

Ordinary Meeting

Meeting Date: Tuesday, 31 July, 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 26 June 2018
 - Extra Ordinary Meeting - 28 June 2018
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**

MM18.13	Mayoral Minute - Bega Valley Shire Council - Thank you - Tathra Fires.....	1
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9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

CL18.168	Rescission Motion - CL18.133 - Dog Off Leash Area - Sussex Inlet, Berrara, Cudmirrah	3
CL18.169	Notice of Motion - Dog Off Leash Area - Sussex Inlet, Berrara, Cudmirrah	5
CL18.170	Notice of Motion - Letter of Condolence - The Late George Melonas	6
CL18.171	Notice of Motion - Representations at ALGA Conference - June 2018	7

11. Committee Reports

CL18.172	Report of the Strategy & Assets Committee - 24 July 2018	8
SA18.166	Authority for Cheque and Electronic Banking Signatories	
SA18.171	Acceptance of Grant Funding - Gordon Darling Foundation - \$5,500 - Exhibition Catalogue Vicki Varvaressos	
SA18.172	NSW Government Safer Roads Program 2018-19 - Approved Projects	
SA18.173	NSW Government - Saving Lives on Country Roads Program 2018/2019	
SA18.175	NSW Government - Update of Shoalhaven - Kiama TRACKS Model - Grant Funding Assistance 2017/18	
SA18.176	NSW Better Boating Now - Funding	
SA18.177	Bomaderry Sewerage Treatment Plant - Property Acquisition Matters	
SA18.178	Waste Less Recycle More Grant - Bin Trim Program	
SA18.179	Waste Less Recycle More Grant - Shoalhaven Plastics and Cardboard Recovery and Consolidation Project	
SA18.180	Love Food Hate Waste Grant	
SA18.183	Classification of Land - Proposed Lot 48 of Subdivision SF9367 - Tahnee Street Sanctuary Point	
SA18.185	Acceptance of Grants - Grey Headed Flying Fox and Biodiversity Corridor Mapping	
CL18.173	Report of the Shoalhaven Tourism Advisory Group - 25 June 2018	12
TA18.31	Tourism Impacts During Peak Periods - Hyams Beach	
CL18.174	Report of the Shoalhaven Traffic Committee - 12 June 2018	15
TC18.71	Additional item - Parking Restrictions – Time restricted 2 hour (2P) - Shoalhaven District Memorial Hospital - Scenic Drive, Nowra (PN 2540)	
CL18.175	Report of the Shoalhaven Traffic Committee - 10 July 2018.....	25
TC18.73	Parking Restrictions - Time Restricted Parking 1 hour (1P) - Princes Highway, Milton (PN 2540)	
TC18.74	No Stopping zone - Bomaderry Pool Access Road - Cambewarra Road, Bomaderry (PN 3503)	
TC18.75	Line Marking Amendments - Larmer Avenue, Sanctuary Point (PN 3506)	
TC18.76	Regulatory Signage and Line Marking - Raised Pedestrian Crossing - River Road, Sussex Inlet (PN 3507)	
TC18.77	Regulatory Signage and Line Marking - Roundabout and Pedestrian Refuge - Cambewarra Road, Bomaderry (PN 3508)	
TC18.78	Regulatory Signage and Line Marking - Roundabout - Intersection Sussex Inlet Road & Golf Course Way, Sussex Inlet (PN 3333)	

12. Reports

CL18.176	Draft Shoalhaven Libraries Strategic Plan 2017-2021	28
CL18.177	Local Government NSW Annual Conference 2018.....	32
CL18.178	Investment Report - June 2018	34
CL18.179	Acquisition of Right of Way Variable Width - Lot 1 DP1161650 - 136 Island Point Road, St Georges Basin	38
CL18.180	Proponent Initiated Planning Proposal - 1310 Naval College Road, Worrowing Heights.....	41
CL18.181	Variations to Development Standards - Second Quarter Report 2018.....	57
CL18.157	Waste 2018 Conference	60

13. Confidential Reports

Nil

MM18.13 Mayoral Minute - Bega Valley Shire Council - Thank you - Tathra Fires

HPERM Ref: D18/251514

Attachments: 1. Bega Valley Shire Council letter of appreciation - Tathra & District
 Bushfire Damage [↓](#)

Recommendation

That Council receive the report for information.

Details

Please find attached a letter of thanks from the Mayor, Cllr Kristy McBain of Bega Shire Council, for Shoalhaven City Council's donation to their Mayoral Appeal Fund after the devastating fires in March this year.

MM18.13



MAYORAL

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Ref:

11 July 2018

*cc: R.P
all councillors*

Cr Amanda Findley, Mayor
Mr Russ Pigg, General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council
Received

17 JUL 2018

File No. 3926E
Referred to: MCRA

Amanda + Russ

Dear Mayor Findley and Mr Pigg

Thank you

On behalf of the Bega Valley Shire Council and the community of the Shire, particularly those of Tathra, Vimy Ridge and Reedy Swamp, thank you for your generous offers of assistance in supporting Council in one of its greatest times of need following the devastating March 18 Bushfire.

The Tathra and District community lost an unprecedented number of houses with many more damaged. Fortunately there was no loss of life and for that we can all be thankful.

There is an amazing positive recovery taking place in our community as blocks are cleared and residents commence planning the rebuild of their homes and lives, but the road to recovery is a long one. Shoalhaven City Council has played a vital role in this recovery with the generous donation to the Mayor Appeal Fund and your thoughts and kind words.

Council has been supported by the Recovery Coordinator Euan Ferguson, Office of Emergency Management staff, staff from a range of other State agencies, local community organisations, not for profit groups, and businesses. We have also received financial support to fund the clean-up and now the emotional support for those impacted which is our highest priority.

On behalf of the Councillors, staff and the community, thank you for your contribution to our recovery journey.

Yours sincerely

Cr Kristy McBain
Mayor

MM18.13 - Attachment 1

CL18.168 Rescission Motion - CL18.133 - Dog Off Leash Area - Sussex Inlet, Berrara, Cudmirrah

HPERM Ref: D18/251267

Submitted by: Clr John Levett
Clr Kaye Gartner
Clr Annette Alldrick

Purpose / Summary

The following Rescission Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council rescind the Resolution relating to Item CL18.133 (MIN18.458) of the Council Meeting held Tuesday 26 June 2018.

Background

The following resolution was adopted at the Ordinary Meeting held Tuesday 26 June 2018 (MIN18.458).

That Council:

1. *Allocate appropriate human resources to implement a 12 month trial for designated dog areas on Cudmirrah beach only as follows:-*
 - a. *Koolyn Drive Reserve to the north to "S4" sign on the beach as "24 hour off leash dog's area"*
 - b. *Sussex Inlet Surf Club to the south to "S4" on the beach as 'dogs on lead'.*
2. *Provide an appropriate on leash area for access to the trial area from the southern side in Koolyn Drive Reserve and the northern side adjacent to the Sussex Surf Club.*
3. *Provide a new "S4" sign on Cudmirrah beach, to replace the old sign. Additional dog signage also be provided at this location on the beach.*
4. *Provide the standard large dog information signs at Cudmirrah and Sussex Inlet Surf Club identifying the new dog area.*
5. *Receive a further report on the outcomes and community feedback following the trial.*
6. *Once the trial has been implemented, Ranger services undertake additional patrols in and around the Berrara Creek and Berrara beach area for dogs off leash.*

Note by the General Manager

In actioning the previous resolution, Council staff have already been liaising with NPWS and OEH to ensure that the off-leash dog area is implemented in accordance with the relevant legislation (notably NSW Biodiversity Conservation Act, and Commonwealth Environmental Protection & Biodiversity Conservation Act).

Council needs to recognise that decisions of this nature do divert staff away from their programed works plan and, with no specific budget allocation to undertake the implementation of the trial as previously resolved, some other projects remaining on hold.

CL18.168

Similarly, extensive community consultation, if required, would have an impact on the ability to commence other projects, which have been on hold for the last 18 months.

In considering Thompson Street for a potential off-leash dog area, understanding the existing usage and facilities on site is prudent. Thompson Street is a highly utilised sportsground with no areas available for use as a fenced dog area based on current usage and existing facilities. Previously, Council staff have looked at other areas in Sussex Inlet district as illustrated in Figure 1 below. However no other suitable council-owned sites were identified as part of this process due to a number of reasons, including but not limited to, existing usage / facilities, size of the site, and remoteness of location.

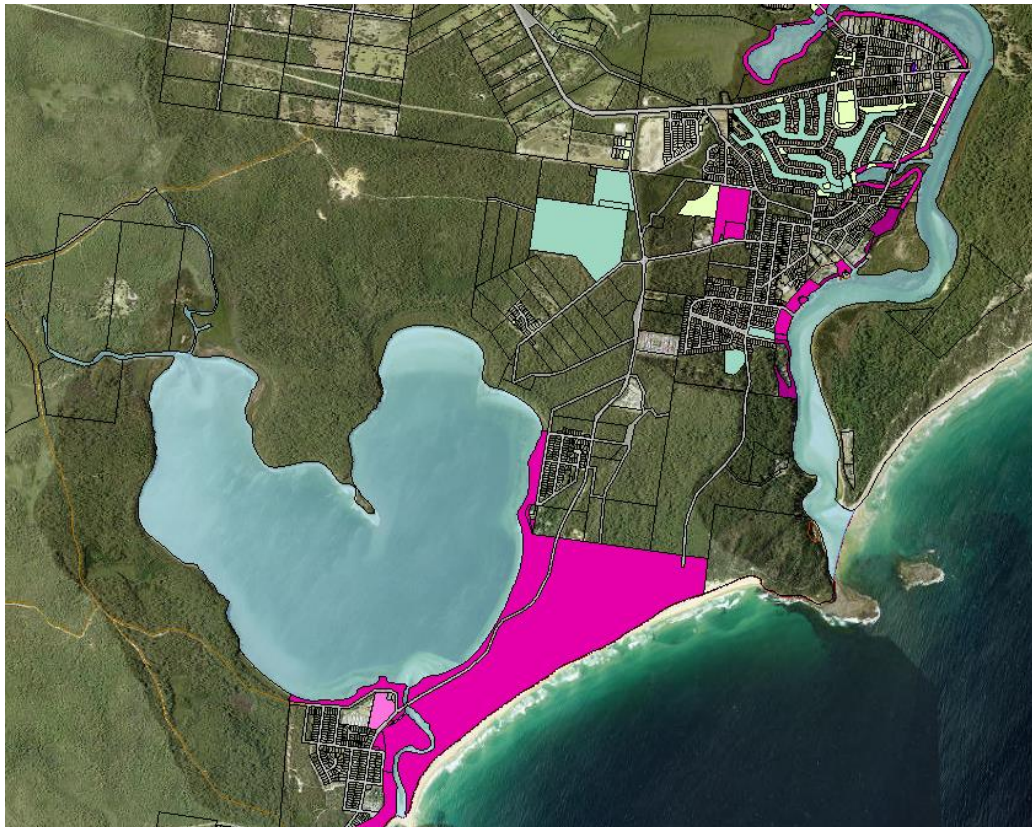


Figure 1 – Council Managed Land

Given the Access for Dog Areas policy is due for review in 2020, it is considered that consideration of the future of Ski Beach at Swan Lake for an off-leash dog area could be undertaken as part of this process.

CL18.168

CL18.169 Notice of Motion - Dog Off Leash Area - Sussex Inlet, Berrara, Cudmirrah

HPERM Ref: D18/251413

Submitted by: Cllr John Levett
Cllr Kaye Gartner
Cllr Annette Alldrick

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That:

1. Council undertake extensive community consultation including NPWS, Birdlife Shoalhaven, Shorebird volunteers, Office of Environment and Heritage and local dog owners in the Sussex Inlet, Swan Lake and Berrara communities to establish a fenced dog exercise park that allows for dogs to exercise off leash.
2. Sites to be considered include Thompson Street Recreational Area as it is within a residential area and therefore within walking distance for many residents.
3. The community consultation also consider the future of Swan Lake Beach as a dog off leash area.

Note by the General Manager

This Notice of Motion will be dealt with if the presiding Rescission Motion is carried. The note on the Rescission Motion is also relevant.

CL18.169

CL18.170 Notice of Motion - Letter of Condolence - The Late George Melonas

HPERM Ref: D18/242070

Submitted by: Cllr Joanna Gash

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council write a letter of Condolence to the family of George Melonas from Falls Creek and acknowledge the outstanding work George carried out for the benefit of our community.

Background

I ask the council to support this NOM in recognition of George Melonas in the form of a letter of appreciation to his family for the work done by Mr Melonas for the benefit of our community.

For those councillors who may not have known George Melonas I provide this brief background ...I have known George for some 30 years in my former roles as MP, Mayor and citizen of our city.

George passed away on the 11th July at the home of his daughter Vicki and son in law having lived his life at Falls Creek. Better known to most as Joyland Carnivals and a regular at Huskisson with his amusements each Christmas and New Year. What was not known to most, was the generosity of he, his wife Joy (deceased) and his children. They made very generous donations from the carnival towards our cancer centre. Special days were also given to the children with special needs at no cost.

He was a legend in his own right, always ready to donate to a worthy cause, compassionate to many behind the scenes. A mild-mannered man of great strength, faith and determination.

CL18.170

CL18.171 Notice of Motion - Representations at ALGA Conference - June 2018

HPERM Ref: D18/249728

Submitted by: Cllr Patricia White
Cllr Joanna Gash

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council

1. Write to ALGA (Australian Local Government Association) and inform ALGA that;
 - a. The amendments and statements made to Item 1.6 (Frankston City Council VIC) by our Mayor Amanda Findley were not discussed by Shoalhaven City Council prior to the Conference.
 - b. The Amendments and Statements were not endorsed by Shoalhaven City Council.
 - c. The Mayor acted on her own behalf and made representations to ALGA without the knowledge of the Council or majority of Councillors.
 - d. Request ALGA to circulate the letter to all Councils who attended the ALGA Conference in June.

