

## Development Committee

**Meeting Date:** Tuesday, 05 June, 2018  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 5)  
Clr Joanna Gash - Chairperson  
Clr John Levett - Deputy 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 - 8 May 2018 ..... 1
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**  
Nil
7. **Reports**
  - DE18.42 Strategic Planning Works Program - Proposed 2018-2019 Version ..... 10
  - DE18.43 Proposed Planning Proposal - Citywide SP3 Tourist Zone Review ..... 25
  - DE18.44 Proposed Adoption - Works in Kind Agreement - 21 Beach Street,  
Huskisson (Re: DA15/1102) ..... 32
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, 8 May 2018  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.02pm

The following members were present:

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

### Apologies / Leave of Absence

Apologies were received from Clr Alldrick, Clr Kitchener, Clr Guile and Clr Wells.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Cheyne) MIN18.329  
That the Minutes of the Development Committee held on Tuesday 10 April 2018 be confirmed.  
**CARRIED**

### Declarations of Interest

Nil.

## DEPUTATIONS AND PRESENTATIONS

**DE18.37 – DA17/2435 – 148 Island Point Road, St Georges Basin – Lot 43 DP 25550**  
Travis Harpley spoke for the recommendation.

**DE18.38 – RD18/1002 – 160 Kinghorne Street, Nowra – Lot 2 DP 566370**  
Lee Carmichael and Alex Kelly, representing PDC Lawyers & Planners, spoke against the recommendation.

**DE18.40 – Heritage investigations – Chinaman's Island, Lake Conjola**

Glenda Milhan and Michelle Innes spoke against the recommendation.

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Cheyne / Clr Proudfoot)

MIN18.330

That the matters of items DE18.37, DE18.38 and DE 18.40 be brought forward for consideration.

CARRIED

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

**HPERM Ref:  
D18/124969**

**Recommendation (Item to be determined under delegated authority)**

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

**RESOLVED** (Clr Watson / Clr Proudfoot)

MIN18.331

That Council:

1. Resolve to reaffirm the current requirements of Chapter N23: St Georges Basin, Village Centre, SDCP 2014 and Shoalhaven Contributions Plan 2010 (SCP 2010) in support of the rear service lane arrangement to have one-way access, noting the available width; and
2. Receive a report on providing the road using recoupment of section 7.11 (former s 94) contributions funds once the review of the current contributions plan is complete.

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

AGAINST: Nil

CARRIED

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

**HPERM Ref:  
D18/133417**

**Recommendation (Item to be determined under delegated authority)**

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

**RESOLVED** (Clr Gash / Clr Proudfoot)

MIN18.332

That:

1. The proposal is considered capable of approval on the basis that the development will provide variety and increase in housing supply in Nowra; and
2. A further report be provided to the May Ordinary Council meeting attaching conditions of consent.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Findley and Russ Pigg

CARRIED

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

**HPERM Ref:  
D18/128260**

**Recommendation (Item to be determined under delegated authority)**

That Council:

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

**RESOLVED** (Clr White / Clr Gartner)

MIN18.333

That Council:

1. Recognises the heritage significance of the cottages and the former timber railway on Chinaman's Island;
2. Lists the cottages and the former timber railway as local heritage items in Schedule 5 of Shoalhaven Local Environmental Plan 2014 (as part of housekeeping amendments to the LEP); and
3. Writes to both local State Members of Parliament advising them of Council's support for heritage listing of the cottages and former timber railway and seek their support in having them preserved.

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

AGAINST: Nil

CARRIED

## REPORTS

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

**HPERM Ref:  
D18/16929**

#### **Recommendation (Item to be determined under delegated authority)**

That Council:

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

**RESOLVED** (Clr Findley / Clr Cheyne)

MIN18.334

That Council:

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

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

AGAINST: Nil

CARRIED

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

**HPERM Ref:  
D18/30665**

#### **Recommendation (Item to be determined under delegated authority)**

That Council

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

**RESOLVED** (Clr White / Clr Gartner)

MIN18.335

That Council:

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

FOR: Clr Gash, Clr Findley, Clr White, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr

Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Note: The meeting adjourned, the time being 7.19pm.

Note: The meeting reconvened, the time being 7.44pm.

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

**HPERM Ref:  
D18/127062**

**Recommendation (Item to be determined under delegated authority)**

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

**RESOLVED** (Clr Findley / Clr White)

MIN18.336

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

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

AGAINST: Clr Proudfoot

CARRIED

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

**HPERM Ref:  
D18/74047**

**Recommendation (Item to be determined under delegated authority)**

That Council:

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

5. Notify submitters and the NSW Department of Planning & Environment of the adoption of Shoalhaven Development Control Plan 2014 Amendment No. 14 - Chapter G18: Streetscape Design for Town and Village Centres and its supporting documents, Streetscape Technical Manual and Development Control Plan Dictionary.

**RESOLVED** (Clr Gash / Clr Cheyne)

MIN18.337

That Council:

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

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

AGAINST: Nil

CARRIED

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

**HPERM Ref: D18/104373**

**Recommendation (Item to be determined under delegated authority)**

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

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



purpose of "Public Recreation"; and

- b. Contained Council infrastructure that was used for this purpose, being the 'Forest Walk' walking trail and viewing barrier.

**RESOLVED** (Clr Pakes / Clr White)

MIN18.338

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

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

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

AGAINST: Nil

CARRIED

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

**HPERM Ref:  
D18/115416**

**Recommendation (Item to be determined under delegated authority)**

That Council:

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

**RESOLVED** (Clr Cheyne / Clr Gartner)

MIN18.339

That Council:

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

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

AGAINST: Nil

CARRIED

<b>DE18.37</b>	<b>DA17/2435 – 148 ISLAND POINT ROAD, ST GEORGES BASIN – LOT 43 DP 25550</b>	<b>HPERM REF: D18/124969</b>
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Item dealt with earlier in the meeting see MIN18.331.

<b>DE18.38</b>	<b>RD18/1002 – 160 KINGHORNE STREET, NOWRA – LOT 2 DP 566370</b>	<b>HPERM REF: D18/133417</b>
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Item dealt with earlier in the meeting see MIN18.332.

<b>DE18.39</b>	<b>Proposed Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014</b>	<b>HPERM Ref: D18/125082</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

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

**RESOLVED** (Clr Gartner / Clr White)

MIN18.340

That Council:

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

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

AGAINST: Clr Proudfoot

CARRIED

<b>DE18.40</b>	<b>HERITAGE INVESTIGATIONS - CHINAMAN'S ISLAND, LAKE CONJOLA</b>	<b>HPERM REF: D18/128260</b>
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Item dealt with earlier in the meeting see MIN18.333.

**DE18.41 Changes to new legislative provisions relating to the  
Joint Regional Planning Panels**

**HPERM Ref:  
D18/132059**

**Recommendation**

That:

1. The Development Committee receive this report for information.
2. A new nominee(s) be considered and recommended for Council's representation on the Regional Planning Panel.
3. The Panel Secretariat be contacted reaffirming current and new members.

**RESOLVED** (Clr Watson / Clr Pakes)

MIN18.341

That:

1. The Development Committee receive this report for information.
2. Clr Pakes be nominated as Council's representation on the Regional Planning Panel.
3. The Panel Secretariat be contacted reaffirming current and new members.
4. Write to the Minister for Planning about Council's concern of the automatic imputation under the new JRPP legislative provisions that someone involved in property sales is not an appropriate candidate for JRPP panel membership.

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

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 7.56pm.

Clr Gash  
CHAIRPERSON

## **DE18.42 Strategic Planning Works Program - Proposed 2018-2019 Version**

**HPERM Ref:** D18/141977

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. 2017-2018 Strategic Planning Works Program [↓](#)  
2. Proposed 2018-2019 Strategic Planning Works Program [↓](#)

### **Purpose / Summary**

To report the proposed 2018-2019 Strategic Planning Works Program (SPWP) for consideration and adoption.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Adopt and finalise Attachment 2 as Council's 2018-2019 Strategic Planning Works Program.
2. Receive a report on the 2019-2020 Strategic Planning Works Program in June 2019 to coincide with the new financial year.
3. Make future changes to the Strategic Planning Works Program only after considering the current program, project priority, staff workload and resources.
4. Receive a briefing on how to use the interactive Strategic Planning Works Program when operational.

### **Options**

1. As resolved.

Implications: This option is favoured as it builds on the 2017-2018 SPWP to guide Council's strategic planning effort and ensure that we are proactively undertaking forward planning. The SPWP will assist in the prioritisation of projects and management of staff workload.

