

Development Committee

Meeting Date: Tuesday, 09 May, 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5:00pm

Membership (Quorum - 5)
Clr Patricia White - Chairperson
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Development Committee - 11 April 20171
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**

Nil
7. **Reports**
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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, 11 April 2017

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

Time: 5:05pm

The following members were present:

Clr Joanna Gash
Clr Patricia White - Chairperson
Clr John Wells
Clr Amanda Findley
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

An apology was received from Clr Guile, Clr Alldrick.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr Gash)

MIN17.285

That the Minutes of the Development Committee held on Tuesday 14 March 2017 be confirmed.

CARRIED

Declarations of Interest

Nil

DEPUTATIONS AND PRESENTATIONS

Mr Matt Philpott addressed the Committee in relation to DE17.24 - Planning Proposal PP006 - Halloran Trust Lands - Potential Biodiversity Certification Application.

Mr Lee Carmichael addressed the Committee in relation to DE17.28 - DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526.

Mr Tom Crompton addressed the Committee in relation to DE17.28 - DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526.

Procedural Motion - Bring Items Forward

RESOLVED (Clr Wells / Clr Gartner)

MIN17.286

That

1. That the addendum report DE17.28 DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526 be introduced as a matter of urgency.
2. The following matters be brought forward for consideration:
 - DE17.28 - DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526
 - DE17.24 - Planning Proposal PP006 - Halloran Trust Lands - Potential Biodiversity Certification Application

CARRIED

DE17.28 DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526

HPERM Ref: D17/78880

Recommendation (Item to be determined under delegated authority)

That Council advise the applicant that:

1. On the basis of the information provided to date, Council is not prepared to support the variations to the SEPP65 guidelines and Council's DCP2014;
2. Determination of the application be deferred to further assess the impacts with respect to solar, privacy and streetscape considerations having regard to future development on neighbouring sites; and
3. Staff report the application back to the Committee for determination when the further analysis is complete.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN17.287

That Council advise the applicant that:

1. On the basis of the information provided to date, Council is not prepared to support the variations to the SEPP65 guidelines and Council's DCP2014;
2. Determination of the application be deferred to further assess the impacts with respect to solar, privacy and streetscape considerations having regard to future development on neighbouring sites; and
3. Staff report the application back to the Committee for determination when the further analysis is complete.

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

AGAINST: Nil

CARRIED

DE17.24 Planning Proposal PP006 - Halloran Trust Lands - Potential Biodiversity Certification Application

HPERM Ref: D17/5761

Recommendation (Item to be determined under delegated authority)

That the Committee support in principle the preparation of a Biodiversity Certification Application for the Planning Proposal for the Halloran Trust Lands at Culburra Beach, Callala Bay and Kinghorne.

RESOLVED (Clr Gash / Clr Wells)

MIN17.288

That the Committee support in principle the preparation of a Biodiversity Certification Application for the Planning Proposal for the Halloran Trust Lands at Culburra Beach, Callala Bay and Kinghorne.

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

AGAINST: Nil

CARRIED

REPORTS

DE17.24 PLANNING PROPOSAL PP006 - HALLORAN TRUST LANDS - POTENTIAL BIODIVERSITY CERTIFICATION APPLICATION

HPERM REF: D17/5761

Item dealt with earlier/later in the meeting see MIN17.288.

DE17.25 Submission - Draft SEPP Education & SEPP Infrastructure Review

HPERM Ref: D17/93026

Recommendation (Item to be determined under delegated authority)

That Council make a submission (Attachment 1) to the NSW Department of Planning and Environment on the new *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017* and the review of *State Environmental Planning Policy (Infrastructure) 2007*.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN17.289

That Council make a submission (Attachment 1) to the NSW Department of Planning and Environment on the new *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017* and the review of *State Environmental Planning Policy (Infrastructure) 2007*.

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

AGAINST: Nil

CARRIED

DE17.26 Readoption of Development Services Policies

HPERM Ref: D17/72708

Recommendation (Item to be determined under delegated authority)

That Council adopt the following policies, with the minor amendments outlined in the report:

1. Private Burial Grounds

2. Policy for the Assessment of Council's Own Development Applications

RESOLVED (Clr Wells / Clr Findley)

MIN17.290

That Council adopt the following policies, with the minor amendments outlined in the report:

1. Private Burial Grounds

2. Policy for the Assessment of Council's Own Development Applications

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

AGAINST: Nil

CARRIED

DE17.27 Readoption of Community Consultation Policy for Development Applications

HPERM Ref: D17/75255

Recommendation (Item to be determined under delegated authority)

That Council adopt the policy with the minor amendments outlined in this report.

RESOLVED (Clr Wells / Clr Gash)

MIN17.291

That Council adopt the policy with the minor amendments outlined in this report.

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

AGAINST: Nil

CARRIED

ADDENDUM REPORTS

DE17.28 DA16/2070 – 7 Beach Street, Huskisson – Lot B DP 359526

HPERM REF: D17/78880

Item dealt with earlier/later in the meeting see MIN17.287

Note: The Chairperson Councillor White together with Councillors Gash, Wells, Findley, Levett, Cheyne, Gartner, Pakes, Watson, and Proudfoot made personal statements of thanks to Mr Tim Fletcher, Director Planning Environment and Development Group, this being his last of approximately 400 Development Committee meetings for Council and his final in the role of Director Planning Environment and Development Group.

In response Mr Fletcher thanked the Councillors for their kind words.

There being no further business, the meeting concluded, the time being 5.53pm.

Clr White
CHAIRPERSON

DE17.29 Draft Planning Agreement - Enterprise Avenue, South Nowra - Proposed Public Exhibition

HPERM Ref: D17/56925

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Plannning Agreement - Enterprise Avenue, South Nowra (under separate cover) [⇒](#)
2. Land Valuation - Enterprise Avenue, south Nowra (under separate cover) [⇒](#)

Purpose / Summary

To endorse the draft Planning Agreement for the land acquisition, design and construction of Enterprise Avenue, South Nowra and enable it to proceed to exhibition.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the requested changes to the draft Planning Agreement requested by Palmira Holdings Pty Ltd.
2. Publicly exhibit the draft Planning Agreement (Attachment 1) for a minimum period of 28 days as required by legislation.
3. Identify a budget to compensate for part of the design and construction of Enterprise Avenue.
4. Commence the process to acquire part of Lot 2 DP 1170503 to enable to construction of Enterprise Avenue.
5. Council staff report back to the Development Committee after the public exhibition period.

Options

1. Adopt the recommendation.

Implications: This will enable the draft Planning Agreement to be exhibited as required by legislation and move towards being finalised.

2. Adopt an alternative recommendation

Implications: If changes to the draft Planning Agreements are required, this could increase costs to Council and delay the progress of the draft Planning Agreement. There is also a risk the Palmira Holdings may not agree to the terms of the agreement being revised

DE17.29

Background

Initially on 5 May 2015, the Development Committee considered an acquisition request from the landowner of Lot 26 DP 734975 (Mitsubishi dealership – Palmira Holdings Pty Ltd) to acquire land at Enterprise Avenue, South Nowra to enable the expedited delivery of Contributions Project 01ROAD2149 (Enterprise Avenue). The Committee resolved to seek formal involvement confirmation from the land owner prior to proceeding further. At that time, it was advised that the land owner was no longer interested in pursuing the original offer, particularly due to the proposed one-way alignment proposed at that point.

In May 2016, Palmira Holdings Pty Ltd returned with the landowner of the adjacent Lot 3 DP 589103 (Smith's Plant Hire – P.A & D.E & W.C & P.S Smith) to seek support for the desired full-width construction of the remainder of Enterprise Avenue as shown on the indicative plan below (*Figure 1*).



Figure 1 – Indicative Plan

At that time, as part of the request, the landowners of Lot 26 and Lot 3 offered to undertake the following works:

- Dedication of the land shown in stripes in *Figure 1*.
- Road and drainage design by a suitably qualified civil engineer; and
- Full-width construction of the remainder of Enterprise Avenue (as shown in *Figure 1*).

As part of that initial process, the landowners requested that Council assist with the delivery of Enterprise Avenue by being responsible for the following:

DE17.29

- Acquisition of the other land required for the full width construction of the remainder of Enterprise Avenue (shown in squares in *Figure 1*);
- Full survey of the required land necessary to be dedicated for public road purposes; and
- Offsetting any development fees and charges on future projects (including plan checking fees at Construction Certificate stage), within this area, against the costs associated with their respective section of road to be constructed.

At the Development Committee on 2 August 2016, it was resolved (MIN16.619) to:

- a) Give in principal support to acquire part of Lot 2 DP 1170503 to facilitate the construction of Enterprise Avenue.*
- b) Enter into a planning agreement with the affected/benefitting landowners to carry out the required land acquisition, design and construction of Enterprise Avenue (01ROAD2143).*
- c) Instruct staff to further investigate the funding arrangements to facilitate the acquisition of land and surveys of Enterprise Avenue road reserve; and*
- d) Consider waiving fees associated with the lodgement of any future Development Applications or Construction Certificates*

Following this Council resolution, Lindsay Taylor Lawyers were engaged to prepare a draft Planning Agreement (**Attachment 1**) to carry out the required land acquisition, design and construction of Enterprise Avenue.

During the processing of part b) of the Council resolution, modifications were made to the proposal, which are summarised below:

- P.A & D.E & W.C & P.S Smith withdrew from the agreement;
- As a result of the withdrawal, the proposal was modified to deliver Enterprise Avenue, at this point, to half-width construction in a northerly direction;
- Palmira Holdings Pty Ltd have requested that Council fund part of the design of the road, and fund the construction over Lot 7 which is owned by Council (shown in checkerboard in *Figure 1*).

Shoalhaven Contributions Plan

This draft Planning Agreement will necessitate changes to the current contributions plan project 01ROAD2149. This may include the scope of works and an update of actual and future estimated costings. This will be done as part of the larger review of the Shoalhaven Contributions Plan which is currently underway and ongoing.

Conclusion

Due to the public benefit realised from the ultimate construction of this road, it is in Council's interest to support the proposal and now proceed to publicly exhibit the draft Planning Agreement for review and comment.

Community Engagement

The *Environmental Planning and Assessment Regulation 2000* requires that draft Planning Agreements are publicly exhibited for a minimum period of 28 days.

DE17.29

The future amendment of the related contributions project as part of the larger Contributions Plan review will also be publicly exhibited at the appropriate point in accordance with the relevant Regulations.

Financial Implications

Acquisition of Part Lot 2 DP 1170503

A Valuation Report (**Attachment 2**) was completed by Walsh & Monaghan for the purposes of assessing the compensation payable for the acquisition of part Lot 2 DP 1170503, which is required for the extension of Enterprise Avenue.

The report indicates that the fair and reasonable compensation payable to the current landowners (Allchris Pty Ltd) for the proposed acquisition of 582.4 square metres has been valued at \$65/m² to a total value of \$38,000.

Prospective betterment was not accounted for in the valuation of the land as Section 94 Contributions would still be payable in the event of any development of this land.

Refund of Development Contributions

The draft Planning Agreement proposes to remove the application of Section 94 Contributions to land owned by Palmira Holdings Pty Ltd that falls within the catchment of the Enterprise Avenue, South Nowra contributions project.

Given that the process of executing the draft Planning Agreement not having been completed, DA16/1588 (Car dealership at 128 Princes Highway) was approved and the contributions levied for that development were paid for on 16 November 2016. Council is however able to refund the Section 94 Contributions in respect to this project.

It is likely there will be an additional refund of contributions for DA16/2187 (104 Princes Highway, South Nowra). However this cannot yet be confirmed as this DA is yet to be determined.

Council Contribution for road design and construction

The landowner has requested that Council contribute to part of the road design and construction. At this stage it is unknown the value of the works to be completed for Enterprise Avenue and the percentage requested that Council fund. A further report after the public exhibition of the draft Planning Agreement will provide detail on this matter.