Note by the General Manager

Historically, Council has not collectively considered all conference Motions prior to a conference (i.e. State or National LG Association) to determine a "council position" for each one. Instead, council appoints its voting delegates and by doing so allows each voting delegate to consider the motions on merit and act according to their own beliefs -

Though, unwritten, there is a clear expectation that council voting delegates would represent council's "policy" position on any matter before conference IF council had one.

CL18.171

CL18.172 Report of the Strategy & Assets Committee - 24 July 2018

HPERM Ref: D18/253853

SA18.166 Authority for Cheque and Electronic Banking Signatories

HPERM Ref:
D18/231203

Recommendation

That Council:

1. Authorise any two of the following persons:

Russell Desmond Pigg	General Manager
Stephen Joseph DUNSHEA	Director Finance, Corporate & Community Services
John Gerard LENEHAN	Chief Information Officer
Michael Joseph PENNISI	Chief Financial Officer
Vanessa Jane PHELAN	Finance Manager
Brittany Anne MURPHY	Financial Accountant
Stephanie Jane MOORLEY	Accountant – Management Accounting
Craig Robert GILFILLAN	Assistant Financial Accountant
Graham David LONGFIELD	Accounting Officer

 - a. to operate on any accounts now opened or to be opened by the Shoalhaven City Council with financial institutions;
 - b. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.
2. Note that this authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority.

CL18.172

SA18.171 Acceptance of Grant Funding - Gordon Darling Foundation - \$5,500 - Exhibition Catalogue Vicki Varvaressos

HPERM Ref:
D18/234498

Recommendation

That Council

1. Accept the grant funding of \$5,500 to offset the costs associated with publishing an exhibition catalogue including writer's fees, design fees, printing costs and other associated expenses.
2. Write to the Gordon Darling Foundation thanking them for the grant.

SA18.172 NSW Government Safer Roads Program 2018-19 - Approved Projects

HPERM Ref:
D18/152910

Recommendation

That:

1. Council accepts the grant funding offers under the NSW Government Safer Roads Program as follows:

- a. \$125,000 (exc GST) additional funding (reconfirmed) to complete the shoulder widening works on Bolong Road, east of Broughton Creek (a current project, nearing completion).
 - b. \$130,000 (exc GST) (reconfirmed) to construct a single lane roundabout at the intersection of Illaroo Road and Page Avenue, North Nowra.
 - c. \$145,000 (exc GST) (reconfirmed) to construct a channelised right turn treatment at the intersection of Jervis Bay Road and Gardner Road, Falls Creek.
 - d. \$140,000 (exc GST) (reconfirmed) to construct a single lane roundabout at the intersection of Mitchell Parade and Donlan Road (south), Mollymook.
 - e. \$190,000 (exc GST) for pedestrian crossing facilities (raised pedestrian crossings) on Jacobs Drive, Sussex Inlet.
 - f. \$240,000 (exc GST) to construct a single lane roundabout at the intersection of Green Street and Warden Street, Ulladulla.
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the NSW Government Safer Roads Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements

**SA18.173 NSW Government - Saving Lives on Country Roads
Program 2018/2019**

**HPERM Ref:
D18/226892**

Recommendation

That:

1. Once Council receives the final letter of offer from RMS under the NSW Government Saving Lives on Country Roads Program, that Council accepts the grant funding offers, as follows:
 - a. Either \$470,000 or \$770,000 (exc GST) will be approved, to upgrade Sussex Inlet Road in the vicinity of Old Berrara Road (the difference being whether a high friction seal component is approved to improve safety on the curve to the west of Old Berrara Road).
 - b. \$590,000 (exc GST) for the shoulder widening and sealing on Greenwell Point Road to the east of Jindy Andy Lane.
 - c. \$555,000 (exc GST) for the removal of the hazardous crest on Forest Road (to improve safety in one of the few overtaking zones on Forest Road).
 - d. \$260,000 (exc GST) to extend the existing guardrail and install profile edge and centre lines over the 2.2km length of Naval College Road (to the south of The Wool Road).
 - e. \$800,000 (exc GST) for the shoulder widening and sealing on Coonemia Road (the first 2km to the south of Culburra Road).
2. Once Council receives the final letter of offer from RMS, the General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the new NSW Government Saving Lives on Country Roads Program, and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

CL18.172

**SA18.175 NSW Government - Update of Shoalhaven - Kiama
TRACKS Model - Grant Funding Assistance 2017/18**

**HPERM Ref:
D18/226406**

Recommendation

That:

1. Council accepts the grant funding offer, \$23,488 (exc GST) being for 50% of variation costs incurred as part of the Shoalhaven-Kiama TRACKS (traffic model) update project.
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for the grant funding assistance to update Council's suite of TRACKS models, aiding in the planning of urban release areas and important strategic road projects.

SA18.176 NSW Better Boating Now - Funding

**HPERM Ref:
D18/195480**

Recommendation

That Council applies to Roads & Maritime Services (RMS) for the Better Boating Now funding grant offer of \$400,000 to be alternatively used for:

1. Improvements (including sealing) of the Lake Conjola Entrance Road boat launching ramp car park (approx. \$100,000)
2. Undertaking a feasibility/options/cost benefit study and extensive community consultation (\$30,000) into alternative lower capital cost boat launching facilities (up to a total of \$270,000) as a cheaper alternative to the construction of a new facility at Havilland Street West Conjola Facility in the short term, i.e.
 - a. Valley Drive West Conjola
 - b. Aney Street Conjola

**SA18.177 Bomaderry Sewerage Treatment Plant -
Property Acquisition Matters**

**HPERM Ref:
D18/228370**

Recommendation

That Council

1. Purchase by agreement 74 and 76 Railway Street, Bomaderry being Lot J DP 385161 and Lot K DP 389887 from Andrew and Tonnie Phillips and pay \$470,000 (exc GST) with a three (3) month delayed settlement period and the owners' reasonable legal costs;
2. Delegate authority to the General Manager (Director Assets and Works) to adjust the purchase price, if necessary, in accordance with settlement figures determined by Council's solicitor;
3. Fund all costs associated with the purchase from the Sewer Fund Job No 79322;
4. Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution;
5. Classify the property purchased as 'Operational' in accordance with section 31(2) of the Local Government Act, 1993; and
6. Enter into negotiations for the purchase of Lot 2 DP 538290, 80 Railway Street Bomaderry and submit, in due course, a further report to Council outlining the result(s) of those negotiations.

CL18.172

SA18.178 Waste Less Recycle More Grant - Bin Trim Program**HPERM Ref:
D18/213036****Recommendation**

That

1. Council accept the grant of \$350,000 from the NSW EPA for the Bin Trim Program Round 3 Project.
2. Council allocate \$82,045 from the Waste Reserve towards the Bin Trim Program Round 3 Project as Council's net co-contribution as proposed in the project application.
3. The Grant and Council's funding contribution be allocated to the FY2018/19 budget.

**SA18.179 Waste Less Recycle More Grant - Shoalhaven
Plastics and Cardboard Recovery and Consolidation
Project****HPERM Ref:
D18/218855****Recommendation**

That Council accept the grant of \$348,754 (exc GST) from the NSW EPA for the Shoalhaven Plastics and Cardboard Recovery & Consolidation Project and vote the funding into the budget.

SA18.180 Love Food Hate Waste Grant**HPERM Ref:
D18/218431****Recommendation**

That Council accept the grant of \$15,000 from the NSW EPA for the Love Food Hate Waste Grants Program Round 5 – Stream 1 project and this funding be voted into the FY2018/19 budget.

**SA18.183 Classification of Land - Proposed Lot 48 of
Subdivision SF9367 -Tahnee Street Sanctuary Point****HPERM Ref:
D18/222621****Recommendation**

That Council resolve to classify the land described as proposed Lot 48 of SF9367 Tahnee Street, Sanctuary Point as Operational Land.

**SA18.185 Acceptance of Grants - Grey Headed Flying Fox and
Biodiversity Corridor Mapping****HPERM Ref:
D18/210530****Recommendation**

That

1. Council accept the three grants totalling \$92,130 from Local Government NSW (LGNSW - \$47,130) and the NSW Office of Environment & Heritage (OEH - \$45,000);
2. Council provide an in-kind contribution, as a condition of Grant 1, by allocating \$48,840 from existing Environmental Services budget in the form of staff time and vegetation management; and
3. The General Manager thank both LGNSW and OEH, in writing, for the grant funding.

CL18.172

CL18.173 Report of the Shoalhaven Tourism Advisory Group - 25 June 2018

HPERM Ref: D18/248125

Attachments: 1. MIN18.38 - Notice of Motion - Tourism Peak Season [↓](#)

TA18.31 Tourism Impacts During Peak Periods - Hyams Beach

HPERM Ref:
D18/178427

That the Shoalhaven Tourism Advisory Group request Council acknowledge the following Shoalhaven Citywide responses to MIN18.38 Ordinary Meeting 30 January 2018:

1. In reference to Part A.1 – STAG acknowledges the shortfall in the planning and delivery of tourism infrastructure and strongly recommend Council adopt a wholistic and strategic approach to ongoing maintenance of aging infrastructure going forward as a matter of priority;
2. In reference to Part A.3.d – STAG acknowledge uncontrolled growth in tourist visitation is likely to put other local communities at risk of loss of amenity as well as suffering environmental damage without better planning and management and continue to encourage tourism and community needs are a consideration in long term strategic planning of future infrastructure. In addition, STAG urges Council to support the development of the 360 Model and the implementation of subsequent Tourism Destination Management Plan, both designed to consider the long-term business sustainability of the industry and its impacts.
3. In reference to Part A.3.e and f – STAG agree and support the position that more resources must be strategically invested in tourism and community infrastructure, as well as the management of the influx of visitors particularly during the peak season and;
 - a. STAG agree that long term, an ongoing failure to manage these issues will have a detrimental impact on the holiday experience of people choosing to visit the Shoalhaven, and in turn our local community.
4. In reference to Part A.3.h - STAG encourage Shoalhaven Council to investigate opportunities for revenue raising.
 - a. NOTE: Shoalhaven Tourism does not support the introduction of a bed tax in any form.
5. In reference to Part B.5.a – STAG do NOT support POP up Tourism information on Jervis Bay Road, as STAG believe that POP up VIS stands needs to be where the visitors are in order to be effective. In addition, the proposed location is a safety concern from a risk management perspective.
 - a. It is the recommendation of STAG that Mobile Visitors Services remain in the town of Huskisson over peak periods as required.
6. In reference to Part B.5.c – STAG do not support the idea of park and ride into Hyams Beach as customer experience will be compromised.

Note by the General Manager:

Whilst the recommendation above is asking council to “acknowledge” the position of the STAG it would be helpful if council resolved a clear direction on part 6) (i.e. park & ride option) as initial discussions have already commenced with Jerrinja ALC executive.

CL18.173

ORDINARY MEETING

30/01/2018

RESOLVED (Clr Guile / Clr Wells)

MIN18.38

Part A

That Council:

1. Acknowledges the shortfall in the planning and delivery of tourism infrastructure and management programs that led to unacceptable impacts on the amenity of some residents and communities during the summer tourism peak season.
2. Particularly notes the continued forbearance and endurance of the residents of Hyams Beach as well as the diligence and commitment of 'on the ground' Council staff who have worked with limited resources to manage these challenges over previous weeks.
3. Wishes to inform residents of its future intentions to address both these current and emerging issues by resolving the following policy positions:
 - a. Tourism in the Shoalhaven is a welcome economic and social activity that provides mutual benefits to both visitors and local residents.
 - b. Access to the Shoalhaven from the major population centres of Greater Sydney and Canberra has improved significantly in recent years leading to further increases in visitation.
 - c. The peak tourism season in some local communities such as Hyams Beach is having an unacceptable impact on the amenity of local residents.
 - d. Uncontrolled growth in tourist visitation is likely to put other local communities at risk of loss of amenity as well as suffering environmental damage without better planning and management.
 - e. More resources must be invested in tourism and community infrastructure as well as the management of the influx of visitors particularly during the peak season.
 - f. An ongoing failure to manage these issues will have a detrimental impact on the holiday experience of people choosing to visit the Shoalhaven.
 - g. Shoalhaven residents and business owners should not be expected by Council to entirely bear the increased costs of tourism infrastructure and management through ever increasing rates and charges.
 - h. The introduction of revenue raising measures that would allow for visitors to the Shoalhaven to make a financial contribution toward the costs of tourism infrastructure improvement and demand management.
 - i. Any revenue raising measures introduced to address tourism related infrastructure and demand management must be hypothecated or 'ring-fenced' to a fund dedicated solely to the improvement of tourism infrastructure and demand management programs that improve the amenity of local residents and the experience of our visitors.
 - j. Any local introduction of revenue raising measures should be negotiated in partnership with local chambers of commerce or similar commercial representatives.
 - k. Systems introduced to facilitate these policy initiatives should make use of smart phone technology.

Part B

4. As a response to Part A of this motion, the General Manager is requested to give priority to reporting to Council measures suitable for implementation consistent with each statement in order to bring relief to Shoalhaven rate payers and residents.

These measures might include though should not be limited to:

- a. The introduction of paid parking on the condition that residents and ratepayers (who are already funding local government infrastructure and services) are exempted by way of the issuing of resident parking identification. (Note: while 'tip' vouchers are currently provided to rate-payers, parking passes should also be available to all residents.)
 - b. Traffic and transport plans to control holiday traffic access to high demand areas with an initial focus on Hyams Beach.
 - c. Permanent infrastructure and management plans for Hyams beach including shuttle services and header carparks.
 - d. 24 hour ranger activity should be considered in identified areas during the peak tourism season to monitor disturbances, dogs on beaches and illegal parking and camping as well as other priority matters relevant to the tourism peak season.
 - e. Waste management
 - f. Public toilet facilities and maintenance of their cleanliness
 - g. Facilities for parking of motorhomes, caravans, busses and vehicles with trailers / boats.
5. Receive from the General Manager a report on potential solutions for the congestion of tourist vehicles in Hyams Beach during peak tourist seasons.