2. Adopt an alternative recommendation.

Implications: The 2018-2019 SPWP has been prepared taking into consideration current and expected strategic planning tasks and known planning challenges/expectations. Modifications to the SPWP at this stage may, depending on the nature of the modification, delay its adoption.

3. Not adopt the 2018-2019 SPWP and react to requests, opportunities etc. as they arise in the future.

Implications: This option would mean that Council reacts to requests, opportunities, requirements etc. for strategic planning work in an ad-hock or unmanaged manner. This is not desirable, as it does not necessarily focus Councils efforts in areas or on projects that support the broader community or are required by legislation or other drivers.

DE18.42

## Background

### Strategic Planning Works Program - History

The SPWP originally emerged from an internal tool that was used to track and manage strategic and land use planning projects being undertaken by Council.

It was formally reported to Council from 2003 onward for information and to enable priorities to be considered. The SPWP was initially reported to Council quarterly and then moved to twice yearly.

The 2008 NSW Department of Local Government Promoting Better Practice Review recommended that:

*Council should review the projects on the Strategic Planning Group Work program in order to give priority to finalising the Growth Management Strategy and new Comprehensive LEP.*

As part of considering the completion of the Shoalhaven Local Environmental Plan (LEP) 2014, Council also resolved to:

*Prepare a new Planning Works Program to focus Councils Strategic Planning effort and arrange a Councillor briefing to discuss the desired detail of this program before it being reported back to Council for consideration.*

In July 2017, Council resolved (MIN17.612(1)) under delegation to

1. *Adopt and finalise Attachment 1 as Council's Strategic Planning Works Program.*
2. *Request that the Strategic Planning Works Program be reported back to the Development Committee annually in June to coincide with each new financial year.*
3. *Make future changes to the Strategic Planning Works Program only after considering the current program, project priority, staff workload and resources.*
4. *Receive a briefing on how to use the interactive Strategic Planning Works Program when operational.*

The new adopted 2017-2018 SPWP is provided as **Attachment 1**.

In preparing the 2017-2018 SPWP, the following matters were considered:

- Current Strategic Planning tasks.
- Expected Strategic Planning tasks.
- Community involvement and expectations around land use planning including the Community Strategic Plan/Integrated Strategic Plan 2027 exhibition outcomes.
- Ongoing, known and future planning challenges.
- Outcomes of the Councillor workshops on 9 March and 18 May 2017.

Council staff have been working on the range of projects identified on the 2017-2018 SPWP and their status is also commented on below.

### The 2018-2019 Strategic Planning Works Program

As noted above it was resolved to report the SPWP back to the Development Committee annually in June to coincide with each new financial year. As such this report is provided consistent with this resolution and a proposed 2018-2019 SPWP (**Attachment 2**) has also been prepared for consideration and adoption.

The 2018-2019 SPWP retains the existing program structure, notably the priority areas and overarching strategies outlined in Table 1 (these were established through the Councillor workshop process).

**Table 1: Retained SPWP priority areas and overarching strategies**

Priority	Priority Area	Overarching Strategy
1	Managing Future Growth	<ul style="list-style-type: none"> <li>Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.</li> </ul>
2	Economic Development, Retailing, Town Centres and Tourism	<ul style="list-style-type: none"> <li>Balance commercial development with cultural and recreation opportunities.</li> </ul>
3a	Natural Environment/Agriculture	<ul style="list-style-type: none"> <li>Maintain an 'unspoilt' environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.</li> </ul>
3b	Affordable Housing	<ul style="list-style-type: none"> <li>Work to increase affordable housing opportunities in Shoalhaven.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>Facilitate a healthy, active and accessible community.</li> <li>Identify and respond to demonstrated need and create best practice liveable communities for all ages and stages</li> </ul>
5	Heritage and Events	<ul style="list-style-type: none"> <li>Maintain, investigate and bring forward our Aboriginal and European heritage into the future.</li> </ul>
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven LEP, DCP and Contributions Plan.</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>

For each priority area, current and future (yet to commence or on hold) projects are again identified. The proposed 2018-2019 SPWP contains a total of 93 projects - 64 current projects and 29 projects that are yet to commence or are on hold.

The priority projects in Table 2 (also shown in red at **Attachment 2**) will be advanced ahead of other projects on the SPWP. A brief update on the priority projects is provided for convenience.

**Table 2: 2018-2019 SPWP priority projects**

Priority Project	Brief Update
Moss Vale Road South URA (and Shoalhaven DCP 2014 Chapter)	<p>The draft planning package was recently on exhibition for an 11-week period.</p> <p>Council staff are now undertaking a review of the submissions. It will be reported to Council shortly for further consideration.</p>
Moss Vale Road North URA (and Shoalhaven DCP 2014 Chapter)	<p>Various technical studies are currently being completed by the proponents and Council to enable the preparation of a master plan and development controls for the URA.</p>
Culburra Beach/Callala Bay/Kinghorne Point (Halloran) Planning Proposal, including	<ul style="list-style-type: none"> <li>Planning Proposal - Awaiting revised Gateway determination from the NSW</li> </ul>

DE18.42

Biodiversity Certification Application (Bio Banking).	<p>Department of Planning and Environment to separate the Planning Proposal and Aboriginal Cultural Heritage Assessment.</p> <ul style="list-style-type: none"> <li>Biodiversity Certification Application – Awaiting completion of the groundwater investigation of Lake Wollumboola.</li> </ul>
Shoalhaven DCP 2014 – Residential and Subdivision Review.	<ul style="list-style-type: none"> <li>Medium Density Review (G13/G14) - Recent resolution (MIN18.340) to proceed to exhibition.</li> <li>Chapter G11 (Subdivision) Review – under preparation.</li> <li>Chapter G12 (Dwelling houses etc.) Review – under preparation.</li> </ul>
Respond to legislative change.	Ongoing and generally reactionary. However, it is noted that this taken up significant staff time in recent months due to the range of detailed and widespread reforms being advanced by the NSW Government.
Local Area Planning Statements.	Awaiting direction from the NSW Department of Planning and Environment prior to commencement.
Nowra CBD Fringe Medium Density Study.	The recommendations for the Study and related documents were recently on exhibition. The outcomes of the exhibition will be reported to a future Development Committee meeting.
Contributions Plan Review.	Recent resolution (MIN18.259) to proceed to exhibition. The new website that is part of the review is currently being finalised
<p>Review of Strategies and Structure Plans:</p> <ul style="list-style-type: none"> <li>Nowra-Bomaderry Structure Plan.</li> <li>Growth Management Strategy (including Milton-Ulladulla Structure Plan and the Jervis Bay Settlement Strategy).</li> </ul>	<ul style="list-style-type: none"> <li>Recent resolution (MIN18.335) to commence preparation of the Growth Management Strategy review (including the Milton-Ulladulla Structure Plan and the Jervis Bay Settlement Strategy). Initial Councillor workshop has been scheduled.</li> <li>Nowra-Bomaderry Structure Plan - Not yet commenced. Will be discussed at the scheduled workshop.</li> </ul>
Shoalhaven Riverfront Precinct (including future Planning Proposal and DCP Chapter).	<p>The recommendations for the Study and related documents have been adopted by Council for exhibition and were recently on exhibition.</p> <p>The outcome of the exhibition will be reported to a future Development Committee meeting.</p>
Nowra-Bomaderry Retail Hierarchy review.	Councillor briefing has been arranged to discuss this project.
Review of tourist and visitor provisions in rural and environmental protection zones.	Work will commence on this project shortly - was held pending the establishment of new Strategic Planning Team Structure.
Cambewarra Escarpment character assessment/review.	Work will commence on this project shortly - was held pending the establishment of new Strategic Planning Team Structure.

Coastal hazard review (PP and DCP Chapter review).	Resolution to prepare (MIN17.552) – now under preparation and will be reported to Council shortly.
Implementation of the Illawarra-Shoalhaven Regional Plan and Shoalhaven Affordable Housing Strategy.	Ongoing action as required.

Table 3 identifies the projects that have been removed from or added to the SPWP. Changes have also been made to the descriptions of some of the projects to enhance readability and recognition.