DE17.30 Planning Proposal and Development Control Plan - Falls Creek / Woollamia Deferred Areas

HPERM Ref: D17/85943

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments:

1. Updated PP - Falls Creek / Woollamia Deferred Areas (under separate cover) [⇒](#)
2. Draft DCP Chapter N16 (under separate cover) [⇒](#)
3. Conceptual Subdivision & Development Outcomes Map [↓](#)
4. DPE letter 11/4/2017 - Falls Creek / Woollamia Deferred Areas [↓](#)

Purpose / Summary

Obtain endorsement to publicly exhibit the updated Falls Creek / Woollamia Deferred Areas Planning Proposal (PP) and supporting draft Development Control Plan (DCP) Chapter N16.

Recommendation (Item to be determined under delegated authority)

That:

1. Council endorse the updated Falls Creek / Woollamia Deferred Areas Planning Proposal and draft Development Control Plan Chapter N16 for public exhibition and proceed to exhibit for a minimum period of 28 days.
2. Council staff be authorised to make any necessary minor changes to improve readability/usability of the draft Development Control Plan Chapter prior to exhibition.
3. Report the outcomes of the exhibition period back to the Development Committee for final consideration.

Options

1. Publicly exhibit the updated PP and draft DCP Chapter N16 (refer to attachments in separate folder).

Implications: This will enable the PP to be finalised in a timely manner so that this legacy planning matter can be completed.

2. Amend the PP and/or draft DCP prior to public exhibition.

Implications: The NSW Department of Planning and Environment (DPE) has advised that the PP (and supporting draft DCP Chapter) can be publicly exhibited. Changing these documents at this stage may necessitate further consultation with relevant State agencies, which in turn is likely to delay public exhibition and completion of this project.

Background

On 6 December 2016, Council resolved to:

DE17.30

1. *Proceed with the Planning Proposal based on the following potential development outcomes:*
 - a. *In respect of 1, 3, 5, 7, 9, 11, 13, 18, 20, 21 and 23 Seasongood Road, and 49, 53, and 59 Woollamia Road, to potentially enable a two lot subdivision of each of the lots, such that:*
 - i. *New dwelling sites will be located within 200 metres of the public road.*
 - ii. *In respect of 21 and 23 Seasongood Road, the new dwelling sites be positioned no further from the road than the existing dwelling at 21 Seasongood Road and Asset Protection Zones be based on a maximum bushfire attack level of 19 kW/m²*
 - b. *In respect of 111 Woollamia Road, to potentially enable a three lot subdivision based on establishment of a reciprocal right of way between Woollamia Road and Falls Road as outlined in the report prepared by SET Consultants, subject to the owner surrendering the consent for three tourist cabins (DA00/2847) which have not yet been constructed.*
2. *Revise the Planning Proposal based on the above proposed development outcomes and seek the NSW Department of Planning and Environment's approval to publicly exhibit the Planning Proposal.*
3. *Prepare a draft site-specific chapter (Chapter N16) for inclusion in Shoalhaven Development Control Plan 2014 and brief Council prior to exhibiting the draft DCP chapter concurrently with the Planning Proposal.*
4. *Invoice each landowner for 50% of the costs (currently \$1,423.50) prior to exhibition of the Planning Proposal, and the remaining 50% after Council has resolved to finalise the Planning Proposal.*

The PP has been updated and draft DCP Chapter N16 prepared in accordance with parts 2 and 3 of this resolution - copies of the documents are attached (separate folder). A conceptual subdivision and development plan is also attached directly to this report (this folder).

The updated PP includes changes to the minimum lot size maps, which is the primary LEP mechanism that determines the subdivision potential of land. To help achieve required environmental outcomes, the important biodiversity habitat identified by the Strategic Preliminary Environmental Assessment (prepared to support the PP) is also proposed to be added to the terrestrial biodiversity maps in the LEP.

The draft site-specific DCP (Chapter N16) contains additional objectives and controls to guide subdivision and development of the lots in question. The Supporting Maps 1 (Woollamia Road) and 2 (Seasongood Road) that accompany draft DCP Chapter N16 (see separate attachments folder) provide a detailed overview layout of the intended outcomes. The controls in draft DCP Chapter N16 are generally performance based, providing an appropriate balance between certainty and flexibility.

The controls in the draft DCP Chapter cover:

- Bushfire risk
- Biodiversity
- On-site effluent management
- Stormwater management
- Miscellaneous

DPE advised in writing on 11 April 2017 (copy attached) that the pre-exhibition requirements of the Gateway determination have now been met. Hence, the PP is able to be placed on public exhibition for formal community comment.

Community Engagement

The Falls Creek / Woollamia Deferred Areas PP and draft DCP Chapter N16 are rated as “local area – high impact” using Council’s community engagement matrix. A range of engagement methods will be employed consistent with this rating to publicise the public exhibition.

The PP, draft DCP Chapter N16, and an overall Explanatory Statement and the attached conceptual subdivision and development layout plan will be formally exhibited at the Nowra administrative building. Copies will also be available for viewing on Council’s website. Landowners within and immediately adjoining the PP will be directly notified in writing and a notice will be placed in the relevant newspaper(s).

Financial Implications

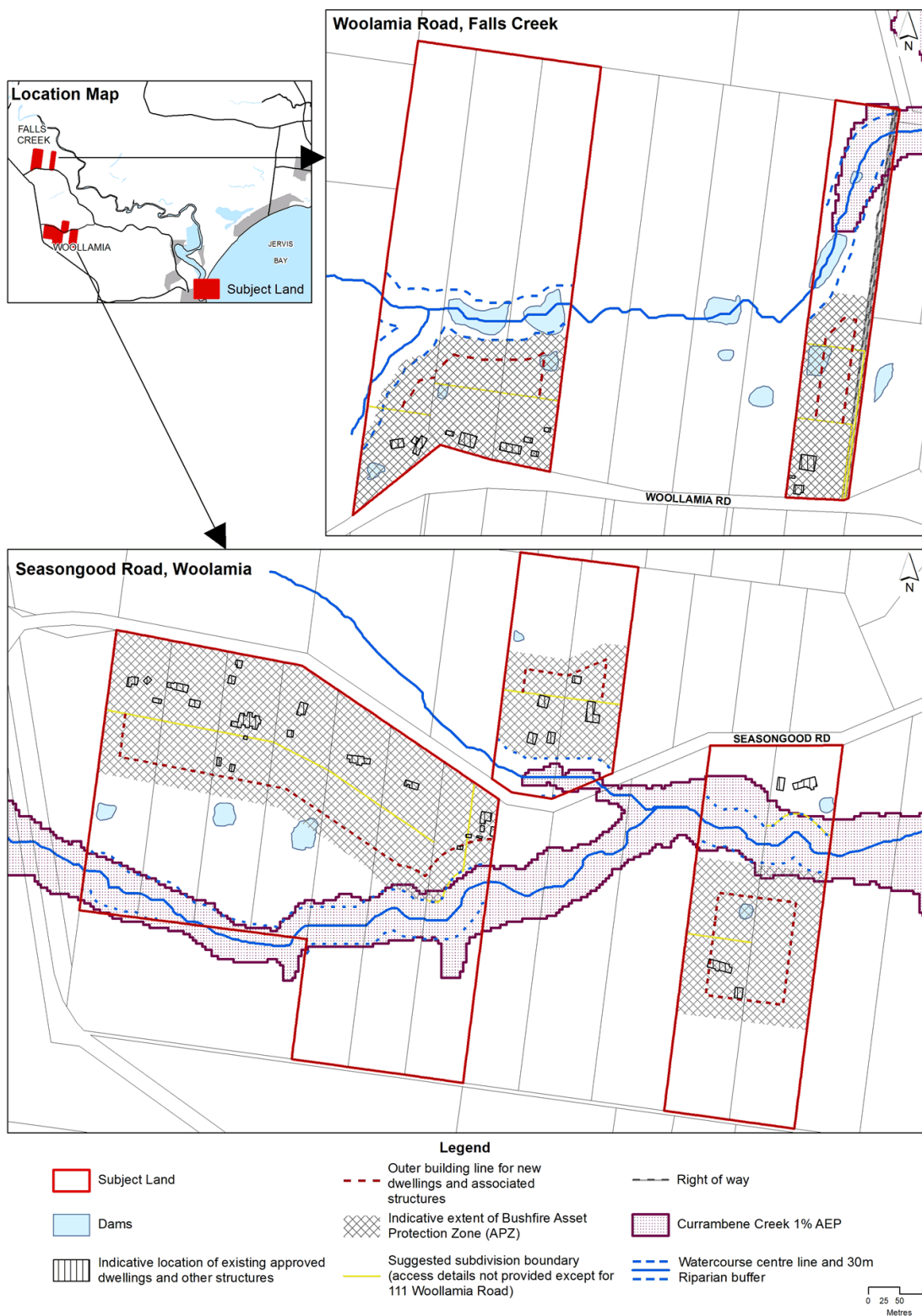
Consistent with part 4 of Council’s resolution on 6 December 2016, an invoice for 50% of Council’s costs (\$1,423.50 including GST) will be sent to each landowner upon Council’s direction to exhibit the PP. The remaining 50% will be invoiced after Council has resolved to finalise the PP.

Conclusion

Exhibition of the PP and supporting draft DCP Chapter will be an important step to finalising this longstanding planning matter. Any delay to the exhibition process may jeopardise Council’s ability to finalise the PP within the timeframe stipulated by DPE.

DE17.30

**Potential Subdivision and Development Outcomes
Falls Creek / Woollamia Deferred Areas Planning Proposal**





Planning &
Environment

Mr Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Contact: Lisa Kennedy
Phone: 02 4224 9457
Email: Lisa.kennedy@planning.nsw.gov.au

Our ref: 12/02248
Your ref:

Attention: Mr Eric Hollinger, Senior Project Planner

Dear Mr Pigg,

**Planning Proposal for Falls Creek Woollamia Deferred Rural Residential Area
PP_2012_SHOAL_001_00 – Public Exhibition**

I am writing in response to Council's referral of the Falls Creek Woollamia Deferred Rural Residential Area Planning Proposal for the Department's review prior to public exhibition. I note that the Gateway Determination contains conditions for consideration prior to the public exhibition of the planning proposal.

I also note that the planning proposal has been updated to reflect it is now proposing to amend the Shoalhaven LEP 2014 Lot Size and Terrestrial Biodiversity Maps for the subject land.

I have determined that the planning proposal has addressed the appropriate Gateway Determination conditions by including:

- appropriate lot size and terrestrial biodiversity maps (condition 2);
- the required supporting information on flora and fauna, water cycle management, bushfire, on-site effluent management, water quality and flooding (condition 3); and
- addressing the planning proposal's consistency with S117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans (condition 4). No further approval is required in relation to these Directions.

The Department supports the planning proposal being placed on public exhibition.

I have also noted that the planning proposal includes, as requested in the Department's letter of 31 August 2016, a timeline for the project's milestones to track progress towards the completion of the LEP by 5 September 2017.

If you have any questions in relation to this matter, please contact Ms Lisa Kennedy of the Department of Planning and Environment's Southern Region on 02 4224 9457.

Yours sincerely

Graham Towers 11/4/17

**Graham Towers
Team Leader
Southern Region**

DE17.31 Housekeeping Amendment 2016 Planning Proposal (PP022) - Minor Mapping & Instrument Changes

HPERM Ref: D17/91489

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Planning Proposal - Housekeeping 2016 PP022 - Pre-Gateway (under separate cover) [⇒](#)

Purpose / Summary

Progress the Housekeeping Amendment 2016 Planning Proposal (PP) to undertake a range of necessary housekeeping adjustments and changes to Shoalhaven Local Environmental Plan (LEP) 2014.

Recommendation (Item to be determined under delegated authority)

Council submit the Housekeeping Amendment 2016 Housekeeping Planning Proposal (PP022) to the NSW Department of Planning and Environment for initial Gateway determination.

Options

1. Adopt the recommendation

Implications:

Since the commencement of the Shoalhaven LEP 2014, a number of anomalies and minor issues have arisen that need to be resolved in a timely manner. These include various instrument and mapping changes. Continuous improving the LEP is necessary to ensure it remains current. The identified anomalies and mapping errors will be corrected through this housekeeping amendment to the LEP.

2. Adopt an alternative recommendation

Implications:

If items are removed or changed these will potentially remain unresolved. It is also necessary to undertake the changes proposed so that the identified anomalies can be addressed in a timely manner.

