to provide access from Island Point Rd.

Figure 1 – Location Map



DE18.37

Background

Proposed Development

The DA seeks approval for a two (2) storey commercial building including office, storage space, show room, and loading dock. Use of the building is proposed to be subject to future application for first occupancy.

Vehicular access is proposed from the service lane/road at the rear of this site, generally in accordance with Chapter N23, SDCP 2014.

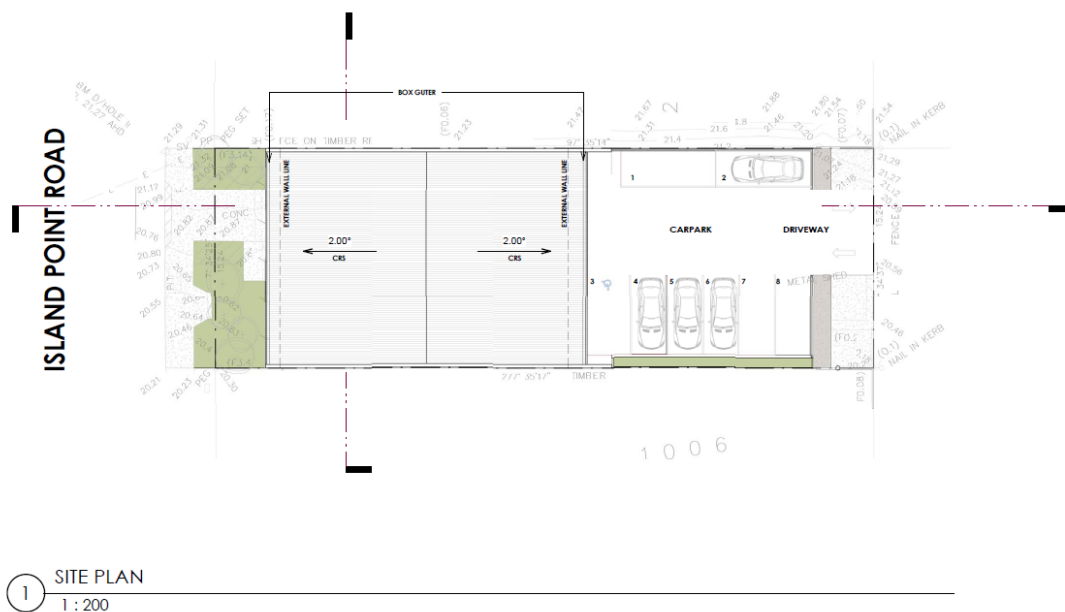
The service lane at the rear of the subject site, is required to have a 5.5m carriageway width between formed kerb and guttering on both sides. The section of the site adjoining the service lane at a width of 4.2m is to be dedicated (using the expression in the DCP) to Council, incorporating a 2m footpath. The lane access is to be one way north to south.

The development is required to be setback 14m from the footpath adjoining the service lane to allow for onsite parking and landscaping (minimum width of 2m).

A 4.2m wide easement for right of way currently burdens Lot 2 DP 1093012 (The Old Wool Road, St Georges Basin) to allow for access from Island Point Road and benefits Lot 1 DP 1161650 (the IGA site, 136 Island Point Road, St Georges Basin). The "Transfer Granting Easement" included the following condition:

"The Transferor grants to the Transferee and Authorised Users the right to pass and repass over the site of the easement for all lawful purposes by vehicle, but only over the vehicular trafficable surfaces".

Figure 2 – Site Plan



1 SITE PLAN
1 : 200

No.	Description	Date	No.	Description	Date
A	CONCEPT DESIGN	18/05/17			
B	SCHEMATIC DESIGN	26/08/17			
C	FOR DEVELOPMENT APPLICATION	30/10/17			
D	FOR DEVELOPMENT APPLICATION	12/02/18			

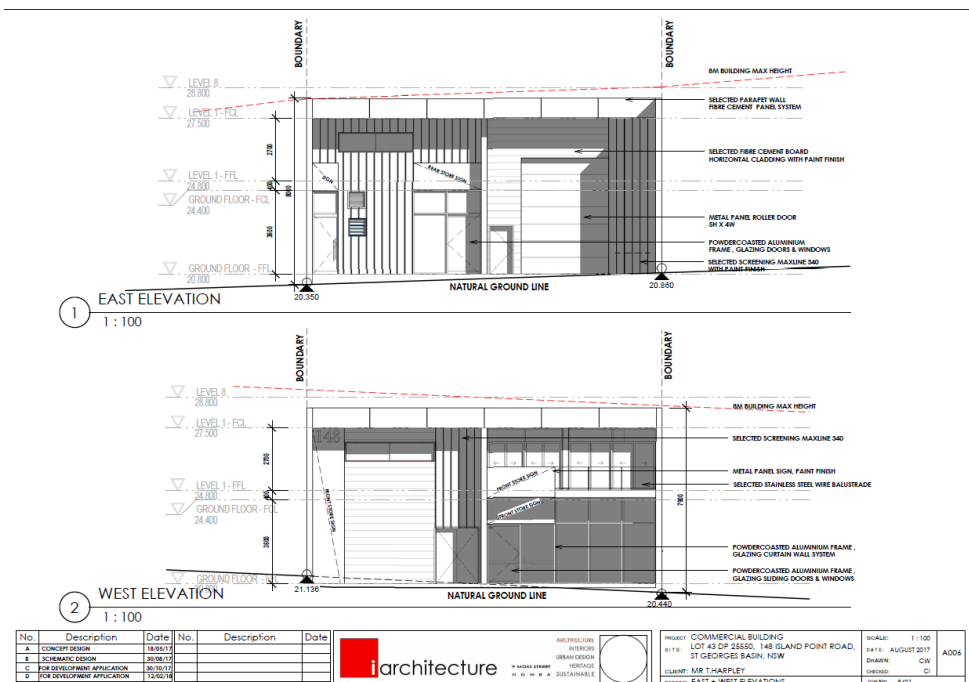


PROJECT: COMMERCIAL BUILDING	SCALE: 1 : 200
SITE: LOT 43 DP 25550, 148 ISLAND POINT ROAD, ST GEORGES BASIN, NSW	DATE: AUGUST 2017
CLIENT: MR T HARPLEY	DRAWN: CW
DRAWING: SITE PLAN + ROOF PLAN	CHECKED: CI
	JOB NO: 8431

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DE18.37

Figure 3 – East/West Elevations



1 EAST ELEVATION
1 : 100

2 WEST ELEVATION
1 : 100

No.	Description	Date	No.	Description	Date
A	CONCEPT DESIGN	18/05/17			
B	SCHEMATIC DESIGN	26/08/17			
C	FOR DEVELOPMENT APPLICATION	30/10/17			
D	FOR DEVELOPMENT APPLICATION	12/02/18			



PROJECT: COMMERCIAL BUILDING	SCALE: 1 : 100
SITE: LOT 43 DP 25550, 148 ISLAND POINT ROAD, ST GEORGES BASIN, NSW	DATE: AUGUST 2017
CLIENT: MR T HARPLEY	DRAWN: CW
DRAWING: EAST + WEST ELEVATIONS	CHECKED: CI
	JOB NO: 8431

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Subject Land

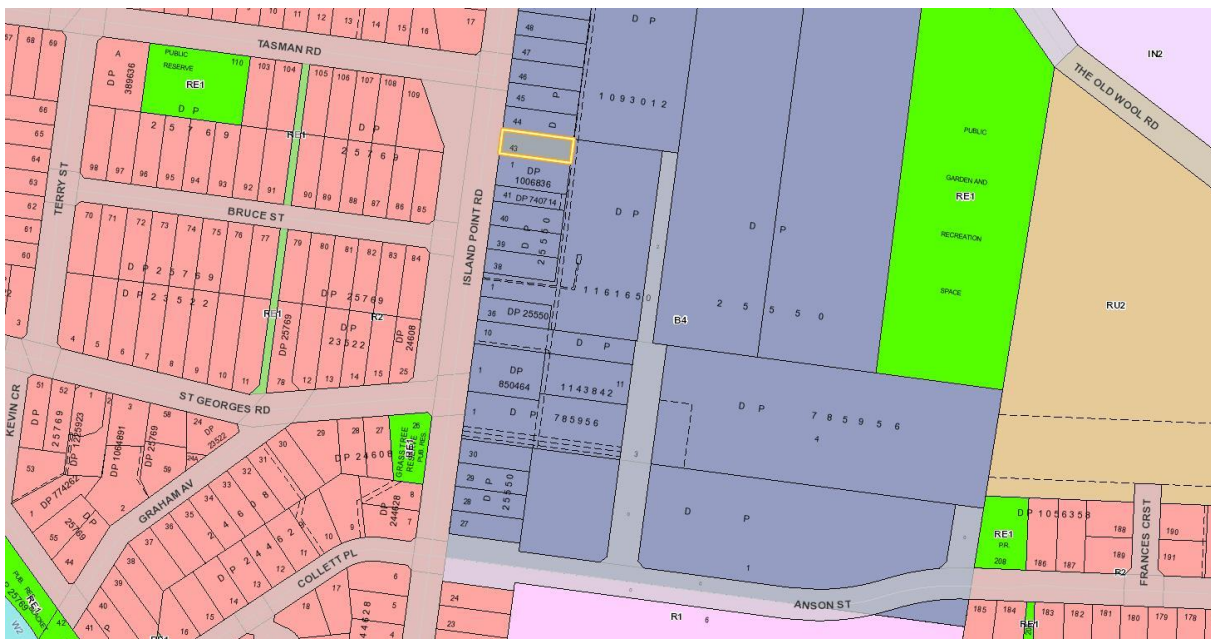
The development site comprises Lot 43 DP 25550 (148 Island Point Road, St Georges Basin). Refer to Figure 1 for the location and Figure 4 below.

Site & Context

The development site:

- Currently contains a shed structure for storage and is predominantly cleared of vegetation;
- Is zoned B4 Mixed Use and has an area of 695.55sqm;
- Is identified as being wholly bush fire prone land;
- Has a primary frontage to Island Point Road and proposed secondary frontage to an unnamed service lane at the rear of the site. Vehicular access is existing from Island Point Road but proposed from the service lane; and
- Adjoins land zoned R2 Low Density Residential and B4 Mixed Use under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) as illustrated in Figure 4.

Figure 4 – Zoning Extract



History

The following provides details on post-lodgement actions and general site history for context:

- The application was lodged on 20 November 2017.
- On 30 November 2017, a written request was forwarded to the owner of the adjoining IGA site, stating:

“Reference is made to the approved development at the abovementioned properties involving “construction of a 2,145sqm retail centre development, comprising a supermarket and retail shops, toilet amenities, service road and associated car parking spaces in Stage 1 and construction of an eastern driveway crossing and footpath in the road reserve along the eastern boundary in Stage 2.”

DE18.37

Development Application DA17/2435 has recently been submitted to Council for a proposed two (2) storey commercial building at 148 Island Point Road (Lot 43 DP 25550), which adjoins your property. In accordance with the requirements of Chapter N23, Shoalhaven Development Control Plan 2014, vehicular access is to be via a one-way (north to south) service lane/road at the rear of this site.

This service lane/road was required by Condition 64 of the abovementioned Consolidated Development Consent, which states the following:

“64. The developer must either:

- a) Create a legal right of way over the proposed service road within Lot 1 DP1093012, as depicted in Interim Layout Plan – Appendix A dated 2 May, 2008, in favour of Shoalhaven City Council and those authorised by it; or alternatively,*
- b) Dedicate the proposed service road within Lot 1 DP1093012, as depicted in Interim Layout Plan – Appendix A dated 2 May, 2008, as a public laneway under the care, control and maintenance of Council.”*

Council’s records indicate that this has not been satisfied.

Accordingly, as this was required to be complied with prior to the issue of an Occupation Certificate for the approved development, Council requests that this be addressed as a matter of urgency, considering that the currently proposed development at 148 Island Point Road is reliant on this service lane/road.”

- On 6 February 2018, Solari & Stock Lawyers confirmed by facsimile that their client is “prepared to proceed with this matter on the basis of a grant of a right of way, rather than dedication as a public road.”
- SDCP 2014 seeks to have a public lane/roadway via land dedication, however, at this stage an easement in favour of Council is being pursued as the owner is reluctant to dedicate. Further to this, there is no agreement in place or mechanism to facilitate the ‘dedication of land’.
- On 7 February 2018, Solari & Stock Lawyers were requested to proceed to act on this and prepare the relevant documentation as soon as possible.
- On 22 February 2018, the applicant submitted a written request to Council (Reference No. 8431, dated 16/02/2018) seeking confirmation as to whether the requirements of Chapter N23: St Georges Basin, Village Centre, SDCP 2014 will be fully implemented and immediately actioned by Council; and if so, will Council proceed to resume the affected land at the rear of the subject land and the other affected nearby properties. Refer to Attachment 1.
- On 8 March 2018, a copy of the *Interim Layout Plan – Appendix A* (as referenced in Figure 5) was forwarded to Solari & Stock Lawyers, and highlighted in yellow to clarify the extent of the right of way, to be variable width from a minimum 4.2m to an approximate maximum of 8.4m, to allow for two-way movement along a section of the easement.

A copy of the *Ultimate Layout Plan – Appendix B, dated 2 May 2008* (see Figure 6) was included for their reference. This plan is the subject of an existing Positive Covenant which requires the additional works detailed in this plan (creation of the new access into the Village Access Road and the one-way movement of traffic through the site via the service lane). This *Ultimate Layout Plan* shows the service lane [providing for one-way traffic flow exiting the site onto Island Point Rd. to be completed by the developer “upon completion of the approved perimeter roads”, as required by the DCP. To date the perimeter roads have not been completed and therefore the Ultimate Plan is not required to be enacted.