**Table 3: Projects added and removed from the SPWP**

<b>1. Managing Future Growth</b>	
Added	<ul style="list-style-type: none"> <li>Planning proposal - Clause 6.5 Housekeeping (Moss Vale Road South).</li> <li>Planning proposal and precinct plan - 1310 Naval College Road.</li> <li>Culburra/citywide – development on narrow laneways review.</li> <li>Establishment of a design review panel.</li> <li>Mundamia URA – Works in Kind Agreement.</li> </ul>
Removed	Falls Creek/Woollamia (Planning Proposal and DCP 2014 Chapter). <b>Completed.</b>
<b>2. Economic Development, Retailing, Town Centres and Tourism</b>	
Added	<ul style="list-style-type: none"> <li>South Nowra Internal Service Lane (Contribution Plan and DCP Amendments).</li> <li>Planning Proposal, Ulladulla Building Heights (Southern Part of Ulladulla CBD).</li> <li>Enterprise Avenue Contribution Plan Amendment (arising from VPA).</li> </ul>
Removed	<ul style="list-style-type: none"> <li>Planning Proposals – <ul style="list-style-type: none"> <li><b>Priority Project:</b> Nowra CBD Heights Planning Proposal (and DCP chapter). <b>Completed.</b></li> <li>Albatross and Kinghorne Street, Nowra. <b>Completed.</b></li> <li>Boat Showroom, Princes Highway, Bomaderry. <b>Completed.</b></li> </ul> </li> </ul>
<b>3a. Natural Environment/ Agriculture</b>	
Added	<ul style="list-style-type: none"> <li><b>Priority project</b> - Coastal hazard review (Planning Proposal and DCP Flood Chapter review).</li> </ul>
Removed	<ul style="list-style-type: none"> <li>LEP 2014/Planning Proposal: <ul style="list-style-type: none"> <li>Yalwal: Danjera Dam Camping Area. <b>Discontinued.</b></li> <li>Amend clause 5.9 Preservation of trees or vegetation to align with DCP mapping. <b>Completed.</b></li> </ul> </li> </ul>
<b>3b. Affordable Housing</b>	
Added	<ul style="list-style-type: none"> <li><b>Priority Project</b> - Implement Shoalhaven Affordable Housing Strategy actions.</li> <li>Homeless Shelter Planning Proposal - Kinghorne Street, Nowra.</li> </ul>
Removed	<ul style="list-style-type: none"> <li>Priority Project - Shoalhaven Affordable Housing Strategy. <b>Finalised.</b></li> <li>Affordable Housing Ministerial Briefing Paper – Coomea Street, Bomaderry. <b>Finalised</b></li> <li>Identifying land for a temporary shelter for the homeless - Flinders Estate. <b>Finalised</b></li> </ul>



4. Population, Ageing and Social Infrastructure	
Added	Nil.
Removed	Nil.
5. Heritage and Events	
Added	<ul style="list-style-type: none"> <li>Planning Proposal, Shoalhaven LEP 2014: Heritage Housekeeping.</li> <li>Assist Local Aboriginal Land Councils - Jerrinja Memorandum of Understanding and Action Plan.</li> <li>Review heritage strategy: <ul style="list-style-type: none"> <li>Berry character.</li> <li>Consideration of Aboriginal Cultural Heritage.</li> </ul> </li> </ul>
Removed	<ul style="list-style-type: none"> <li><b>Priority Project</b> - Shoalhaven Heritage Strategy 2018-2021. <b>Adopted.</b></li> </ul>
6. Legislation and Policy	
Added	<ul style="list-style-type: none"> <li><b>Priority Project</b> - Respond to legislative change.</li> <li><b>Priority Project</b> - Local Area Planning Statements.</li> <li>Maintain LEPs, DCP, CP, s10.7 (s149) certificates, dwelling entitlements.</li> <li>LEP 2014 Planning Proposal - 2017/8 Housekeeping (minor mapping and instrument changes).</li> <li>Semi-detached Dwelling Housekeeping Planning Proposal.</li> </ul>
Removed	<ul style="list-style-type: none"> <li>LEP 2014 Planning Proposal - 2016 Housekeeping (minor mapping and instrument changes). <b>Finalised.</b></li> </ul>

DE18.42

Several factors have impacted upon the ability of the Strategic Planning Section to deliver projects identified in the 2017-2018 SPWP including:

- The need to reactively respond to ongoing legislative change implemented by the NSW Government, often at short notice.
- The Structure of the Strategic Planning Section.

Responding to legislative change will remain an ongoing and time intensive project, and as such, has been included as a priority project in the 2018-2019 SPWP.

The Strategic Planning Section has recently been restructured to enable the effective delivery of the 2018-2019 SPWP. The Section now consists of the following planning teams and related responsibilities (selected examples):

- Policy Planning Team.*
  - LEP/DCP/CP Maintenance and oversight.
  - General policy work.
  - S10.7 (former s149) certificates and dwelling entitlements.
  - Heritage.
  - Government policy review and coordination of submissions.
- Strategy Planning Team.*
  - Population statistics and land monitoring.
  - Structure Plans/Settlement Strategies.
  - Implement Illawarra-Shoalhaven Regional Plan outcomes.
- Local Planning Team.*

- Urban Release Areas.
- Master planning.
- Town Centres – PP’s, DCP’s & CP’s.
- Assisting with activation projects.
- *Special Projects Teams.*
  - Proponent initiated Planning Proposals.
  - Special Projects – paper subdivisions etc.
  - Rural/environmental areas planning.
  - Managing DA referrals/comment on land-based matters.

#### Using and interrogating the new SPWP

Councillors and key Council staff will shortly have direct access to the new SPWP via an interactive online format on Council’s Intranet (currently being finalised). It is intended that the SPWP will be updated on a fortnightly basis and will include the following detail (where relevant):

- Project name.
- Project type and reference (LEP, DCP etc.).
- Minute reference for the project.
- Envisage project timeframe.
- Where the project is up to and next steps.
- Project officer and contact details that Councillors can pass onto stakeholders (provisions of Councillor and Staff Interaction Policy applicable).

Councillors will be able to search for specific projects and interrogate the data accordingly. A Councillor briefing will be scheduled when appropriate to demonstrate its use.

#### Process for adding/removing projects from the 2018-2019 SPWP

The 2018-2019 SPWP will assist with Councils decision making regarding new planning related projects. Ideally, the 2018-2019 SPWP will be proactive and not reactionary. It is inevitable, however, that changes will be required through time and this needs to be done in a considered manner.

Prior to changing the 2018-2019 SPWP (e.g. adding a project), consideration should be given to the likely impact on the current program, priorities, staff workload and resources. Projects should only be included on the 2018-2019 SPWP (or reprioritised) after consideration by Council and following a formal resolution. Ideally, consideration should be given to how they sit against the overarching strategies identified in the SPWP. The exception would be matters that must be resolved operationally (legislative directions, reactive policy submissions etc.).

It is expected that projects will be removed from the SPWP upon completion or via a resolution of Council.

#### Monitoring and reporting

The SPWP will be reported back to the Development Committee annually in June, in line with each new financial year, to enable formal reconsideration and highlight progress, including what has been achieved or completed in the year. The SPWP will also be monitored for efficiency on an ongoing basis and any required or proposed changes to the structure or projects will be reported as needed.

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**Community Engagement**

The SPWP is essentially an internal tool to manage Council's strategic planning effort. No formal community consultation is required as it is an internal management resource.

Based on existing knowledge, plans and community engagement processes (especially the recent Community Strategic Plan/Integrated Strategic Plan 2027 process) the broader expectations of the community have been considered during preparation of the SPWP.

**Policy Implications**

It is considered important to have a clear work program to focus Council's current and future strategic planning effort. This will ensure that Council has an appropriate strategic framework in place that is forward thinking and responsive in nature.

**Financial Implications**

Generally, projects that are on the SPWP will be undertaken within existing budgets. However, should projects require specific funding allocations, these will be reported to Council for consideration as the need arises.