Background

Shoalhaven LEP 2014 commenced on 22 April 2014. The LEP consolidated planning controls and also transitioned existing controls into the NSW Government's Standard Instrument LEP format.

As part of the completion, and also since Shoalhaven LEP 2014 has been in force, Council has undertaken a number of housekeeping amendments to improve the operation and

accuracy of the plan. Council continuously reviews the LEP to ensure it aligns with strategic documents, is improved where necessary and delivers positive outcomes for the community.

Housekeeping Amendment 2016

The proposed PP *Shoalhaven Local Environment Plan (LEP) 2014 – Housekeeping 2016 – Minor Mapping & Instrument Changes (PP022)* is included as **Attachment 1** and contains the detail of the proposed amendments to Shoalhaven LEP 2014.

This PP covers a wide variety of housekeeping adjustments and amendments to Shoalhaven LEP 2014 to improve the operation and accuracy of the LEP. It responds to issues that were identified in the 2016 calendar year.

The intended outcome of the PP is to:

- Add or amend provisions to the instrument and maps to improve the operation of the LEP and address issues that have arisen through registration of new land titles, landowner requests, staff identified anomalies, development assessment and as resolved by Council; and
- Amend a number of maps to correct identified anomalies or inconsistencies in the LEP mapping.

Following endorsement from Council, the PP will be lodged to the NSW Department of Planning & Environment to request the initial Gateway determination.

As detailed in the Project Timeline in the PP (Attachment 1), it is anticipated that the Planning Proposal and LEP amendment will be finalised by December 2017.

Community Engagement

Should the PP receive a positive Gateway determination, it will be exhibited for comment in due course in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements.

The Gateway determination will specify the minimum exhibition period and any government agencies who should be consulted. Any directly affected landowners will also be advised of the exhibition arrangements in writing, as will all Community Consultative Bodies.

Financial Implications

The PP is being resourced within the existing Strategic Planning budget.

DE17.32 Strategic Planning Policies - Review

HPERM Ref: D17/15895

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

Existing policies are reviewed within the first year of a new Council being elected. In accordance with this, the Strategic Planning Section has reviewed the policies under its control and a recommendation is provided in relation to each of these policies.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Reaffirm the following policies;
 - a. POL 12/326 Contaminated Lands Policy
 - b. POL 15/54 Nowra CBD Banner Policy
2. Reaffirm the following policies and amend these policies through future reviews;
 - a. POL 12/217 Development - Coastal Areas - Planning & Development
 - b. POL 12/239 Rates - Small Lot Rural Subdivisions - Dealing with Unpaid Rates & Charges
 - c. POL 12/243 Voluntary Planning Agreements
 - d. POL 12/308 Payment of Development Contributions and Section 64 Headworks Charges by Deferment or Instalments (under special circumstances)
 - e. POL 16/258 Nowra CBD Contributions Discount Subsidy Policy
 - f. POL 14/48 Road Closure - Events - Junction Court

Options

1. Adopt the recommendation.

Implications: This will reaffirm and maintain the existing Strategic Planning policies and is the preferred option given their continued relevance.

2. Provide direction to staff to amend or review Strategic Planning policies.

Implications: Any change to the policies would need to be done in consultation with relevant internal and external stakeholders.

DE17.32

Background

Council reviews its existing policies within twelve months of a Council election. The following policies are currently administered by the Strategic Planning Section and are presented for Council's consideration.

Copies of the following policies that are recommended to be reaffirmed can be accessed via the links in the tables below.

Currently no policies are recommended to be rescinded through this report.

Group 1: The following policies are recommended to be reaffirmed without amendment.

Policy Number	Subject	Comment
POL 12/326	Contaminated Lands Policy	Policy to be reaffirmed without amendment. No concerns were raised by Council's Environmental Services section, who are the main users of this Policy.
POL 15/54	Nowra CBD Banner Policy	Policy to be reaffirmed without amendment. Council's Economic Development team advised the policy is working well and no concerns were raised.

The policies detailed above should be readopted without amendments they are still relevant and serving their purpose.

Group 2: The following policies are recommended to be reaffirmed at present, but may be amended through a separate future review. The policies will be reconsidered in detail in due course and will be separately reported to Council through their separate review processes.

Policy Number	Subject	Comment
POL 12/217	Development– Coastal Areas– Planning & Development	<p>Reaffirm and undertake future amendment in accordance with Council's resolution of 19 January 2015 (D15/17082) to consider inserting relevant content into the Citywide DCP.</p> <p>As per the above mentioned resolution, Council has resolved to insert the relevant content of this policy into Shoalhaven Development Control Plan (DCP) 2014. This will occur through a future amendment to the DCP. POL12/217 is likely to be rescinded following the transfer of content to the DCP – this will be separately reported to Council as part of the DCP amendment process.</p> <p>In the meantime the policy should be retained</p>

POL 12/239	Rates - Small Lot Rural Subdivisions - Dealing with Unpaid Rates & Charges	Reaffirm for the time being and review in conjunction with POL 15/49 Jerberra Rate Relief Policy.
POL 12/243	Voluntary Planning Agreements	Minor changes may come out of the State Government Review process. Any changes required by this review will be separately reported to Council.
POL 12/308	Payment of Development Contributions and Section 64 Headworks Charges by Deferment or Instalments (under special circumstances)	Reaffirm for the time being and undertake future review as Council's Development Assessment team have identified some potential operational issues which will be addressed as part of a future report to Council.
POL 16/258	Nowra CBD Contributions Discount Subsidy	Reaffirm and extend the trial period for an additional 12 month period in accordance with the resolution of Council's Development Committee on 6 December 2016 (MIN16.947).
POL 14/48	Road Closure - Events - Junction Court	Reaffirm and undertake a future review after Council's Traffic Unit has conducted a traffic assessment later in the year. This future review will be reported to the Nowra CBD Revitalisation Strategy Committee and Council in due course. In the meantime the policy should be retained.

Community Engagement

Given that, at this stage, it is proposed to take the administrative step of largely reaffirming the existing policies it is not proposed to carry out any community engagement.

Any future review of Council Policies identified above will include the necessary engagement and will be considered when they are separately reported.

Policy Implications

No new policy implications. This report seeks to reaffirm the existing policies and identify possible amendments to Policies to ensure Council's policies are up to date and consistent with operational requirements.

Financial Implications

No financial implications result from reaffirming the existing policy.

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DE17.33 Development Application DS16/1079 – Proposed Building Envelope - Variation to Restrictions as to User - Lot 13 DP829169 Moss Vale Road Kangaroo Valley

DA. No: DS16/1079

HPERM Ref: D17/79579

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Visual Analysis (under separate cover) ➡

Description of Development: Proposed Variation to Location of Building Envelope

Owner: S X Enterprises Pty Ltd (Mr & Mrs Tomasi)

Applicant: Allen Price & Scarratts Pty Ltd

Notification Dates: 23 May – 7 June 2016

No. of Submissions: Two in objection
One neutral (neither for nor against)

Purpose / Summary

This matter is reported to Council given that the original subdivision application included a State Environmental Planning Policy No. 1 (SEPP 1) “objection” to a development standard (being compliance with the minimum lot size at the time). The application also considered the location of a building envelope having regard to the zone that applied to the land which acknowledged the scenic value of the area.

This section 96 (s96) application now proposes a building envelope in a location that differs from that originally considered by Council.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the request for a relocated building envelope, based on the information as submitted, subject to a restriction being negotiated with the applicant to limit the scale of any future dwelling in the envelope; and
2. Return the application for staff to determine under delegation.

Options

1. Resolve to support request for a relocated building envelope, based on the information as submitted subject to a restriction that any dwelling in the envelope be restricted to a maximum reduced level or be only single storey to mitigate visual impact.

Implications: This would enable a future dwelling/buildings to be erected in the location identified in the plans and supporting documents. Modification of the existing condition 5

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(details of this condition are provided later in this report) would be required which would also address stability issues.

2. Defer the matter to enable Councillors to undertake a site inspection.

Implications: An inspection will enable Councillors to visit the proposed site and appreciate the unique scenic attributes of the historic village and valley landscape.

3. Resolve not to support the application as submitted thereby retaining the original building location.

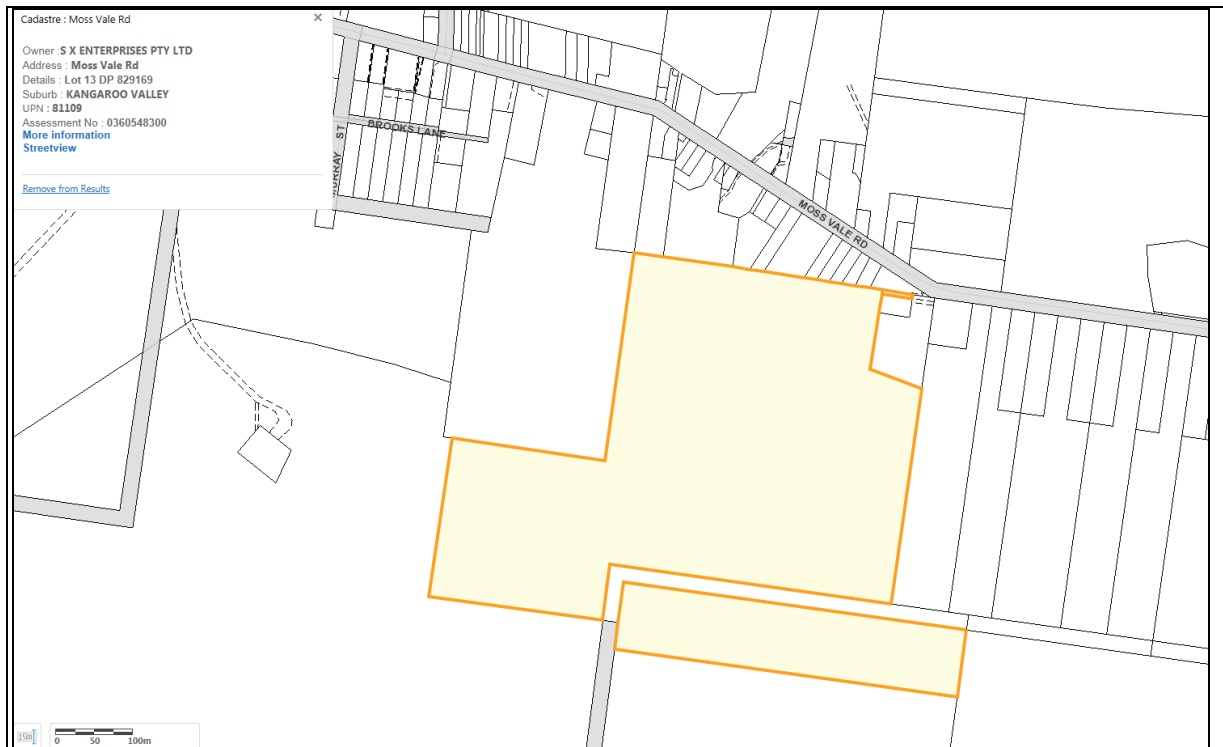
Implications: This would restrict buildings to the area as currently identified on the Deposited Plan (DP). Refer to Figure 3.

4. Adopt an alternative recommendation and provide direction to staff.

Location Map

The subject land is identified below – on the southern side of Moss Vale Road, in the Kangaroo Valley Village.

Figure 1 – Location Map



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Background

Proposed Development

The current application, proposes to modify the development consent, by way of deletion of condition 5(a) of the consent issued on 21 September 1987. Condition 5(a) states:

"No dwelling to be erected on proposed Lot 2 within the area zoned 7(d2)".

As part of this application, the applicant has identified a proposed building envelope within that part of the land formerly zoned 7(d2) (Special Scenic) under the Shoalhaven Local

Environmental Plan 1985 now zoned E2 (Environmental Conservation) under the Shoalhaven Local Environmental Plan 2014. Figure 4 shows the proposed location.

Subject Land

The land is described as Lot 13 in DP 829169 Moss Vale Road, Kangaroo Valley.

There is an existing garage on the land, and drainage swales. The site is predominantly vegetated, however the vegetation is located mainly on the higher section of the land to the south, and along the drainage line to the west.