The report should:

- a. Review the effectiveness of tourism Pop Up location with a view to relocating on Jervis Bay Rd.
- b. Review the training and job description of Rangers directing traffic in the village.
- c. Consider the feasibility of implementing a seasonal park and ride service for visitors wanting to enjoy the beach
- d. Provide a budget for the cost of adding, during peak times, a temporary park and ride service to the existing visitor management strategies.
- e. Consider any potential impacts on other communities of the redirection of traffic away from Hyams Beach

CARRIED

CL18.173 - Attachment 1

CL18.174 Report of the Shoalhaven Traffic Committee - 12 June 2018

HPERM Ref: D18/251360

Attachments: 1. TRAF2018/40 [↓](#)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

- 1. Adopt the Traffic Committee recommendation;*
- 2. Not Adopt the Traffic Committee recommendation; or*
- 3. Request the Traffic Committee reconsider the issue.*

Other issues can be raised as Additional Business at the Ordinary Meeting.

The full guide to the delegation to Council's for the regulation of traffic can be viewed at: [RMS Website](#)

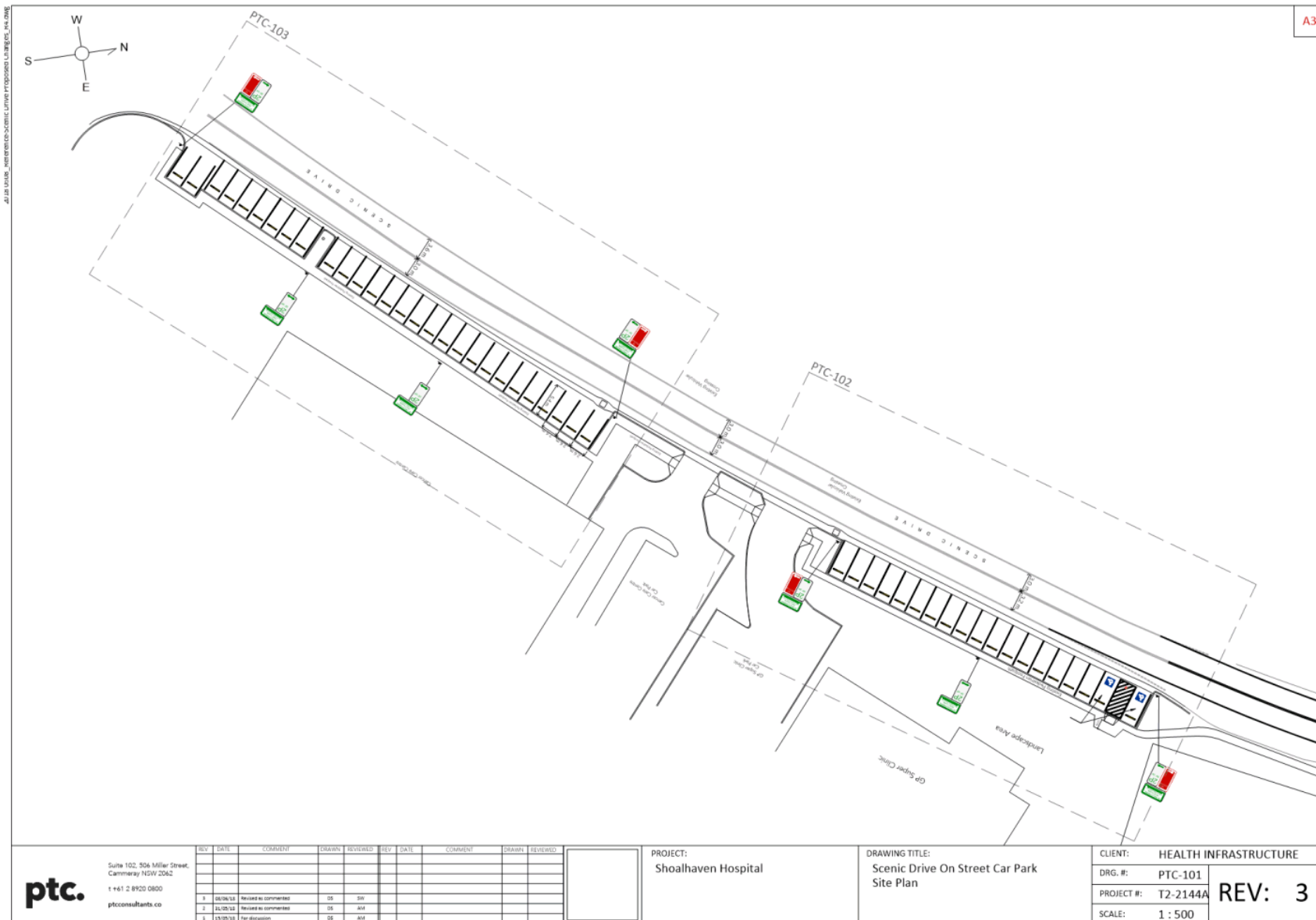
This item was deferred from the Ordinary Meeting held Tuesday 28 June 2018.

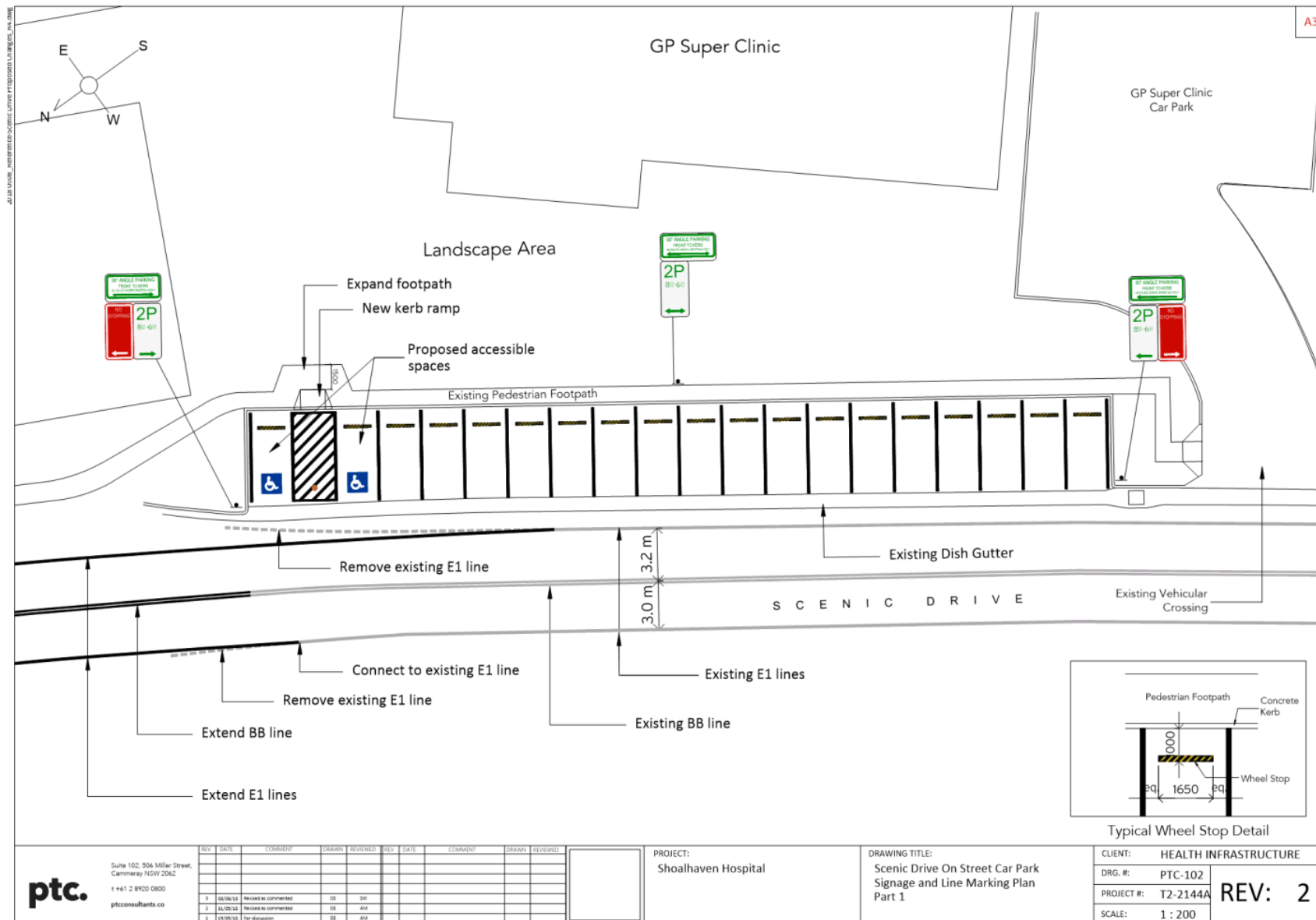
TC18.71 Additional item - Parking Restrictions – Time restricted 2 hour (2P) - Shoalhaven District Memorial Hospital - Scenic Drive, Nowra (PN 2540)

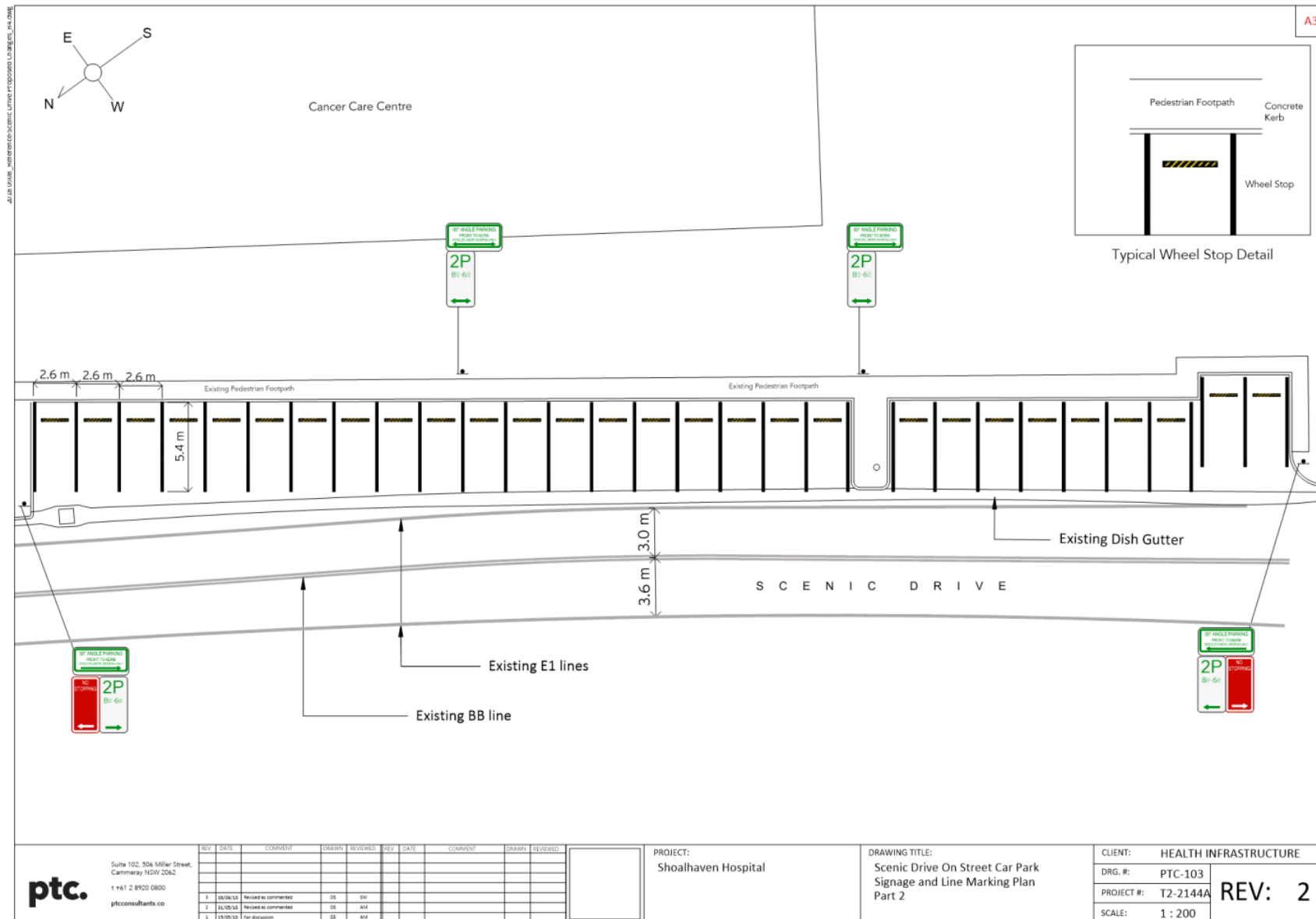
Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed regulatory signage and line marking proposed to be installed as part of the parking management during construction of the off-street car park associated with the Shoalhaven District Memorial Hospital, Scenic Drive, Nowra as detailed in the attached plan TRAF2018/40.