2017-2018 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
1	Managing Future Growth	Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.	<ul style="list-style-type: none"> <li>• <b>Moss Vale Road South URA (and DCP 2014 Chapter).</b></li> <li>• <b>Moss Vale Road North URA (and DCP 2014 Chapter).</b></li> <li>• <b>Nowra-Bomaderry Structure Plan:</b> <ul style="list-style-type: none"> <li>– Additional development opportunities.</li> <li>– Review phasing and dwelling yields.</li> </ul> </li> <li>• <b>Growth Management Strategy version 2:</b> <ul style="list-style-type: none"> <li>– Outstanding investigation areas.</li> <li>– Relationship with commercial and industrial land.</li> <li>– Additional development opportunities (e.g. Berry Expansion).</li> </ul> </li> <li>• <b>Jervis Bay Settlement Strategy (MINI16.950):</b> <ul style="list-style-type: none"> <li>– Review additional urban development opportunities.</li> </ul> </li> <li>• <b>DCP 2014 – Residential and Subdivision Review.</b></li> <li>• Higher density in existing settlements.</li> <li>• Rezoning/Planning Proposal – <ul style="list-style-type: none"> <li>– Falls Creek/Woolamia (and DCP 2014 Chapter).</li> <li>– Nebraska Estate, St Georges Basin.</li> <li>– The Wool Road, St Georges Basin.</li> <li>– Beach Road Berry.</li> <li>– Warrah Road, Bangalee.</li> <li>– Island Point Rd (Anson St) building heights.</li> <li>– <b>Culburra Beach, Callala Bay and Kinghorne Point (Halloran).</b></li> </ul> </li> <li>• Infrastructure Implementation - Verons Estate, Sussex Inlet.</li> </ul>	<ul style="list-style-type: none"> <li>• Rezoning/Planning Proposal – <ul style="list-style-type: none"> <li>– Badgee Lagoon Deferred Matters.</li> <li>– Manyana (Kylor).</li> <li>– Goodland Road, Woolamia (awaiting landowner agreement).</li> </ul> </li> <li>• LEP 2014 – additional matters for consideration - future investigations. <ul style="list-style-type: none"> <li>– Rural Residential Strategy.</li> <li>– Milton/Ulladulla deferred 2(a1) areas.</li> </ul> </li> <li>• Milton-Ulladulla Structure Plan: <ul style="list-style-type: none"> <li>– Review additional development opportunities.</li> </ul> </li> <li>• Outstanding investigations resulting from strategies.</li> </ul>
2	Economic Development, Retailing, Town Centres and Tourism	Balance commercial development with cultural and recreation opportunities.	<ul style="list-style-type: none"> <li>• <b>Shoalhaven Riverfront Precinct (including future DCP chapter).</b></li> <li>• <b>Nowra/Bomaderry Retail Hierarchy review.</b></li> <li>• Planning Proposal – <ul style="list-style-type: none"> <li>– <b>Nowra CBD Heights Planning Proposal (and DCP chapter).</b></li> <li>– Albatross and Kinghorne Street.</li> <li>– Bomaderry Boat Showroom.</li> <li>– SP3 Tourist Zone Review.</li> <li>– St Vincent and Deering Streets, Ulladulla.</li> </ul> </li> <li>• DCP 2014 - Draft Chapter G18: Streetscape Design for Town Centres.</li> <li>• S94 Contribution – Huskisson Town Centre Service Lanes Review.</li> <li>• Nowra CBD Murals Policy and Branding.</li> <li>• Precinct Plan – Worrowing Heights (possible planning proposal).</li> <li>• Nowra CBD Revitalisation Strategy – coordinating implementation and supporting Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• LEP 2014 – additional matter for future investigation - Burton Street, Vincenia shopping centre.</li> <li>• Actions resulting from community led Strategic Plans (i.e. Shoalhaven Heads, Berry, Sanctuary Point).</li> <li>• DCP 2014 Chapter N18: Huskisson Town Centre: <ul style="list-style-type: none"> <li>– Amendments following Huskisson Foreshore Masterplan.</li> <li>– Car parking review (includes Contribution Plan review).</li> </ul> </li> <li>• Strategy to activate key waterfront locations.</li> <li>• South Nowra – zoning and land use review.</li> <li>• CBD/ Retail strategy: <ul style="list-style-type: none"> <li>– Responding to e-retailing, department stores, entertainment centres, changing nature of CBDs.</li> <li>– Escape spending.</li> <li>– Investigate developing provisions in Shoalhaven LEP 2014 to strengthen Nowra CBD (centre/retail primacy).</li> </ul> </li> <li>• Refine and use outcomes of Employment Lands Monitor (to be established with DP&amp;E) to understand existing supply of industrial land (particularly Milton-Ulladulla) and undertake strategic exercise to identify appropriate industrial land for future expansion.</li> <li>• Ensure appropriate and relevant references to Disability Discrimination Act in DCP.</li> <li>• Berry car parking review.</li> <li>• Flinders Industrial Estate expansion DCP.</li> <li>• Economic Development Strategy – implement relevant actions.</li> </ul>

## 2017-2018 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
3a	Natural Environment/Agriculture	Maintain an ‘unspoilt’ environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.	<ul style="list-style-type: none"> <li>Review of tourist and visitor provisions in rural and environmental protection zones (LEP/DCP) (MIN16.979).</li> <li>Biodiversity Certification Application (BioBanking) for the Halloran Planning Proposal.</li> <li>Cambewarra Escarpment character Assessment/review (MIN16.950) – identify development controls.</li> <li>LEP 2014 - Review of flood controls (and DCP Flood Chapter Review).</li> <li>‘Heritage Estates’, Worroving Heights: <ul style="list-style-type: none"> <li>Manage land and water degradation.</li> <li>Collaborate with State and Federal Governments to resolve the land tenure.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>LEP 2014/Planning Proposal: <ul style="list-style-type: none"> <li>Yalwal Danjera Dam Camping Area.</li> <li>Amend clause 5.9 Preservation of trees or vegetation to align with DCP mapping.</li> </ul> </li> <li>Strategic review of agricultural development opportunities (LEP).</li> <li>Respond to outcomes of Council’s natural resources plans and strategies.</li> </ul>
3b	Affordable Housing	Work to increase affordable housing opportunities in Shoalhaven.	<ul style="list-style-type: none"> <li>Shoalhaven Affordable Housing Strategy.</li> <li>Tiny Homes Project, Nowra – detailed investigation.</li> <li>Affordable Housing Ministerial Briefing Paper – Coomea Street, Bomaderry.</li> <li>Identifying land for a temporary shelter for the homeless - Flinders Estate.</li> </ul>	<ul style="list-style-type: none"> <li>Review of dual occupancy subdivision opportunities outside Areas 1 and 2 (LEP) and implications on affordable housing opportunities.</li> <li>Expand Affordable Housing Strategy Framework to include affordable university student accommodation.</li> <li>Investigate implications of dual occupancy provisions on affordable housing.</li> <li>Citywide density review of existing residential areas to identify higher density opportunities.</li> <li>Reconsider position on short term rental accommodation following release of the Government’s discussion paper.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>Facilitate a healthy, active and accessible community.</li> <li>Identify and respond to demonstrated need and create best practice livable communities for all ages and stages</li> </ul>	<ul style="list-style-type: none"> <li>Medical precinct master plan.</li> <li>Undertake an assessment of the City’s ageing demographic with a view to determining future aged housing types, demand and associated services. Outcomes to be facilitated via future Strategic Planning projects.</li> </ul>	<ul style="list-style-type: none"> <li>Well Being Strategy (in conjunction with other Sections of Council).</li> <li>Illawarra Age Friendly Alliance work.</li> <li>Labour force review.</li> </ul>
5	Heritage and Events	Maintain, investigate and bring forward our Aboriginal and European heritage into the future.	<ul style="list-style-type: none"> <li>Review heritage strategy: <ul style="list-style-type: none"> <li>Berry character.</li> <li>Consideration of Aboriginal Cultural Heritage.</li> </ul> </li> <li>Planning Proposal – Central Nowra Residential Area Character Controls (conservation areas and/or back zoning – MIN17.131).</li> <li>Managing response to Aboriginal Land Claims.</li> <li>Land Asset Reviews – Assist Local Aboriginal Land Councils.</li> <li>Run annual Local Heritage Grants Scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Chinaman’s Island Heritage Significance.</li> </ul>

2017-2018 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven LEPs, DCP and Contributions Plan.</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contributions Plan Review.</b></li> <li><b>Implement Illawarra Shoalhaven Regional Plan Actions</b> (includes ongoing representation at the Coordinating and Monitoring Committee jointly chaired by the Department of Planning and Environment and the Illawarra Pilot Joint Organisation).</li> <li>LEP 2014 /Planning Proposals: <ul style="list-style-type: none"> <li>Council Land Reclassification.</li> <li>2016 Housekeeping (minor mapping and instrument changes).</li> </ul> </li> <li>DCP 2014 Amendment 7 – Generic Chapter Review.</li> <li>Local Approvals Policy Review.</li> <li>S149 Policy Note Review.</li> <li>Manage proponent submitted planning proposals.</li> <li>Prepare submissions to respond to legislation and policy proposals.</li> </ul>	<ul style="list-style-type: none"> <li>LEP 2014 - Council Strategic Land Review and possible zoning changes.</li> <li>DCP 2014 <ul style="list-style-type: none"> <li>Amendment 10 – Various/Area Specific Chapter Review.</li> <li>Amendment 12 – General Housekeeping.</li> <li>Sussex Inlet Canal Easements.</li> </ul> </li> <li>ePlanning – responding to DP&amp;E requirements and improving Council's ability to process online request and electronic payment.</li> </ul>