Figure 2 – Aerial Photography Extract



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Site & Context

The site rises steeply upwards from the road in a southerly direction, from approximately 90m RL AHD closest to the NE corner to approximately 200m AHD at the southern-most part of the land. The building envelope is currently sited at approximately 100m RL AHD and is proposed to be shifted to approximately 120m RL AHD. The existing vegetation provides a visual backdrop to development.

The site is well screened from the Kangaroo Valley Road by vegetation and buildings. The site is visible from other vantage points further away. Attached to this report is a visual impact assessment prepared by the applicant (refer to Attachment 1).

History – Original Application

The original subdivision application (SF6147) was reported to Council's Planning and Development Committee of 7 July 1987, as follows:

It is proposed to create a 4000 sq. m. lot around the 2(a3) zone leaving a residue of 23.8 ha in the 1(a) and 7 (d2) zone. Although there is no objection to the subdivision, the LEP does not make allowance for a residue lot in these circumstances.

Subdivision over land including 7(d2) zone can only occur if the land has an area of 40 ha. The objective of this zone is to protect areas regarded as having special scenic qualities.

The applicant has requested that Council make an application under SEPP 1 to the Department of Environment & Planning to allow the subdivision (sic). Reasons given are –

1. House would be erected on part of resident lot zoned 1(a);
2. Subdivision of the 4000 sq. m. lot would not otherwise be possible.

If the proposal is to be supported, it would have to be on the basis that all structures are to be located on a building envelope within the 1(a) zone and strict controls placed over all future subdivision, development and building applications to prevent removal of vegetation on the part of the land zoned 7 (d2).

The request seems reasonable as, if not supported, no type of development or subdivision could occur.

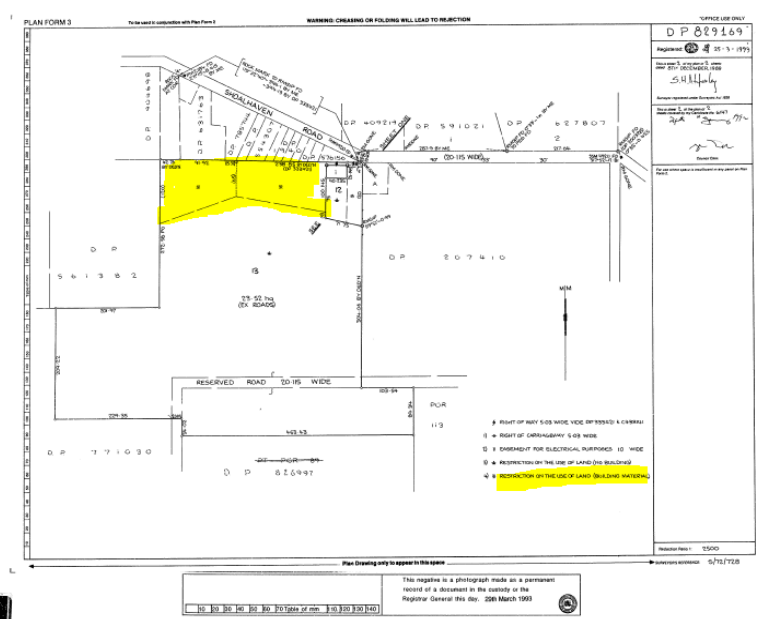
The application was supported by Council including the SEPP 1 Objection. Council wrote to the Department of Environment and Planning on 5 August 1987 advising that the buildings will be on the Rural 1(a) land and mentioned the special scenic qualities of the 7(d2) land. The Department's response dated 16 September 1987, advised that concurrence was granted subject to the erection of the dwelling on the larger lot. The response was silent with respect to the specific location and zone but presumably the decision was made taking into account Council's letter.

SEPP 1 was the mechanism available at the time which enabled development standards to be varied. SEPP 1 has now largely been replaced by clause 4.6 in the Shoalhaven Local Environmental Plan 2014.

The subdivision was registered, creating lot 13 in DP 829169, with the following title restrictions:

- that no building could be built on the southern part of the lot (land zoned 7(d2)), and
- non-reflective building materials be used for buildings in the area denoted yellow, as shown below.

Figure 3 - Deposited Plan – DP 829169



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Zoning

Previously, under the provisions of Shoalhaven Local Environmental Plan 1985, the land was zoned part Rural 1(a) and part Environment Protection 7(d2) – Special Scenic Zone. Dwelling houses were prohibited on land zoned 7(d2).

In 1990 a request was received to review the building location, however, given the dwellings were prohibited in the 7(d2) zone, Council was unable to approve the suggested and preferred location. The only mechanism available at the time would have been a formal amendment to the Shoalhaven Local Environmental Plan 1985.

Currently, the land is zoned Part RU1 Primary Production and Part E2 Environmental Conservation under the provisions of Shoalhaven Local Environmental Plan 2014. Dwelling houses are permissible in both of these zones.

Current Proposal

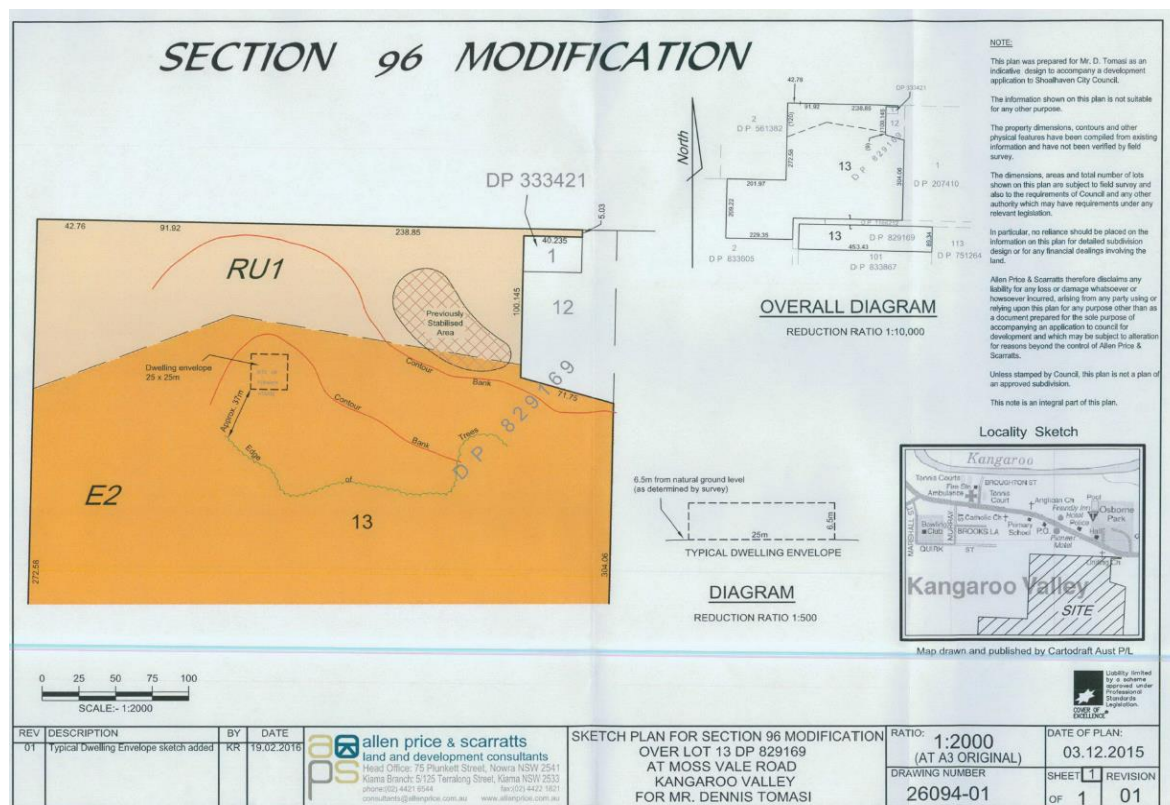
This proposed building envelope does not propose removal of any vegetation, and restrictions can be put on title to control future development within the building envelope.

A review of the file indicates that whilst the scenic quality was acknowledged, a primary concern was the removal of the vegetation and therefore potential scenic impacts and that the zoning at the time prevented the erection of a dwelling (in the 7(d2) area). The vegetation at the rear of the proposed envelope is not proposed to be removed.

Since the matter was originally considered, there has been a change to the planning framework. The erection of a dwelling is now permissible in the location that the applicant originally preferred, that is, within the E2 land.

The applicant is now therefore seeking consent for a specific building envelope, as identified on the plan below:

Figure 4 – Location of Proposed Building Envelope



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Applicant's Submission

The applicant has also submitted supporting documents including a Bushfire Risk Assessment, *Site and Soil Investigation and System Design for On Site Wastewater Management*, and Visual Analysis (Attachment 1).

Figure 5 – View of subject land



Figure 6 – view of subject land from near swimming pool



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Discussion

Planning Assessment

The DA has been assessed under s79C of the Environmental Planning and Assessment Act 1979 and is considered to be generally satisfactory however the issue of visual impact remains of concern having regard to the history of the site and building location. Whilst the current building location would have less of a visual impact, the revised location is elevated and has a backdrop of hills and vegetation (refer to the attached report). It is also acknowledged that the revised location has some benefits with respect to stormwater and effluent management. However, if a large two storey dwelling was erected within the proposed envelope it is considered that the visual impact would be unacceptable and a suitable control such as limiting to single storey or setting a maximum reduced level over the building envelope should be negotiated with the applicant.

Consultation and Community Engagement

Three (3) public submissions were received in relation to Council's notification of the development. The notification was made in accordance with Council's Community Consultation Policy with 44 letters being sent to adjoining and nearby property owners. The notification was for a 2 week period, 23 May – 7 June 2016.

Key issues raised were as follows:

Issue - Impact on drainage

Comment

As part of their proposal, the applicant has provided an on-site wastewater management plan (prepared by Harris Environmental Consulting). This report has been considered by Water NSW who have concluded that the proposal:

"could achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and subsequently implemented".

Issue - A future application must be thoroughly assessed and comply with all relevant planning instruments, and consideration of building height and visual impact as well as drainage, with possible impact on neighbouring properties.

Comment

Any future application for dwelling / garage or the like, would be subject to future assessment under the relevant heads of consideration prescribed by section 79C (if not exempt or complying development) of the Environmental Planning and Assessment Act 1979 which will call up environmental planning instruments, development controls plans (DCPs) and suitability of the site, environmental impacts and the public interest by way of example.

Issue - Moving the building footprint

*"The location of the original building site was carefully considered as to the effect of development on the backdrop of the village. Why should this be conceded?
The LEP 1985 divided the zone to achieve this.*

-The DCP 66 considered the same and resolved to maintain the LEP 1985 decision and incorporated this portion of the property to be considered as in the 'village and environs' (DCP 66)

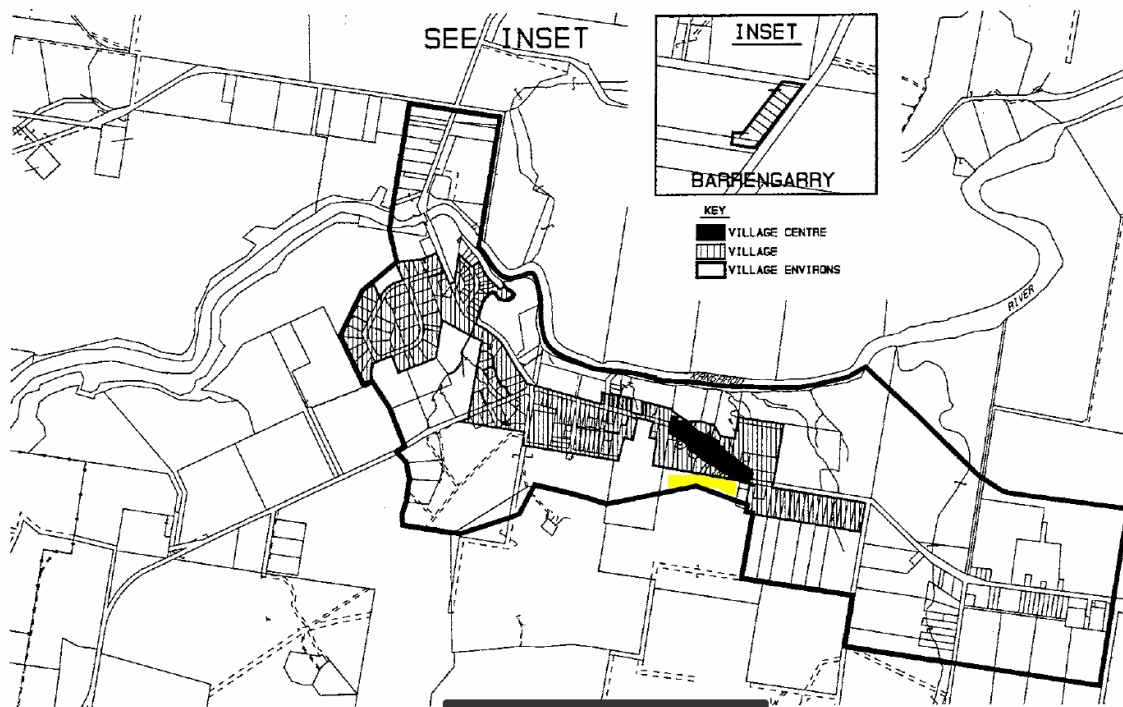
-The LEP 2014 and the DCP (city wide) carried the DCP 66 in its entirety.