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Figure 5 – Interim Layout

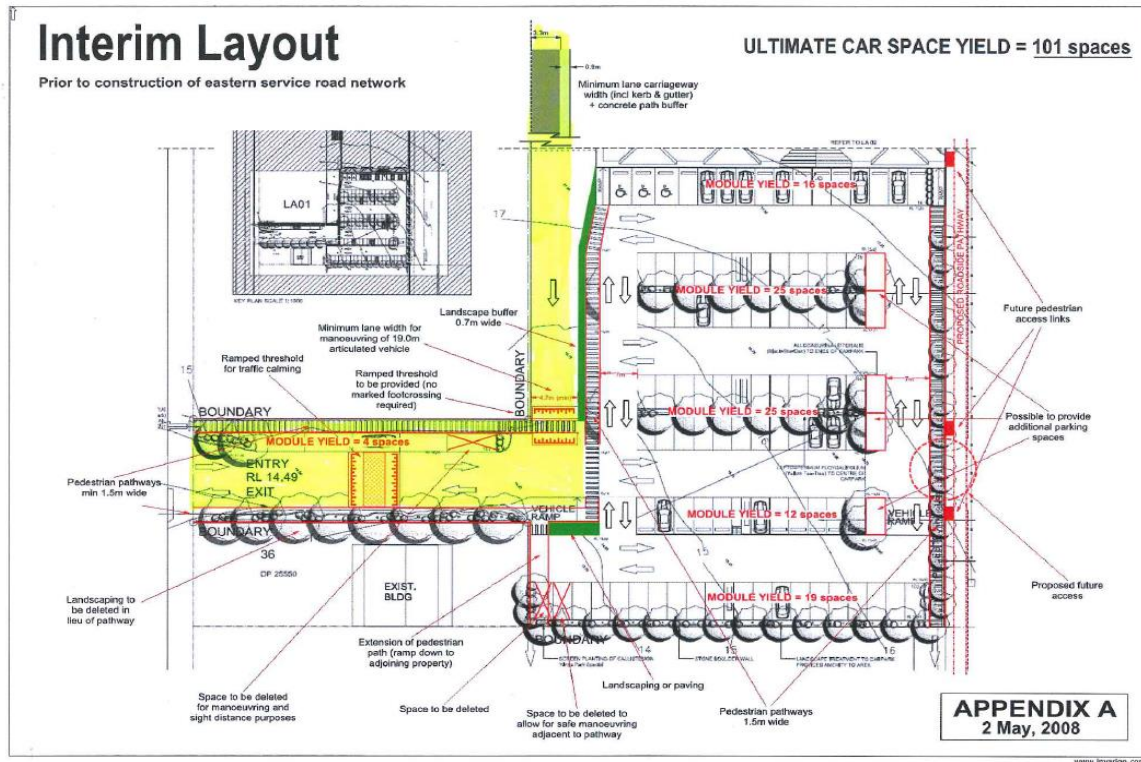
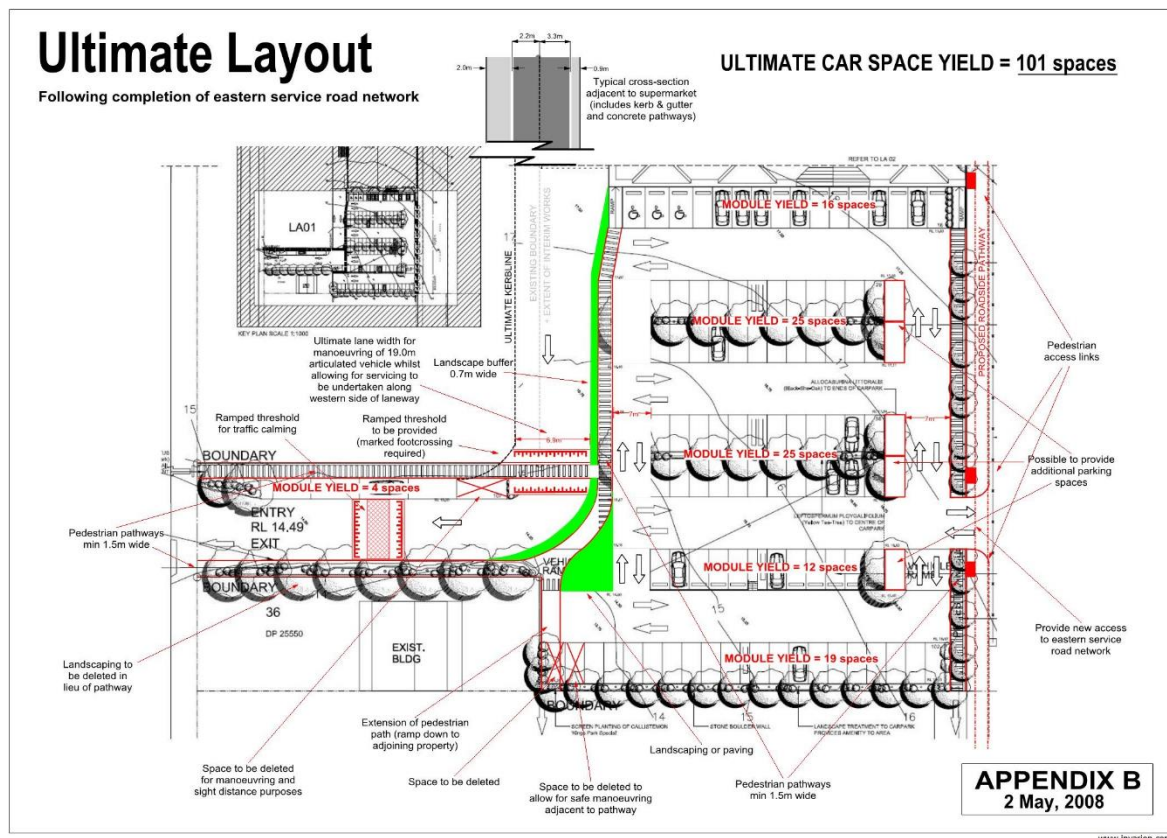


Figure 6 – Ultimate Layout



DE18.37

Planning Assessment

The DA has been (or will be) assessed under s4.15 (formerly s79C) of the Environmental Planning and Assessment Act 1979.

Consultation and Community Engagement:

Notification was undertaken in accordance with Council's Community Consultation Policy with letters being sent within a 60m buffer of the site, including the St Georges Basin Chamber of Commerce during the period 7 March 2018 to 22 March 2018.

No submissions were received in relation to Council's notification of the development.

Financial Implications:

There are cost implications for Council in the event of land acquisition. Despite this, acquisition is identified in the contribution rate breakdown for project 03ROAD2113 which identifies the need for land acquisition in order to provide for the road infrastructure. In 2010, land acquisition was estimated to cost \$87,459.00.

To date, there have been no monetary contributions paid towards the subject contribution project, however Development Consent DA07/1059 for the adjacent IGA Supermarket included a Works-in-Kind Agreement to deliver part of the road infrastructure.

Council is reviewing SCP 2010, which involves reviewing and rationalising projects. Through the review, it is proposed that out of the 179 projects which are currently identified in the CP, 88 are proposed for deletion. The subject laneway, is not proposed for deletion or modification.

The proposed development is also considered to increase the demand for community facilities in accordance with SCP 2010. The development is most aptly characterised as a Commercial Office for the purpose of calculating contributions under SCP 2010. The approximate gross floor area is 366.6sqm, with 192.6sqm at ground level (including one third of the loading dock area as it is not considered that the entire 140sqm will be utilised for the loading or unloading of goods) and 174sqm on the first storey.

Accordingly, a total contribution, currently assessed at the sum of \$76,661.36 (i.e. 2017/2018 rate) or as indexed in future years would be payable by the applicant to Council before the issue of a Construction Certificate.

Should Council resolve to not pursue the laneway (03ROAD2113), there would need to be a formal resolution to prepare an amendment to Chapter N23 of SDCP 2014 and SCP 2010.

Undertaking this amendment could result in the reduction of contributions levied by approximately \$44,605.22. It must be noted that under the current legislation, contributions for this project will need to be levied up until the CP Amendment is finalised and adopted. This means that, if a Development Consent is issued prior to the CP Amendment being made, the development will still be required to pay contributions toward 03ROAD2113. Once the contribution project is deleted, any levies paid towards 03ROAD2113 will be transferred to a 'recoupment fund' (in accordance with Council's resolution MIN17.197).

If the applicant is prepared to amend their DA based on the amendments to SDCP 2014 and SCP 2010 in order to benefit from the deletion of references to the laneway, determination of the DA could still occur, however Council needs to be aware that this would be a variation to SDCP 2014 and contributions payable as detailed above.

Deletion of the CP project and an amendment to Chapter N23 to reflect deletion of the laneway is not preferred.

The laneway provides a separate access for service vehicles to 10 development sites within the catchment area. Providing service vehicle access at the rear of these sites will have

multiple benefits to Island Point Road including but not limited to improved presentation to the street, overall improvements to the streetscape, and improved pedestrian and vehicular safety. An issue for Council to consider is land acquisition with respect to the properties immediately north of the subject site, in order to achieve legal access to Lot 43, the subject site of the current DA.

Legal Implications

The applicant has queried who is to construct the rear access. As the subject laneway is listed as a project in the CP, Council would ordinarily be responsible for delivering this infrastructure project. However, the works may be undertaken via a Works-In-Kind (WIK) agreement. The costs associated with any such arrangement or other agreement will require documentation to be prepared at the applicant's expense.

With regard to land acquisition, if the provisions of Chapter N23 are implemented, this involves an area of approximately 4.2m in width and 15.24m in length. As noted above, land acquisition associated with the laneway is included in the contribution rate for 03ROAD2113.

It is acknowledged that the IGA building on the adjoining site has been constructed resulting in a narrower access than desirable. As referenced earlier in this report, there is currently no easement for access to allow for legal and practical access, however, this is still in the process of being negotiated.

While easements will allow for access, they are not considered the best solution. Ideally the laneway should be a public lane/road, however, the expense to acquire the land would be considerable.

There is an alternative, which would be to create an easement for access over the applicant's land however this does not satisfy the requirement for dedication albeit it achieves the same result (noting that there is an easement over the IGA land and land to the north). If this approach were to be taken, it would have to be consistently applied to the other affected lots north and south of the development site.

Summary and Conclusion

In accordance with the recommendation and details of this report, Council needs to reaffirm the current requirements of Chapter N23: St Georges Basin, Village Centre, SDCP 2014 and Shoalhaven Contributions Plan 2010 (SCP 2010) in support of the rear service lane arrangement with one-way access.

While acknowledging the financial implications, this arrangement will allow for improved presentation to Island Point Road, overall improvements to the streetscape, and improved pedestrian and vehicular safety in the area.

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16 February 2018
IA ref: 8431

Shoalhaven City Council
Bridge Road
NOWRA NSW 2541

Attn: The General Manager

Dear Sir,

Re: Development Application for Proposed Commercial Building,
148 Island Point Road, St Georges Basin, NSW

DA 17 / 2435

We refer to the above Development Application, and note that the proposed development will be affected by a need to conform to Councils' Development Control Plan 2014 Chapter N23 St Georges Basin, Village Centre.

On behalf of our client we seek an urgent response from Council as to whether the above chapter of the DCP will be fully and immediately actioned, and if so, will Council proceed to resume the affected land at the rear of the above property and the other affected nearby properties that have rear service lane boundaries.

The outcome of this decision is required now to allow the above DA to be duly processed and approved with workable consent conditions.

The concerns are raised at this point based on the following:

1. The above DA assessment is sitting in 'limbo' until this matter is resolved. The matter has been discussed on site on 9th February 2018 with Council's staff, Mr James Bonner and with Mr Andre Vernez.
2. The DA conditions for the adjacent IGA Supermarket have not been completed in accordance with approved plans and conditions which has left the satisfactory completion of the laneway formation compromised.
3. The development is required to provide a 4.2m deep ceded area off the rear boundary to allow for future dual direction service lane and footpath. Currently a one way lane approximately 3.5 metres wide has been formed.
4. Currently none of the other properties with rear lane boundaries have had their land ceded to Council or formed to allow the full laneway to function.

5. It is a requirement of the DCP Plan that all vehicle access be provided to the group of properties along the lane via the rear lane only and not from Island Point Road.
6. As the above development will be the first site in this strip of commercial properties to develop, no other sites can be linked in with the proposed development or to continue the lane area to be ceded. This will result in pedestrian access to the rear of the property being forced onto the laneway traffic.
7. As the site owner needs to develop now to relocate and expand his growing business this matter is now urgent as it has become critical to be able to achieve a workable development.

We therefore make this submission for Council's urgent attention and seek commitment that Council will proceed with a ceding process for this site and the other affected properties along this rear service lane.

Yours faithfully,

Colin Irwin
director
i architecture
nominated registered architect nsw no4302

cc: Mr T. Harpley- -Owner
Mr James Bonner- SCC

DE18.38 RD18/1002 – 160 Kinghorne Street, Nowra – Lot 2 DP 566370

DA. No: RD18/1002/4

HPERM Ref: D18/133417

Group: Planning Environment & Development Group
Section: Development Services

Attachments:

1. Submission - Rhonda Mackenzie for Rosemary Petheram [↓](#)
2. Plan - Site [↓](#)
3. Plan - Stormwater [↓](#)
4. Plan - Elevations - Eastern & Western - Pg 2 - Units 1 & 2 [↓](#)
5. Plan - Elevations Northern & Southern Pg 1 - Units 1 & 2 [↓](#)
6. Plan - Elevations - Eastern & Western - Pg 2 - Units 3 & 4 [↓](#)
7. Plan - Elevations - Northern & Southern Pg 1 - Units 3 & 4 [↓](#)
8. Plan - Elevations - Eastern & Western - Pg 2 - Units 5 & 6 [↓](#)
9. Plan - Elevations - Northern & Southern Pg 1 - Units 5 & 6 [↓](#)

Description of Development: Demolition of Existing Dwelling and Ancillary Outbuildings and Construction of Multi Dwelling Housing – Six (6) Dwellings

Owner: CJM Capital Pty Ltd

Applicant: PDC Planners

Notification Dates: 6 April 2018 to 21 April 2018

No. of Submissions: One (1) in objection

Purpose / Reason for consideration by Council

Councillors called in the section 8.2 application (application to review a determination or decision of a consent authority under the Environmental Planning and Assessment Act 1979) due to “**significant public interest**” on 10 April 2018.

Recommendation (Item to be determined under delegated authority)

That Council resolve to reaffirm the determination (refusal) of DA17/2242, dated 15 December 2017 for the demolition of an existing dwelling and ancillary outbuildings and construction of multi dwelling housing – six (6) dwellings at Lot 2 DP 566370, 160 Kinghorne Street, Nowra.

Options

1. Reaffirm the decision to refuse the application in accordance with the recommendation of this report.

Implications: This would result in the determination remaining in place. An appeal with the Land and Environment Court is possible in the event of a refusal of the application. There is no ability for further review (section 8.2(3)).

DE18.38

2. Approve the application.

Implications: Council could choose, following the consideration of the section 8.2 application, to approve the development application if it considers that the provisions of section 4.15(1) have been satisfactorily addressed. Any such approval would be conditional and require a further report to Council detailing draft conditions. Council would need to provide planning reasons to justify the decision.

3. Alternative recommendation.

Implications: Council could specify an alternative recommendation and advise staff accordingly.

Figure 1 – Location Map



DE18.38

Background

Division 8.2 Reviews, Environmental Planning and Assessment Act 1979

A section 8.2 application allows an applicant to request a consent authority review a determination or decision made by them. After conducting its review, the consent authority (in this instance Council) may confirm or change the determination or decision.

It is noted that in accordance with the provisions of section 8.10(1) under the Environmental Planning and Assessment Act 1979, an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

Proposed Development

DA17/2242 sought approval for the demolition of the existing dwelling and ancillary outbuildings and construction of multi dwelling housing – six (6) dwellings with:

- 6 x 3 bedrooms; and
- 8 car spaces.

Please refer to Attachments 2–9 for plans submitted with the DA.

Subject Land

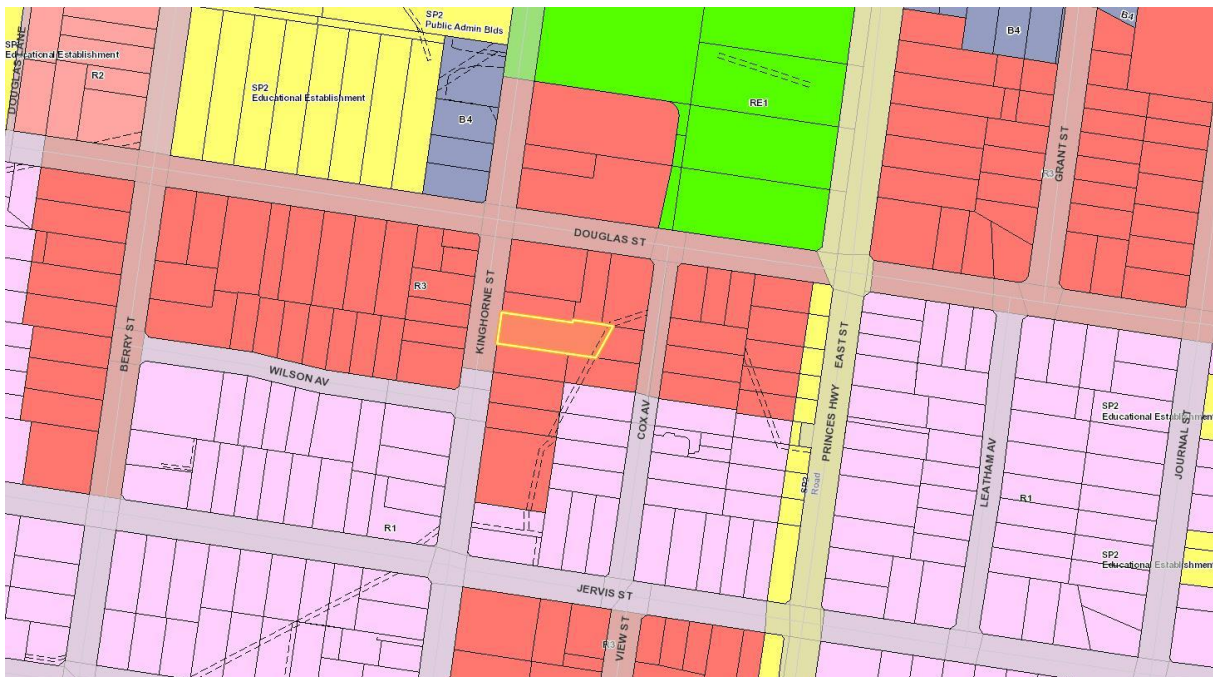
The development site comprises Lot 2 DP 566370 (160 Kinghorne Street, Nowra). Refer to Figure 1.