Proposed 2018-2019 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
1	Managing Future Growth	Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.	<ul style="list-style-type: none"> <li>• <b>Moss Vale Road South URA (and DCP 2014 Chapter):</b> <ul style="list-style-type: none"> <li>– Planning proposal - Clause 6.5 Housekeeping.</li> </ul> </li> <li>• <b>Moss Vale Road North URA (and DCP 2014 Chapter).</b></li> <li>• <b>Nowra-Bomaderry Structure Plan:</b> <ul style="list-style-type: none"> <li>– Additional development opportunities.</li> <li>– Review phasing and dwelling yields.</li> </ul> </li> <li>• <b>Growth Management Strategy version 2:</b> <ul style="list-style-type: none"> <li>– Outstanding investigation areas.</li> <li>– Relationship with commercial and industrial land.</li> <li>– Higher density in existing settlements.</li> <li>– Additional development opportunities (e.g. Berry Expansion).</li> <li>– Inclusion of Milton-Ulladulla Structure Plan and Jervis Bay Settlement Strategy (MIN16.950), including review of additional development opportunities.</li> <li>– LEP 2014 – additional matter for future investigation - Burton Street, Vincentia shopping centre.</li> <li>– Actions resulting from community led Strategic Plans (i.e. Shoalhaven Heads, Berry, Sanctuary Point).</li> </ul> </li> <li>• <b>DCP 2014 – Residential and Subdivision Review:</b> <ul style="list-style-type: none"> <li>– Medium Density Review (G13/G14).</li> <li>– Chapter G12 Review.</li> <li>– Chapter G11 Review.</li> </ul> </li> <li>• Culburra/citywide – development on narrow laneways review.</li> <li>• Establishment of a design review panel.</li> <li>• Rezoning/Planning Proposal – <ul style="list-style-type: none"> <li>– Badgee Lagoon Deferred Matters.</li> <li>– Inyadda Drive, Manyana (formally Kylor).</li> <li>– Nebraska Estate, St Georges Basin.</li> <li>– Beach Road, Berry.</li> <li>– Warrah Road, Bangalee.</li> <li>– Island Point Rd (Anson St) building heights.</li> <li>– 1310 Naval College Road (and precinct plan).</li> <li>– Hitchcock's Lane, Berry.</li> <li>– South Nowra Caravan Park.</li> <li>– Jervis Bay Road, Falls Creek.</li> <li>– <b>Culburra Beach, Callala Bay and Kinghorne Point (Holloran).</b></li> </ul> </li> <li>• Infrastructure Implementation - Verons Estate, Sussex Inlet.</li> <li>• Mundamia URA – Works in Kind Agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Rezoning/Planning Proposal – <ul style="list-style-type: none"> <li>– Goodland Road, Woollamia (awaiting landowner agreement).</li> <li>– The Wool Road, St Georges Basin.</li> </ul> </li> <li>• LEP 2014 – additional matters for consideration - future investigations: <ul style="list-style-type: none"> <li>– Rural Residential Strategy.</li> <li>– Milton/Ulladulla deferred 2(a1) areas.</li> </ul> </li> <li>• Outstanding investigations resulting from strategies.</li> </ul>

## Proposed 2018-2019 Strategic Planning Works Program

2	<b>Economic Development, Retailing, Town Centres and Tourism</b>	Balance commercial development with cultural and recreation opportunities.	<ul style="list-style-type: none"> <li>• <b>Shoalhaven Riverfront Precinct (including future DCP chapter).</b></li> <li>• <b>Nowra/Bomaderry Retail Hierarchy review.</b> <ul style="list-style-type: none"> <li>– Investigate developing provisions in Shoalhaven LEP 2014 to strengthen Nowra CBD (centre/retail primacy).</li> </ul> </li> <li>• Planning Proposal –           <ul style="list-style-type: none"> <li>– SP3 Tourist Zone Review.</li> <li>– St Vincent and Deering Streets, Ulladulla (Babington)/ Ulladulla Heights (Southern Part of Ulladulla CBD).</li> </ul> </li> <li>• DCP 2014:           <ul style="list-style-type: none"> <li>– Draft Chapter G18: Streetscape Design for Town Centres.</li> <li>– Ensure appropriate and relevant references to Disability Discrimination Act in DCP.</li> </ul> </li> <li>• S94 Contribution – Huskisson Town Centre Service Lanes Review.</li> <li>• Nowra CBD Revitalisation Strategy – coordinating implementation and supporting Committee.           <ul style="list-style-type: none"> <li>– Potential annual event research.</li> <li>– Parklet.</li> <li>– Façade and access improvement.</li> <li>– Nowra CBD Murals Policy and Branding: Placards and new murals.</li> </ul> </li> <li>• South Nowra Internal Service Lane (Contribution Plan and DCP Amendments).</li> <li>• Enterprise Avenue Contribution Plan Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• DCP 2014 Chapter N18: Huskisson Town Centre:           <ul style="list-style-type: none"> <li>– Amendments following Huskisson Foreshore Masterplan.</li> <li>– Car parking review (includes Contribution Plan review).</li> </ul> </li> <li>• South Nowra – zoning and land use review.</li> <li>• CBD/ Retail strategy:           <ul style="list-style-type: none"> <li>– Responding to e-retailing, department stores, entertainment centres, changing nature of CBDs.</li> <li>– Escape spending.</li> </ul> </li> <li>• Refine and use outcomes of Employment Lands Monitor (to be established with DP&amp;E) to understand existing supply of industrial land (particularly Milton-Ulladulla) and undertake strategic exercise to identify appropriate industrial land for future expansion.</li> <li>• Berry car parking review.</li> <li>• Flinders Industrial Estate expansion DCP.</li> <li>• Economic Development Strategy – implement relevant actions.           <ul style="list-style-type: none"> <li>– Strategy to activate key waterfront locations.</li> </ul> </li> </ul>
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## Proposed 2018-2019 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
3a	Natural Environment/Agriculture	Maintain an ‘unspoilt’ environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.	<ul style="list-style-type: none"> <li>Review of tourist and visitor provisions in rural and environmental protection zones (LEP/DCP) (MIN16.979).</li> <li>Biodiversity Certification Application (BioBanking) for the Halloran Planning Proposal.</li> <li>Cambewarra Escarpment character Assessment/review (MIN16.950) – identify development controls.</li> <li>LEP 2014 – <ul style="list-style-type: none"> <li>Review of flood controls (and DCP Flood Chapter Review).</li> <li>Coastal hazard review (PP and DCP Chapter review).</li> </ul> </li> <li>‘Heritage Estates’, Worrowing Heights: <ul style="list-style-type: none"> <li>Manage land and water degradation.</li> <li>Collaborate with State and Federal Governments to resolve the land tenure.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Strategic review of agricultural development opportunities (LEP).</li> <li>Respond to outcomes of Council’s natural resources plans and strategies.</li> </ul>
3b	Affordable Housing	Work to increase affordable housing opportunities in Shoalhaven.	<ul style="list-style-type: none"> <li>Implement Shoalhaven Affordable Housing Strategy actions. <ul style="list-style-type: none"> <li>Cooma Street, Bomaderry.</li> </ul> </li> <li>Tiny Homes Project, Nowra – detailed investigation.</li> <li>Homeless Shelter Planning Proposal - Kinghorne Street, Nowra.</li> </ul>	<ul style="list-style-type: none"> <li>Expand Affordable Housing Strategy Framework to include affordable university student accommodation.</li> <li>Investigate implications of dual occupancy provisions on affordable housing.</li> <li>Citywide density review of existing residential areas to identify higher density opportunities.</li> <li>Reconsider position on short term rental accommodation following release of the Government’s discussion paper.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>Facilitate a healthy, active and accessible community.</li> <li>Identify and respond to demonstrated need and create best practice livable communities for all ages and stages</li> </ul>	<ul style="list-style-type: none"> <li>Medical precinct master plan.</li> <li>Undertake an assessment of the City’s ageing demographic with a view to determining future aged housing types, demand and associated services. Outcomes to be facilitated via future Strategic Planning projects.</li> </ul>	<ul style="list-style-type: none"> <li>Well Being Strategy (in conjunction with other Sections of Council).</li> <li>Illawarra Age Friendly Alliance work.</li> <li>Labour force review.</li> </ul>
5	Heritage and Events	Maintain, investigate and bring forward our Aboriginal and European heritage into the future.	<ul style="list-style-type: none"> <li>Nowra CBD Fringe Medium Density Study (Planning Proposal and DCP amendment – MIN17.131).</li> <li>Assist Local Aboriginal Land Councils: <ul style="list-style-type: none"> <li>Land Asset Reviews.</li> <li>Jerrinja Memorandum of Understanding and Action Plan.</li> </ul> </li> <li>Managing response to Aboriginal Land Claims.</li> <li>Run annual Local Heritage Grants Scheme.</li> <li>Chinaman’s Island Heritage Significance.</li> <li>SLEP 2014/Planning Proposal: Heritage Housekeeping.</li> </ul>	<ul style="list-style-type: none"> <li>Review heritage strategy: <ul style="list-style-type: none"> <li>Berry character.</li> <li>Consideration of Aboriginal Cultural Heritage.</li> </ul> </li> </ul>