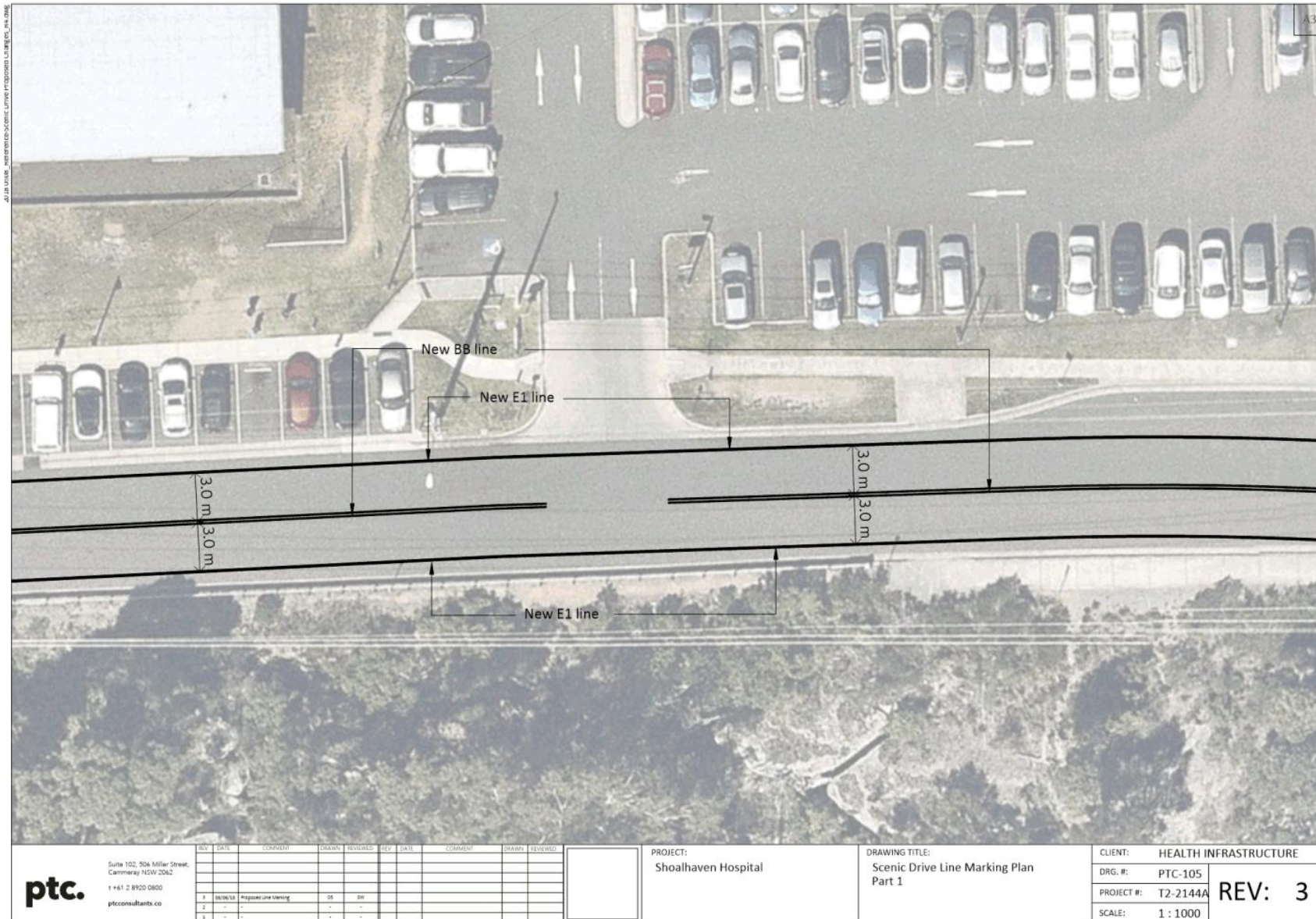
CL18.174

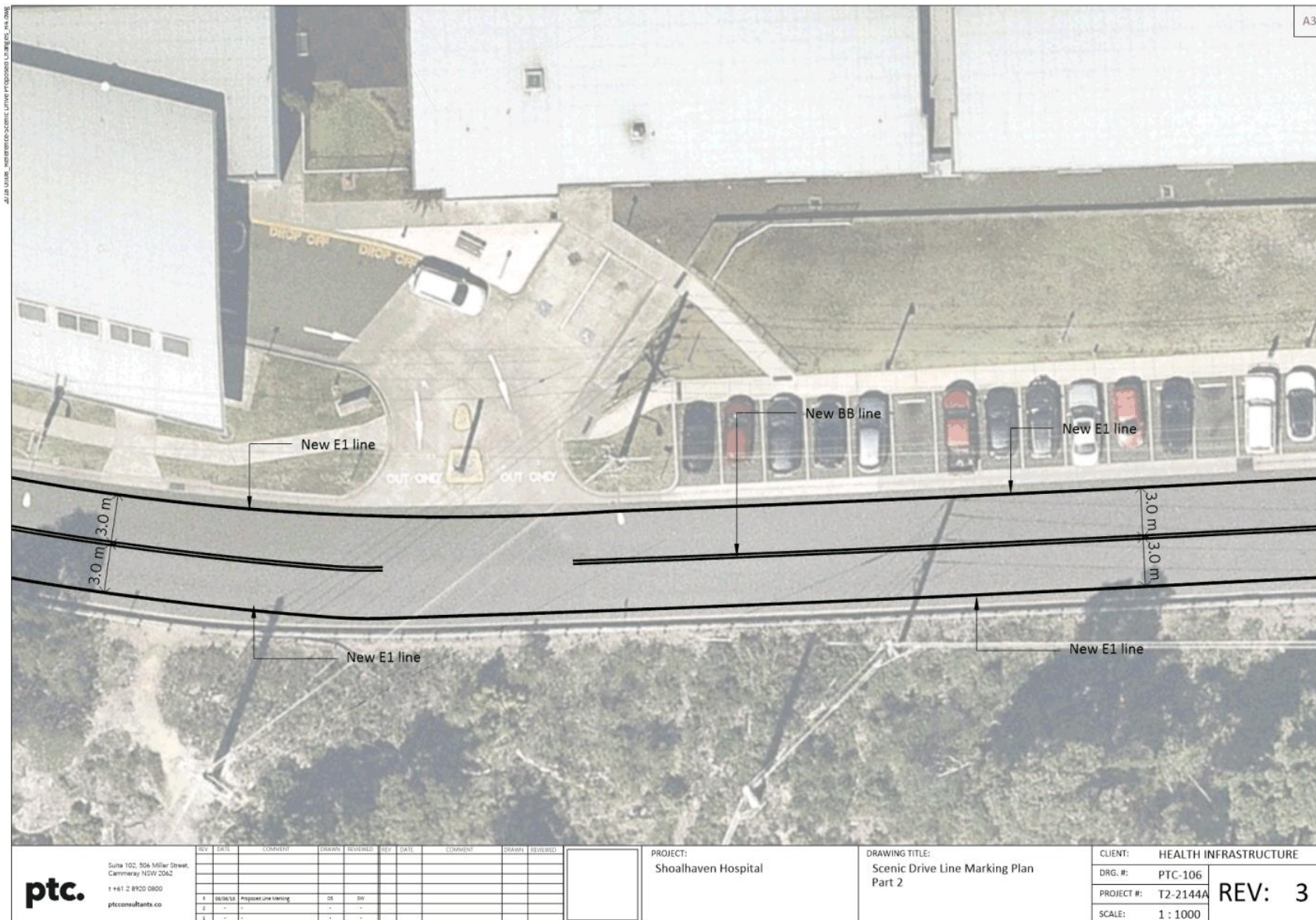


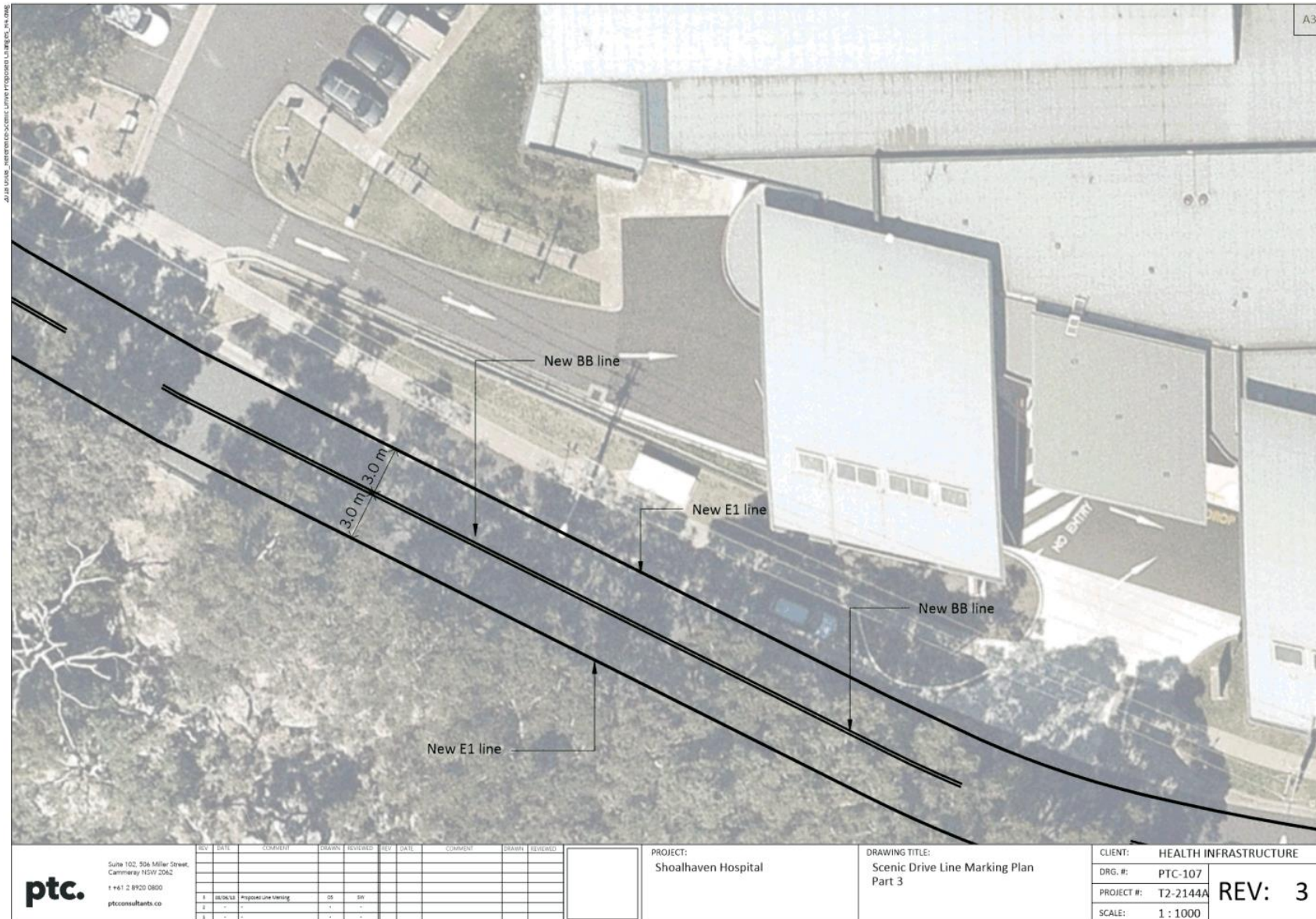


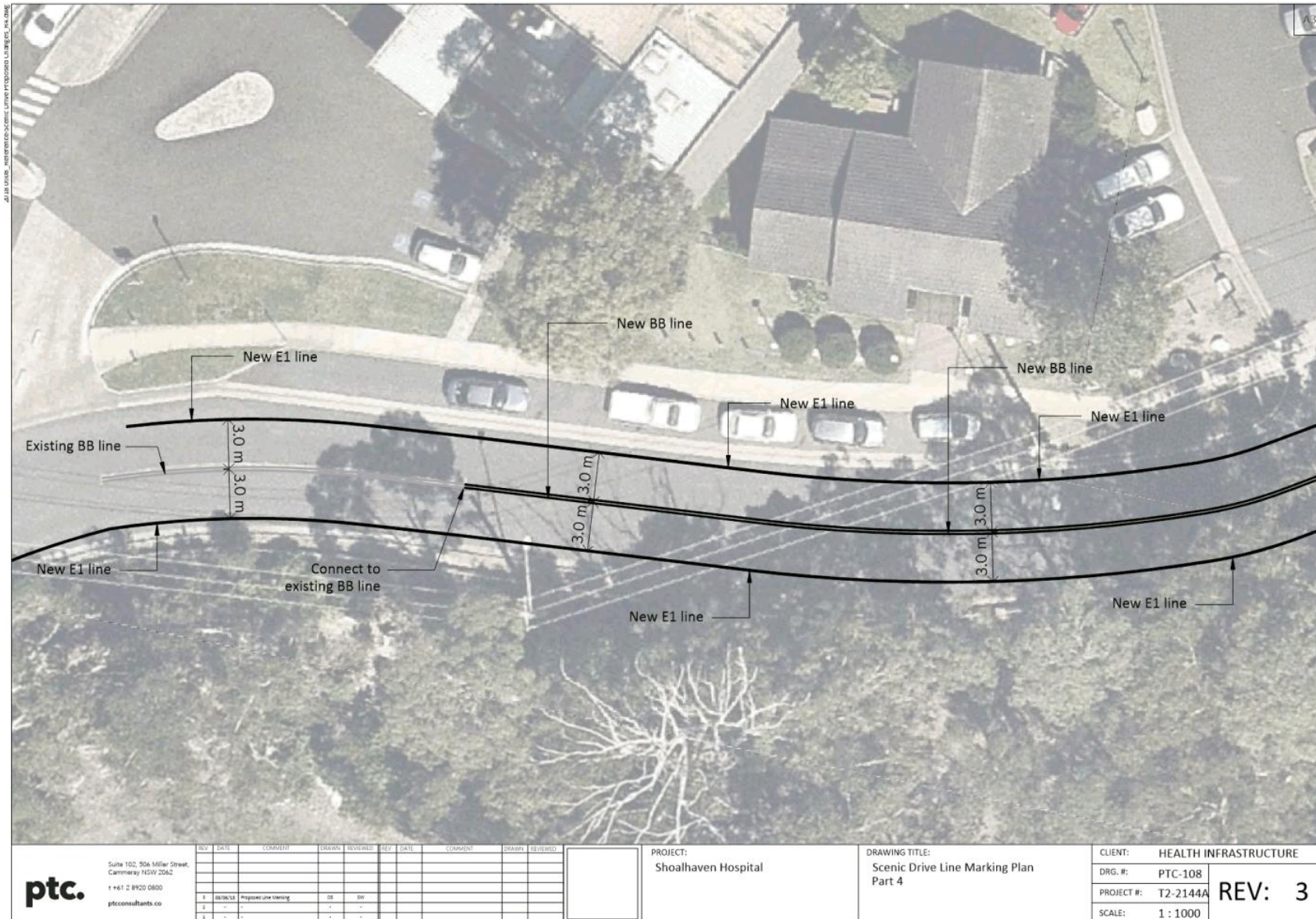


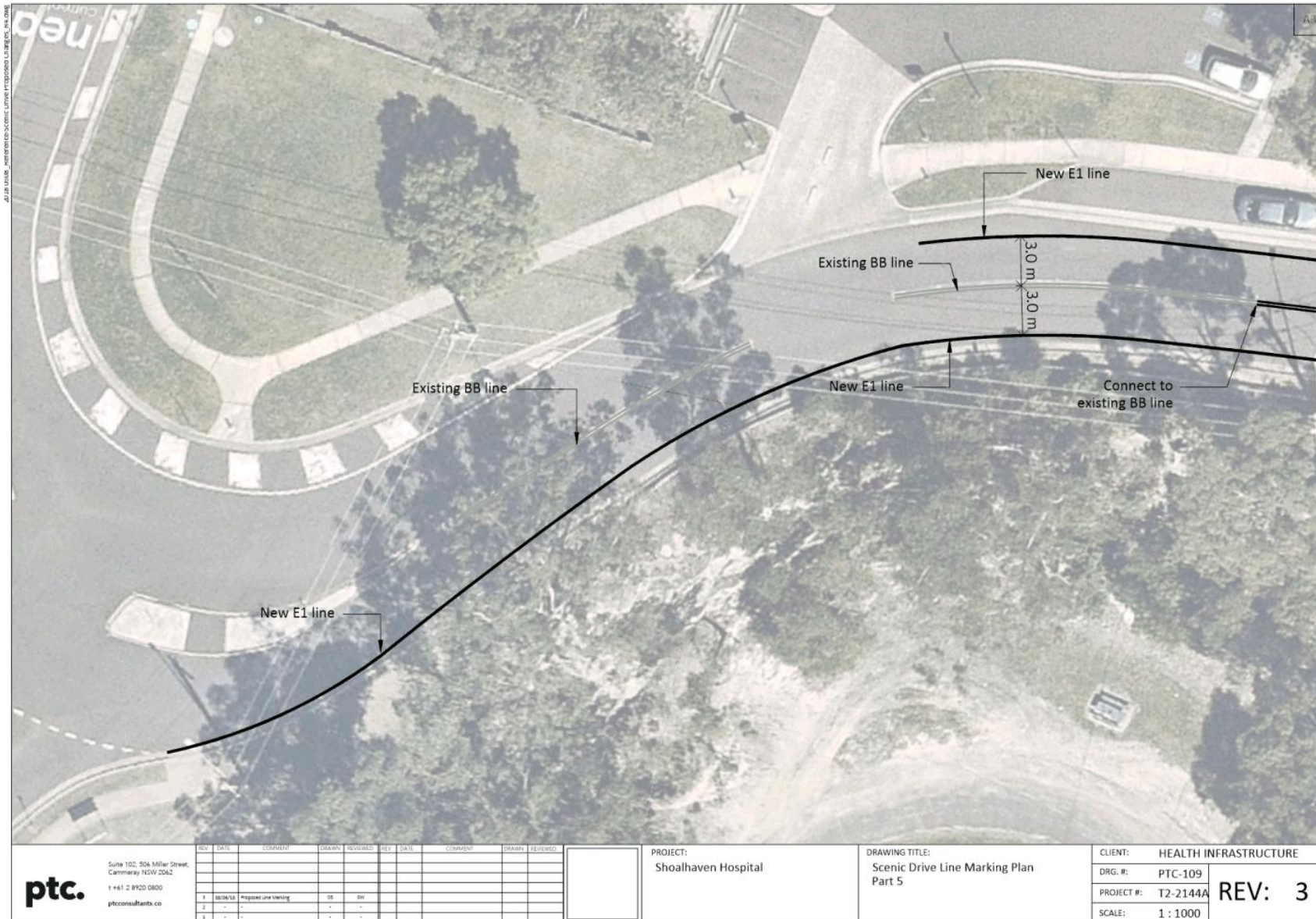












CL18.175 Report of the Shoalhaven Traffic Committee - 10 July 2018

HPERM Ref: D18/235384

- Attachments:**
1. TRAF2018-47 (under separate cover)
 2. TRAF2018-49 (under separate cover)
 3. TRAF2018-50 (under separate cover)
 4. TRAF2018-51 (under separate cover)
 5. Roundabout & pedestrian refuge - Cambewarra Rd, Bomaderry (under separate cover)
 6. Roundabout - intersection Sussex Inlet Road & Golfcourse Way, Sussex Inlet (under separate cover)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

- 1. Adopt the Traffic Committee recommendation;*
- 2. Not Adopt the Traffic Committee recommendation; or*
- 3. Request the Traffic Committee reconsider the issue.*

Other issues can be raised as Additional Business at the Ordinary Meeting.

The full guide to the delegation to Council's for the regulation of traffic can be viewed at:
[RMS Website](#)

TC18.73 Parking Restrictions - Time Restricted Parking 1 hour (1P) - Princes Highway, Milton (PN 2540)

HPERM Ref:
D18/224839

Recommendation

That the General Manager (Director Assets & Works) be requested to arrange for the installation of a 75m (approx.) extension to the 1 hour (1p) parking zone time restricted between 8:30am and 6pm Monday to Friday, and 8:30am to 12:30pm on Saturdays on the southern side of the Princes Highway between Church Street and the existing No Stopping zone opposite the Milton Ulladulla Hospital, on the Princes Highway, Milton, as detailed in the attached plan TRAF2018/47.

TC18.74 No Stopping zone - Bomaderry Pool Access Road - Cambewarra Road, Bomaderry (PN 3503)

HPERM Ref:
D18/224888

Recommendation

That the General Manager (Director Assets & Works) be requested to arrange for the installation of No Stopping zone yellow edge (C3) line marking extending 15m on either side of the Bomaderry Pool Access Road on Cambewarra Road, Bomaderry, as detailed in the attached plan TRAF2018/49.

CL18.175

TC18.75 Line Marking Amendments - Larmer Avenue, Sanctuary Point (PN 3506)

**HPERM Ref:
D18/224892**

Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of the proposed linemarking on Larmer Avenue, Sanctuary Point, as detailed in the attached plan TRAF2018/50.

TC18.76 Regulatory Signage and Line Marking - Raised Pedestrian Crossing - River Road, Sussex Inlet (PN 3507)

**HPERM Ref:
D18/224896**

Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed raised pedestrian crossing and associated line marking and signage on River Road, Sussex Inlet proposed in conjunction with the Chris Creek shared user path and bridge project, River Road, Sussex Inlet, as detailed in the attached plan TRAF2018/51, subject to the removal of the D4-1-2 signs and installation of (approximately) 20m of edge (E1) line marking and RRPM's on the approaches to the crossing.

TC18.77 Regulatory Signage and Line Marking - Roundabout and Pedestrian Refuge - Cambewarra Road, Bomaderry (PN 3508)

**HPERM Ref:
D18/224933**

Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signs, lines, roundabout, and pedestrian refuge located on Cambewarra Road, Bomaderry as part of the Woolworths Development, as detailed in attached plans (attachment 5), subject to a further review of engineering plans associated with the proposed external works on Cambewarra Road, and the alterations to the proposed access arrangements to KFC, specifically:

1. Further review of engineering plans and associated turning movements at the proposed mountable roundabout, and also in regards to the changes to access arrangements for the existing KFC development, noting conflicts with current proposed movements
2. Review of lighting design to be in accordance with AS1158
3. Removal of signage on the proposed mountable roundabout
4. Review of the proposed bus zone hard stand area design to cater for a bus shelter placement to Council's requirements
5. Review (including extension) of line marking (separation and edge line marking) between the proposed roundabout, pedestrian refuge, and the Princes Highway to ensure appropriate and continuous delineation for motorists travelling through these facilities
6. Following the review, updated plans are to be resubmitted to STC.subject to further consultation by the applicant with adjacent residents.

CL18.175

**TC18.78 Regulatory Signage and Line Marking - Roundabout
- Intersection Sussex Inlet Road & Golf Course Way,
Sussex Inlet (PN 3333)**

**HPERM Ref:
D18/226107**

Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the revised plans submitted for the Intersection Sussex Inlet Road & Golf Course Way, Sussex Inlet as detailed in the plans attached to this report (attachment 6).

CL18.175

CL18.176 Draft Shoalhaven Libraries Strategic Plan 2017-2021

HPERM Ref: D18/208890

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments:

1. Report Attachment 1 - Shoalhaven Libraries Strategic Plan 2017 - 2021 Feedback [↓](#)
2. Report Attachment 2 - Amended Shoalhaven Libraries Strategic Plan 2017 - 2021 (under separate cover)

Purpose / Summary

To present the Draft Shoalhaven Libraries Strategic Plan 2017 – 2021 for adoption.

Recommendation

That the amended draft Shoalhaven Libraries Strategic Plan 2017 - 2021 presented as Attachment 2 to this report be adopted.

Options

1. As recommended

Implications: Adoption of the draft Shoalhaven Libraries Strategic Plan 2017 – 2021 provides a clear framework and strategic direction for Shoalhaven Libraries.

2. Provide an alternate recommendation

Implications: Unknown at present

3. Decline to adopt the draft Shoalhaven Libraries Strategic Plan 2017 – 2021.

Implications: If not adopted there is no clear framework and strategic direction for Shoalhaven Libraries.

Background