Site & Context

The development site:

- Contains an existing dwelling with two (2) detached outbuildings and minimal established vegetation and slopes downhill from Kinghorne Street;
- Is zoned R3 Medium Density Residential and 1,382sqm in area;
- Has existing access from Kinghorne Street; and
- Adjoins land zoned R3 Medium Density Residential under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) as illustrated in Figure 2.

Figure 2 – Zoning Extract



History

The following provides details on post-lodgement actions and general site history for context:

- The DA was determined by refusal on 15 December 2017 for the following reasons:
 - “1. The development has not adequately addressed the provisions of Control 5 (of Chapter G7) of Shoalhaven Development Control Plan 2014. No waste minimisation and management plan has been submitted with the development application, particularly with regard to required demolition works, and reference to any asbestos or hazardous material that may be transported to any of the Council waste facilities. (Section 79C(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).

DE18.38

2. *The development is inconsistent with the provisions of Controls 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.2.9 and 5.2.11 (of Chapter G14) of Shoalhaven Development Control Plan 2014. The proposed development will not integrate into the existing streetscape nor make a positive contribution to the character of the existing and desired future streetscape of the locality. The development is deficient in the provision of private open space with respect to the area, dimensions and amenity for future residents. There are multiple departures proposed to this Chapter which suggests an overdevelopment of the site. (Section 79C(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).*
3. *The development is inconsistent with the provisions of Controls 5.1, 5.4 and 5.7 (of Chapter G21) of Shoalhaven Development Control Plan 2014. The number of proposed onsite car parking spaces is deficient, the site is located outside of the 200m parking discount area and no discount for parking is available. (Section 79C(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).*
4. *The development application has not adequately demonstrated that the proposal will not have adverse environmental impacts on the built environment and social impacts on the locality. (Section 79C(1)(b) of Environmental Planning and Assessment Act, 1979.)*
5. *The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use. (Section 79C(1)(c) of Environmental Planning and Assessment Act, 1979).*
6. *Having regard to the information being submitted with the development application to address the relevant provisions of Shoalhaven Development Control Plan 2014, the granting of development consent is not considered to be in the public interest. (Section 79C(1)(e) of Environmental Planning and Assessment Act, 1979)."*

The section 8.2 application to review this determination was lodged on 29 March 2018, disagreeing with the determination and offering up the following as addressing the reasons for refusal:

- "1) *A detailed WMMP is not required at DA stage. Council should refer to its own waste management guidelines which form part of Chapter G7 of the SDCP 2014. The guidelines clearly state at Section 4.1 that for development where a Construction Certificate is required, a WP shall be submitted at the Construction Certificate Stage. This is not a valid reason for refusal. Additionally, it is not a document Council requires as part of an application for development consent, pursuant to Schedule 1 of the Environmental Planning and Assessment Regulation 2000.*
- 2) *As Council would know, the Shoalhaven DCP 2014 is a performance based document. Section 4.15 (3A) of the EPA Act clearly states that where a DCP contains provisions that relate to the development that is the subject of a development application the consent authority [emphasis added]:*
 - (a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
 - (b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

- (c) *may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, **standards** include performance criteria.*

The parts of the DCP referred to within reason 2 of the Refusal were addressed by the applicant and we stand by the assessment and subsequent additional information supplied to Council.

We refute the suggestion that the development would not be compatible with streetscape. The design of the development is sound, and to illustrate this, we have produced photomontages. These demonstrate, along with all other information provided to Council with the development application that it fits comfortably within the streetscape. We stand by the commentary already provided to Council with respect to streetscape and the character of the area.

Further, we refute the suggestion that what is proposed represents an overdevelopment of the site. Sound justification for the proposal has been provided in this regard.

- 3) *We provided detailed reasons and justification for the car parking arrangements proposed. We stand by this justification.*
- 4) *The proposal will have only positive impacts on the built environment and the suggestion that this proposal may have negative social impacts on the locality is simply fanciful and is not supported on either legal or planning grounds. The proposal involves construction of what we believe to be much needed medium density housing within a designated medium density zone and within walking distance to the Nowra CBD.*
- 5) *We have supplied ample information to the Council which clearly demonstrates the site is suitable for the proposed use. The Council came to the conclusion that the site was suitable for the proposed use 5 years ago when it approved the same plan set. This opinion was then later reaffirmed when the Council zoned the site R3 Medium Density in 2014.*
- 6) *The proposal is clearly within the public interest. The proposal is consistent with the objectives of the R3 zone and permissible. The proposal in our view is consistent with Council's DCP 2014 – a performance based document that must be applied flexibly by the Council. Further to this, we note that there was no submission from members of the public or neighbouring property owners in response to the proposal."*

Issues / Discussion

Review of Determination

Reason for Refusal No. 1 – No waste management plan.

No waste minimisation and management plan was submitted with the development application, and as requested by Council's Waste Services, the plan required for subject demolition works, particularly referencing any asbestos or hazardous material that may be transported to any of the Council waste facilities. It is also noted that demolition works can commence prior to the issue of a Construction Certificate, hence the need for this plan prior to determination of the application. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979). Whilst a condition could be imposed to capture a Waste Management Plan, this is not desirable given the potential for asbestos waste in the building having regard to the age of the structure.

It is noted that the demolition works could be the subject of a Complying Development Certificate (CDC).

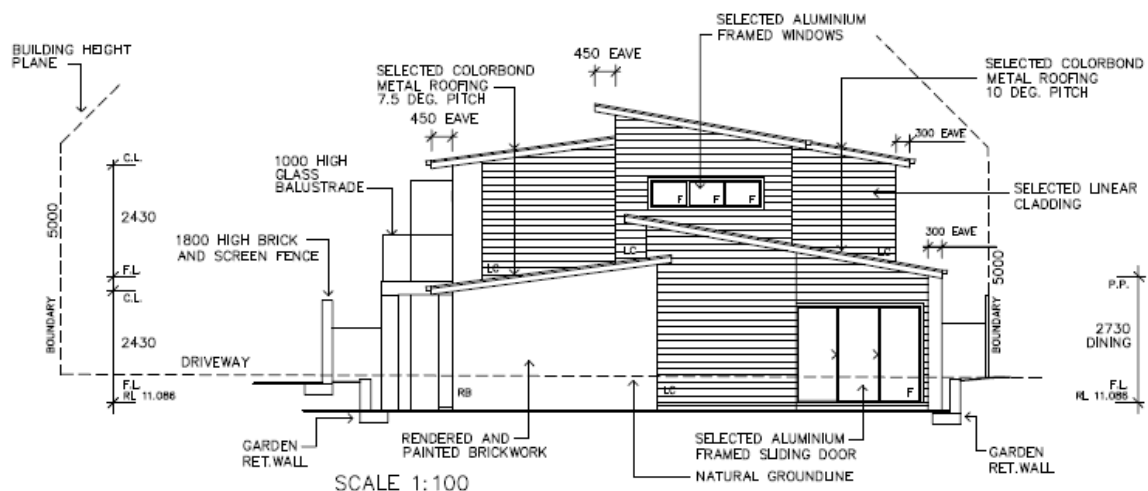
Reason for Refusal No. 2 – The development is inconsistent with the provisions of Controls 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.2.9 and 5.2.11 (of Chapter G14) of Shoalhaven Development Control Plan 2014, (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979), demonstrated as follows:

■ 5.2.1 Site Planning and Layout

A3.1 Each dwelling should have a sense of address, either fronting the street or having its front door visible from the street.

Unit 1 does not satisfy the requirements of A11.2 (of Control 5.2.4 below) as it does not adequately address or face Kinghorne Street by having a front door and/or living room windows facing or visible to the street. The street address or rather door facing the street is important in that a building 'faces' the street and provides a clear entry and matches other development nearby which includes single dwellings. This is also something that is referred to in the State Government's Design Guide for Low Rise and Medium Density Development, acknowledging that access points and windows provide street activation / address and passive surveillance.

Figure 3 – Western (Street) Elevation of Unit 1



A3.2 Any two-storey component is to be located to minimise the visual intrusion and shading on adjacent private open space.

There is a comment in the submitted Statement of Environmental Effects that “with respect to overshadowing, it is clear that the development will not affect any adjoining lands in an unacceptable way. Only part of each dwelling is two storey”.

The applicant has stepped the upper level of each unit in from the southern boundary to enhance solar access and amenity to the adjoining site and their private open space. However, no shadow diagrams have been submitted with the application to support the above comment and confirm impacts to adjoining properties.

A3.3 Private open space and garages should be located to the rear of dwellings to avoid the need for high fences to the street.

This is a non-compliance with respect to Unit 1. The applicant contends that the proposal complies, stating that “the layout of the development is such that potential impacts on adjoining land would be acceptable in context of a residential area which is undergoing change”.

The currently proposed 1.8m high brick fence incorporating a powder coated aluminium slatted screen and site layout is not considered compatible with surrounding neighbourhood character. The majority of front fences in Kinghorne Street are low set. Whilst an area may be undergoing change in built form, articulation and scale must relate to the local character of the area and context.

Although landscaping with a low hedge or dense mixed plantings can be planted forward of, and for the length of, the fence to soften any impact and allow for some surveillance of the street from Unit 1, the need for the fence is resulting from an inability to provide adequate private open space behind the building line and is a of the site coverage of the development.

▪ 5.2.2 Scale and Site Density

A4.1 The maximum floor space ratio for medium density development on the site is 0.35:1 (total gross floor area : site area). See Figure 3 for floor space ratio example.

A ratio of 0.37:1 is proposed, being a 2.9% variation (40.1sqm).

The applicant has provided the following justification for the proposed variation:

“The objectives and performance criteria are met as follows:

- a. *The scale of the development is compatible with surrounding development despite the variation requested;*
- b. *The design and layout of the development has merit. All units proposed are of two storey construction. This minimises the amount of living space at ground level which in turn results in smaller building footprints and more open space.*
- c. *The additional GFA proposed has in no way affected the ability for all required car parking to be provided on site.*
- d. *The site is within a designated R3 medium density zone where low density development (single dwellings) is typically not permitted. The site is surrounded by other land which is zoned for medium density development. The additional GFA proposed therefore is not expected to unfairly impact upon any lower order development types (i.e. low density development).*
- e. *Council’s medium density code specifies a standard FSR of 0.35:1 for multi-unit development across all land use zones where multi-unit development is allowed. The same FSR therefore applies within the R1 general residential zone and the R3 medium density residential zone. Given that the site is zoned R3 and that unlike the R1 zone, no low density development is permitted, the Council should give more favourable consideration to this proposal and allow increased densities within the R3 zone over and above what is allowed within the R1 zone.*
- f. *Further to e) above, it is interesting to note that within the R3 zone, residential flat buildings are permissible. The medium density code applies to residential flat buildings, however for such proposals, the code does not set a maximum FSR. The point to be made here is that the owners of the site are within their rights to lodge a DA for a residential flat building with an FSR far greater than 0.35:1. Rather, the option of a lower density multi-unit development has been pursued and this is considered to be a better outcome for the area with far less impacts on adjoining land.*
- g. *The proposal generally complies with setback criteria (except for some minor variations);*
- h. *The proposal generally complies with outdoor private recreation requirements and minimum areas are met in this regard.*

- i. *Also of note is the imbalance between Council's policies for differing development types. For example, Council's development controls for single dwellings and dual occupancies allow for an FSR of 0.5:1 within lower density residential zones. It makes no sense for medium density development to have a lower FSR than that allowed for single dwellings and dual occupancies.*
- j. *Generally speaking, the site is located in an area where increased density should be encouraged. The site is within walking distance to the commercial core of Nowra.*
- k. *The Council approved the same development in 2011 over the subject land. This development application seeks to simply re-instate that development consent which has now lapsed."*

It is agreed that a 0.35:1 floor space ratio for an R3 zone is at odds with the objectives which aim to provide for higher density housing noting that dwellings are able to achieve 0.5. The variation is considered minimal in context and consistent with the objectives of the DCP chapter and the relevant performance criteria.

However, the scale of the development is not entirely compatible with and sympathetic to the scale and bulk of the existing character of the locality.

It is also noted that although this exact development was previously approved under Development Consent DA11/2257 on 18 May 2012, the approval has since lapsed. This previous application was assessed under previous controls applying at that point in time. The fact that there was a previous approval is not a reason to support the application again. Circumstances have changed with regard to assessment criteria.

The development as it stands, must have regard to the current strategic controls. Accordingly, whilst there is no issue with the higher floorspace, the cumulative impact of the non-compliances is considered an indicator that there is too much development on the site.

A4.2 The landscaping area provided on the site must be at least 35% of the site.

Thirty-three (33) % landscaping is proposed, being a 2% variation (24.7sqm).

The applicant has provided the following justification for the proposed variation:

"The objectives and performance criteria are met as follows:

- a. *The scale of the development is compatible with surrounding development despite the variation requested;*
- b. *Each unit has sufficient private open space, so the variation to landscaping is not of any real consequence to end users of the development;*
- c. *The shortfall does not result in the development being inappropriate in terms of its design relationship to adjoining development;*
- d. *The extent of the variation is not significant."*

It is considered that the variation proposed is minimal in isolation and the proposal is consistent with the objectives of the chapter and the relevant performance criteria. However, the justification put forward by the applicant has not addressed the unique circumstances as to why the variation is being sought.

Due to the other multiple departures to SDCP 2014, again it suggests an overdevelopment of the site. If the development were to be redesigned, then compliance with this solution could be achieved. The variation requested is therefore not supported.

▪ 5.2.4 Streetscape and Building Appearance

A11.1 A statement of environmental effects should demonstrate how the proposal fits in to the existing streetscape.

The submitted Statement of Environmental Effects does not adequately address this.

The applicant contends that:

“the dwellings proposed are to be finished using materials and colours that are common in contemporary dwelling design. The dwellings are of a design that is compatible with the established character of the immediate locality” and “it is demonstrated that the proposal is sound with respect to impacts to the streetscape”.

In an email dated 23 October 2017, the applicant strongly disagreed that the proposal is out of character with the area, stating:

“You have referred to another development located at 25 Junction St Nowra and suggested that there may be similarities between projects. This is not the case, reasons for this are as follows:

- a. The site at 25 Junction St was located within the vicinity of multiple heritage items. Junction St itself is mapped as being heritage listed. There are no heritage items within the vicinity of 160 Kinghorne St Nowra.*
- b. The location has been subject of redevelopment including 168 Kinghorne St (multi-unit development), 60 Jervis St (multi unit development), 154 Kinghorne St (residential flat building), 104 Douglas St (residential flat building).*
- c. The streetscape is varied with buildings from multiple eras including brand new builds.*
- d. The development in its current form was approved by the Council in 2012. There were no issues with the design of the development when this occurred. Nothing about the locality has changed since then, except for more modern multi- unit developments being constructed.”*

It is not disputed that the site is not in a heritage precinct or adjoins heritage items. However, it is still important that new development is compatible with and sympathetic to the scale and bulk of existing development in the locality, particularly on the perimeter of the site.

An analysis of local context and character should be undertaken with all developments, even where areas are changing to ascertain unique attributes that may warrant retention and respect where new development is proposed.

Nowra has some unique buildings and streetscapes and a certain character which provides a sense of identity. The design, as proposed provides a stark contrast with the adjoining development particularly with the skillion roof design typically found in new urban areas.

Figure 4 – Photo Montages of Development



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It is unclear how this development will integrate into the existing streetscape and make a positive contribution to the character of the existing and desired future streetscape, reinforcing the function of the street and sensitive to the landscape and environmental conditions of the locality. A modification of the front unit incorporating some traditional/conventional designs would assist in integrating the development into the street.

As mentioned earlier, the exact development design that was previously approved by Council (now lapsed) has been presented with this application. The applicant needs to have regard to the *current* strategic controls. The applicant has also provided examples of developments approved. The examples were approved prior to commencement of these newer controls.