## Proposed 2018-2019 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven LEPs, DCP and Contributions Plan.</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>	<ul style="list-style-type: none"> <li><b>Respond to legislative change.</b></li> <li>Maintain LEPs, DCP, CP, s10.7 (s149) certificates, dwelling entitlements.</li> <li><b>Contributions Plan Review.</b></li> <li><b>Implement Illawarra Shoalhaven Regional Plan Actions</b> (includes ongoing representation at the Coordinating and Monitoring Committee jointly chaired by the Department of Planning and Environment and the Illawarra Pilot Joint Organisation).</li> <li>LEP 2014 /Planning Proposals: <ul style="list-style-type: none"> <li>2017/8 Housekeeping (minor mapping and instrument changes).</li> <li>Semi-detached Dwelling Housekeeping.</li> <li><i>Council and Crown Land Reclassification (Land Review).</i></li> <li>Subdivision Review, including review of dual occupancy subdivision opportunities outside Areas 1 and 2 (LEP).</li> </ul> </li> <li>DCP 2014 Amendment 7 – Generic Chapter Review.</li> <li>S149 Policy Note Review.</li> <li>Manage proponent submitted planning proposals.</li> <li>Prepare submissions to respond to legislation and policy proposals.</li> </ul>	<ul style="list-style-type: none"> <li>DCP 2014: <ul style="list-style-type: none"> <li>Amendment 10 – Various/Area Specific Chapter Review.</li> <li>Amendment 12 – General Housekeeping.</li> <li>Sussex Inlet Canal Easements.</li> </ul> </li> <li>ePlanning – responding to DP&amp;E requirements and improving Council's ability to process online request and electronic payment.</li> <li>2020 Local Approvals Policy Review.</li> <li><b>Local Area Planning Statements.</b></li> </ul>

## DE18.43 Proposed Planning Proposal - Citywide SP3 Tourist Zone Review

**HPERM Ref:** D18/143978

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. Citywide SP3 Tourist Zone Review Planning Proposal (under separate cover)

### Purpose / Summary

Formally commence the Planning Proposal (PP) process to amend Shoalhaven Local Environmental Plan (LEP) 2014 to:

- Rezone land at Shoalhaven Heads, Greenwell Point, Sanctuary Point, St Georges Basin, Sussex Inlet, Ulladulla/Mollymook and Burrill Lake from SP3 Tourist to an approximate alternate zone, with subsequent amendments to the Height of Building and Minimum Lot Size maps where required.
- Depending on the site, also amend the zoning, height of building and minimum lot size of the road network or land adjacent.
- Insert a new clause in Part 7 Additional local provisions of Shoalhaven LEP 2014 to provide criteria for the consideration of dwelling houses in the SP3 Tourist zone and delete the third objective in the Land Use Table as a result.

This report also seeks support to prepare an amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan (DCP) 2014 to include site specific provisions for Site 6 at Ulladulla/Mollymook.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the preparation of the Citywide SP3 Tourist Zone Review Planning Proposal at Attachment 1 and submit to the NSW Department of Planning & Environment for Gateway determination. If Gateway determination is granted, proceed to formal public exhibition in terms of such determination.
2. Prepare an amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan 2014 to establish site specific provisions for Site 6: Mollymook/Ulladulla.
3. Consider the detail of the proposed amendments to Shoalhaven Development Control Plan 2014 via a separate report and if needed a Councillor Briefing prior to exhibition.
4. Advise the owners of the subject land, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
5. Following public exhibition of the Planning Proposal and draft Chapter V3, submit a further report to Council to address any submissions and finalisation of the process.

### Options

1. Adopt the recommendation.

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Implications: This is the preferred option, as it will formally commence the process to rezone the seven predominantly residential sites from SP3 Tourist to a zone that better reflects the current use and future likely use of the land. Further, the introduction of a new local clause will clarify when dwelling houses in the SP3 Tourist zone can be considered/approved. The preparation of Shoalhaven DCP 2014 provisions for Site 6: Ulladulla/Mollymook will ensure that the amenity of the land surrounding the site is considered, particularly land to the east along Seaview Street, Mollymook.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the rezoning of the seven SP3 Tourist zoned sites in Shoalhaven LEP 2014 and provision of related Shoalhaven DCP 2014 provisions for Site 6: Ulladulla/Mollymook. This could result in the retention of a zoning that does not facilitate appropriate development outcomes within the Study Area. Further, a new local clause may not be introduced which may result in ongoing confusion as to the application of Objective 3 in the SP3 Tourist Land Use Table.

3. Reject the recommendation.

Implications: This is not the preferred option as the existing zoning provisions in Shoalhaven LEP 2014 will not be amended. The zoning will continue to not reflect the current use and future likely use for the land and may limit good development outcomes. Further, there will be ongoing confusion as to the application of Objective 3 in the SP3 Tourist Land Use Table.

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## Background

On 5 May 2015, the Development Committee considered a development application for the construction of a dwelling house within the SP3 Tourist Zone in Sussex Inlet (Site 5 in the PP). Although a dwelling house is permissible with consent in the zone, the report sought direction from Council regarding the appropriateness of approving the dwelling house due to the potential inconsistency with the current third objective of the SP3 Tourist Zone that reads as follows:

*To provide for dwelling houses that form an integral part of tourist oriented development.*

It was subsequently resolved that:

- a) *as a matter of policy, the erection of dwellings for residential purposes on existing lots without a tourist related use be permitted within the area of SP3 zoned area of Glanville Road and Lakehaven Drive Sussex Inlet.*
- b) *the appropriateness of the SP3 Tourist Zone for the small individual lots in this locality be reviewed as part of ongoing Shoalhaven LEP 2014 reviews.*

During the overall Shoalhaven LEP 2014 process, it was highlighted that much of the development in this tourist zone is not necessarily tourist related, which is inconsistent with the objectives of the zone. In addition, some SP3 Tourist land is now considered unsuitable for tourist type development due to current bushfire, flooding or other requirements. As a result, the scope of the Review was expanded to include all SP3 Tourist zoned land across the City, as the issue is not isolated to the Sussex Inlet area.

The Review was undertaken in 2015/2016 and considered approximately 55 sites currently zoned SP3 Tourist. The Review identified land that:

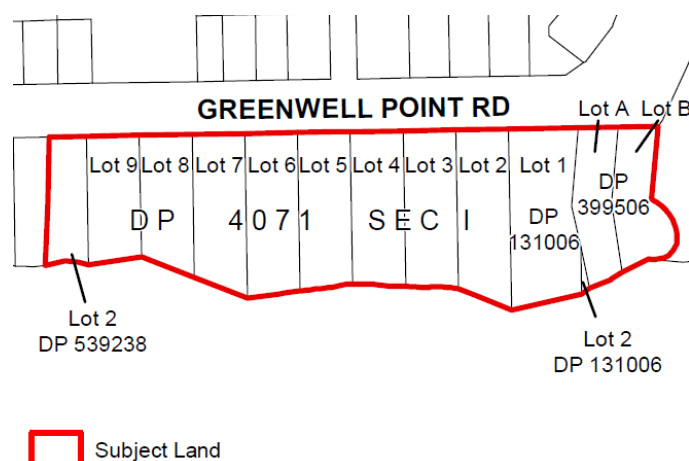
- Should remain SP3 Tourist due to its ongoing tourism activities;
- Was recently zoned SP3 during the Principal Shoalhaven LEP 2014 process and therefore rezoning is not appropriate; and

- Would be more appropriately zoned residential given current and adjoining uses.

Preliminary consultation was undertaken with all property owners of SP3 Tourist land in October 2016. Landowners of properties zoned SP3 that were being used for existing residential purposes received a letter and a survey to canvas their future intentions for their land and gauge their thoughts on a potential change of zone. Land owners of properties that had a tourist related use or were in an area that is predominantly developed for tourist related uses, were sent a letter inviting comments.