Because the Environmental Zone now allows housing is not the point. The restrictions are clearly to protect the village from undesirable development on the high elevations." (objector)

Comment

SF6147 was lodged in 1987. The LEP was made in 1985. The DCP 66 – related to the Village centre, including part of the subject land. Refer to Figure 7 below.

Figure 7 – extract of DCP 66 – subject land



DCP 66 is superseded. DCP 2014, in particular, chapter N1 replaced DCP 66. This chapter only applies to that part of the land previously zoned 1(a), i.e. that is now zoned RU1. This proposal has been found to be generally consistent with the DCP by complying with the objectives and principles for development. Including appropriate consideration of the following objectives:

- *Encourage land use activities which retain and protect remnant vegetation particularly riparian vegetation, significant wildlife habitat, and vegetation on steep slopes and areas of soil instability*
- *Have a neutral or beneficial impact on natural physical processes such as stormwater runoff and flooding*
- *Maintain the unique rural character of the village*

However, the issue of visual impact is a key consideration concerning this application, having regard to the aesthetic qualities of Kangaroo Valley.

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Issue - Drainage swale

"The drainage from this site yearly flooded the residences immediately below. This severely affected these properties and spread debris onto Moss Vale Road. Any modification to the protective berm installed by Council in the early 80's could jeopardize this intent and initiate insurance claims.

- The only drawing submitted by the client with grading points on it was for the proposed road. The small culvert proposed could easily have its capacity exceeded or become plugged, allowing the water to divert down the proposed road.*
- The new building site also could, with site development and landscaping, impede the modified flow channel.*
- The combined waters from this property and above are all directed to the small creek exiting under Moss Vale Road opposite the Friendly Inn. Calculations by the community and submitted to the Council and the RTA showed the flow rate at MVR to be 4.5 cu. mt per second in a 1 in 100 year flood. Shoalhaven Council and the RTA ratified these figures and immediately designed and built a second 1 meter pipe under MVR. (approx... 2011) It should be noted that the village has not had a 1:100 yr. storm nor has it had a 1:30 yr. event.*
- It is therefore critical that the diversion swale not be modified and this should be made clear to the future owners." (objector)*

Comment

The applicant has submitted a report in support of the application titled *"Site and Soil Investigation and System Design for On Site Wastewater Management at Lot 13 Moss Vale Road, Kangaroo Valley"*.

The importance of the drainage swales is understood and were established following erosion that had occurred on this site. The 'area of soil stabilisation' and the swales are indicated on the original subdivision plans, and confirmed on the current application as being in the north-eastern corner of the lot, (see Figure 4). The application was also referred to Water NSW for comment. Water NSW is satisfied with the proposal.

The area that was zoned 1(a), now RU1, in addition to permitting building, includes an area of soil stabilisation as well as a vegetated drainage line. The soil stabilisation area and drainage lines are unsuitable for development. Siting of the dwelling further to the south would provide a larger area of onsite stormwater disposal and ensure that these areas are not compromised.

Care however will be needed for construction of the access driveway over the diversion swale. This issue can be addressed via conditions of consent and proper site management in the event that an approval is issued.

Water NSW has provided recommended conditions of consent specifically with regard to wastewater and access. These conditions will ensure a neutral or beneficial effect on water quality. These conditions are able to be included in a modified condition 5, if approved.

Financial Implications

If the application were to be refused (as a result of not supporting the revised building envelope location), the applicant could choose to exercise appeal rights by applying to the Land and Environment Court of NSW. Such action would have financial implications to Council.

Legal Implications

If the proposal is not supported, the applicant has an appeal right, with the Land and Environment Court of NSW.

Summary and Conclusion

Since the matter was originally considered, there has been a change to the planning framework and new local environmental plan. The erection of a dwelling is now permissible in both zones that apply to the land, as opposed to the situation that applied when the application was originally considered.

The applicant is now seeking consent for an alternative building envelope, thus necessitating the lodgement of this s96 application.

Based on a review of the file and documents the key issue to resolve is that of visual impact. In this regard, the applicant has submitted a visual impact assessment report which shows that the site is visible from further afield but argues that the landscape is capable of absorbing the building. It is agreed that in the wider context and as a tourist passing through the Valley, the site will not be readily identifiable. However, this approval combined with others over time may contribute to a changing landscape and the scale of any future building on the envelope needs to be further negotiated with the applicant.

DE17.34 Planning Proposal (PP012) - Review of Flood Controls in Shoalhaven LEP 2014

HPERM Ref: D17/87727

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Planning Proposal PP012 - Review of Flood Controls in SLEP 2014 - Pre-Gateway Version 1 - May 2017 (under separate cover) [↗](#)

Purpose / Summary

Obtain endorsement from Council to lodge this Planning Proposal (PP) with the NSW Department of Planning & Environment (DP&E) to obtain the initial Gateway determination.

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Endorse the Planning Proposal (PP012) – Review of Flood Controls to amend Shoalhaven Local Environmental Plan (LEP) 2014 for lodgement with the NSW Department of Planning & Environment (DP&E) to request Gateway determination.
2. Amend Chapter G9: Development on Flood Prone Land and Chapter G10: Caravan Parks in Flood Prone Areas in Shoalhaven Development Control Plan 2014 as part of a future review of these chapters to ensure consistency with any proposed changes to Shoalhaven LEP 2014.
3. Support the preparation of an online Flood Planning map to provide publicly accessible information and interactive display of adopted Flood Study mapping and historic flooding information.

Options

1. Adopt the recommendation.

Implications: This is the preferred option as it will enable the initial lodgement of the PP (**Attachment 1**) to advance an amendment to the flood controls in Shoalhaven Local Environmental Plan (LEP) 2014 and ensure they reflect Council's adopted Flood Risk Management Study and Plans (FRMSPs).

This will also ensure that the LEP reflects/utilises one mapping source to meet the definition of 'Flood Planning Level' in Clause 7.3 in Shoalhaven LEP 2014. The proposal to remove the Flood Planning Area map from the actual LEP will reduce the need for its constant updating via PP's as ongoing changes to the FRMSPs are adopted. Additionally, the proposal will also enable historic flood information to be accurately reflected and will introduce provisions for stock mounds in flood prone areas or acid sulfate soil areas.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the updating of flood controls in Shoalhaven LEP 2014 and could result in mapping that is not necessarily up to date being utilised in the development application process.

Background

Council's Development Committee (under delegation) resolved on 6 December 2016 to:

1. *Prepare a Planning Proposal (PP012) – Review of Flood Controls to amend Shoalhaven LEP 2014 as follows:*
 - a. *Remove the Flood Planning Area maps from Shoalhaven LEP 2014 to ensure that the most accurate and up to date flood mapping is relied upon from Council's adopted Flood Risk Management Studies and Plans (FRMSP).*
 - b. *Update Clause 7.3 in Shoalhaven LEP 2014 to provide consistency with the definitions in the NSW Floodplain Development Manual and to identify historic flooding information and subsequently provide controls for areas previously mapped as Rural 1(g) (Flood Liable) and Residential 2(a4) (Restricted Development) in Shoalhaven LEP 1985 that fall outside the adopted flood study areas.*
 - c. *Incorporate provisions for stock mounds in flood prone or acid sulphate soil areas.*
2. *Consider a further report to adopt PP012 – Review of Flood Controls for submission to the NSW Department of Planning of Environment for Gateway determination.*
3. *Endorse the preparation of an online Flood Planning map to provide a publicly accessible and interactive display of adopted Flood Study mapping and historic flooding information.*

The initial PP has now been prepared for submission to the NSW Department of Planning of Environment for Gateway determination and is included as **Attachment 1** to this report.

Community Engagement

The PP will be exhibited for comment in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements. The Gateway determination will specify the minimum exhibition period and any government agencies with whom Council must consult. Community Consultative Bodies (CCB's) and other interest groups will also be advised of the future formal exhibition arrangements.

Policy Implications

The proposed review of flood controls in Shoalhaven LEP 2014 is consistent with Council's Flood Risk Management Studies and Plans, previous Shoalhaven LEP 1985 and relevant Shoalhaven Development Control Plan (DCP) 2014 Chapters.

DCP Chapter G9 - Development on Flood Prone Land and Chapter G10 - Caravan Parks in Flood Prone Areas need to be amended as part of a future review to ensure consistency with any changes to the LEP.

A review of Chapters G9 and G10 is currently underway and it is anticipated that the draft amendments to these chapters will be exhibited concurrently with the PP.

Financial Implications

Based on the recommended approach, there are no immediate financial implications for Council as this matter is being resourced within the existing Strategic Planning budget.

Risk Implications

Consistency with the FRMSPs is important to ensure Council's planning documents include suitable controls consistent with the *Floodplain Development Manual* and to ensure Council is acting in good faith when providing flood risk controls to ensure legal indemnity is maintained. By providing one source of up to date information for flood affected properties that are identified through adopted FRMSPs, Council is providing the most accurate information available to current and future landowners.

DE17.35 Shoalhaven Development Control Plan 2014 - Endorsement

HPERM Ref: D17/116953

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Outline of SDCP 2014 Chapters [↓](#)

Purpose / Summary

Existing policies are reviewed within the first year of a new Council being elected.

This report provides a summary overview of the Shoalhaven Development Control Plan 2014 (Shoalhaven DCP 2014), proposed amendments to it and seeks endorsement of the review processes that are currently in train.

The other policies that are under the control of the Strategic Planning Section are also reported to today's meeting.

Recommendation (Item to be determined under delegated authority)

That Council;

1. Continue with the current method for amendments to Shoalhaven Development Control Plan 2014 in line with the Strategic Planning Work Program and obligations under the *Environmental Planning and Assessment Act 1979*.
2. Exclude Shoalhaven Development Control Plan 2014 from the four year policy review cycle.

Options

1. Endorse the current process for its updating and amendment as outlined in the report.

Implications: This is the preferred option as it will enable Council staff to continue to maintain the existing plan and respond to State Government policy directions or Council resolved changes as required.

2. Receive this report for information.

Implications: This option is not favoured. Given the key role this plan plays in the development control framework for the City it is essential that it continues to operate and is supported by the Council. As there is a legislative process for amendments to the SDCP it needs to be handled differently to other policies.

Background

DCP's are documents that support the local environmental plan (LEP) and expands on its principal development standards. Although prepared under the *Environmental Planning and Assessment Act 1979* (EP&A Act), a DCP is a locally (Council) adopted plan and guides council staff, developers and landowners in Council's requirements for development in

Shoalhaven. DCP's contain a range of measures such as planning principles, objectives and controls for buildings. They can also have controls for single topics such as landscaping, drainage and car parking.

Shoalhaven DCP 2014 initially became effective on 22 October 2014 and was a direct response to planning reforms initiated by the NSW Government in 2006, requiring that only one DCP per planning authority could apply to the same parcel of land.

The preparation of the Shoalhaven DCP 2014 was a significant resource task and it reduced the number of DCP's in Shoalhaven from over 100 individual plans to one.