A11.2 Street elevations for all buildings facing public and communal streets show:

- *Buildings adjacent to the public street address the street by having a front door and/or living room windows facing the street;*
- *The difference in building height between existing buildings and new development is not more than one storey when viewed from the public street;*

- *Building design, roof form and detailing visible from public areas are not in strong visual contrast with the character of surrounding development;*
- *Buildings with a maximum unarticulated length of 15m to the public street frontage. Punctuation by bay windows, verandahs, balconies or wall offsets is considered to be adequate articulation; and*
- *Buildings detailed or articulated to enable individual dwellings to be identified from public roads.*

Unit 1 does not adequately address Kinghorne Street by having a front door and/or living room windows facing or visible to the street. The proposed building design is also in some contrast to the character of surrounding development having regard in particular to the colours, materials, roof form and window design.

The photos below show the development site, dwellings to the south and north of the site as well as opposite the development site.

Figure 5 – Existing Streetscape



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- **5.2.5 Setbacks**

A8.1 Setbacks from the street boundary should be:

- 5.5m for single storey
- 9m for over one storey
- 3m from a secondary frontage on corner sites.

Part of the single storey section of Unit 1 (approximately 4.4m in length – living room) is proposed 5.27m from the front boundary, being a 4.1% variation. The applicant contends that the proposal complies.

The variation proposed is numerically minimal and consistent with the objectives of the chapter and the relevant performance criteria. The front setback is generally consistent with the setbacks of adjoining development.

However, due to the other multiple departures to SDCP 2014, again it suggests an overdevelopment of the site. If the development were to be redesigned, then compliance with this solution could be achieved. The variation requested is not supported.

- **5.2.9 Useable Open Space**

A14.1 A minimum of 35m² of private open space is to be provided per dwelling with a minimum dimension of 2.5m.

Units 1 – 5 do not have a minimum 35sqm of private open space with a minimum dimension of 2.5m (as detailed below). Unit 6 is currently compliant.

- 24sqm for Unit 1, being a 31.4% variation (11sqm) from the minimum. 9sqm adjacent to the driveway is not included as only approximately 1.7m in width.

- 14sqm for Unit 2, being a 60% variation (21sqm) from the minimum. 8sqm adjacent to the common side boundary with Unit 3 is not included as only approximately 2.2m in width.
- 14sqm for Unit 3, being a 60% variation (21sqm) from the minimum. 8sqm adjacent to the common side boundary with Unit 2 is not included as only approximately 2.2m in width.
- 14sqm for Unit 4, being a 60% variation (21sqm) from the minimum. 8sqm adjacent to the common side boundary with Unit 5 is not included as only approximately 2.2m in width.
- 14sqm for Unit 5, being a 60% variation (21sqm) from the minimum. 8sqm adjacent to the common side boundary with Unit 4 is not included as only approximately 2.2m in width.

The applicant contends that Unit 1 and 6 are compliant and has provided the following justification for the proposed variations:

“The objectives and performance criteria are met as follows:

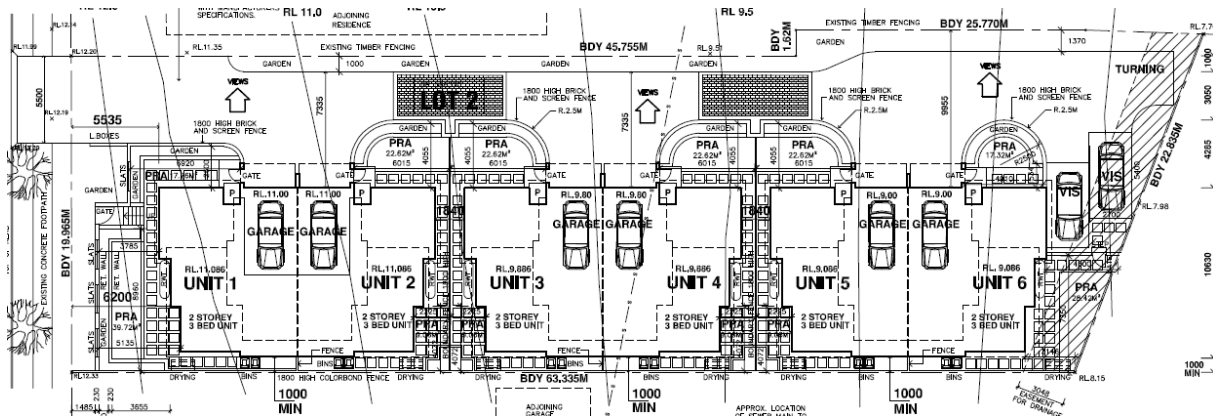
- 1) *The unit that is subject of this variation request has a sufficient area of private open space to meet user needs. In this regard, each unit has an area for private recreation, clothes drying and landscaping.*
- 2) *The orientation of the private open space for the affected unit is satisfactory.*
- 3) *Each area of POS is clearly defined.*
- 4) *Each unit has a private courtyard area that is useable.*
- 5) *The extent of the variation is minor (only 3m2)*
- 6) *Each area of POS is accessible from a living area and it will serve as an extension of living space.*
- 7) *The orientation of each area of POS is acceptable.*
- 8) *Each of the affected units has multiple areas of private open space which is considered favourable.”*

The variation in area for private open space proposed is substantial (being up to 60%) and this is only to achieve the minimum requirement. It is noted that the applicant has included landscaping area (i.e. raised garden beds) in their calculations as part of each private open space. Landscaping should be incorporated to screen these spaces and ensure ‘privacy’, not to be included in the actual space.

The spaces proposed (i.e. especially Unit 2 – 5) are not consistent with the objectives of the chapter and the relevant performance criteria. They would particularly not be suitable for the requirements of future occupants, considering each unit contains three (3) bedrooms.

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Figure 6 – Site Plan



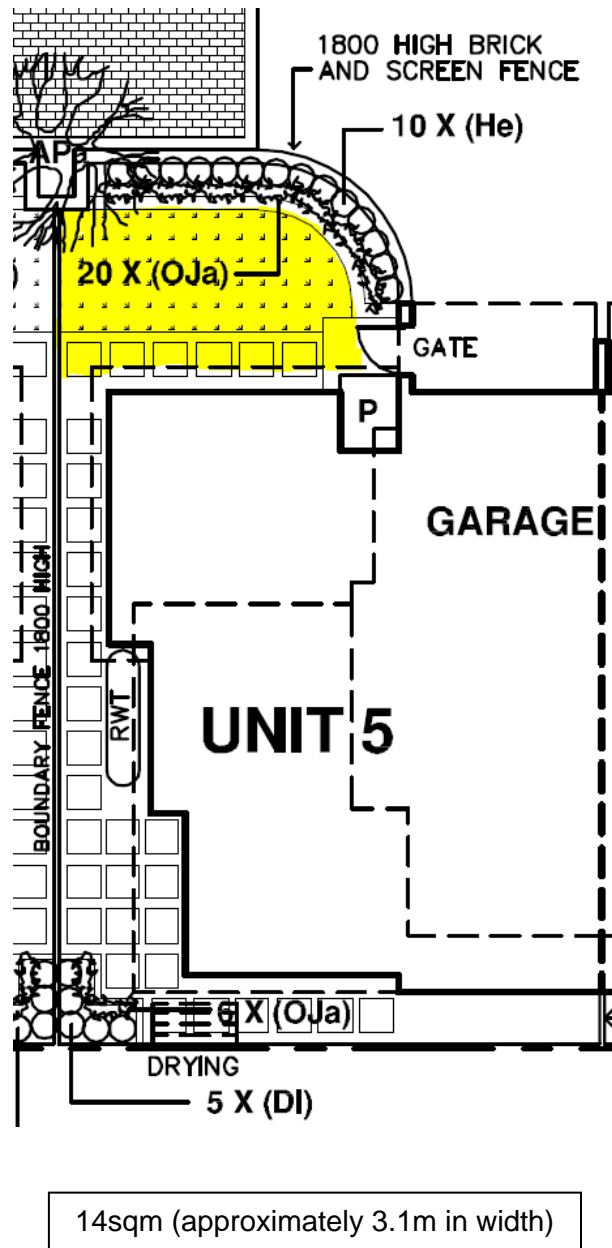
A14.2 One part of the minimum private open space area must have a usable minimum area of 25m² and a minimum dimension of 4m. This space must be directly accessible from a living area of the dwelling.

Each unit does not have a minimum 25sqm of usable private open space with a minimum dimension of 4m (as detailed below). Variation is sought.

- 24sqm for Unit 1, being a 4% variation (1sqm) from the minimum. This area is only approximately 2.9m in width and is located forward of the unit (adjacent to the street) and directly accessible from the dining room.
- 14sqm for Unit 2, being a 44% variation (11sqm) from the minimum. This area is only approximately 3.1m in width and is located forward of the unit (adjacent to the driveway) and directly accessible from the living room.
- 14sqm for Unit 3, being a 44% variation (11sqm) from the minimum. This area is only approximately 3.1m in width and is located forward of the unit (adjacent to the driveway) and directly accessible from the living room.
- 14sqm for Unit 4, being a 44% variation (11sqm) from the minimum. This area is only approximately 3.1m in width and is located forward of the unit (adjacent to the driveway) and directly accessible from the living room.
- 14sqm for Unit 5, being a 44% variation (11sqm) from the minimum. This area is only approximately 3.1m in width and is located forward of the unit (adjacent to the driveway) and directly accessible from the living room.
- 19sqm for Unit 6, being a 24% variation (6sqm) from the minimum. This area is located at the rear of the unit and directly accessible from the dining room.

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Figure 7 – Usable Private Open Space (Highlighted for Unit 5)



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The applicant contends that Unit 1 and 6 are compliant and has provided the following justification for the proposed variations:

"The objectives and performance criteria are met as follows:

- 1) *The unit that is subject of this variation request has a sufficient area of private open space to meet user needs. In this regard, each unit has an area for private recreation, clothes drying and landscaping.*
- 2) *The orientation of the private open space for the affected unit is satisfactory.*
- 3) *Each area of POS is clearly defined.*
- 4) *Each unit has a private courtyard area that is useable.*
- 5) *The extent of the variation is minor (only 3m2)*

- 6) *Each area of POS is accessible from a living area and it will serve as an extension of living space.*
- 7) *The orientation of each area of POS is acceptable.*
- 8) *Each of the affected units has multiple areas of private open space which is considered favourable."*

The variation in area for a usable part of the private open space proposed is substantial (being up to 44%) and this again is only to achieve the minimum requirement. It is noted that the applicant has included landscaping area (i.e. raised garden beds) in their calculations. Landscaping should be incorporated to screen these spaces and ensure 'privacy', not to be included in the actual space.

The spaces proposed (i.e. especially Unit 2 – 5) are not consistent with the objectives of the chapter and the relevant performance criteria. They would particularly not be suitable for the requirements of future occupants, considering each unit contains three (3) bedrooms. The reduced area will also not be able to accommodate outdoor recreational needs or provide space for service functions. Clothes drying facilities, rainwater tanks and waste bins should not to be located in these areas. There are rear areas which provide for clothes drying however the useable area for recreation is minimal.

The amount of space, configuration of the space is such that it does not satisfy Council's minimum. The State's Low Rise Medium Density Design Guide states: "*The size of an open space should be proportional to the size of a dwelling to allow all members of the household to sit around a table.*"

Due to the other multiple departures to SDCP 2014, again it suggests an overdevelopment of the site. The variation requested is not supported.

▪ 5.2.11 Fencing and Walls

A16.1 Front fences and walls should not be higher than 1.2m if solid. This height may be increased to 1.8m if the fence has openings that make it at least 50% transparent.

The front fence design at 1.8m in height is not considered compatible with surrounding neighbourhood character. The majority of front fences in Kinghorne Street are low set at a maximum 1.5m in height.

Although landscaping with a low hedge or dense mixed plantings can be planted forward of and for the length of the fence to soften any impact and allow for some surveillance of the street from Unit 1, the need for the fence results from the amount of development on the site and that the front unit having its private open space in this location (which can be permitted by the DCP (see below)) however, this design solution has evolved given the site planning and extent of development on the site.

A16.2 Solid front fences that are 1.8m high will only be supported where:

- the main private open space is in the front of the dwelling; or
- the site is located on a main or arterial road with high traffic volumes;
- the site is not located in an area with an established heritage character;
- the width is limited to 75% of the frontage where private open space fronts the street and some surveillance of the street is maintained from the dwelling; and
- Fences do not exceed 10m in length without some articulation or detailing to provide visual interest.

Reason for Refusal No. 3 – *The development is inconsistent with the provisions of Controls 5.1, 5.4 and 5.7 (of Chapter G21) of Shoalhaven Development Control Plan 2014, (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979), demonstrated as follows:*

▪ **5.1 Car Parking Schedule**

Summary - Multi Dwelling Housing

- 1 space per small dwelling (under 55m²)
- 1.5 spaces per medium dwelling (56-85m²)
- 2 spaces per dwelling of 86m² or greater

The above parking rate includes visitor spaces.

At least one space per unit should be provided for the sole benefit of each unit.

Any parking provided on site, exceeding the minimum requirements above, should be provided as visitor spaces.

A 30% car parking space discount is to be applied to development within a 200m radius of the Nowra CBD (excluding Shop top housing) – Figure 1.

Shop top housing development within a 200m radius of the Nowra CBD is to receive a 25% car parking space discount.

The proposed dwelling units are greater than 86sqm and each require two (2) onsite car parking spaces, being a total of 12 spaces.

Eight (8) onsite car parking spaces are proposed, being a 33.3% variation.

No discount is available as the subject site is not identified within the 200m parking discount area shown in Figure 1.

The applicant has provided the following justification for the proposed variation:

“Chapter G21 of the Shoalhaven DCP has been examined and for this development, the DCP indicates that a total of 9 spaces are required. In this instance 8 car parking spaces are proposed.

In this regard, car parking is to be provided for 6 vehicles within garages and 2 spaces within designated parking spaces.

The shortfall of 1 car parking space is considered acceptable for the following reasons:

- 1) *The subject land is some of the closest zoned medium density land to the Nowra CBD. It is located only 250m from the business area. It is located within 120m of the local primary school. The need for each household to own or want to own two cars is considered to be very low. It is considered entirely feasible for a household residing in the proposed development not to own a car.*
- 2) *It does not make sense to require a medium density development within walking distance to the Nowra CBD, the most densely populated economic and services hub of the Shoalhaven, to have the same car parking requirements for a site in Basin View or Culburra for example.*
- 3) *Kinghorne St is a main road. It is and always has been used by residents in the area for on street parking. The road is of sufficient width whereby the presence of parked cars on either side of the street does not affect the ability of the road to function. Whilst it is acknowledged that there is a*

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requirement for car parking for medium density developments to be provided on site, it cannot be ignored or discounted that there is substantial scope for cars to park on street in a perfectly legal and safe manner should all onsite parking spaces be utilised.

- 4) *The provisions of Chapter G21 are such that a parking discount for medium density development applies to a lot within 200m of the Nowra CBD. In this instance the subject land is located 300m from the B4 mixed use business zone beginning on Plunkett St in Nowra. The site is an easy 500m walk to the main street (Junction St).*
- 5) *The map above as taken from Chapter G21 has been analysed and it is the case that the subject land is within closer walking distance to Junction St compared to other land mapped as being within the discount area. Land located to the north of the discount area is within 1klm walking distance to Junction St, whilst the subject land is located only 500m. If the 30% discount were applied, only 6 parking spaces would be required to be provided on site.*

On the basis of the above, it is requested that the Council accept the quantity of parking proposed.”

Council has consistently required compliance with car parking controls. Generally, the Shoalhaven has a heavy reliance on private vehicles for transport.

Whilst the site is approximately 80m from the edge of the discount area, the deficiency of four (4) spaces is not considered a minor departure. Furthermore, as there is no frequent public transport and the site still requires a substantial walk to the CBD, adequate parking should be provided for residents. It is not unreasonable to project that each dwelling will have at least 2 vehicles associated with its occupancy, thus creating a significant parking shortfall on the site.

Due to the other multiple departures to SDCP 2014, again it suggests an overdevelopment of the site. The variation requested is not supported.

▪ 5.4 Access

Non-compliance with A5.9. The driveway is required to be located a minimum of 1m from the side boundary, however, is directly adjacent to the side boundary adjoining 158 Kinghorne Street for a length of 10m.