The Shoalhaven Libraries Strategic Plan was due for review, with the previous plan 'Shoalhaven Libraries Infrastructure Model Report' having served well over the preceding years.

The draft Shoalhaven Libraries Strategic Plan 2017 – 2021 was prepared over a 12-month period using professional public library research, direction and benchmarking; information regarding the changing role and profile of libraries and librarians; community expectations of libraries; technological advances; branch usage statistics; customer survey data and industry trends. The Strategic Plan articulates the long-term vision for Shoalhaven Libraries' role in supporting the achievement of community outcomes. It is clearly aligned with relevant Council Strategic Plans and sets clear goals for the life of the Plan.

CL18.176

The style of the plan is reflective of current industry trend, and the direction employed in its preparation was to produce a simple plan that was relevant and relatable for community and staff. This plan will be supported by operational plans for Shoalhaven Libraries that go into financial and operational detail.

At Council's Ordinary Meeting on 30th January 2018 it was resolved that (MIN 18.57):

1. Council place the Draft Shoalhaven Libraries Strategic Plan 2017 – 2021 on public exhibition for a period of 28 days
2. If no significant adverse comments are received at the close of the public exhibition period, the Draft Shoalhaven Libraries Strategic Plan 2017 – 2021 be deemed adopted.

In total there were three submissions received – please see attached spreadsheet (Attachment 1). There were two public submissions and in addition there was a staff submission that provided feedback on the draft Strategic Plan.

A copy of the recommended changes to the draft plan (Attachment 2) are detailed and summarised below:

- Additional statistics for all Shoalhaven Libraries branches
- Additional outcome KPIs added
- Some minor wording amendments and changes

Community Engagement

Substantial community engagement was undertaken and the Shoalhaven Libraries Draft Strategic Plan was part of Council's Community Information Evenings held from 6pm to 8pm on

- 29 May 2018 at Nowra School of Arts
- 31 May 2018 at Ulladulla Civic Centre
- 7 June 2018 at Vincentia Public Hall

Library staff attended all these sessions to talk to the community and provide information to community members.

In addition, there was a Fact Sheet and FAQs sheet that were prepared and a short information video. All this information was available during the Community Information Evenings and at all Shoalhaven Library branches, along with copies of the Shoalhaven Libraries Draft Strategic Plan.

The Library Strategic Plan was advertised in the South Coast Register on 23rd & 25th May and Milton Ulladulla Times on 23rd May and Nowra News on 24th May as a standalone advertisement.

The Information Evenings were advertised on 16th & 23rd May in the South Coast Register on 17th & 24th Nowra News and 16th & 23rd May in Milton Ulladulla Times.

The Council Information Evenings were also advertised in the local newspapers and promoted on Shoalhaven Libraries' and Shoalhaven City Council's websites and social media accounts. There was a media release and e-newsletters, Council's Get Involved pages and Current Projects pages.

Policy Implications

There are no policy implications arising from the adoption of the draft Shoalhaven Libraries Strategic Plan 2017 – 2021.

Financial Implications

There are no current budget implications arising from the adoption of the draft Shoalhaven Libraries Strategic Plan 2017 – 2021.

CL18.176

Shoalhaven Libraries Strategic Plan 2017 – 2021 Feedback	
Anonymous	firmly believe the Nowra Library is a tremendous asset for our community, I like that their staff keeps coming up with creative ways to improve services and make the Library more approachable and useful to every member of the community. I reviewed the plan and I think it's excellent, but my only comment is that if we focus so much in newer technologies we might ostracise the older members of the community which currently benefit from many of the library services. I find the Library as a wonderful safe environment for people to meet, access information, work, socialise, etc. Please continue to improve our Library services but not to the expense of the services or capabilities currently provided. Thanks so much for the opportunity to provide my feedback; and a huge THANKS to the staff from the Nowra Library!!!
Jenny Callanan	I support the ideas expressed in the Strategic Plan, particularly for a new mobile library van, increased home delivery, and membership for the homeless - all addressing the need to improve Access.
Anonymous	Libraries (inc Mobile) should be user pays. \$5 per visit. Supplying libraries is not a council function. Just pick up garbage, keep streets, parks etc clean and tidy, plus fix council roads.
Staff Member	<p>A few comments:</p> <ul style="list-style-type: none"> • Performance Measures should contain more "Outcome" KPI's – most seem to be "output" measures; • I didn't think there was a definitive plan stating where services will be provided – e.g. is a library planned for Sussex Inlet or not? • The SP lacks any financial analysis and forward projections/budgets – Operating, Capex, growth (Section 94) • Does "<i>continue to work with Friends of Milton Library</i>" mean that this facility will continue to operate into the future (regardless of the State Govt \$30k p.a. "subsidy"?) • The statements around Bay & Basin library co-location with BBLC may change with council resolution • Page 8 statistics – gives numbers for Nowra but not for the other sites

CL18.177 Local Government NSW Annual Conference 2018

HPERM Ref: D18/179868

Group: Finance Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Purpose / Summary

To consider Councillor attendance at the Local Government NSW Annual Conference scheduled for 21-23 October 2018 in Albury.