Shoalhaven DCP 2014 is divided into 67 chapters that have been grouped into General, Generic or Area Specific themes:

- General chapters – Provide guidance on a range of environmental matters, exempt development or are procedural/explanatory.
- Generic chapters - Relate to all development types or specific ones within Shoalhaven.
- Area Specific controls - Apply to specific areas within Shoalhaven and generally to a range of development types. The area specific chapters have been divided into:
- Various Areas - controls that relate to various areas throughout Shoalhaven such as lot averaging subdivision controls.
- Nowra Bomaderry Urban Release Areas - controls that relate to urban release areas nominated in Shoalhaven LEP 2014 in the Nowra-Bomaderry area.
- North Shoalhaven Area Specific Chapters - controls that relate to towns and villages located between Berry and Jervis Bay.
- South Shoalhaven Area Specific Chapters – controls that relate towns and villages from Sussex Inlet to Durras.

Attachment 1 outlines the current 67 effective chapters, their date of latest amendment and provides a web link to the location on Council's dedicated DCP website - <http://dcp2014.shoalhaven.nsw.gov.au/>.

The area specific chapter application areas can also be viewed via Council's Interactive LEP Mapping System - <http://maps2.shoalhaven.nsw.gov.au/slep2014/>.

Amendments to Shoalhaven DCP 2014 are made by resolution of Council and are generally Council initiated or in response to a State Government policy direction. This remains the preferred amendment process. Council staff are actively working on a number of amendments that include (not exclusively):

New chapters:

- Moss Vale Road North and South Urban Release Areas.
- Falls Creek/Woollamia rural residential area.
- Nebraska Estate.
- Streetscape Design for Town Centres.
- Nowra CBD Urban Design/Heights.
- Nowra Urban Area Character Controls.

Housekeeping Amendments:

- Generic chapters.
- Residential/subdivision chapters (including medium density review).

The interim Strategic Planning Work Program includes detail on all current Shoalhaven DCP 2014 projects.

Thus, it would be appropriate for the new Council to endorse current method for amendments to Shoalhaven DCP 2014 and exclude it from the four year policy review cycle. It is noted that reaffirmation or endorsement of a development control plan is not a requirement under the Local Government Act 1993 or the EP&A Act.

Community Engagement

No community engagement is required as a result of this report. Any amendments to Shoalhaven DCP 2014 will include community consultation as per legislative and project requirements.

Financial Implications

There are no immediate financial implications for Council in endorsing SDCP 2014.

Any future amendment to SDCP 2014 will require financial commitments from Council. These will be separately considered and reported as needed in the future.

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Attachment 1 – Outline of DCP Chapters

Chapter Number/Name	Date of latest amendment	Weblink to chapter
Dictionary	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/dictionary
Chapter 1: Introduction	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/introduction
Chapter 2: General and Environmental Considerations	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/general-and-environmental-considerations
Chapter 3: Exempt Development	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/node/252
Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/site-analysis-sustainable-design-and-building-materials-rural-and-coastal-areas
Chapter G2: Sustainable Stormwater Management & Erosion/Sediment Control	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/sustainable-stormwater-management-and-erosionsediment-control
Chapter G3: Landscaping Design Guidelines	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/landscaping-design-guidelines
Chapter G4: Tree and Vegetation Management	21 December 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/tree-and-vegetation-management
Chapter G5: Threatened Species Impact Assessment	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/threatened-species-impact-assessment
Chapter G6: Coastal Management Areas	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/coastal-management-areas
Chapter G7: Waste Minimisation and Management Controls	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/waste-minimisation-and-management-controls

Attachment 1 – Outline of DCP Chapters

Chapter G8: Onsite Sewage Management	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/onsite-sewage-management-0
Chapter G9: Development on Flood Prone Land	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/development-flood-prone-land-0
Chapter G10: Caravan Parks in Flood Prone Areas	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/caravan-parks-flood-prone-areas
Chapter G11: Subdivision of Land	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/subdivision-land
Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/dwelling-houses-rural-workers-dwellings-additions-and-ancillary-structures
Chapter G13: Dual Occupancy Development	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/dual-occupancy-development
Chapter G14: Other Residential Accommodation	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/other-residential-accommodation
Chapter G15: Tourist and Visitor Accommodation	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/tourist-and-visitor-accommodation
Chapter G16: Short Term Rental Accommodation	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/short-term-rental-accommodation
Chapter G17: Business, Commercial and Retail Activities	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/business-commercial-and-retail-activities
Chapter G18: Streetscape Design for Town Centres	Not yet effective	-
Chapter G19: Home Based Business Activities	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/home-based-business-activities

Attachment 1 – Outline of DCP Chapters

Chapter G20: Industrial Development	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/industrial-development
Chapter G21: Car Parking and Traffic	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/car-parking-and-traffic
Chapter G22: Advertising Signs and Structures	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/advertising-signs-and-structures
Chapter G23: Jetties, Wharf and Boating Facilities, Moorings, Mooring Pens and Boat Launching Ramps	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/jetties-wharf-and-boating-facilities-moorings-mooring-pens-and-boat-launching-ramps
Chapter G24: Restricted and Sex Services Premises	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/restricted-and-sex-services-premises
Chapter G25: Stationary Food Vans/Vehicles on Service Station Sites and Food Stalls	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/stationary-food-vansvehicles-service-station-sites-and-food-stalls
Chapter G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/acid-sulphate-soils-and-geotechnical-site-stability-guidelines
Chapter G27: Dog Breeding and Boarding Establishments (Including Catteries)	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/dog-breeding-and-boarding-establishments-including-catteries
Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/design-guidelines-permanent-occupation-caravan-parks
Chapter V1: Lot Average Subdivision	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/lot-averaging-subdivision
Chapter V2: Building Lines	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/building-lines
Chapter V3: Miscellaneous Site specific issues	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/miscellaneous-site-specific-issues

Attachment 1 – Outline of DCP Chapters

Chapter NB1: Mundamia Urban Release Area	30 November 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/mundamia-urban-release-area
Chapter NB2: Worrigee Urban Release Area	5 August 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/worrigee-urban-release-area
Chapter N1: Kangaroo Valley	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/kangaroo-valley
Chapter N2: Berry Town Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/berry-town-centre
Chapter N3: Berry Residential Subdivision	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/berry-residential-subdivision
Chapter N4: Shoalhaven Heads Village Centre	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/shoalhaven-heads-village-centre
Chapter N5: Bomaderry Town Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/bomaderry-town-centre
Chapter N6: North Nowra	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/north-nowra
Chapter N7: Nowra Hotel Site and Civic Precinct	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/nowra-hotel-site-and-civic-precinct
Chapter N8: Nowra CBD Urban Fringe	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/nowra-cbd-urban-fringe
Chapter N9: Bulky Goods Precinct – East Street, Nowra	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/bulky-goods-precinct-east-street-nowra
Chapter N10: Worrigee Residential Area	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/worrigee-residential-area

Attachment 1 – Outline of DCP Chapters

Chapter N11: Nowra Hill - Cabbage Tree Land	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/nowra-hill-cabbage-tree-lane
Chapter N12: Culburra Beach - The Marina Area	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/culburra-beach-marina-area
Chapter N13: Culburra Beach Expansion Area	Vacant	-
Chapter N14: Culburra Beach Village Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/culburra-beach-village-centre
Chapter N15: Vincentia Coastal Village and District Centre	18 March 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/vincentia-coastal-village-and-district-centre
Chapter N16: Falls Creek, Woollamia Rural Residential Areas	Not yet effective	-
Chapter N17: Woollamia Farmlets – Large Lot Residential	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/woollamia-farmlets-large-lot-residential-subdivision
Chapter N18: Huskisson Town Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/huskisson-town-centre
Chapter N19: Huskisson Mixed Use Zones	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/huskisson-mixed-use-zones
Chapter N20: Jerrerra Estate	22 October 2014	http://dcp2014.shoalhaven.nsw.gov.au/content/jerrerra-estate
Chapter N21: Basin View	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/basin-view
Chapter N22: Sanctuary Point Local Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/sanctuary-point-local-centre
Chapter N23: St Georges Basin, Village Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/st-georges-basin-village-centre

Attachment 1 – Outline of DCP Chapters

Chapter N24: HMAS Albatross Military Airfield Buffer	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/hmas-albatross-military-airfield-buffer
Chapter S1: Verons Estate, Sussex Inlet	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/verons-estate-sussex-inlet
Chapter S2: Badgee Urban Release Area	4 May 2016	http://dcp2014.shoalhaven.nsw.gov.au/content/badgee-urban-release-area
Chapter S3: Sussex Inlet Town Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/sussex-inlet-town-centre
Chapter S4: Vacant	Vacant	-
Chapter S5: Yatte Yattah – Piggery Buffer	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/yatte-yattah-piggery-buffer
Chapter S6: Town of Milton	23 December 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/town-milton-0
Chapter S7: Development Guidelines For Certain Residential Land In Milton – Ulladulla	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/development-guidelines-certain-residential-land-milton-and-ulladulla
Chapter S8: Ulladulla Town Centre	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/ulladulla-town-centre
Chapter S9: South Harbour Precinct, Ulladulla	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/south-harbour-precinct-ulladulla
Chapter S10: South Ulladulla	1 July 2015	http://dcp2014.shoalhaven.nsw.gov.au/content/south-ulladulla

DE17.36 Moss Vale Road South Urban Release Area - Detailed Supporting Plans

HPERM Ref: D17/106420

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

Obtain Council direction on a Planning Proposal (PP) to insert a clause into Shoalhaven Local Environmental Plan (Shoalhaven LEP) 2014 to allow for an exception to the minimum lot size in the new Moss Vale Road South Urban Release Area (URA) in the Nowra-Bomaderry area. There is also a need for Council to formally resolve to prepare a draft Development Control Plan (DCP) Chapter and Contributions Plan (CP) for this URA consistent with Part 6 of the Shoalhaven LEP2014.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the proposed insertion of a clause in Shoalhaven Local Environmental Plan 2014 that allows for an exception to the minimum lot size in the Moss Vale Road South Urban Release Area and prepare a Planning Proposal to submit to the NSW Department of Planning and Environment for Gateway determination.
2. Give in principle support for the current Indicative Layout Plan for the Urban Release Area, which will be utilised in the proposed Development Control Plan Chapter.
3. Commence the preparation of a Development Control Plan Chapter and Contributions Plan for the Moss Vale South Urban Release Area as required by Part 6 of Shoalhaven LEP2014.
4. If necessary, receive a further report following receipt of the Gateway determination.

Options

1. Support the recommendation.

Implications: This is preferred as it will enable staff to continue efficiently progressing the planning work required to enable the release and development of the Moss Vale Road South URA. The Indicative Layout Plan, PP, DCP Chapter and CP are a crucial package in guiding the development of the new Moss Vale South URA and achieving the desired outcome in this location.

2. Not support the proposed detailed work in regard to this URA, or delay its commencement so as to align it with the work to be undertaken on the Moss Vale Road North URA.

Implications: This option is not preferred given the work that has already been done to date and the commitment that has been established with the landowners. The proposed package of plans will ultimately encourage a mix of lot sizes, housing types and densities

in the Moss Vale Road South URA, facilitate the desired development outcome and enable Council to levy local contributions to assist in the provision of community facilities or infrastructure to meet demand created by this new development. It is intended that the planning work for the Moss Vale Road South and North URAs will be undertaken independently but concurrently when and where required.

Background

The Moss Vale Road South URA was originally identified as a 'New Living Area' in the Nowra-Bomaderry Structure Plan (Structure Plan) which was adopted by Council in 2006 and endorsed by the State Government in 2008.

The site was rezoned under Shoalhaven LEP 2014 to predominantly R1 General Residential with parts rezoned E2 Environmental Protection and E3 Environmental Management. The residentially zoned land currently has a minimum lot size of 500m² and is subject to Part 6 of Shoalhaven LEP 2014.

As part of the detailed planning work for the site, Council is encouraging a range of lot sizes, housing types and densities to ensure that the URA meets the changing housing needs of the community and its yield is as close as possible to that originally estimated by the Structure Plan. The need to provide greater housing supply and choice is driven by a number of factors including Shoalhaven's ageing population, changing household trends and increased demand in the housing market. It is also consistent with the expectations of the Illawarra-Shoalhaven Regional Plan.

Councillors were given an initial briefing on the detailed planning work for this URA in June 2016 and an initial landowner meeting was held later in 2016. As such the detailed planning work for this URA has advanced to a point in needs some decisions by Council.