The applicant has provided the following justification for the proposed variation:

“The performance criteria are met as follows:

The location of the driveway does not present any safety issues;

The design of the driveway is such that it allows for two cars to safely pass at the entry point of the development. By having a landscape strip of 1m all the way to the front property boundary, this would result in the driveway being too narrow to allow two way traffic within the site at the entry point.

The location of the driveway will not impact on the amenity of the adjoining property. If a 1m wide landscaping strip were in place at the subject location, this would do little to reduce potential amenity impacts for the neighbouring dwelling.

The majority of the side boundary has a 1m+ wide landscaping strip as required.”

Due to the other multiple departures to SDCP 2014, this departure in conjunction with the others, suggests that the site contains “too much” and that adjustments should be made to not only achieve greater compliance but importantly amenity for occupants.

The variation requested is not supported.

▪ 5.7 Landscape Design

A10.1 Perimeter planting to screen the proposed car park is to be defined in your landscape plan. The minimum width of perimeter planting is 3m and 1m for driveways.

Note: Council may consider a reduction in the minimum width of perimeter planting around car parks on smaller sites from 3m to 1m where it can be justified by the applicant that the reduction in landscaping will not create any adverse impacts on surrounding development/amenity.

The applicant contends that the proposal complies, stating that:

“A10.1 clearly applies to public car parks. It is argued that the driveway services private property and the provisions of A10.1 should not apply.

In any case, the comments above are made in relation to the acceptable solution (A5.9) which suggests a 1m wide landscape strip is required.”

As detailed under A5.9 above, the variation requested is not supported.

Reason for Refusal No. 4 – *The development application has not adequately demonstrated that the proposal will not have adverse environmental impacts on the built environment and social impacts on the locality. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)*

The applicant has not made any changes to the proposal since the determination, notably the private open space, and car parking, which are serious concerns and affecting residential amenity for future occupants. In this regard, this reason for refusal remains valid, unless the multiple non-compliances already detailed in this report are addressed via design modifications.

Reason for Refusal No. 5 – *The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use. (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979)*

The multiple non-compliances and the cumulative impacts suggest that the amount of development relative to the site is a concern.

Reason for Refusal No. 6 – *Having regard to the information being submitted with the development application to address the relevant provisions of Shoalhaven Development Control Plan 2014, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)*

As above, this reason for refusal remains, unless the multiple non-compliances already detailed in this report are addressed. The impacts of the development are likely to be such that future occupants are affected as well as adjoining neighbours.

Regard must also be given to the submission received in relation to Council's notification of the section 8.2 application, in *objection* to the development. (Section 4.15(1)(d) of Environmental Planning and Assessment Act, 1979) – see details below.

Planning Assessment

The DA was assessed under s79C (as at the time of assessment) of the Environmental Planning and Assessment Act 1979.

Consultation and Community Engagement:

Notification was undertaken as per the original DA in accordance with Council's Community Consultation Policy with letters being sent within a 60m buffer of the site during the period 6 April 2018 to 21 April 2018.

One (1) public submission was received in relation to Council's notification of the application. This was in objection to the development. (Attachment 1.)

Key issues raised were:

- Scale of the development;
- Landscaping/open space;
- Amenity;
- Onsite car parking; and
- Stormwater disposal.

Financial Implications:

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending any appeal in the Land and Environment Court of NSW.

Legal Implications

An appeal with the Land and Environment Court is possible in the event of a refusal of the application.

Summary and Conclusion

The proposal involves a number of departures and variations to Shoalhaven Development Control Plan 2014 to enable the development to occur on the property. While some of these variations are numerically small, each one is a result of the overall size of the development in relation to the site area.

Numerous variations are sought that relate to overall site density of the development, being:

- floor space ratio,
- landscaping,
- front setbacks,
- size of private open space areas,
- front fence height,
- number of parking spaces.

The key concerns are open space and car parking.

The determination of Development Application No. DA17/2242 has been reviewed in accordance with Division 8.2 (Reviews) under the Environmental Planning and Assessment Act 1979, having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that the refusal be reaffirmed.

PO Box 1372
Nowra NSW 2541

18 April, 2018

The General Manager
Shoalhaven City Council

Dear Sir,

Re Council DA17/2242 – 160 Kinghorne Street, Nowra - (RD18-1002)

I refer to the above application and its subsequent refusal by Council.

Along with my sister, Mrs Rosemary Petheram we are Executors in the estate of the late Mrs Lorna Angel. Mrs Angel was the owner of number 3 Cox Avenue, Nowra, described as Lot 1, DP555705. This property shares a rear boundary with 160 Kinghorne Street.

Despite notifying Council several times of the circumstances and providing alternate addresses for the service of notices and a mail re-direction order we have only just been made aware of this application. PDC Services acting for the developer state in their letter of 5 March that no submissions from neighbouring property owners were received in relation to this proposal. Had we known we would have responded. The applicants display arrogance and cannot use the lack of response as our tacit approval of the proposal.

Earlier notification would have resulted in a much more comprehensive and timely response particularly in relation to drainage and stormwater management. We agree strongly with Council's decision to refuse the application in its present form for the following reasons:

1. The proposal is an over development for the relatively small site and does not provide adequate open space or amenity for residents. All units are of 2-storey construction with 3 bedrooms. When fully occupied the number of residents in this complex could vary from between 6 (1 person per unit) to over 30 (5 or more persons per unit) on what was previously a normal single dwelling block. That's fine if everyone stays indoors all day. It is also shown the landscaping area has not met requirements. This is a sign too much building and associated hard landscaping such as driveways has limited what outdoor amenities are provided.
2. The proposal does not provide adequate on site parking with only 2 visitor parking spaces available. On street parking in this area of Kinghorne Street with the Police Station, Court House, Veterinary Rooms, Motel, Restaurant, Marriott Park, other businesses and already constructed units within a very short distance, is very limited.
3. The proposal will have an adverse impact on existing buildings, particularly 3 Cox Avenue. As Executors of Mrs Angel's estate we are required to apply and have Probate granted. We are also the major beneficiaries of her Will. Together

we will be equal part owners of the property. We are undecided if the property will be sold, either of us may choose to live in the property or we may offer the property to the rental market. The house will remain a dwelling. We have examined the drainage and stormwater management plans and our first impression is they are totally inadequate. 160 Kinghorne Street slopes with a gradient and approximate 4 metre drop from the street down to the shared boundary of 3 Cox Avenue. All run off must be down to the boundary. Plans show there are only 2 outlets for stormwater into existing pipes to drain the whole development. Imagine if one of those drains became blocked with leaves or other debris. Rainwater tanks proposed for the units are necessarily small to fit into the overall small site. Any mitigation they provide will be minimal and the outcomes presented in the management plans assume the tanks are 50 per cent full (or empty depending on your outlook). In previous weather events when heavy, persistent rain has fallen, minor flooding run off has entered the rear yard of 3 Cox Avenue and properties on the northern boundary despite the current soft landscaping. With such limited drainage and extensive run off from building rooves and gutters along with hard areas of driveways and paths we expect water will enter 3 Cox Avenue on a much more frequent and larger scale. This certainly will affect our property, its amenity and value.

We appreciate and understand both 160 Kinghorne Street and 3 Cox Avenue are zoned for medium density development and have expected some form of progress to be made.

Mrs Angel, a widow living alone had been approached particularly in the recent years by developers seeking to purchase her property to incorporate it into a larger parcel with the view to build a unit complex that stretched between Kinghorne Street and Cox Avenue utilising the property at her rear. Being an independent woman although frail and in her late 80s she decided to remain in her home. Even in her declining years she had bathroom and kitchen renovations carried out so she could remain without any burden to her family or society in general. She related however, one particularly disturbing incident when someone who identified himself as an agent of a developer visited her home and was quite forceful in stressing she needed to sell her property. She declined but was told that if necessary the developer could compulsorily acquire her home.

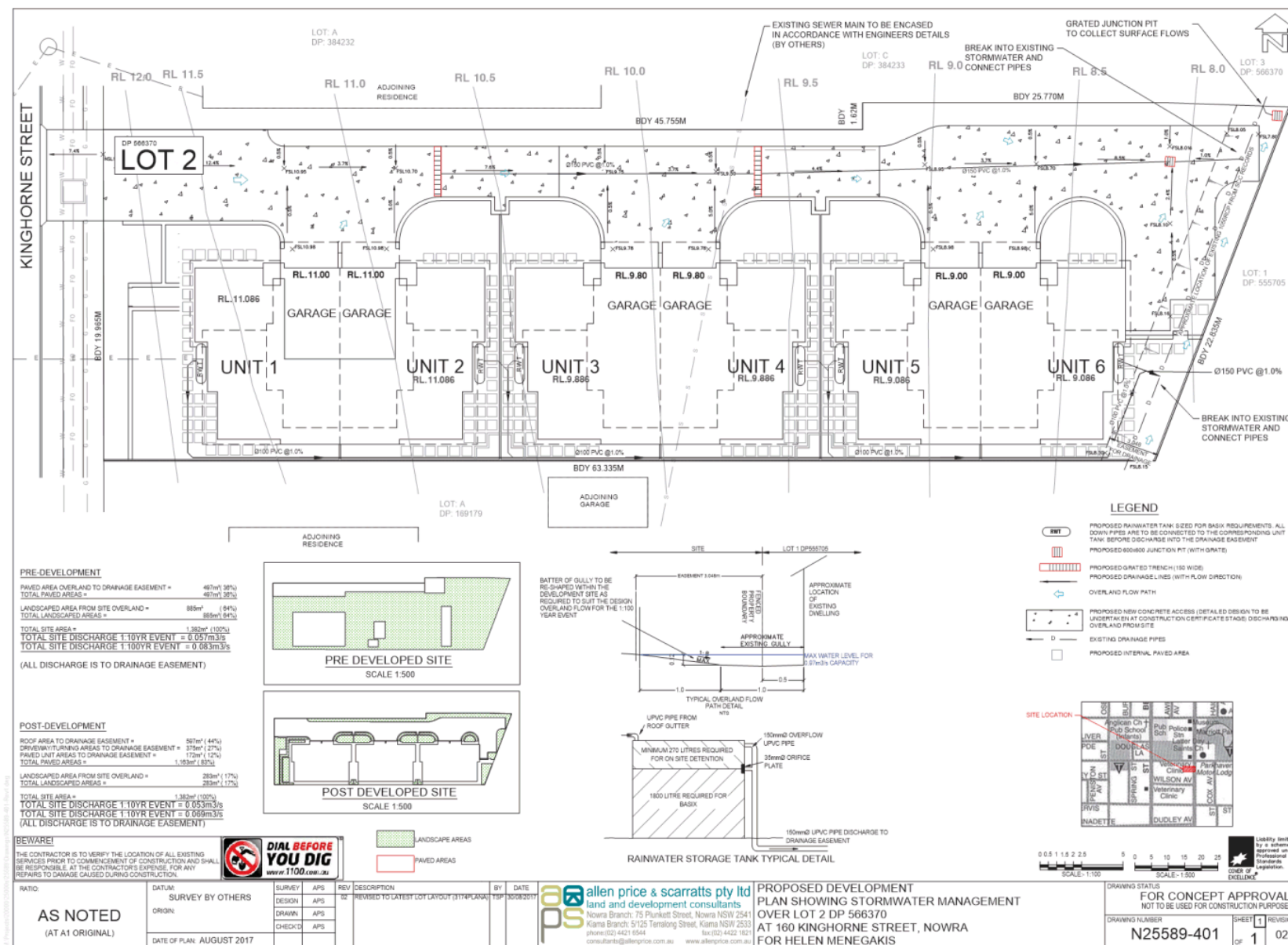
Additionally she was the victim of a home invasion when a masked intruder confronted her in her home after gaining entry through a rear window. This only strengthened her resolve and she had window bars and an alarm installed.

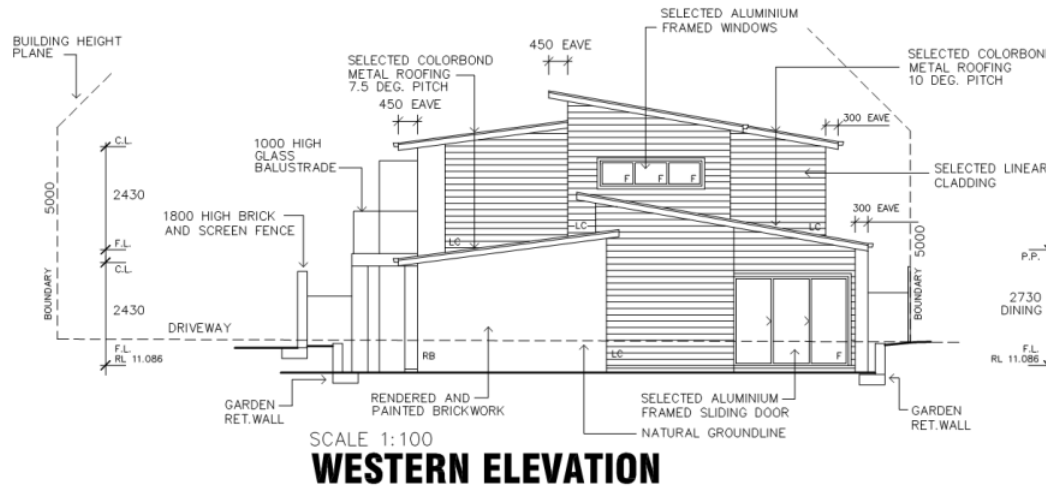
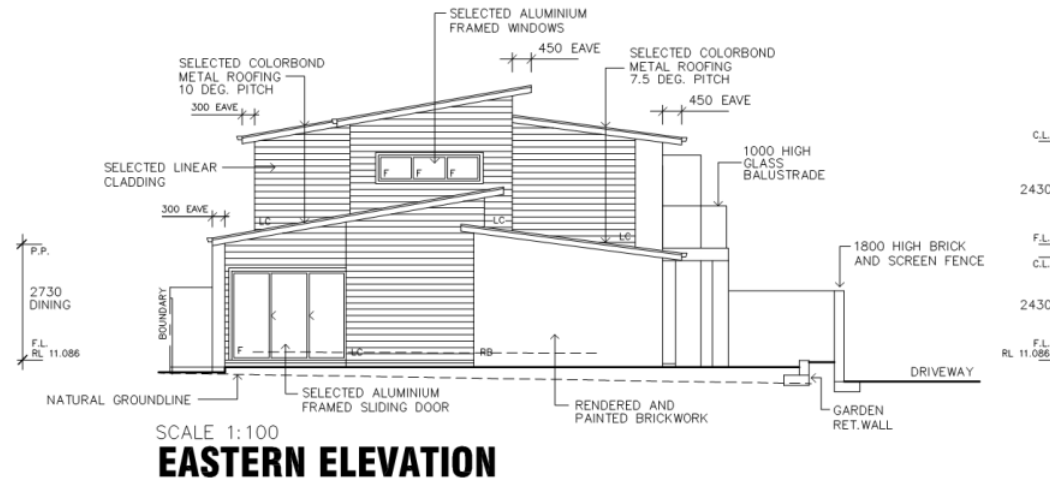
The applicant has failed to convince us this development is either complying or relevant for such a small parcel of land. Council was correct in denying its approval.

Yours faithfully,

Rhonda Mackenzie, on behalf of Rosemary Petheram and myself, Executors of the Estate of Mrs Lorna Angel.