Recommendation

That Council

1. Notes the details of the Local Government NSW Annual Conference scheduled for 21-23 October 2018 in Albury.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Council nominate the following five (5) Councillors as the voting delegates:
 - a.
 - b.
 - c.
 - d.
 - e.

Background

The Local Government NSW Annual Conference is considered relevant to local government. Information in relation to the conference on the Local Government NSW website. <https://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference>

Costs associated with the conference are estimated as follows:

- registration : \$840 (Early Bird – paid by 17 September 2018)
\$940 (Standard)
- official functions, optional : Conference Dinner \$110
ALGWA breakfast \$55
Councillor Training sessions \$44
- travel, accommodation and out of pocket expenses : not yet determined.

The Conference commences at 2.00pm Sunday 21 October 2018 and concludes at 4.30pm Tuesday 23 October 2018.

CL18.177

Motions

Local Government NSW (LG NSW) has called for the submission of Motions and Councils are encouraged to formulate motions submitted in terms of the current policy statements.

LG NSW has requested that motions are submitted by Sunday 26 August 2018 with closing date for the submissions being Sunday 23 September 2018.

All motions must be adopted by Council before submission.

A Councillor Briefing session to discuss motions to be submitted will be held on 26 July 2018. A separate report will be submitted to the Strategy and Assets Committee 21 August 2018.

Categories of Motions

Motions will be grouped into the following six categories:

1. Industrial relations and employment policy
2. Economic policy
3. Infrastructure and planning policy
4. Social policy
5. Environmental policy
6. Governance/Civic Leadership policy (e.g. legislative and regulatory setting, elections, participation, reform)

Voting Delegates

Council is entitled to nominate five (5) delegates to vote on the motions during the LG NSW Conference. Nominations must be made prior to 5.00pm 2 October 2018.

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

CL18.178 Investment Report - June 2018

HPERM Ref: D18/245513

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Monthly Report - Shoalhaven City Council - June 2018 (under separate cover)

Purpose / Summary

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, it is a requirement to provide a written report to Council.

Recommendation

That the report of the General Manager (Finance, Corporate and Community Services Group) on the Record of Investments for the period to 30 June 2018 be received for information.

Options

1. The Report on the Record of Investments for the period to 30 June 2018 be received for information
Implications: Nil.
2. Further information regarding the Record of Investments for the period to 30 June 2018 be requested
Implications: Nil.
3. The report on the Record of Investments for the period to 30 June 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 July 2018.
Implications: Nil.

Background

Please refer to the attached monthly report provided by Council's Investment Advisor – CPG Research and Advisory Pty Ltd.

The interest earned to the month of June was \$5,623,003, 106.90% of the full year budget though it should be noted that General Fund fell slightly under budget. Spending against the loan funds for the REMS 1B project is on track but slightly behind estimated project cashflows, producing higher than expected interest earnings for the month.

Fund	Budget	Actual	%
General	\$3,114,058	\$3,076,690	98.80%
Water	\$1,066,000	\$1,287,182	120.75%
Sewer	\$1,080,000	\$1,259,131	116.59%
Total	\$5,260,058	\$5,623,003	106.90%

CL18.178

The interest earned for the month of June was \$496,371, which was \$49,626 above budget.

Fund	Monthly Budget	Actual	Difference
General	\$264,482	\$254,665	-\$9,816
Water	\$90,537	\$119,117	\$28,580
Sewer	\$91,726	\$122,589	\$30,863
Total	\$446,745	\$496,371	\$49,626

RECORD OF INVESTMENTS

Cash and Investment Balances

	June 2018	May 2018
Cash And Investments Held		
Cash at Bank - Transactional Account	\$9,281,485	\$9,659,123
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$32,120	\$45,870
Other Cash and Investments	\$211,172,343	\$205,999,062
	\$220,487,188	\$215,705,295
 Fair Value Adjustment	 \$152,871	 \$172,588
Bank Reconciliation	\$123,686	\$419,604
	\$276,556	\$592,191
 Book Value of Cash and Investments	 \$220,763,744	 \$216,297,486
 Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,135,913	\$8,135,913
Land Decontamination	\$1,530,473	\$1,530,964
Critical Asset Compliance	\$2,335,632	\$2,341,827
North Nowra Link Road	\$466,051	\$469,468
Other Internal Reserves	\$5,324,032	\$7,744,593
Section 94 Matching Funds	\$340,693	\$340,756
Strategic Projects General	\$3,085,261	\$1,907,606
Industrial Land Development Reserve	\$7,361,598	\$6,498,050
Plant Replacement	\$1,852,948	\$1,277,085
Financial Assistance Grant	\$6,217,467	\$0
S94 Recoupment	\$508,212	\$791,222
Commitment To Capital Works	\$5,122,239	\$5,319,087
Property Reserve	\$1,992,078	\$2,021,531
Total Internally Restricted	\$44,272,595	\$38,378,102
 Loans - General Fund	 \$8,179,717	 \$1,738,496
Self Insurance Liability	\$1,518,973	\$1,485,144
Grant reserve	\$10,786,717	\$7,853,702
Section 94	\$33,339,755	\$32,259,549
Storm Water Levy	\$690,761	\$613,174
Trust - Mayors Relief Fund	\$74,740	\$72,793
Trust - General Trust	\$3,732,744	\$3,594,872
Waste Disposal	\$3,840,348	\$4,972,216
Sewer Fund	\$61,272,159	\$66,463,158
Sewer Plant Fund	\$2,070,687	\$1,963,758
Section 64 Water	\$18,679,697	\$18,273,440
Water Fund	\$25,197,308	\$26,187,216
Water Communication Towers	\$1,088,371	\$938,732
Water Plant Fund	\$1,856,748	\$1,700,711
Total Externally Restricted	\$172,328,725	\$168,116,961
 Total Restricted	 \$216,601,320	 \$206,495,063
 Unrestricted Cash And Investments		
General Fund	\$4,162,424	\$9,802,424

CL18.178

The table below lists the major movements:

Total Cash and Investments	+\$4,466,258	
Unrestricted cash	-\$5,640,000	Not a Rates Instalment Month
Other Internal Reserves	-\$2,420,562	Spending on Special Rates projects
Financial Assistance Grant	+\$6,217,467	Half of the grant was received in advance for the 18/19 Financial Year.
Loans – General Fund	+\$6,441,221	Drawdown of loans for 2017/18
Grants Reserve	+\$2,993,015	Grant Funding Received
Sewer Fund	-\$5,190,998	Spending on REMS

Financial Implications

It is important for Council to be informed in regard to its investments on a regular basis. Revenue from interests forms a vital part of Council's revenue stream.

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL18/8.



Michael Pennisi
Chief Financial Officer

CL18.178

CL18.179 Acquisition of Right of Way Variable Width - Lot 1 DP1161650 - 136 Island Point Road, St Georges Basin

HPERM Ref: D18/241330

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan - Right of Way 4 Wide & Variable Width - 136 Island Point Road - Lot 1 DP1161650 [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider the acquisition of an easement for a Right of Way 4m wide and variable width at 136 Island Point Road, St Georges Basin burdening Lot 1 DP1161650 and benefiting Council, as shown on the plan marked as Attachment 1.

Recommendation

That:

1. Council resolve to acquire, at no cost to Council, an easement for a Right of Way 4m wide and variable width over Lot 1 DP1161650, 136 Island Point Road, St Georges Basin.
2. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring to be sealed and delegate to the General Manager authority to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as Recommended.

Implications: The easement is required to formalise a development consent condition for a service lane/road on the subject property.

2. Not adopt the recommendation and Council defer a decision on the matter pending discussion at a Councillor briefing.

Implications: This will delay the creation of the easement required as part of development consent.

Background

Development Consent for the Aldi Development at Lot 1 & Lot 2 DP1093012 – 136 Island Point Road, St Georges Basin and Lots 46 & 47 DP2550 – 154 & 156 Island Point Road, St Georges Basin was issued on 6 February 2009. Condition 64 of the consent states in part:

The developer must:

“Create a legal right of way over the proposed service road within Lot 1 DP1093012 in favour of Shoalhaven City Council and those authorised by it”

CL18.179

Accordingly, St Georges Basin Group Pty Ltd, the owner of Lot 1 DP1161650 has approached Council with the view to securing agreement for the Right of Way to meet the obligations in Condition 64 of the Consent.

Financial Implications

As the applicant is required to pay all costs associated with the creation of the easement, there will be no adverse financial implications to Council.

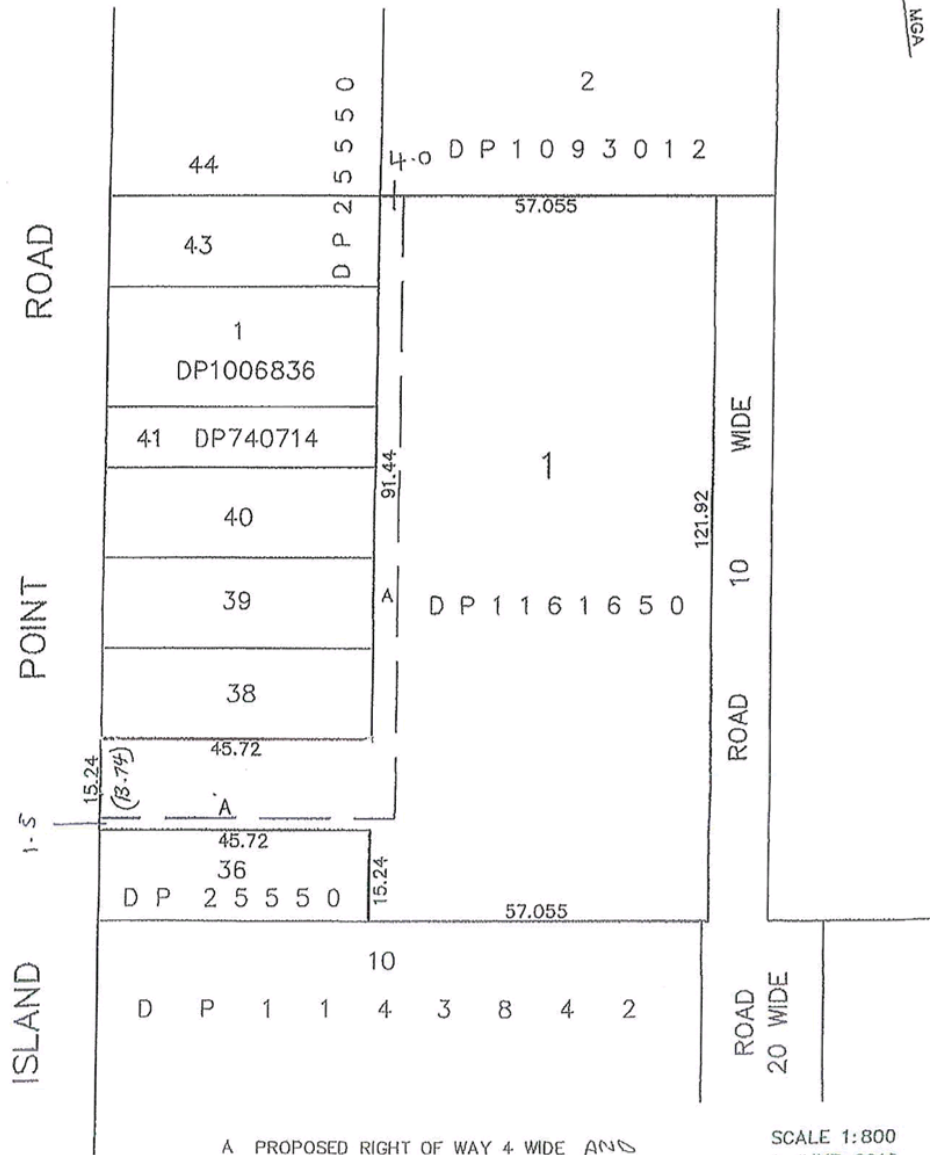
CL18.179

Attachment 1

'B'

PLAN

SHOWING PROPOSED
RIGHT OF WAY
WITHIN LOT 1 DP 1161650



A PROPOSED RIGHT OF WAY 4 WIDE AND
VARIABLE WIDTH

page 3 of 3

SCALE 1:800
6 JUNE 2012

CL18.179 - Attachment 1

CL18.180 Proponent Initiated Planning Proposal - 1310 Naval College Road, Worrowing Heights

HPERM Ref: D18/179660

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Proponent Initiated Planning Proposal - 1310 Naval College Road, Worrowing Heights (under separate cover)
2. Department of Planning Response Letter - Endorsement of Worrowing Heights Precinct Plan and Strategic Directions Report [↓](#)

Purpose / Summary

To report the amended proponent initiated Planning Proposal (PP) request that was submitted for 1310 Naval College Road, Worrowing Heights back to Council to obtain direction in this regard.

Note: this matter is reported direct to Council given the length of time it has been in train and the need to get direction on it.

Recommendation

That Council:

1. Not support the proponent initiated Planning Proposal for Lot 1752 DP 28785, 1310 Naval College Road, Worrowing Heights; and,
2. Advise the proponent and surrounding landowners of this resolution.

Options

1. Not support the proponent initiated PP request (recommended).

The primary reasons to not support the request are summarised as follows:

- The amended PP request conflicts with Council's recently adopted Worrowing Heights Precinct Plan and Strategic Directions Report which was explicitly prepared as a result of the lodgement of the original PP request in 2016. The amended PP provides little consideration of the Precinct Plan, and directly conflicts with its content on several fronts. No justification is provided for these inconsistencies.
- The PP request remains solely focused on the site and gives little to no actual consideration of the implications of permitting the development on the site in the context of the broader precinct and the Precinct Plan. The consistent advice provided by Council staff is that any PP for the site should consider the rezoning of the broader precinct or at least the relationship to it.
- The proposed rezoning to R2 Low Density Residential with a minimum lot size of 500m² is not required to support the proposed development. The intended future development outcome would directly conflict with the objectives of the R2 Low Density Residential zone and would not be compatible in a low density residential environment.
- The proposed Additional Permitted Use (APU) specifies maximum gross floor space areas for each land use, which could potentially enable a different outcome from that shown in the concept plan provided with the PP.