The progression of Moss Vale Road South URA will not impact upon the elevated priority given to Moss Vale Road North URA as resolved on 28 March 2017 (MIN17.222). It is acknowledged that due to earlier commencement of the detailed work on the Moss Vale Road South URA it is currently ahead of the Moss Vale Road North Area. It is not intended to slow the work on this area down – the planning work for the Moss Vale Road South and North URAs will be undertaken independently but concurrently when and where required.

Planning Proposal

To encourage a range of housing types within the URA, there is a need to introduce an exception to the existing 500m² minimum lot size to allow for lots as small as 300m² in certain locations. Thus the proposed PP seeks to facilitate the creation of smaller lots in higher amenity locations including adjacent to proposed open space areas, main roads and the two tree lined boulevards proposed for the URA.

It is intended that the exception to the existing minimum lot size will be achieved through the use of a clause and associated map. The map will identify an 'area' to which the clause applies on the applicable Lot Size Map. It is expected that this will operate in a similar way to the existing clause 4.1A of Shoalhaven LEP 2014 which deals with exceptions to minimum lot sizes for dual occupancies and multi dwelling housing. This approach is considered to be the best means of achieving the intended outcome as it allows for a level of flexibility in the design of the lot layout and the identification of specific areas for smaller lots.

An Indicative Layout Plan for the Moss Vale Road South URA is shown in *Figure 1* below – this will inform the relevant DCP Chapter that needs to be prepared and which will contain controls to guide the subdivision layout and design of future development. It is intended that the package of detailed plans to support the release of this URA (PP, draft DCP Chapter and

draft CP) will be exhibited concurrently following receipt of a Gateway determination for the PP. Council also formally needs to resolve to prepare the draft DCP Chapter and draft CP

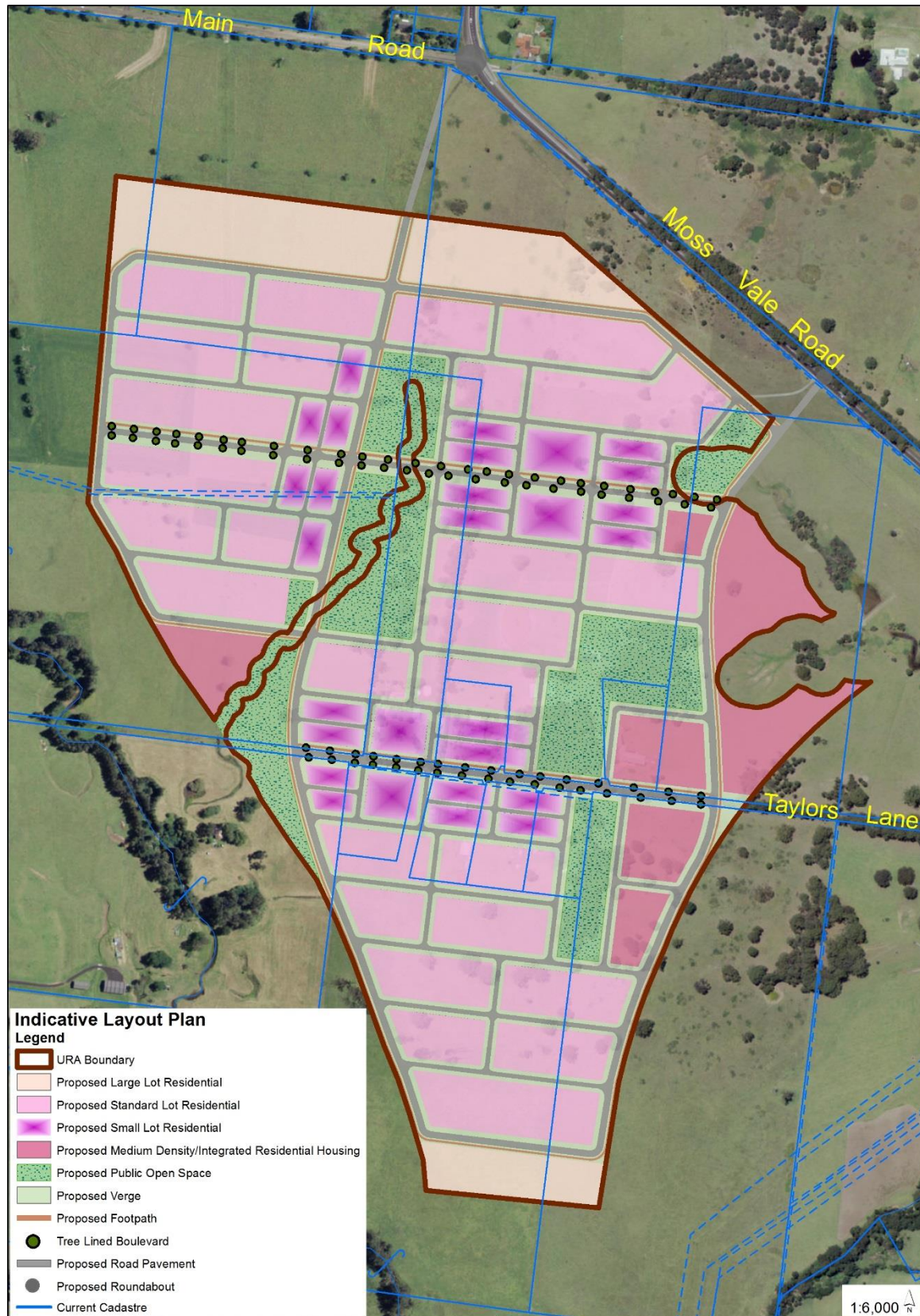


Figure 1: Indicative Layout Plan – Moss Vale Road South Urban Release Area

DE17.36

Consistency with Relevant Strategies

The following existing planning strategies are relevant to this location. The consistency of the PP with these strategies is discussed below.

Nowra-Bomaderry Structure Plan (NBSP)

This Plan provides a framework for growth and development opportunities in the Nowra-Bomaderry area. It identifies the Moss Vale Road South as a New Living Area for future development that offers a variety of housing options, characterised by a mix of detached houses and some terrace / town house type dwellings. The PP is consistent with this Plan.

Illawarra-Shoalhaven Regional Plan (ISRP)

This Plan aims to encourage a variety of housing choices in the region, with a variety of homes that meet varying needs and lifestyles.

Direction 2.3 of the Plan seeks to ‘deliver housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impact’. It directs Councils to plan for a mix of housing that suits the projected growth, changing demographics and the market demand particular to their area.

The Plan also recognises that housing affordability is an issue in the Illawarra-Shoalhaven, with just over a quarter of all households experiencing housing stress. It notes that there is strong demand in the region for smaller housing for rent or purchase by lower-income residents, students, single-person households and seniors. The PP is consistent with this Plan.

Community Strategic Plan, Shoalhaven 2023 (CSP)

The CSP, which is currently being reviewed, identifies objectives and strategies for a prosperous Shoalhaven where sustainable urban growth is supported. The PP will satisfy the following objective and strategy:

- Objective 2.2 - Population and urban settlement growth that is ecologically sustainable and carefully planned and managed.
- Strategy 2.2.2 - Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships.

The PP is consistent with the CSP.

Key Issues

Amenity Impact

The potential to increase density in certain locations within the URA needs to be carefully controlled via the Indicative Layout Plan and the proposed DCP Chapter to promote a good subdivision layout and residential design that minimises impact on amenity or that takes advantage of higher amenity locations.

The creation of small lots will be encouraged and facilitated in high amenity locations in close proximity to the open space network, main roads and the two tree lined boulevards planned within the URA. The lots will also be a maximum walking distance of 400m from the proposed ring road which will encourage the use of public transport. To improve amenity, parking availability and main road function, it is envisaged that dwellings on the proposed smaller lots (300-350m²) will be single storey with vehicular access via a rear laneway only.

Environmental Impacts

The proposed increase in density will potentially increase the concentration of impervious surfaces in parts of the URA which has the potential to increase stormwater runoff. This will need to be managed by appropriate stormwater treatments to ensure that development has a neutral or beneficial effect on the receiving environment and wider Bomaderry Creek catchment.

To ensure that this issue is considered in a managed way in the proposed DCP Chapter it is intended to prepare an Integrated Water Cycle Assessment for the site to inform the stormwater management controls contained in the proposed DCP Chapter.

Development Control Plan Chapter and Contributions Plan

Under Part 6 of Shoalhaven LEP 2014, development consent cannot be granted for subdivision etc. in a URA unless a DCP has been prepared for the site and arrangements made for public utility infrastructure (generally via a CP and other mechanisms).

Whilst preliminary work has commenced on the DCP Chapter and CP, this report also seeks the required formal resolution to commence the preparation of these plans. It is intended that the draft DCP Chapter and CP will be placed on exhibition with the PP at the appropriate stage. A further report will be presented prior to exhibition, so that the detail of these plans can be considered by Council.

As indicated earlier to inform the preparation of the proposed DCP Chapter, an Integrated Water Cycle Assessment will be prepared to determine the appropriate stormwater treatment to support the future development of the site.

CONCLUSION:

Preparation of the PP, DCP Chapter and CP as outlined in this report will enable the planning of Moss Vale Road South URA to continue to progress. Further reports will be presented to Council in the future as these plans advance. Also the interrelationship and the need for coordination with the adjacent Moss Vale Road North URA will be considered as things progress.

Community Engagement

An initial landowner meeting was held on 31 October 2016 to discuss the proposed smaller minimum lot size, the Indicative Layout Plan, the preparation of the PP/DCP and the steps in the process. Council staff have also had several other meetings with landowners and/or developers regarding the release of this URA.

The proposed PP, DCP Chapter and CP will also ultimately be publicly exhibited as a package following the Gateway determination for a minimum period of 28 days.

Financial Implications

All work required to progress the Moss Vale Road South URA is currently being managed within the existing Strategic Planning budget. The cost associated with the Integrated Water Cycle Assessment will likely be recouped via Section 94 contributions levied from future development within the URA.

There are likely to be a range of more detailed financial implications for Council associated with the ultimate development of this URA (and the adjacent one) and these will be discussed in more detail at the appropriate points in the release process.

DE17.36

DE17.37 Outcomes - Shoalhaven Local Heritage Assistance Fund 2016/2017

HPERM Ref: D17/113965

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments:

1. Shoalhaven Local Heritage Assistance Fund - 2016 2017 - Final Project Report. [↓](#)
2. Shoalhaven Local Heritage Assistance Fund Program 2016 2017 - NSW Heritage Grants Program 2016/2017 - Development Committee 10 October 2016 [↓](#)
3. Shoalhaven Heritage Strategy 2017-2020 [↓](#)

Purpose / Summary

Detail the outcomes of the Shoalhaven Local Heritage Assistance Fund Program 2016-2017, provide the required annual Summary Project Report and reaffirm/extend Council's Shoalhaven Heritage Strategy 2014-2017 to cover the period 2017-2020.

Recommendation (Item to be determined under delegated authority)

1. Receive the Summary Project Report (Attachment 1), which details the outcomes of the Shoalhaven Local Heritage Assistance Fund Program 2016-2017, for information.
2. Reaffirm, in the interim, the Shoalhaven Heritage Strategy 2014-2017 and extend it with minor wording adjustments and updates (as per Attachment 3) to cover 2017-2020.
3. Proceed with a broader review of the extended Shoalhaven Heritage Strategy 2017-2020 and separately report this to Council for endorsement when complete.

Options

1. Adopt the recommendation.

Implications: This option is preferred as it will enable the outcome of the Shoalhaven Local Heritage Assistance Fund Program 2016/2017 to be received for information via the Summary Project Report and in the interim will reaffirm and extend Council's Heritage Strategy for the years 2017-2020.

This will allow this year's program to be finalised and Council to claim reimbursement of NSW Heritage Grants funding.

2. Adopt an alternative recommendation.

Implications: Depending on the nature of any 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 reaffirmed and extended.

Background

Council has continued its commitment to local heritage projects in Shoalhaven with the provision of small grant funds to support pro-rata grant funds from the NSW Office of Environment and Heritage (OEH) for 2016/2017. Funding is provided to Council to run a Local Heritage Fund Program that provides small monetary assistance grants for a wide range of small local heritage projects, including but not limited to:

- 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 and the NSW State Government are committed to assisting owners to conserve and enhance their properties, for the benefit of future generations.