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SCALE 1:100
**ELEVATIONS
UNIT 1 & 2**

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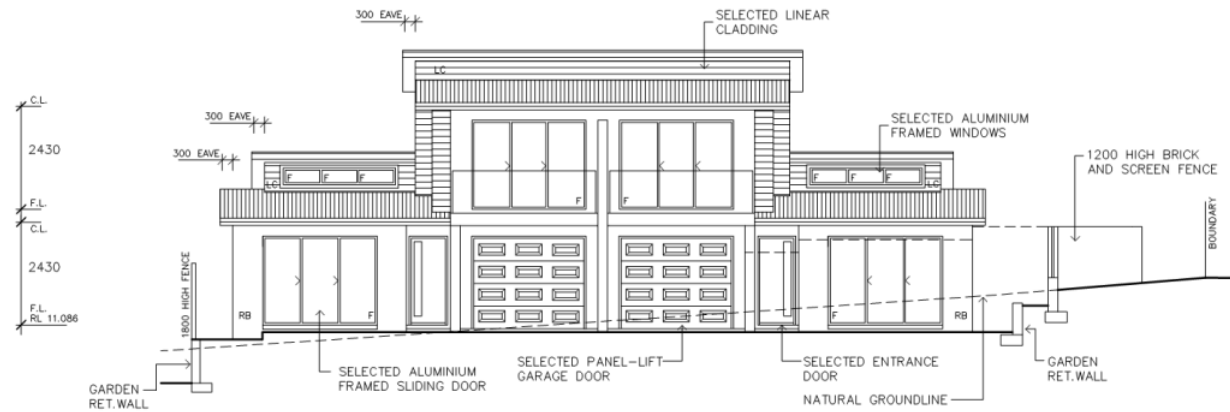
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AMENDMENTS:
A - 18/10/17 - HEIGHT PLANES INDICATED

PROJECT:
PROPOSED MEDIUM DENSITY DEVELOPMENT
AT:
LOT 2 D.P. 566370
160 KINGHORNE STREET
NOWRA
FOR:
HELEN MENEGAKIS
JOB NO. 3174 **DATE** 18/10/17

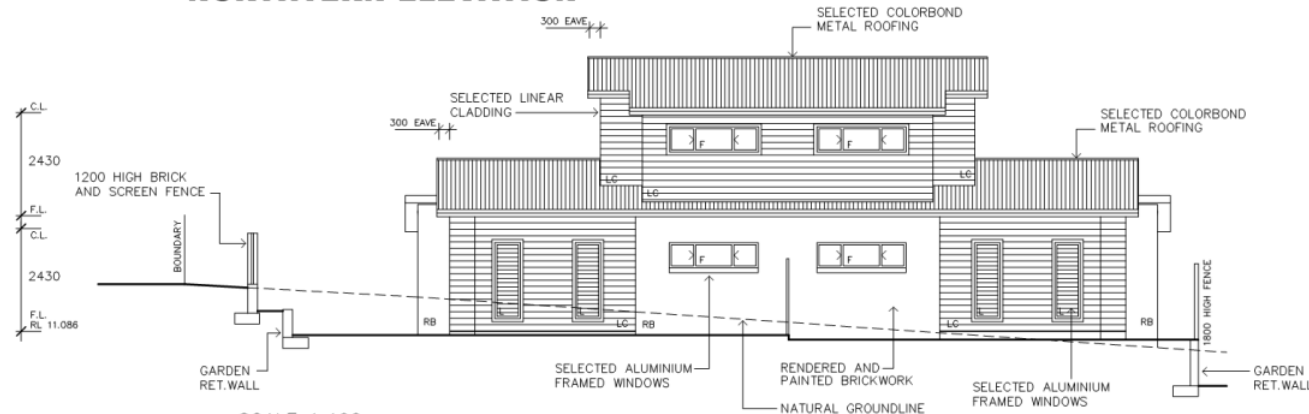
DWG NO.

5



SCALE 1:100

NORTHERN ELEVATION



SCALE 1:100

SOUTHERN ELEVATION

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ELEVATIONS UNIT 1 & 2

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AMENDMENTS:
A - DATE - AMENDMENT

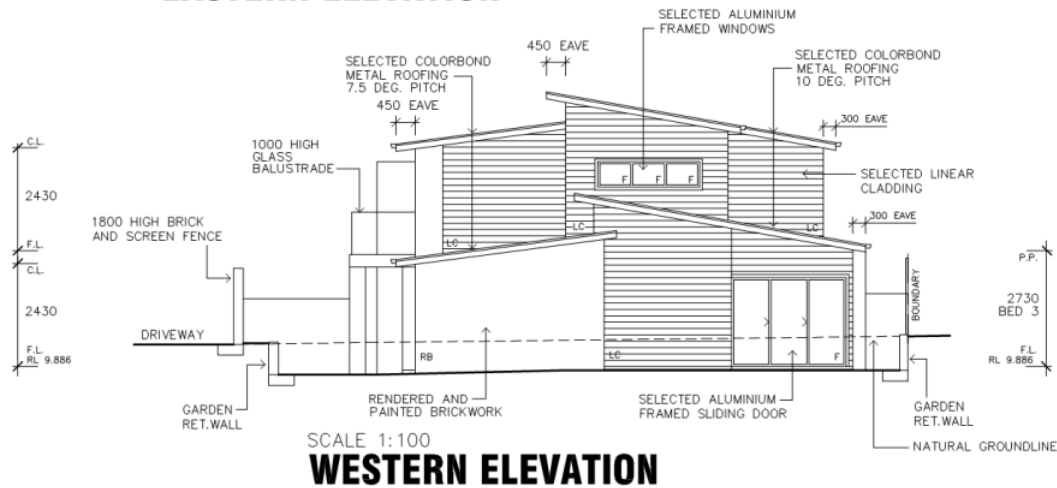
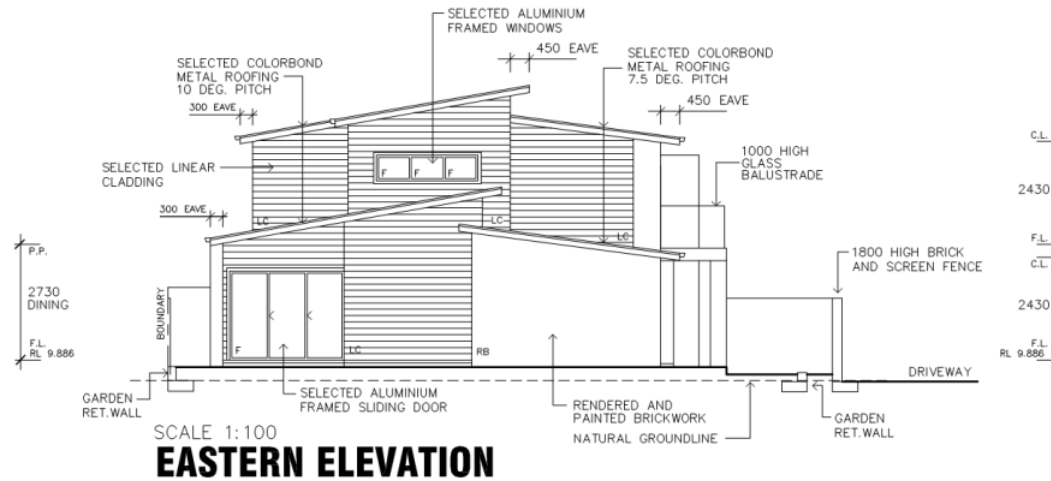
PROJECT
PROPOSED MEDIUM DENSITY
DEVELOPMENT

AT
LOT 2 D.P. 566370
160 KINGHORNE STREET
NOWRA

FOR
HELEN MENEGAKIS
JOB NO. 3174 DATE 18/10/17

DWG NO.

4



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SCALE 1:100
**ELEVATIONS
UNIT 3 & 4**

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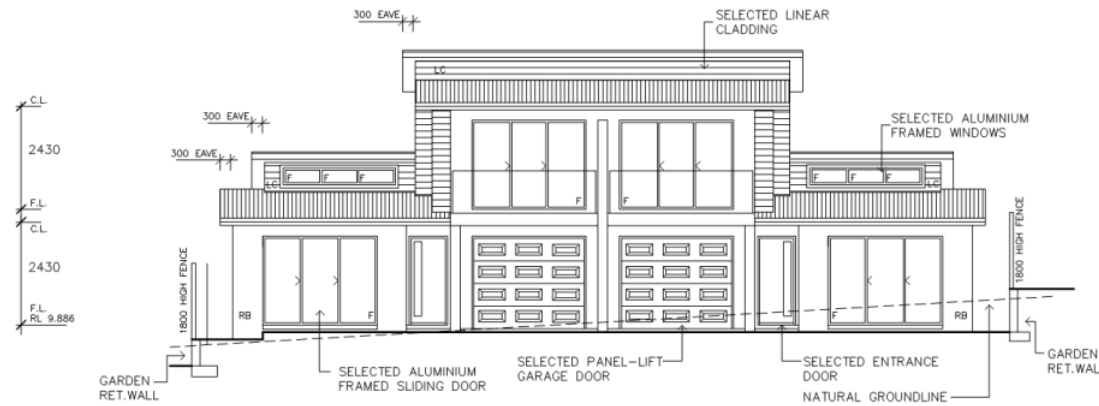
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AMENDMENTS:
A - DATE - AMENDMENT

PROJECT:
PROPOSED MEDIUM DENSITY DEVELOPMENT
AT:
LOT 2 D.P. 566370
160 KINGHORNE STREET
NOWRA
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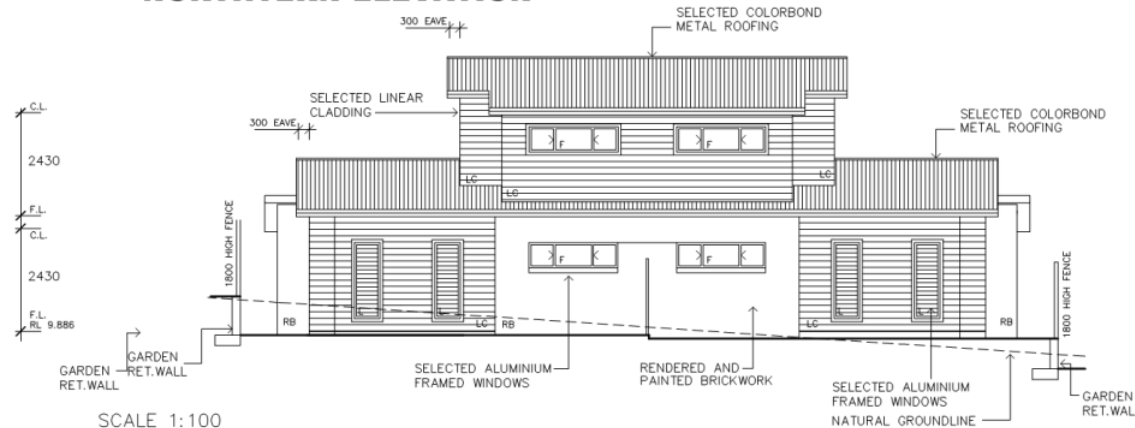
DWG NO.

10



SCALE 1:100

NORTHERN ELEVATION



SCALE 1:100

SOUTHERN ELEVATION

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SCALE 1:100

ELEVATIONS UNIT 3 & 4

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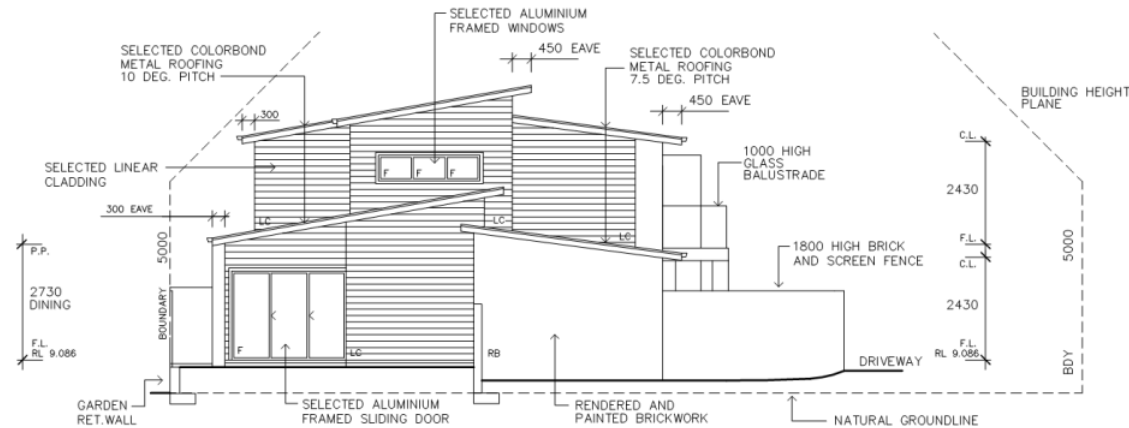
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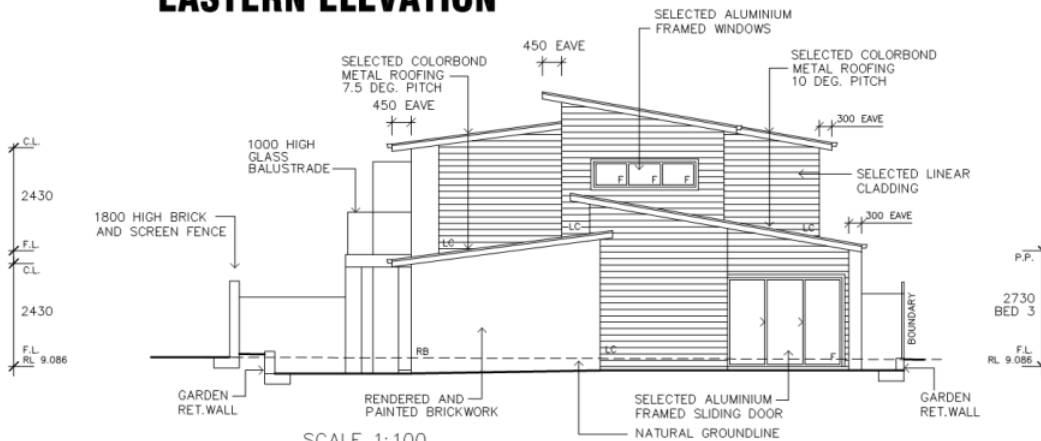
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PROJECT:
PROPOSED MEDIUM DENSITY DEVELOPMENT
AT:
LOT 2 D.P. 566370
160 KINGHORNE STREET
NOWRA
FOR:
HELEN MENEGAKIS
JOB NO. 3174 **DATE** 18/10/17

DWG NO.
9



SCALE 1:100
EASTERN ELEVATION



SCALE 1:100
WESTERN ELEVATION

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SCALE 1:100
**ELEVATIONS
UNIT 5 & 6**

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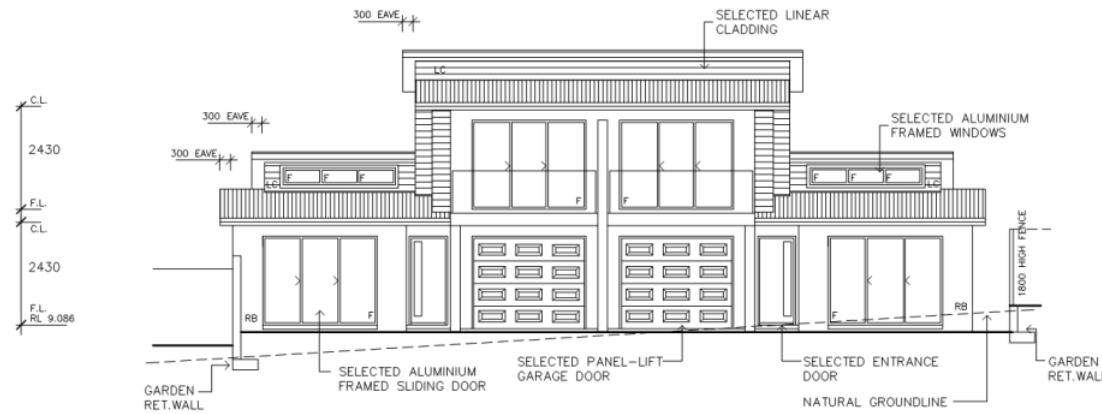
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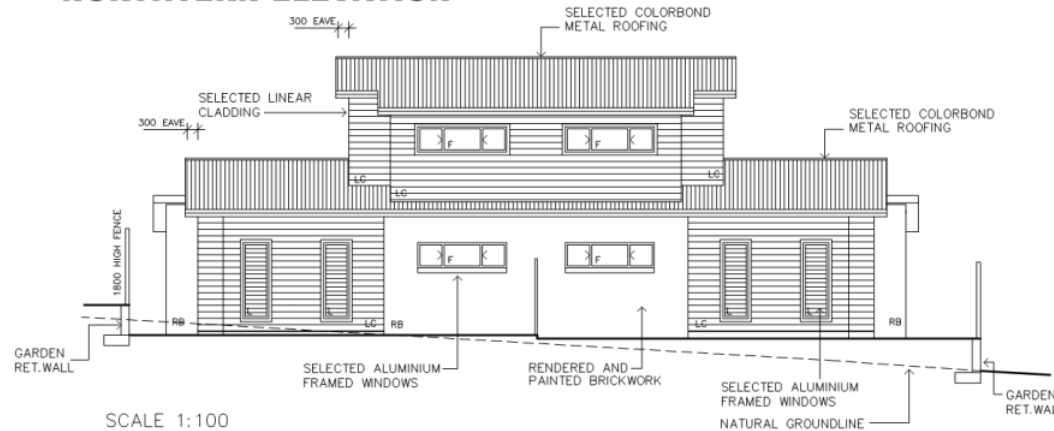
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JOB NO. 3174 DATE 18/10/17

DWG NO.