An initial Councillor Briefing was held in August 2017 to outline the Review process, response to preliminary consultation and to discuss and consider a number of sites suggested for rezoning.

On 22 January 2018, the Development Committee considered a report on the proposed SP3 Tourist Zone Review PP and resolved (MIN18.5) to defer the matter pending a Councillor Briefing. As such, an additional Councillor Briefing was held in April 2018. It is noted that an outcome of this briefing was to remove previously considered Site 2, being the land at Greenwell Point Road, Greenwell Point (Figure 1). Proposed Site 2 (see **Attachment 1** and Table 1), being land at Greenwell Point Road, South Street and Jervis Street, Greenwell Point, has been retained in the proposed PP at this point as the outcome of the briefing in this regard was unclear.

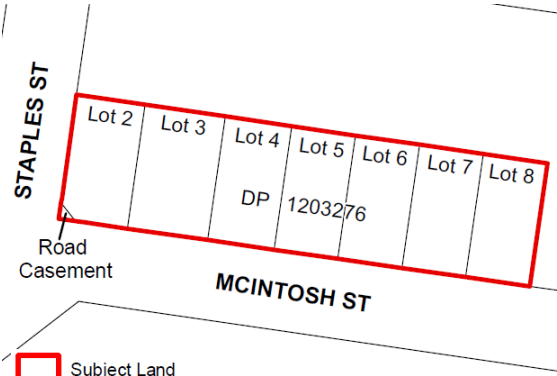
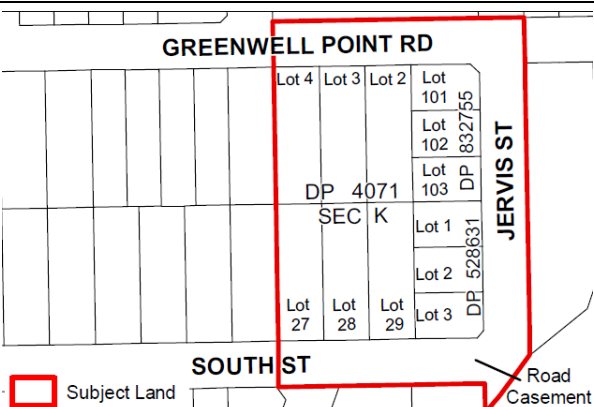
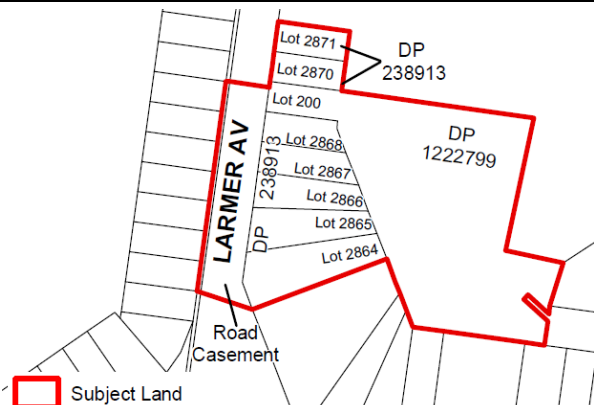
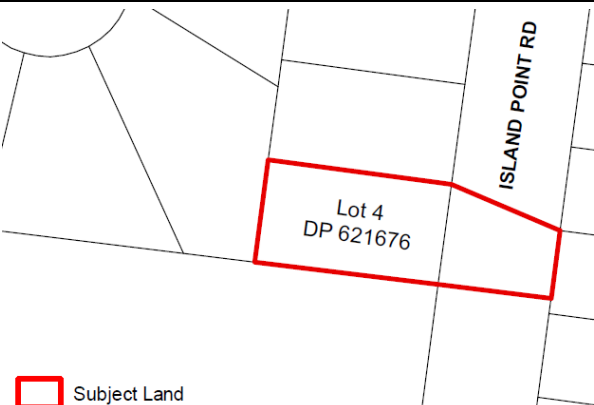


**Figure 1: Previously considered Site 2 - Greenwell Point Road, Greenwell Point**

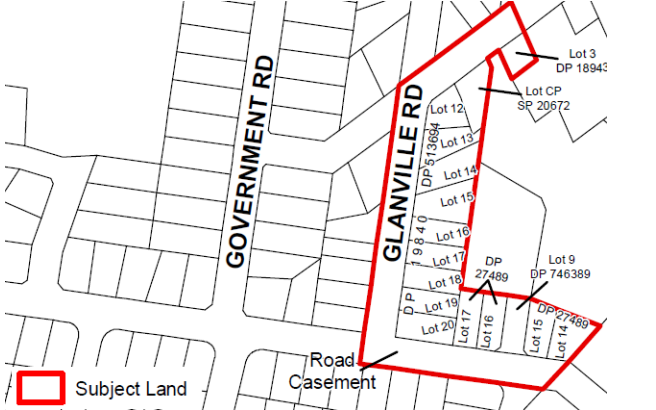
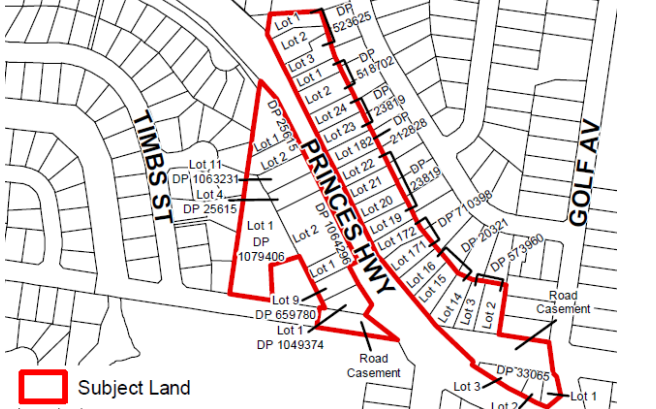
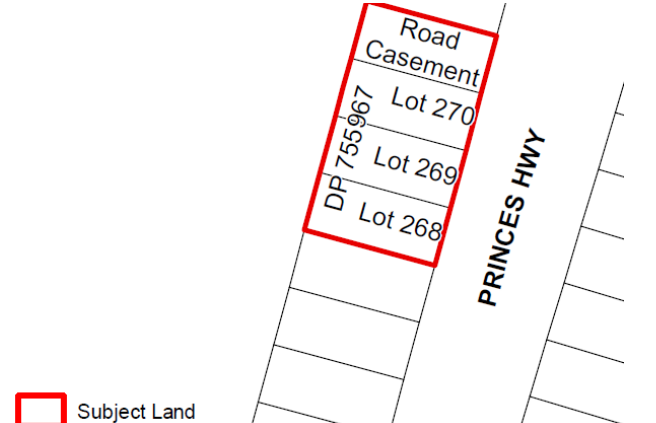
It was also highlighted at both Councillor Briefings that the permissibility of dwelling houses in the SP3 zone remains unclear - dwelling houses are permissible with consent, but what weight is given to the third zone objective is a question. For example, if a proposed dwelling house does not form an integral part of a tourist-oriented development, is it considered to be prohibited? This is a question often asked by Council staff, industry and the broader community and should also be clarified in the LEP.

As a result of the Review, associated consultation and two Councillor briefings, seven sites across Shoalhaven have been identified for rezoning (see **Attachment 1** and Table 1 below).

**Table 1: Site details**

<p><b>Site 1</b></p> <p>60-72 McIntosh Road, Shoalhaven Heads</p>	 <p>STAPLES ST</p> <p>Lot 2 Lot 3 Lot 4 Lot 5 Lot 6 Lot 7 Lot 8</p> <p>DP 1203276</p> <p>MCINTOSH ST</p> <p>Road Casement</p> <p>Subject Land</p>
<p><b>Site 2</b></p> <p>Greenwell Point Road, South Street and Jervis Street, Greenwell Point</p>	 <p>GREENWELL POINT RD</p> <p>Lot 4 Lot 3 Lot 2 Lot 101</p> <p>Lot 102 Lot 103 DP 832755</p> <p>DP 4071 SEC K</p> <p>Lot 1 Lot 2 Lot 3</p> <p>Lot 27 Lot 28 Lot 29 DP 528631</p> <p>JERVIS ST</p> <p>SOUTH ST</p> <p>Road Casement</p> <p>Subject Land</p>
<p><b>Site 3</b></p> <p>150-164 Larmer Avenue, Sanctuary Point</p>	 <p>Lot 2871 Lot 2870 DP 238913</p> <p>Lot 200</p> <p>Lot 2868 Lot 2867 Lot 2866 Lot 2865 Lot 2864 DP 1222799</p> <p>LARMER AV</p> <p>Road Casement</p> <p>Subject Land</p>
<p><b>Site 4</b></p> <p>81 Island Point Road, St Georges Basin</p>	 <p>ISLAND POINT RD</p> <p>Lot 4 DP 621676</p> <p>Subject Land</p>

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<p><b>Site 5</b></p> <p>Iverison Road, Glanville Road, Lakehaven Drive, Sussex Inlet</p>	
<p><b>Site 6</b></p> <p>Princes Highway, Mollymook/Ulladulla</p>	
<p><b>Site 7</b></p> <p>3-7 Princes Highway, Burrill Lake</p>	

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### Planning Proposal

Generally, the PP seeks to rezone certain SP3 Tourist zoned land identified in the Review to an appropriate residential zone or special purpose zone to better reflect the current use and future likely use for the land.