The monetary component is also reported on 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.

Shoalhaven Local Heritage Assistance Fund

Council previously approved six (6) local heritage assistance grants for 2016/2017 on 10 October 2016. The overall funding of \$25,500 includes the OEH Local Government Heritage Places Grant of up to \$8,500 (ex GST) and funds allocated in the Council budget (Job No. 15263).

The successful applicants were required to match the value of the grant offered by Council on a dollar-for-dollar basis and to complete the required works by 31 March 2017. A copy of the endorsed funding allocation for 2016/2017 is provided as **Attachment 2**.

Council's Heritage Advisor has undertaken necessary inspections and has ensured all of the heritage works for the six projects have been satisfactorily completed and a Summary Project Report for the Local Heritage Fund for 2016/2017 is provided as **Attachment 1**.

NSW Heritage Grants Program

Council accepted funding offers from OEH as part of the NSW Heritage Grant Program for the 2016-2017 financial year under two 'streams', which include:

- Local Government Heritage Places Grants - LGP2016024 (Shoalhaven Local Heritage Assistance Fund); and
- 2016-2017 Local Government Heritage Advisors - LGA2016022 (Shoalhaven City Council Heritage Advisor Service).

The NSW Heritage Grants funding round for the 2017/2018 to 2018/2019 financial years have opened. Council has applied for NSW Heritage Grant funding under the following three 'streams':

- Local Heritage Places Grants – up to \$10,000 (ex GST) grant funding per year is available to successful applicants and requires a matching contribution amount from Council. Applicants will be allocated funding for both the 2017-18 and 2018-19 year at this funding round.
- Local Government Heritage Advisors – up to \$10,000 (ex GST) grant funding per year is available to successful applicants and requires a matching contribution

amount from Council. Applicants will be allocated funding for both the 2017-18 and 2018-19 year at this funding round.

- Local Government Heritage Planning Studies - Heritage Study Review (Berry Township Urban Conservation Area. Note: arose from a resolution as part of the Local Environmental Plan process) – funding up to \$10,000 (ex GST) per project is available (with matching funding required e.g. \$1 for \$1) is available to successful applicants and requires a matching contribution amount from Council and applies to projects to be implemented over one or two financial years (2017-18 or 2017-18 & 2018-19). Council will also apply for funding for this study under the separate NSW *Heritage Near Me* grant stream that is currently open.

A further report will be provided to Council once grant funding offers have been received (if successful) which are expected in the following months.

Community Engagement

No community engagement is required in relation to this report. The Local Heritage Fund Program 2016-2017 has been carried out consistent with the established process that has been running for a number of years.

The Shoalhaven Local Heritage Assistance Fund opportunities for 2017-2018 will be advertised in local newspapers and on Council's website including relevant information on eligibility and assessment criteria and an application form. Direct advice will also be provided to people who have previously expressed an interest in the program.

Policy Implications

As part of the funding agreement for Local Government Heritage Advisors Grant and to claim re-imbursement Council is required to submit a Heritage Strategy covering 2017-18, which is provided as **Attachment 3**. Appropriate minor revisions are necessary to update the strategy to ensure it is correct to cover the required period.

A separate broader and more major review and amendment of the four year Shoalhaven Heritage Strategy is proposed to be undertaken in conjunction with Council's Heritage Advisor in the coming months and will be reported to Council for endorsement.

Financial Implications

Local Heritage Places Grant - 2016/2017

The funding agreement for the OEH Local Heritage Places Grant uses a funding formula of \$1 for every \$2 that Council spends, with Council able to receive a maximum grant amount of up to \$8,500 (ex GST). To claim the maximum grant amount, Council needs to have provided a minimum amount of \$17,000 in grant allocations as part the Shoalhaven Local Heritage Assistance Fund Program.

To claim reimbursement of the OEH Local Heritage Places Grant, Council must submit acquittal documents including a final financial report and a payment request up to the maximum funding amount to OEH by 15 May 2017.

Local Government Heritage Advisors Grant - 2016/2017

The funding agreement for the OEH Heritage Advisor grant uses a funding formula of \$1 for every \$2 Council spends, with Council being able to receive a maximum funding amount of up to \$8500 (ex GST). The cost of providing the Heritage Advisor service is generally more than the required minimum amount of \$17,000 and this is funded through the Planning, Environment and Development Group budget (Job No. 24022).

To claim reimbursement of the Local Government Heritage Advisors Grant funding, Council needs to submit the Shoalhaven Heritage Strategy covering 2017-18, a report showing activities and outcomes in the 2016-17 year and acquittal documents to OEH by 15 May 2017.

NSW Heritage Grants Program 2017/2018 and 2018/2019

The Shoalhaven Local Heritage Fund Program for 2017/2018 and 2018/2019 is expected to again be fully funded, with the required budget allocation to be included in the respective budgets.

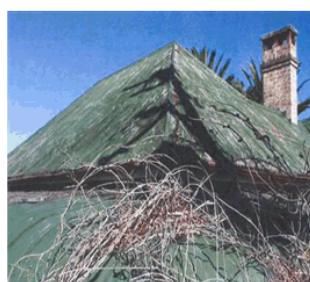
Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	24 Evans Lane, Woodstock
Project description:	Restore existing stone footing wall that supports verandah
Reason for the project:	Ensure stability of this wall and verandah
Heritage item listing:	Local
Applicant name:	Paul & Meredith Jaffe
Date commenced:	February 2017
Date completed:	March 2017
Total project cost:	\$11,816.58
Applicant contribution:	\$5,816.58
Local heritage fund contribution:	\$6,000



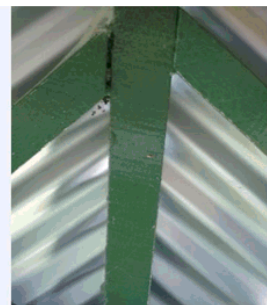
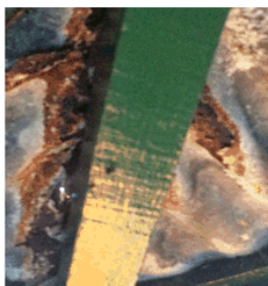
Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	91 Greenwell Point Road, Greenwell Point
Project description:	4 Exterior Window Hoods (Canopies)
Reason for the project:	To protect the existing timber windows
Heritage item listing:	Local
Applicant name:	Jennifer De Lacey
Date commenced:	February 2017
Date completed:	March 2017
Total project cost:	\$2,380
Applicant contribution:	\$1,380
Local heritage fund contribution:	\$1,000



Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	6 Tarawara Street, Bomaderry
Project description:	Replace roof (exclude bullnose & skillion)
Reason for the project:	Roof is no longer waterproof
Heritage item listing:	Local
Applicant name:	Helen & David Esdaile
Date commenced:	March 2017
Date completed:	March 2017
Total project cost:	\$15,460.25
Applicant contribution:	\$9,460.25
Local heritage fund contribution:	\$6,000



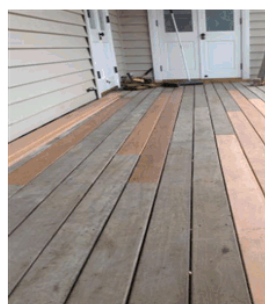
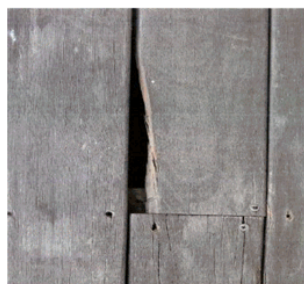
Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	19 Ferry Lane, Nowra
Project description:	Roof repairs to house and barn
Reason for the project:	Not waterproof in some areas
Heritage item listing:	Local
Applicant name:	Francesca Pami
Date commenced:	March 2017
Date completed:	March 2017
Total project cost:	\$10,450
Applicant contribution:	\$5,850
Local heritage fund contribution:	\$4,600



Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	47 Church Street, Milton
Project description:	Re-piering & levelling house
Reason for the project:	Ensure footing stability
Heritage item listing:	Local
Applicant name:	Marama Warren
Date commenced:	March 2017
Date completed:	March 2017
Total project cost:	\$14000
Applicant contribution:	\$7015
Local heritage fund contribution:	\$6,985



Shoalhaven City Council Local Heritage Fund for 2016–2017 financial year	
Final Project Report	
Heritage item address:	73 Wason Street, Milton
Project description:	Replace verandah decking boards
Reason for the project:	Boards need replacing
Heritage item listing:	Local
Applicant name:	Donna Payne
Date commenced:	March 2017
Date completed:	March 2017
Total project cost:	\$1,664
Applicant contribution:	\$749.00
Local heritage fund contribution:	\$915.00



Shoalhaven Local Heritage Assistance Fund Program 2016/2017

Owner / Applicant	Project Location	Heritage Item and Level of Significance	Description of Project	Project Cost	Suggested Grant Amount
Paul and Meredith Jaffe	24 Evans Lane, Woodstock	"Woodlands"—weatherboard and iron farmhouse LOCAL	Restore stone wall and footing under verandah.	\$14,795.00	\$6,000.00
Jennifer De Lacey	91 Greenwell Point Rd, Greenwell Point	Colonial weatherboard cottage (former Greenwell Point schoolhouse) LOCAL	New window awnings to match adjacent property.	\$2,000.00	\$1,000.00
Helen and David Esdaile	6 Tarawara Street, Bomaderry	Victorian weatherboard residence LOCAL	Roof replacement to main roof excluding verandah and skillion roofs.	\$15,660.00	\$6,000.00
Francesca Pami	19 Ferry Lane, Nowra	Victorian Georgian style timber slab cottage LOCAL	Repairs to roof and replacement in part with galvanised roofing.	\$9,200.00	\$4,600.00
Donna Payne	73 Wason St, Milton	Late Victorian weatherboard residence LOCAL	Replacement of selected damaged verandah deck timbers.	\$1,830.00	\$915.00
Marama Warren	47 Church St, Milton	Victorian Georgian worker's cottage LOCAL	Replacing piers and pad footings to the cottage.	\$25,000.00	\$6,985.00
TOTAL				\$68,485.00	\$25,500.00



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Website: www.shoalhaven.nsw.gov.au

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 • **Reaffirmed:** 21/05/2013, 24/06/2014 • **Minute Number:** MIN09.245, MIN11.575, MIN13.494, MIN14.409 • **File:** 39336E • **Produced By:** Planning, Environment & Development Services Group • **Review Date:**

1. PURPOSE

Shoalhaven City Council has reviewed the best practice advice contained in the Heritage NSW-Office of Environment and Heritage and Heritage Council of NSW publication "Suggestions on How Local Councils Can Promote Heritage Conservation" '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>

- 1.1.1. Council will provide an up to date list of heritage trades, specialist suppliers, heritage consultants and information sources to allow the community to have ready access to heritage expertise and information including:

TRADES LIST

Council will update its current list of specialist tradespeople that have experience in traditional construction methods and work on heritage properties.

CONSULTANTS LIST

Council will provide a list of specialist consultants that have experience in preparing heritage studies, archaeological assessments and providing advice on appropriate development for heritage item and in conservation areas.

The list will be in addition to the list of consultants provided by the Heritage Branch of the NSW Office of Environment and Heritage and will be locally based.

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 eEnvironmental pPlan

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.

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's ~~planning and development department's~~ and 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.

1.4.1. Heritage Grants Programme

The grants programme will continue for the years 2014-2017²⁰. Submissions will be called from heritage owners and the application assessed by Council's heritage advisor and senior strategic planner (urban design and heritage). Successful applications^{nts} will have one year to are required to complete their projects by the following March and these will be inspected by the 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 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.

Shoalhaven City Council - Shoalhaven Heritage Strategy 2014-2017

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 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
- 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 be aim to providing 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

Shoalhaven City Council - Shoalhaven Heritage Strategy 2014-2017

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 eElevated 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 eCommunity sStrategic pPlan 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.

Shoalhaven City Council - Shoalhaven Heritage Strategy 2014-2017

2. IMPLEMENTATION

The policy will be administered by Council's Strategic Planning, Environment & Infrastructure 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.

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.