15



SCALE 1:100
NORTHERN ELEVATION



SCALE 1:100
SOUTHERN ELEVATION

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FOR
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JOB NO. 3174 DATE 18/10/17

DWG NO.

14

DE18.39 Proposed Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014

HPERM Ref: D18/125082

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Chapter G13: Medium Density and Other Residential Development (under separate cover) ➡
2. Draft Dictionary (under separate cover)

Purpose / Summary

Obtain the required resolution to commence the formal exhibition of the draft Medium Density Amendment to Shoalhaven Development Control Plan (DCP) 2014.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the exhibition of the draft Medium Density Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft Medium Density Amendment following the conclusion of the public exhibition period.
3. Advise key stakeholders, including relevant industry representatives, of this decision.

Options

1. As recommended.

Implications: This is the preferred option as it will enable Council to respond to the Dual Occupancy Review, Low Rise Medium Density Housing Code and Design Guide and identified operational issues. This will result in medium density provisions that holistically consider local character and context, appropriate density, good quality design, amenity, universal design and more broadly the public interest.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone the implementation of more appropriate medium density residential development provisions.

3. Not adopt the recommendation.

Implications: This could stop or postpone the implementation of more appropriate medium density residential development provisions. This option is not preferred as the 'status quo' approach will continue to result in poor built form and liveability outcomes for both residents and the broader community.

Background

Council's Development Committee resolved, under delegation, on 2nd June 2015 to commence a large-scale systematic review/amendment of Shoalhaven DCP 2014 to address several existing Council resolutions and other matters identified since the commencement of the original plan on 22 October 2014. Stage 5 of the review/amendment included the review of DCP Chapters related to subdivision and residential development, namely:

- Chapter G11: Subdivision of Land.
- Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures.
- Chapter G13: Dual Occupancy Development.
- Chapter G14: Other Residential Development.

Dual Occupancy Review

In January 2016, Council's Development Committee also considered a report on a development application for the strata subdivision of an existing attached dual occupancy in Milton (DA14/1662) which did not comply with the minimum lot size prescribed by Shoalhaven Local Environmental Plan (LEP) 2014.

At the meeting, it was resolved to support the variation to the minimum lot size (MIN16.8), and:

That Council's policy position on locations where subdivision of dual occupancy can be permitted be reviewed, and that this review include consideration of strata subdivision options where more appropriate.

Following this resolution, Council staff undertook a review of dual occupancy development and its subdivision in Shoalhaven which considered:

- Council's policy position on locations where subdivision of dual occupancy can be permitted;
- The dual occupancy subdivision provisions in Shoalhaven DCP 2014; and
- Investigated the appropriateness of Torrens, community and strata title dual occupancy subdivision.

In June 2016, Councillors were briefed on the outcome of the dual occupancy review, namely that:

- Subdivision does not essentially change the appearance of the development as it usually occurs later.
- Consideration should first be given to the timely inclusion of better-quality design controls in Shoalhaven DCP 2014 to improve the standard of the finished development.
- Future consideration may be given to the expansion of dual occupancy subdivision areas throughout the city (e.g. Berry) if deemed necessary following a Shoalhaven DCP 2014 amendment.

The review of design related provisions is also considered relevant to other forms of medium density residential development that are currently addressed in DCP Chapter G14: Other Residential Development.

Essentially the work Council staff have been undertaking in this regard and its timing was also cognisant of the reforms being undertaken by the NSW Government and the potential that they may be finally released at some point during Councils review process.

Low Rise Medium Density Housing Code and Design Guide

The NSW Department of Planning and Environment (DP&E) released the new [Low Rise Medium Density Housing Code](#) amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP), and the supporting [Low Rise Medium Density Design Guide](#) on 6 April 2018.

The Low Rise Medium Density Housing Code and Design Guide are set to commence on 6 July 2018. They will fill the gap in complying development policy in the Codes SEPP by introducing provisions that will apply to low rise medium density housing types including the following:

- Dual occupancies (i.e. attached, detached and 'one above the other').
- Multi dwelling housing (terraces).
- Manor homes.

The new Code will apply:

- Across NSW in the R1, R2, R3 and RU5 zones, where medium density housing is permitted under a Council LEP;
- To development of dual occupancy, manor house or terraces may only be carried out if the development is permitted within the zone under the relevant Council LEP; and
- The development must meet certain minimum lot size requirements set via the relevant Council LEP or as applied by the Code.

Accompanying the amendment to the Codes SEPP is the Design Guide which is a comprehensive set of design guidelines that present a state-wide approach to promote well designed and environmentally sustainable medium density development that contributes positively to the existing character of an area. It is noted that Council is not required to adopt the Design Guide for the purpose of assessing development applications for medium density development i.e. it only applies in relation to complying development under the Codes SEPP.

This latest package of planning reforms by the NSW Government has several implications for Shoalhaven DCP 2014, most notably the fact that the above land uses can be undertaken as complying development in relevant existing zones which means that Shoalhaven LEP 2014 and Shoalhaven DCP 2014 will have no effect and Council will potentially not assess proposed development.

It is important to ensure that difference between the state mandated complying development provisions and the Shoalhaven DCP 2014 provisions is not too vast, to ensure that there is not a significant difference between the products when viewed from the public domain. As such, Council staff have undertaken a review of the content of the Design Guide to identify components that could be appropriately integrated into Shoalhaven DCP 2014.

Proposed Medium Density Amendment to Shoalhaven DCP 2014

Following the release of the Low Rise Medium Density Housing Code and Design Guide and the outcomes of the Dual Occupancy Review, it is considered appropriate to proceed and commence the Medium Density Amendment to Shoalhaven DCP 2014 focusing on the following existing chapters (and supporting information):

- [Chapter G13: Dual Occupancy Development.](#)
- [Chapter G14: Other Residential Development.](#)
- [Dictionary.](#)

It is noted that amendments/reviews to the following Shoalhaven DCP 2014 Chapters are also still identified as priority projects in the Strategic Planning Works Program and will be reported separately to Council for consideration in due course:

- Chapter G11: Subdivision of Land.
- Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures.

The draft Medium Density Amendment package includes the following proposed draft Chapter (and supporting changes to the Dictionary):

- Draft Chapter G13: Medium Density Development and Other Residential Development (**Attachment 1**); and
- Draft Dictionary (**Attachment 2**).

Draft Amendment proposes to combine the coverage of the current Chapters G13 and G14 and applies to land where dual occupancy, multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses, integrated housing development, residential flat buildings, shop top housing, seniors housing, boarding houses, group homes and hostels are permissible with development consent. As such the proposed chapter will apply to residential developments above a single dwelling. It also considers the more complex issues relating to medium and higher density residential development arising from the:

- Low Rise Medium Density Housing Code and Design Guide.
- Outcomes of the Dual Occupancy Review.
- Resolutions of Council.
- Operational issues or matters that need clarification that have been identified since the Shoalhaven DCP 2014 became effective on 22 October 2014.

Notable components of the draft Amendment are outlined in the following Table:

Theme	Proposed content
General	<ul style="list-style-type: none"> • Consolidation of Chapter G13 and Chapter G14 content to streamline the provisions relating to medium density development (above a single dwelling). The content has been refined to reduce redundancy, bring the chapter in line with current DCP requirements and modernise the content to current industry standards. • Expansion of applicable land uses to include the following new terms: multi dwelling housing (terraces) and manor houses.
Medium Density: Principle Controls	<ul style="list-style-type: none"> • Introduction of amalgamation and feasibility requirements. Supporting written evidence is required demonstrating that lot consolidation/amalgamation is not feasible as a result of negotiations and reasonable financial offers for certain development (e.g. dual occupancy in the R3 Medium Density Residential zone). • Introduction of more appropriate floor space ratio (density) provisions of 0.5:1 to 0.7:1 depending on the land use and zone. • Refinement and expansion of setback provisions. • Refinement of landscaping provisions: <ul style="list-style-type: none"> - 10% of the site area is to include high quality formal

	<p>landscaping.</p> <ul style="list-style-type: none"> - 20% of the site area is to include general landscaping. - At least 35% of the front setback is to be landscaped. • Refinement of driveway provisions, including avoidance of a 'gun-barrel' effect down a side boundary.
Medium Density: Siting the Development	<ul style="list-style-type: none"> • More comprehensive provisions to address public domain interface as well as local character and context. • Requirement to consider cumulative impact of clustering development in certain contexts.
Medium Density: Amenity	<ul style="list-style-type: none"> • Greater consideration of building separation and visual and acoustic privacy. • Introduction of requirements for laundry facilities placed in garages, communal open space provisions for multi dwelling housing and tandem parking requirements for dual occupancy development. • Introduction of minimum ceiling heights and provisions relating to dwelling size and layout. • Private open space: <ul style="list-style-type: none"> - Requirement that private open space must be located behind the front building line. - Refinement of minimum areas of private open space.
Medium Density: Configuration and Design	<ul style="list-style-type: none"> • Reintroduction of provisions clarifying attachment of dual occupancy. • General design considerations such as variation, materials, co-joining of double garages and fencing. • Universal design (adaptability and accessibility): <ul style="list-style-type: none"> - Introduction of rates for provision of accessible and adaptable housing. - New class 1a or 2 dwellings to meet a gold standard as per the Livable Housing Design Guidelines. <p>Note: feedback will also be sought during the public exhibition period as to whether a 'silver' or 'platinum' standard would be more appropriate.</p>
Medium Density: Environment	Detailed provisions for bin storage, presentation and collection arrangements.
Residential flat buildings, seniors housing, boarding houses and group homes	New objectives, performance criteria and acceptable solutions tying back to the relevant State Environmental Planning Policies.
Dictionary	Introduction of new terms to support draft Chapter G13: accessible, adaptable, communal open space, external clothes drying facilities, formal landscaping, laneway, primary frontage, secondary frontage, stacked parking and tandem parking.

Community Engagement

The draft Medium Density Amendment will be publicly exhibited for 28 days in accordance with legislative requirements at the Nowra Administrative Building. Documentation will also be available on Council's website and at the Ulladulla Administrative Buildings.

A targeted Industry Forum was held on 26 October 2016 to discuss the review of the relevant Shoalhaven DCP 2014 chapters related to medium density development. Further industry consultation will be undertaken during the public exhibition period if required/appropriate.

Policy Implications

The draft Medium Density Amendment seeks to respond to the Dual Occupancy Review, Low Rise Medium Density Housing Code and Design Guide and identified operational issues. In doing so, draft Chapter G13: Medium Density Development and Other Residential Development will ultimately replace existing Chapters G13: Dual Occupancy Development and G14: Other Residential Development.

Financial Implications

The draft Medium Density Amendment to Shoalhaven DCP 2014 will continue to be resourced within the existing Strategic Planning budget.

Risk Implications

Should the draft Medium Density Amendment not proceed, there is a risk that Council will not be able to respond to the increasing demand for medium density development in a way that holistically considers local character and context, appropriate density, good quality design, amenity, universal design and more broadly the public interest. This could result in poor built form and liveability outcomes for both residents and the broader community. There are also matters that need to be revised to ensure the planning controls continue to operate as expected/intended and resolve inconsistencies.

DE18.40 Heritage Investigations - Chinaman's Island, Lake Conjola

HPERM Ref: D18/128260

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Representation Response - Hon. Shelley Hancock [↓](#)
2. Heritage Assessment - Chinaman's Island (under separate cover) [⇒](#)
3. Department of Industry - Crown Lands Correspondence [↓](#)

Purpose / Summary

Obtain direction on the potential local heritage listing (in the Local Environmental Plan) of the remaining cottages and archaeological remains of a timber railway located on Chinaman's Island in Lake Conjola.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the listing of the former timber railway on Chinaman's Island as an archaeological site in Schedule 5 of Shoalhaven Local Environmental Plan 2014 and include the item in the upcoming Heritage Housekeeping Amendment to Shoalhaven Local Environmental Plan 2014.
2. Not support the listing of the remaining cottages on Chinaman's Island as local heritage items in Schedule 5 of Shoalhaven Local Environmental Plan 2014.
3. Support the mitigation recommendations for the partial or total removal of the remaining cottages as outlined in the Louise Thom Heritage Assessment (Attachment 2):
 - a. Full archival recording.
 - b. Preparation of a Heritage Interpretation Strategy and provision of interpretive information at Lake Conjola.
 - c. Provision of a copy of the Heritage Assessment to the Shoalhaven City Library and each of the remaining leaseholders.
4. Advise the remaining leaseholders, Conjola Community Association and Department of Industry - Crown Lands of this decision.

Options

1. As recommended.

Implications: This is the preferred option as it will commence the process to list the former timber railway on Chinaman's Island as an archaeological site in Schedule 5 of Shoalhaven Local Environmental Plan (LEP) 2014. Further, the future partial or total demolition of the remaining cottages will be mitigated by the steps outlined in part 3 of the above recommendation. It is noted that the mitigation approach is supported by Department of Industry (Dol) – Crown Lands.

2. List the cottages and the former timber railway in Schedule 5 of Shoalhaven LEP 2014.

Implications: This option is not preferred. The heritage listing of the cottages will not protect them from demolition by the Crown as per Section 4.33 of the *Environmental*

DE18.40

Planning and Assessment Act 1979 (EP&A Act). Upon demolition of the cottages, Council would also be required to prepare a Planning Proposal (PP) to remove the listing of the cottages from Schedule 5 of Shoalhaven LEP 2014 which is a resource intensive process.

3. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the process to consider heritage potential at Chinaman's Island.

4. Reject the recommendation.

Implications: This is not the preferred option as the heritage potential at Chinaman's Island will not be resolved.

Background

Chinaman's Island is in Lake Conjola, north of the existing urban area as shown in Figure 1 below.



Figure 1: Chinaman's Island, Lake Conjola

Chinaman's Island is owned by the NSW Government and is managed by DoI – Crown Lands. Early last century, 12 lots were offered for lease by ballot on a Permissive Occupancy (lease) basis.

Several small cottages were subsequently constructed by the leaseholders during the 1940's and 1950's, with some used permanently and others as holiday cottages.

During the 1970's, the leaseholders were informed by the Crown that the cottages would be demolished when the last surviving occupant passed away.

Of the 12 original cottages:

- 5 have been demolished (the last of was removed in 2012).
- 4 are earmarked for removal.

- 3 are subject to a current lease (1 is permanently occupied and 2 are used for holiday purposes).

The Island is currently zoned E2 Environmental Conservation under Shoalhaven LEP 2014 which reflects its location in an environmentally sensitive water body and the significant vegetation/habitat identified on the Island. The Island is located less than 500 metres from oyster leases and Lake Conjola itself is used extensively for recreational activities.

Given its location, the island is flood prone and categorised as a high hazard floodway. The risk to occupants is increased given that the island itself may be completely inundated in larger flood events, and access to and from the island would be dangerous. The island is also partly mapped as bushfire prone.

The cottages were constructed from weatherboard and fibro-cement sheeting which contain asbestos. Previous consents for demolition have contained conditions regarding the safe removal of asbestos.

The Interim Heritage Order and Heritage Significance

In 2015, relatives of the leaseholders petitioned the NSW Government to issue an Interim Heritage Order (IHO) under the NSW *Heritage Act 1977* to preserve the remaining cottages.

On 12 July 2016 the NSW Minister for Heritage advised that he had resolved not to proceed with an IHO for the cottages. Due to the urgency of the situation (possible pending demolition), the Minister recommended that Council assess the likely significance of the cottages with a view to possibly listing them as local heritage items in Shoalhaven LEP 2014.