CL18.180

- The proposed development is considered an overdevelopment of the site given its nature and the surrounding low density rural and residential area. The proposed 14 metre height is not in keeping with the current or potential future scale of development in the precinct on the urban/rural fringe. The subject land is not identified for this type of development nor is the broader precinct, and there are potentially other existing sites that are appropriately zoned for this purpose.

Implications: By not supporting the PP, no further action will be taken to amend Shoalhaven Local Environmental Plan (LEP) 2014. The proponent's options could then include:

- a) Enact the existing development consent (DA14/1391) for the site for the demolition of the existing dwelling on the site and construction and operation of a motel comprising 80 rooms and associated facilities.
- b) Request a pre-Gateway Rezoning Review through the NSW Department of Planning and Environment (DP&E) to assess the strategic merit and site specific merit for the PP to proceed to a Gateway determination.

2. Support the proponent initiated PP request (not recommended).

Implications: This would start the formal PP process to amend Shoalhaven LEP 2014 to permit the development of a four storey, 100 room hotel with associated uses, and two (2) separate residential apartment buildings comprising a total of 100 units, on the subject site.

Should Council resolve to support the amended PP request, it is suggested that the Land Zoning Map, Lot Size Map, and Height of Buildings Map within Shoalhaven LEP 2014 for the site not be amended at this stage, and that the intended future development outcome be included in Schedule 1 Additional Permitted Uses of Shoalhaven LEP 2014. The suggested recommendation should Council resolve to support the PP, not that it is recommended, is provided below.

That Council:

1. Support the proponent initiated Planning Proposal request provided in Attachment 1, except for site specific amendments to the Land Zoning Map, Lot Size Map, and Height of Buildings Map in Shoalhaven Local Environmental Plan 2014.
2. Prepare a Planning Proposal to amend Schedule 1 of Shoalhaven Local Environmental Plan 2014 to insert an Additional Permitted Use for Lot 1752 DP 28785, 1310 Naval College Road, Worroving Heights as follows:

Use of certain land at 1310 Naval College Road, Worroving Heights:

- (1) *Development for the purposes of residential accommodation, tourist and visitor accommodation, food and drink premises, recreation facilities (indoor), recreation facilities (outdoor) and retail premises is permitted with development consent in conjunction with the Tourist and Visitor accommodation developed on the land to which this clause applies.*
- (2) *Notwithstanding any other provision of this plan the maximum gross floor area of tourist and visitor accommodation and associated activities and residential accommodation permitted under this clause is as follows:*

	Land Use	Total GFA
i.	<i>Tourist and visitor accommodation</i>	6,650 m ²
ii.	<i>Food and drink premises</i>	275 m ²

iii.	<i>Function centre</i>	<i>350 m²</i>
iv.	<i>Day spa</i>	<i>200 m²</i>
v.	<i>Retail premises</i>	<i>150 m²</i>
vi.	<i>Residential accommodation</i>	<i>10,000 m²</i>

3. Request the proponent to update all technical studies as necessary to reflect the amended PP prior to lodgement with the NSW Department of Planning and Environment.
 4. Submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and detail any additional work that is required to support the proposal and that should be undertaken post Gateway.
 5. Advise the proponent and surrounding landowners of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals.
3. Support the PP as submitted by the proponent (not recommended).
- Implications: This is not recommended for the reasons outlined in Option 1.

Background

Council initially received a proponent initiated PP request for Lot 1752 DP 28785, 1310 Naval College Road, Worroving Heights (subject site) on 12 April 2016.

CL18.180



Figure 1 – Subject Site (outlined in red)

The site is approximately 3.08 Hectares (ha) in size, zoned RU2 Rural Landscape with a minimum lot size of 40 ha and a maximum height of buildings of 11 metres under Shoalhaven Local Environmental Plan (LEP) 2014. The objectives of the RU2 zone relate to encouraging sustainable primary production by maintaining and enhancing the natural resource base, maintaining the rural landscape character of the land, and to provide for a range of compatible land uses.

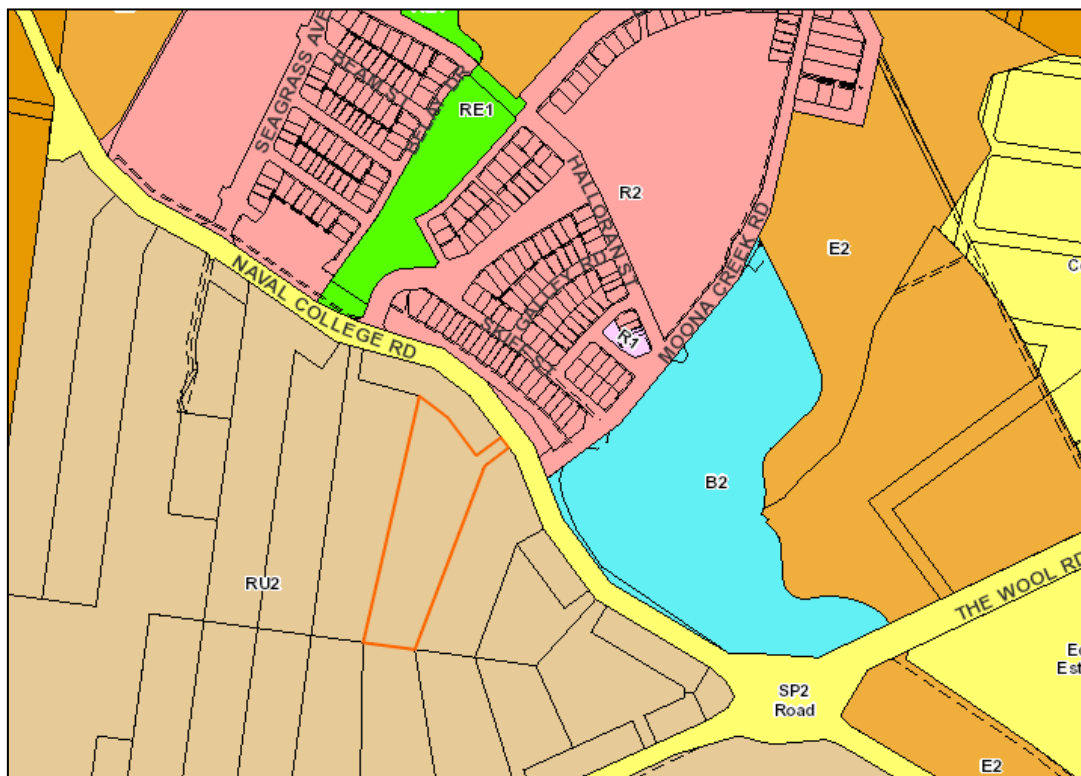


Figure 2 – Zoning Map (site outlined in orange)

CL18.180

The original PP request sought to rezone the site to SP3 Tourist and increase the height of buildings to 18 metres, to permit the development of a six-storey hotel resort (120 rooms) and a serviced apartment building (180 apartments).

A decision on the original PP request was deferred by Council's Development Committee on 18 July 2016 to enable a more detailed strategic planning exercise be undertaken and to consider the future zoning of the broader precinct. This exercise was undertaken on Council's behalf by Locale Consulting and ultimately adopted by Council on 13 February 2018 as the *Worworing Heights Precinct Plan and Strategic Directions Report* (the Precinct Plan). At this meeting, a decision on the proponent's PP request was again deferred to enable further discussion with the proponent.

On 13 March 2018, Council staff met with the proponent to discuss the proposal and it was suggested that they consider possibly amending their PP request to consider the recently adopted Precinct Plan and the context of the surrounding locality. For the purposes of reporting the matter back to Council, the proponent was not requested to amend or update any of the previously submitted technical studies. It was agreed that an amended PP request would be submitted to Council by 13 April 2018, to enable the matter to be reported back to Council.

An amended PP request or advice as to its status was not received from the proponent by the agreed date. However, on 16 April 2018 the proponent advised they had been experiencing delays and required more time. It was requested that the extension be specified in writing. Two weeks later, the request for a one-month extension was received. An extension of time until 30 May 2018 was agreed and it was advised that no further extensions would be granted beyond this date.

On 28 May 2018 the proponent requested another extension until 6 June 2018. This was not accepted, as a reasonable timeframe to provide an amended PP request had been provided. It is noted that the primary reason for providing the proponents an opportunity to provide an amended PP request was due to the inconsistencies of the original PP with the Worworing Heights Precinct Plan, which it is noted was in a draft form since 23 June 2017 and a final version since 9 February 2018.

An amended PP request was formally received from the proponent on 31 May 2018. The amended request seeks to amend Shoalhaven LEP 2014 to permit the development of a four-storey, 100 room hotel with associated restaurant/bar, function centre, pool, day spa and laundromat with underground parking, and two (2) separate four storey residential apartment buildings comprising a total of 100 apartments. A copy of the amended PP request is provided as **Attachment 1** (A full copy of the amended PP including technical studies is available on Council's website via the following link <http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D18/184648>).

Amended Rezoning Proposal

The amended PP request now seeks to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, with a 500m² minimum lot size and a mapped 9 metre Height of Buildings development standard. These proposed controls do not solely facilitate the specifically intended development outcome of a hotel and two residential apartment buildings and could result in a future residential subdivision of the site in isolation which at this stage is incompatible with the broader precinct which is still currently zoned RU2 (see Figure 2) and could be for some time.

However, the amended PP request also seeks the insertion of the following Additional Permitted Use (APU) in Schedule 1 of Shoalhaven LEP 2014:

19 Use of certain land at 1310 Naval College Road, Worworing Heights

CL18.180

- (1) *This clause applies to land identified as “Schedule 1.19” on the Clauses Map, being Lot 1752 in DP 28785, 1310 Naval College Road, Worrowing Heights.*
- (2) *Development for the purposes of residential accommodation, tourist and visitor accommodation, food and drink premises, recreation facilities (indoor), recreation facilities (outdoor) and retail premises is permitted with development consent in conjunction with the Tourist and Visitor accommodation developed on the land to which this clause applies.*
- (3) *Development for the purposes of tourist and visitor accommodation and residential accommodation to a maximum height of 14m is permitted with development consent.*
- (4) *Notwithstanding any other provision of this plan the maximum gross floor area of tourist and visitor accommodation and associated activities and residential accommodation permitted under this clause is as follows:*

	Land Use	Total GFA
i.	<i>Tourist and visitor accommodation</i>	<i>6,650 m²</i>
ii.	<i>Food and drink premises</i>	<i>275 m²</i>
iii.	<i>Function centre</i>	<i>350 m²</i>
iv.	<i>Day spa</i>	<i>200 m²</i>
v.	<i>Retail premises</i>	<i>150 m²</i>
vi.	<i>Residential accommodation</i>	<i>10,000 m²</i>

Worrowing Heights Precinct Plan

The Worrowing Heights Precinct Plan and Strategic Directions Report applies to an area of approximately 67 ha on the north-western corner of the intersection of The Wool Road and Naval College Road, Worrowing Heights and was adopted by Council on 13 February 2018.

Further detailed technical studies are required to progress the preferred precinct plan to a rezoning stage, however it identifies a broad future strategic outcome for the area and Council's current policy position for the area. It is noted that the subject site, 1310 Naval College Road, is within 'Phase 1' of the Precinct Plan as shown in Figure 3.

CL18.180

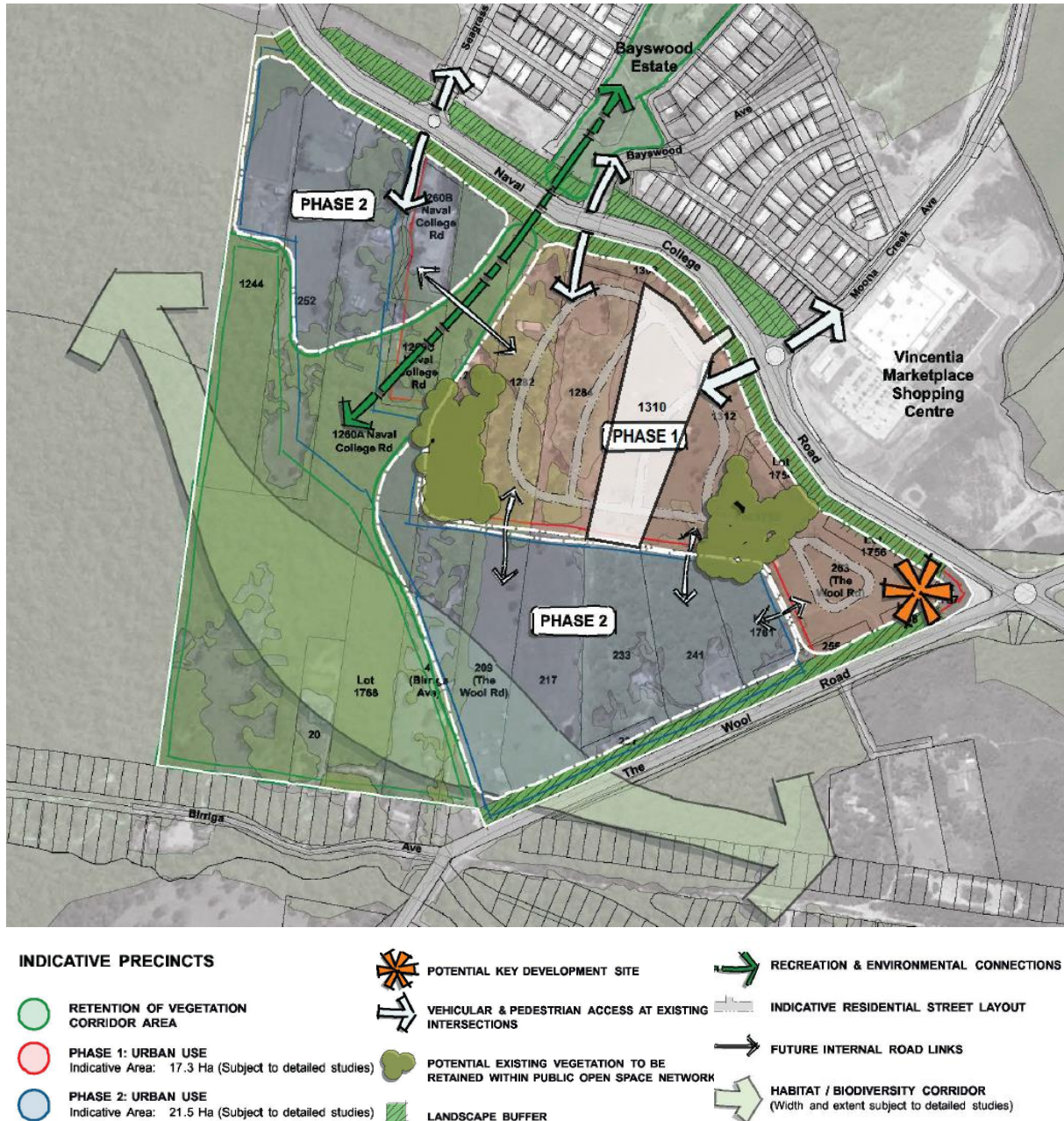


Figure 3 – Subject Site in the Context of the Preferred Precinct Plan

In accordance with Council's resolution of 13 February 2018, endorsement of the Precinct Plan was sought from DP&E on 21 February 2018. The response from DP&E is provided in **Attachment 2**.