The seven sites shown in Table 1 are not currently subject to height mapping under Shoalhaven LEP 2014; however, provisions for maximum building height apply via Clause 4.3(2A) where an 11m blanket height provision is prescribed. The PP seeks to map the heights consistent with the adjoining residential zones, where appropriate, whilst maintaining the citywide approach of mapping foreshore residential lots (first residential lot back from the waterfront of the sea, bays, rivers and lakes) at 7.5m.

The sites currently have no minimum lot size under Shoalhaven LEP 2014. For consistency with surrounding residentially zoned land, a minimum lot size of 500m<sup>2</sup> is proposed for all seven sites where appropriate. Further, where appropriate to the immediate location, a lot



size clause (clause 4.1A) relating to Torrens dual occupancy/multi dwelling housing subdivision will also be applied.

Depending on the site, the PP also seeks to amend the zoning, height of building and minimum lot size of the road network or land adjacent to the SP3 Tourist zoned land for consistency.

The PP also seeks to insert a new clause in Part 7 Additional Local Provisions of Shoalhaven LEP 2014 to provide criteria for the consideration of dwelling houses in the SP3 zone. This will provide certainty in the interpretation of provisions relating to SP3 Tourist zoned land. This will also see the third SP3 zone objective ultimately removed.

The PP at **Attachment 1** details the existing and proposed zones, height of building, minimum lot sizes and proposed area clause as well as justification for the proposed amendments.

#### Proposed Site-Specific Development Control Plan (DCP) Provisions -Ulladulla/Mollymook

Site 6 spans across the Princes Highway along the northern approach to the Ulladulla Town Centre (Figure 2).



**Figure 2: Site 6**

The site is predominantly residential in nature (dwelling houses) with 4 motels interspersed throughout. These motels are somewhat dated, and it is noted that the demand for highway located motels is decreasing as visitors now look to stay in higher amenity locations. It is recommended that this site be rezoned to a R1 General Residential zone.

An outcome of the Councillor Briefing in August 2017 was the preparation of supporting Shoalhaven DCP 2014 provisions for this high-profile site to guide future development in this town gateway entrance and reduce the impact on the amenity (e.g. privacy and overshadowing) of adjoining properties along Seaview Street, Mollymook. It is expected that these provisions will be included in Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven DCP 2014. Any amendments to Shoalhaven DCP 2014 in this regard would be exhibited alongside the PP.

It is noted that an outcome of the August 2017 Councillor Briefing was to consider decreasing the height of Site 6 (eastern side of the Princes Highway) to 8.5m to address concerns of privacy and amenity impacts to dwellings along Seaview Street, Mollymook. The PP proposes to retain the existing 11m height over this area as it is considered that the area specific provisions in Chapter V3 will adequately mitigate against these impacts.



### Conclusion

The PP will enable SP3 Tourist zoned land to be rezoned to be consistent with the current and future likely use, including height and minimum lot size provisions. The inclusion of a clause in Shoalhaven LEP 2014 will provide consistency and clarity to the approval of dwelling houses in the SP3 Tourist zone.

The preparation of site specific Shoalhaven DCP 2014 provisions for Site 6: Ulladulla/Mollymook will support the zone change and guide appropriate development in this gateway entrance area.

### **Community Engagement**

The community engagement undertaken to date as part of the Citywide SP3 Tourist Review is outlined above.

Any future PP would be subject to the exhibition requirements set out in the Gateway determination in accordance with the relevant legislation. This will involve notifying all adjoining landowners, relevant community groups and other interested parties.

Any amendments to Shoalhaven DCP 2014 would be exhibited concurrently with the PP in accordance with the relevant legislation.

### **Financial Implications**

There are no immediate financial implications for Council. Any future amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 would be resourced from the Strategic Planning budget.

## **DE18.44 Proposed Adoption - Works in Kind Agreement - 21 Beach Street, Huskisson (Re: DA15/1102)**

**HPERM Ref:** D18/152989

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. Draft Works in Kind Agreement - 21 Beach Street, Huskisson (under separate cover)

### **Purpose / Summary**

Detail the outcome of the recent public exhibition of a proposed Works in Kind (WIK) Agreement to action a partial refund of development contributions for works associated with contributions project 03ROAD0062 and recommend its finalisation.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Adopt, as exhibited, the Works in Kind Agreement for 21 Beach Street, Huskisson associated with DA15/1102.
2. Obtain the necessary signatures on the Works in Kind Agreement to enable its finalisation and once this occurs action a refund to the applicant as per the Agreement.

### **Options**

1. Adopt the WIK as exhibited/recommended

Implications: This would enable the WIK Agreement to be finalised and the refund issued for the works that have been completed as part of DA15/1102.

2. Not adopt the WIK

Implications: This is not the preferred option as the work has already been completed on Council's behalf as part of DA15/1102. The WIK agreement is the most appropriate mechanism by which Council can reimburse the developer for the work undertaken.

### **Background**

On 16 December 2015, Council approved a development application (DA15/1102) which allowed for the construction of four new tourist cabins at the rear of 21 Beach Street, Huskisson. Drainage work external to the property was required for the development to proceed.

The required drainage work forms part of an existing contribution project in Councils Contributions Plan - 03ROAD0062 Unnamed Lane (Huskisson). The project covers the construction of a lane as well as further work for stormwater and drainage. Figure 1 shows the project area (in red), and the affected properties (in blue). The blue properties are the only ones that are required to pay contributions for the development of the laneway. The value of the stormwater and drainage work in the project is \$9,212 (as of March 2014).

On 7 April 2016, development contributions were paid by the developer which included \$16,405.25 for 03ROAD0062.

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Figure 1: Extract from 03ROAD0062, Shoalhaven Contribution Plan 2010

The developer has now completed the stormwater and drainage works outlined in project 03ROAD0062. The developer has now requesting a refund of \$9212 plus CPI, that is, \$9,983.38 from project 03ROAD0062.

Following consultation, Council's Assets Section agrees that a refund of this amount is fair and reasonable for the works completed. The agreement for the refund is outlined in the Draft WIK Agreement provided **Attachment 1**.

At the Development Committee Meeting held on Tuesday 13 March 2018 it was resolved (under delegation) that Council:

1. *Accept and proceed to publicly exhibit the draft Works in Kind agreement for 21 Beach Street, Huskisson (associated with DA15/1102) for a period of 28 days in line with the Environmental Planning and Assessment Regulation 2000; and*
2. *Receive a further report to consider the outcomes of the exhibition and enable the finalisation of the Works in Kind agreement.*

Consistent with this resolution, Council staff proceeded to exhibit the Draft WIK Agreement.

### Community Engagement

The Draft Agreement was publicly exhibited from Wednesday 11 April to Friday 11 May 2018. This involved a newspaper advertisement and personalised letters to the four

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landowners that are affected by the contributions project, and the local Community Consultative Body (CCB).

During this period, one (1) submission was received and it is summarised as follows:

Submission	Summary of submission	Comment
1	<p>Objection to subdivision and development in the area as the precinct is losing its heritage and character.</p> <p>Proposes that heritage façades be made use of in the development and no further development be made in the current surrounding streets and laneways.</p> <p>Modern development is destroying the areas charm and heritage.</p>	<p>The submission refers to overdevelopment in the broader Huskisson area.</p> <p>As such it does not directly relate to the WIK Agreement and is outside its scope.</p> <p>As such the submission is noted and no direct action is required in terms of the exhibited WIK Agreement that relates to an approved development.</p>

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### Conclusion

Given that no submissions were received that directly related to the exhibited draft WIK Agreement it is recommended that Council now proceed to finalise and sign the agreement.

### Financial Implications

Following its adoption and finalisation, Council will be able to reimburse the required amount to the developer, which represents a partial refund of development contributions that have already been paid by the applicant. There are no further financial implications.

## 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.