In addition, the Minister recommended that the Crown undertake an archival recording of the remaining cottages to record the historic stories of the cottages for future generations.

Heritage Assessment Report

On 6 December 2016, under delegation, Council's Development Committee resolved (MIN16.942) that Council:

1. *Seek advice from the member of South Coast the Hon Shelley Hancock as to her support for the heritage value of the cottages on Chinaman's Island;*
2. *Seek support from the Local Member to make representations to the Minister*
3. *Subsequent to parts 1) and 2) Council undertake a heritage assessment of the Chinaman's Island cottages to determine their heritage significance.*
4. *If required a further report back to council on this matter.*

By way of written correspondence, advice was sought from the Hon. Shelley Hancock Member for the South Coast on 23 December 2016. A response was received on 5 September 2017 (**Attachment 1**) noting that representations had previously been made to the NSW Minister of Heritage, however support was extended to Council to investigate the heritage value of the cottages.

As such, Louise Thom Heritage was engaged by Council to prepare a heritage assessment for the cottages on Chinaman's Island. The Heritage Assessment (**Attachment 2**) concluded that the Chinaman's Island Cottages were rare and representative and should be listed as an item of local heritage item in Schedule 5 of Shoalhaven LEP 2014. However, should the partial or total removal of cottages be proposed, the Heritage Assessment has pragmatically identified that the following would mitigate against the loss:

- Full archival recording.

- Preparation of a Heritage Interpretation Strategy and provision of interpretive information at Lake Conjola in a location where Chinaman's Island can be viewed.
- Provision of a copy of the Heritage Assessment to Shoalhaven City Library and each of the remaining lease holders.

The Heritage Assessment also identified the potential existence of the archaeological remains of a former timber railway on the island which was associated with a former timber depot and timber operation. The Heritage Assessment also recommends that it should be protected as an archaeological item in Schedule 5 of Shoalhaven LEP 2014.

It is noted that the cottages and timber railway were not identified or considered through the Shoalhaven Heritage Study that essentially lead to the Heritage Schedule that is now contained in Shoalhaven LEP 2014.

Department of Industries – Crown Lands

DoI – Crown Lands have provided advice to Council (**Attachment 3**) outlining that the Minister administering the *Crown Lands Act 1989* does not support the listing of the cottages as an item of local heritage in Schedule 5 of Shoalhaven LEP 2014. Even if the cottages are heritage listed, DoI – Crown Lands have advised that they will continue to revoke the leases upon the passing of the leaseholders.

It is DoI – Crown Lands position that the heritage listing of these cottages would have significant cost and management implications for Government. The buildings are not considered suitable for continued long-term use for residential purposes or for redevelopment for a new use. Given the poor condition of the cottages and the fact that they contain asbestos and are located on an island with limited supporting infrastructure, DoI – Crown Lands have advised that they cannot justify maintaining the structures based on the potential heritage significance alone, nor do they have the funding available to do so.

As such, they consider that the environmental value in returning the Island to its natural state outweighs the merits of retaining the cottages and that it would be in the greater public interest to recognise the use of the Island by other means (e.g. archival recording). It is noted that the DoI – Crown Lands Strategic Plan for Chinaman's Island includes the removal of all cottages, the rehabilitation of the grounds and reservation for public recreation and environmental protection.

It is noted that DoI – Crown Lands:

- Does not object to the listing of the former timber railway as an archaeological site in Schedule 5 of Shoalhaven LEP 2014; and
- Has committed to undertake an archival recording of the remaining cottages as well as develop a heritage interpretation strategy and interpretive signage.

Relevant Legislative Considerations

Under Clause 5.10 Heritage Conservation of Shoalhaven LEP 2014, demolition of listed heritage items is permitted with development consent. As such, should Council proceed to list the remaining cottages in the LEP, DoI – Crown Lands must obtain development consent from Council prior to the demolition of the cottages.

It is noted that under the provisions of Section 4.33 Determination of Crown Development Applications of the EP&A Act, a Council must not refuse a development application lodged by the Crown, except with the approval of the Minister.

As such, Council could not refuse a development application for the demolition of the remaining Chinaman's Island cottages without concurrence from the NSW Minister for Planning.

Conclusion

As outlined above, it is the intention of DoI – Crown Lands to discontinue the remaining three leases at the passing of each surviving leaseholder and subsequently demolish the remaining cottages.

Should Council resolve to list the cottages in Schedule 5 of Shoalhaven LEP 2014, the process could include the following steps:

- Shoalhaven LEP 2014 is amended to include the cottages in Schedule 5 via the Planning Proposal process (Note: would still ultimately need to be agreed to by the NSW Government).
- DoI – Crown Lands could still submit a development application to demolish the cottages. Council cannot refuse the development application.
- DoI – Crown Lands could then still proceed to demolish the cottages.
- Shoalhaven LEP 2014 would then need to be amended again to remove the listed cottages from Schedule 5 via the Planning Proposal process.

Importantly, the provisions of the EP&A Act limit Council's ability to protect the remaining cottages, regardless of whether they are ultimately heritage listed. As such, it is recommended that the remaining cottages on the Island not be heritage listed. Instead an emphasis should be placed on the mitigation measures outlined in the Heritage Assessment. This will also mitigate against the need for a subsequent PP to remove the cottages from Schedule 5 of Shoalhaven LEP 2014 following the demolition of the cottages which remains the intent of DoI – Crown Lands.

There would be value in listing the former timber railway as an archaeological site in Schedule 5 of Shoalhaven LEP 2014.

Community Engagement

No formal community engagement has been undertaken at this stage. The representative of the remaining leaseholders (and relatives) has been advised that this matter will be presented to Council's Development Committee for consideration.

Any future PP to include items in Schedule 5 of Shoalhaven LEP 2014 would be subject to the exhibition requirements set out in the Gateway determination in accordance with the relevant legislation. This will involve notifying all adjoining landowners, relevant community groups and other interested parties.

Policy Implications

Inserting and deleting items in Schedule 5 of Shoalhaven LEP 2014 can only be undertaken via a PP. As such, should the cottages be listed as heritage items, another PP would be required to remove the listing should the cottages be demolished. PPs are generally resource and time intensive.

Financial Implications

There are no immediate financial implications for Council. Any future amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 would be resourced from the Strategic Planning budget.

Risk Implications

It is the future intention of DoI – Crown Lands to appoint Council as trustee of the reserve, charged with care, control and management. Council staff would be reluctant to support such a request whilst the remaining cottages are located on the Island due to the risk associated with the ongoing maintenance of the cottages (e.g. vandalism, unauthorised occupations, asbestos etc.).



SH/la
September 5, 2017

fu
RP

Mr Philip Costello
Director Planning, Environment & Development
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council
Received

13 SEP 2017

File No. _____
Referred to: P. Costello

Dear Mr Costello

I write in response to your letter of August 11, 2017 (D17/251849) in relation to cottages on Chinaman's Island, Lake Conjola.

As you are aware I have previously made representation to the Minister for Heritage in relation to the significance, if any, of the cottages and also met with the Minister and his Senior Advisor to discuss the issue. Subsequently the matter was referred to the NSW Office of Environment and Heritage for investigation prior to referral back to the Minister.

I support Council in their initiative to apply to the State Government through the 'Heritage Near Me' program to seek funding for the relevant studies and investigations into the heritage value of the cottages on Chinaman's Island.

Thank you for your correspondence and for Council's interest in this issue.

Yours sincerely

The Hon Shelley Hancock MP
Member for South Coast

Working for South Coast

Phone: (02) 4421 0222 Fax: (02) 4422 1180 Mail: PO Box 1436, Nowra NSW 2541

Electorate Office: 1/57 Plunkett Street, Nowra NSW 2541 Email: southcoast@parliament.nsw.gov.au

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DE18.40 - Attachment 1



Lands & Forestry

Email: Mark.Edwards@crownland.nsw.gov.au
Phone: 02 4428 9101
FAX: 02 4421 2172

General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Attn: Jenna Tague

Dear Jenna

Re: Chinaman's Island Cottages

The Department of Primary Industries – Lands has previously opposed the granting of an Interim Heritage Order, and currently opposes the local heritage listing over the remaining cottages located on Chinaman's Island. Rationale for this opposition includes;

- Strategic planning for the future of Chinaman's Island has been undertaken in conjunction with Shoalhaven City Council including notifications and consultations with holders of permissive occupation authorities on the island. The plan for the future use of the Island is for the removal of all cottages and occupation authorities, rehabilitation of grounds and reservation for public recreation & environmental protection.
- Chinaman's Island is zoned as E2 Environmental Conservation under the provisions of the Shoalhaven LEP.
- In accord with the **strategic planning** for the Island five cottages have been removed to date with a further four cottages to be removed in the near future. These works are in the public interest and need to be progressed.
- DoI – Crown Lands will not allow for the continuation of the permissive occupations on the Island and these occupation authorities **will continue** to be revoked on the passing of occupation authority holders.
- As these authorities are revoked the cottages will be removed by DoI – Crown Lands in accord with the **permissive occupation conditions/clauses**.
- Granting of an IHO or local heritage listing of the properties will not provide for the continued occupation of the buildings by the families of the current permissive occupation holder. These **tenures will continue to be terminated**.
- The department **has no funding available** for the on-going maintenance/upkeep of the structures or services.
- The department has a **duty of care** regarding removal of hazardous substances including asbestos that form part of construction materials used in the subject cottages.
- Unoccupied cottages need to be removed prior to vandalism and / or unauthorised occupations occurring.
- Development applications for cottage removal have previously been advertised with nil submissions received.

Crown Lands

PO Box 2215
DANGAR NSW 2309
02 44289100
ABN 33 537 762 019 | www.crownlands.nsw.gov.au

- **Ministerial representations** have been made by permissive occupation holders [and their estates] over the past thirty years and the Minister has upheld the DoI – Crown Lands strategic vision and duty of care on each occasion.
- The recent request for an local heritage significance listing on the subject cottage(s) is a last ditch effort from a PO holder / Estate to retain occupation beyond the clauses and conditions of their occupation. This is **not supported** by the Minister administering the Crown Lands Act 1989.
- The recent Shoalhaven LEP 2014 amendment process did not identify these cottages as appropriate entries for the Shoalhaven LEP Schedule 5 listings.
- As removal of the cottages progresses, the Crown has, and will, undertake archival recording of the site & structures, heritage interpretation strategy and formulate interpretive signage for the site.
- The Crown is receptive to receiving any heritage advice regarding the former timber railway that is subject to the mentioned heritage assessment.

If you require any further information or clarification please contact me at the Nowra Crown Lands Office on 4428 9101.

Yours sincerely



12.02.2018

Mark Edwards
Group Leader South Coast Area
Crown Lands Nowra

DE18.41 Changes to new legislative provisions relating to the Joint Regional Planning Panels

HPERM Ref: D18/132059

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Letter from the Dept of Planning & Environment concerning legislative provisions relating to planning panels [↓](#)

Purpose / Summary

To inform Council of new legislative provisions relating to the Sydney District and (Joint) Regional Planning Panels.

The changes impact a current nominated member(s). In this regard, this report seeks to update and confirm the list of representatives for Shoalhaven City Council on the Regional Planning Panel.

Recommendation

That:

1. The Development Committee receive this report for information.
2. A new nominee(s) be considered and recommended for Council's representation on the Regional Planning Panel.
3. The Panel Secretariat be contacted reaffirming current and new members.

Options

1. As recommended – reaffirm and nominate a new member or members for the Regional Planning Panel.

Implications: This will satisfy the new provisions pertaining to panel membership.

2. Resolve alternatively and advise staff accordingly.

Implications: The implications would depend on the resolution.

Background

On 26 September 2017 at an Ordinary Meeting of Council, a report was considered. The purpose of the report was:

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

The recommendation:

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2018

was adopted.

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On 5 October 2017 Council wrote to the Secretariat of the Joint Regional Planning Panel advising:

Following Council's Ordinary Meeting, which was held on 26 September 2017, Council reviewed its representation of committees and organisations outside of Council.

Clr Levett and Clr Watson have been appointed as the representatives for the Joint Regional Planning Panel with alternates Clr Patricia White and Mr Ernie Royston.

Please find contact information below.

Clr Greg Watson
C/- PO Box 42
NOWRA NSW 2541
E: watsong@shoalhaven.nsw.gov.au
PH: 0412 210 979

Clr John Levett
C/- PO Box 42
NOWRA NSW 2541
E: john.levett@shoalhaven.nsw.gov.au
PH: 0418 469 094

Clr Patricia White (alternate)
C/- PO Box 42
NOWRA NSW 2541
E: patricia.white@shoalhaven.nsw.gov.au
PH: 0447 416 329

Mr Ernie Royston (alternate)
3 Soper Drive
NORTH NOWRA NSW 2541
E: ejroys@bigpond.net.au
0422 303 761

Financial Implications

A sitting fee of \$400.00 is paid to the Council and Community Representatives.

Risk Implications

If the new provisions are not observed, there is potential for non-compliance with legislation.

Details

Membership

Amendments to the Environmental Planning and Assessment Act 1979 (the Act) came into force on 1 March 2018. A key change in the Act now means that property developers and real estate agents are no longer eligible to sit as either state-nominated or council-nominated Panel members.

Accordingly, Council must review the nominated Panel members and ensure their continuing eligibility to participate. Any changes to the council-nominated members must be relayed to the Planning Panels Secretariat at least two weeks prior to any scheduled meeting.

Councillor Levett has formally advised that he will no longer be attending and participating in Regional Panel Meetings as a result of the changes. In this regard, a new member is required. Councillors may also choose to consider the current representatives.

There have been other changes concerning Panels including:

Other Changes

1. The threshold for general development has changed to a Capital Investment Value of \$30M for regionally significant development.
2. Panel determinations can now be the subject of a review (under section 8.2 of the Act) however the review must be by members other than those who made the original decision.
3. Panel meetings are to be recorded with the recording made available on the Panel website. The Panels Secretariat has arranged for audio recording

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specialist to record meetings however where Council are equipped to make recordings those services and assistance will be sought instead.

4. The title of the Regional Planning Panel has changed, with the preceding word “Joint” now omitted.

Conclusion

In light of Councillor Levett’s advice, a new representative must be selected. The Secretariat must be advised following the decision.

More information about the Panels is available via the following links:

<http://www.planningpanels.nsw.gov.au/AboutUs/tabid/64/language/en-AU/Default.aspx>

<http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Joint-Regional-Planning-Panels>



6 April 2018

Mr Russell Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

IRF18/892

Received

12 APR 2018

File No. 39782E

Referred to: GJC

Dear Mr Pigg

I am writing to draw your attention to new legislative provisions relating to the Joint Regional Planning Panels and Sydney Planning Panels.

As you would be aware amendments to the *Environmental Planning and Assessment Act 1979* (Act) came into force on 1 March 2018. A key change in the Act now means that property developers and real estate agents are no longer eligible to sit as either state-nominated or council-nominated Panel members.

If you have not already done so, please review Council's nominated Panel members and ensure their continuing eligibility to participate. If you make changes to your council-nominated members please email the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au of any changes to Council's members at least two weeks prior to any scheduled Panel meeting.

The categories of regionally significant development can now be found in schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The threshold for general development has changed: development that has a capital investment value (CIV) of more than \$30 million is now considered regionally significant development.

Please note that transitional provisions mean any development applications that were lodged but not determined before 1 March 2018 that met the former CIV threshold of more than \$20 million will remain with the Panel for determination.

Under section 8.2 of the Act Panel determinations are now subject to reviews of decisions made on development and modification applications. These reviews will be undertaken by different Panel members to those that made the original decision. Please ensure Council has sufficient alternate council members appointed to enable this decision review function to be carried out in a timely manner.

Another new requirement is that all public Panel meetings are to be recorded and the recording made available on the Planning Panels website at planningpanels.nsw.gov.au. The Panels Secretariat has arranged for audio recording specialists to record these

meetings. However, where Council is equipped to be able to make audio recordings, it would be appreciated if these facilities could be made available for Panel meetings. Could you please contact the Panel Secretariat to discuss how we could use your equipment.

Should you have any questions in relation to any of these matters, please contact Mr Stuart Withington, Manager, Planning Panels Secretariat, on 8217 2061.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.