The DP&E would prefer to consider the Precinct Plan as part of the broader review of the Jervis Bay Settlement Strategy (JBSS) which is currently underway in accordance with Council's adopted Strategic Planning works program and was recently (May 2018) reported to Council as part of the commencement report related to the review of the Shoalhaven Growth Management Strategy

The DP&E also noted that since Council has adopted the Precinct Plan, it is already a local planning strategy that must be considered in planning for this precinct.

While the Precinct Plan does not determine exact zone boundaries, it does discuss possible future land uses and zones to be considered in the precinct. An assessment of the consistency between the Precinct Plan and the proponent's amended PP request is provided below.

CL18.180

1. Tourism

The Market Feasibility Analysis which forms part of the Precinct Plan concluded that there is not sufficient demand for more land to be zoned SP3 Tourist in the Bay & Basin area, as there are other genuine, undeveloped tourist sites remaining for that purpose.

The Precinct Plan states that *“appropriate tourism land uses could be pursued in the short, medium and possibly longer term under a R1 General Residential zone within the precinct”* and that *“the R1 General Residential zone would be appropriate for further investigation – particularly within the area identified as Phase 1 of the Precinct Plan option.”*

Proponent’s PP: The PP seeks to facilitate tourism land uses on the site through an APU clause in Shoalhaven LEP 2014. These uses include a four-storey hotel with associated restaurant, bar, function centre, pool, day spa, laundromat and retail premises with underground car parking. The proposed APU specifies maximum gross floor space areas for each land use, which could enable a different outcome from that of the concept plan provided with the PP. None of these floor area proposals have been tested against relevant development standards. Future tourism use of the site is not inconsistent with the Precinct Plan.

The scale of the development sought or possible under the proponents PP request (proposed maximum gross floor areas and 14 metre height control in the APU) could facilitate a tourism outcome that is incompatible with the locality and the adopted Precinct Plan.

2. Commercial/Business

Based on the Market Feasibility Analysis, the Precinct Plan concluded that *“specific business zones are not considered warranted within the precinct at this stage. Some business type land uses (subject to detailed studies and the more detailed planning process) could be pursued in the short, medium and possibly longer term under a R1 General residential zone within the precinct, or via a separate planning proposal process in the area of the landmark site.”*

Proponent’s PP: The PP seeks to include some commercial uses through the insertion of an APU clause in Shoalhaven LEP 2014. These uses include a restaurant, bar, function centre, pool, day spa, laundromat and retail premises. Commercial/business land uses are proposed to be developed in conjunction with the tourist and visitor accommodation developed on the site and are therefore not inconsistent with the Precinct Plan. It is however noted that there is undeveloped commercial (B2 Local Centre) zoned land close the site, adjacent to the existing Vincentia Marketplace that could possibly play a role or be utilised in this regard.

3. Residential

In discussing possible future residential land uses, the Precinct Plan considered the peri-urban location of the land, the Market Feasibility Analysis and proximity to the Vincentia Marketplace and Bay & Basin Hub proposals. It states that *“the detailed specialist studies that will need to be undertaken as the planning process continues may limit the area of land that is unconstrained and can therefore be zoned for residential purposes, and as such may also provide support for an R1 General Residential zone (rather than the R2 Low Density Residential or R5 Large Lot Residential zone) to achieve feasible density outcomes”*.

Proponent’s PP: The amended PP request seeks to rezone the site from RU2 Rural Landscape with a minimum lot size of 40 ha to R2 Low Density Residential with a minimum lot size of 500m². It is noted that an R2 zoning does not permit ‘tourist and visitor accommodation’, ‘food and drink premises’ or ‘recreation facilities’ which are part of the proponent’s intended future development outcome.

The only basis for the proposed R2 Low Density Residential zone appears to be that it is consistent with the Bayswood Estate to the north and to allow for “a range of permissible

uses”, which is a common feature of most land use zones in Shoalhaven LEP 2014. The PP does not address the suggested R1 General Residential investigation option in the Precinct Plan or provide any explanation as to how the future intended development outcome would be compatible with the objectives of the R2 zone; which primarily relate to providing for detached housing in a low density environment, other uses that meet the day to day needs of residents, and to ensure that other development is compatible with a low density environment. The intended development, through the requested APU clause, with a 14m height limit is completely at odds with the Precinct Plan and the objectives of the proposed R2 Low Density Residential zone.

The proponent’s submission to the Precinct Plan raised concern that the R1 zone is *“too limiting in the context of the local economy, and does not provide sufficient scope to respond to market demand”*. The amended PP request provides no justification as to how the R2 zone would be less ‘limiting’ in this regard. Their submission also raised concern that *“while uses such as ‘tourist and visitor accommodation’ are permissible within the R1 zone, it would be difficult to demonstrate consistency with the current R1 zone objectives”*. It would be even more difficult to demonstrate how a 14 metre, 100 room hotel and two separate residential apartment buildings comprising a total of 100 units would be compatible in an R2 zone.

The proposed R2 zoning and 500m² lot size are not required to support the proposed hotel development and could result in a residential subdivision of the site like the Bayswood Estate to the north, albeit of an isolated nature. This by its nature at this point, could be an undesirable spot rezoning and could result in an isolated residential subdivision within the broader precinct and the surrounding RU2 Rural landscape land.

In the context of the recently adopted Precinct Plan, rezoning of the site is considered premature given the suggested detailed investigations for the precinct have not been undertaken. The PP does not consider the rezoning of the broader precinct and the future implications of permitting a hotel development on this site in the context of the broader precinct, which has been the advice of Council since the original motel approval (DA 14/1391), in the PP pre-lodgement advice and in Council’s report of 18 July 2016.

Any zoning changes for the subject site must be considered in the future through a more holistic approach for the surrounding locality in accordance with Council’s position to date and the recently adopted Precinct Plan.

4. Other land uses and heights

The Precinct Plan identified several other land use types which could be considered as part of future investigations, including health services facilities, environmental facilities and recreation facilities. It states that *“the location, landform and overarching character of the precinct...support either the retention of the existing maximum ‘Height of Buildings’ of 11 metres (as set by the overlay contained in Shoalhaven LEP 2014) or 8.5m should the PP process proceed to rezoning the area for urban purposes.”* The only site identified for potential increased building heights at the appropriate point is the ‘gateway site’ on the corner of Naval College Road and The Wool Road.

Proponent’s PP: The amended PP request seeks to both map the site at 9 metres under a proposed R2 zoning and insert an APU clause that allows a maximum building height of 14 metre for ‘tourist and visitor accommodation’ and ‘residential accommodation’ on the site. The PP states that this would *“allow a hotel of a scale suitable to the site”* however it does not provide any specific justification for the proposed 14 metre height against the suggested heights of the Precinct Plan and how this would be compatible within the current and future potential low density residential character of the surrounding area.

The amended PP request also seeks to amend the Height of Buildings map for the site to 9 metres, yet no justification is given for this noting the actual intended development of a four storey, 100 room hotel and two separate residential apartment buildings comprising a total of 100 units

Given the content of Council's adopted Precinct Plan, it is recommended that the maximum height for the site not be increased at this point and should be retained at the general citywide maximum of 11 metres.

5. Overall site suitability

The Precinct Plan Strategic Directions Report considered the original PP request for a six-storey, 120 room hotel resort and 180 serviced apartments, to be an overdevelopment of the site on which it is located, which whilst the area is undergoing change, remains low density and of a single or two storey nature.

In the context of immediate and broader Jervis Bay and St Georges Basin area, the amended PP request is still considered an overdevelopment of the site given the surrounding low density rural and residential area with maximum two-storey developments. To fit the size and scale of the proposed development on what is a relatively defined site, it is noted that the entire development's car parking is proposed to be located underground. The proposed 14 metre height is also not in keeping with the current or potential future scale of development in the precinct on the general urban/rural fringe of the Jervis Bay and St Georges Basin area as identified in Council's adopted Precinct Plan.

The Precinct Plan also notes that the current economic assessment for the PP is too generic and highlights a general demand in the region rather than the Bay & Basin area. The Precinct Plan's Market Feasibility Analysis concluded that *"there is sufficient land available to promote tourism opportunity within both the immediate 'Bay and Basin' locality and the broader Shoalhaven considering that these opportunities may also be available in other zones."*

The need and desire for a hotel of a suitable standard to respond to the tourism demand is generally acknowledged. However as touched on in previous reports, this could potentially be realised on other existing zoned sites in the area or alternatively outside the area, but still in close proximity. For example, it is noted that owners of the adjacent B2 zone are having discussions with DP&E about the possible alternative use of the undeveloped zoned land adjacent to the existing retail development. "Tourist and visitor accommodation" (includes hotels) is currently permissible in the B2 zone. There are also a range of sites in Nowra that are currently zoned and supported by existing planning work that provide potential hotel opportunities. Nowra has the potential to play a role as a tourism accommodation hub for the coastal villages.

Key Issues

Several issues identified in the Development Committee Report of 18 July 2016 in respect of the proponent's initial PP request remain largely unresolved. Most of these issues, including but not limited to flora and fauna, traffic and access, bushfire, economic, visual amenity, and infrastructure, have been raised with the proponent since the initial pre-lodgement advice letter dated 12 January 2016.

The proponent has had two years to address these concerns however the fact that they remain largely unresolved in their amended PP request further highlights the unsuitability of the site for the proposed development. However, there is a tension at this point in the PP process between having enough information to enable an initial consideration, without creating an expectation of support because more studies are requested at this early step. It is always possible to require studies to be prepared post Gateway should a proposal proceed past this point.

A summary of these issues is provided below.

Flora and fauna

Threatened species (including an endangered orchid) and hollow bearing trees have been identified on the site and within the likely proposed Asset Protection Zone (APZ) that would be required for a development of this nature. The Flora and Fauna Assessment concludes

that the proposal is unlikely to result in any significant impact on threatened species, populations or communities.

Council's Environmental Assessment officers have reviewed the amended PP request, including the Flora and Fauna Assessment based on the original PP dated 5 April 2016. The Flora and Fauna Assessment does not provide sufficient information to demonstrate the claim of no significant impact to threatened species, specifically the threatened *Calochilus pulchellus* (Pretty Beard Orchid) and threatened hollow-dependent fauna species.

The intended development potentially triggers a 'serious and irreversible impact' under the Biodiversity Conservation (BC) Act 2016 because of overshadowing of the Pretty Beard Orchid habitat adjacent to the site by the four-storey hotel and apartment buildings. The PP does not provide sufficient evidence to demonstrate that microclimates within the threatened orchid habitat will not be affected by the development to the detriment of the orchid habitat and pollinating species associated with Pretty Beard Orchid (scoliid wasps).

The proposed development also has the potential to impact hollow-dependent threatened fauna species. Targeted surveys are required to determine the potential impact to threatened fauna species as a result of the loss of maternity/nesting hollows.

The development also has the potential to trigger the Biodiversity Offsets Scheme, as the APZ extending into Lot 1763 triggers the Biodiversity Values Map and would require a Biodiversity Development Assessment Report (BDAR) and relevant credit off-setting calculated by an accredited assessor under the BC Act 2016.

Traffic and access

Council's Transport Engineers have reviewed the amended PP request, including the Traffic Impact Assessment dated March 2016. As the Assessment has not been revised, the comments noted in the Development Committee Report of July 2016 remain and would need to be addressed should Council resolve to support the PP.

Council's previous comments highlight concerns with the adequacy of the report with respect to assessing the full impacts of the proposal, particularly regarding anticipated traffic flows and direction split. Because of the potential underestimate of the anticipated traffic flows and directional split, the proposed site access is inadequate and a higher order treatment than the proposed channelized right turn treatment and auxiliary left turn treatment is likely to be required. However, a higher order treatment at the proposed access point could not comply with the relevant standard due to the distance between the existing roundabout at Moona Creek Road. Restricting ingress and egress to left-in and left-out only through the construction of a median would still result in any auxiliary left turn treatment not meeting the relevant standards.

These issues should be considered in detail as part of any future development application for the future intended use or also possibly as the PP advances after a Gateway determination.

Bushfire

The amended PP request includes a bushfire assessment dated 30 March 2016. The bushfire assessment identifies a proposed APZ for the future intended use of the land based on the original PP and will need to be updated should Council resolve to support the PP. The proposed APZs are considerably larger than those required for the previously approved motel due to the proposed intensification of development on the site.

The bushfire assessment identifies that the future development of the site would not comply with the derived radiant heat exposure to an emergency worker. The proposed height of 14 metres would be classed as 'high rise construction' and therefore compliance with NSW RFS Practice Note 2/12 would need to be demonstrated. The practice note requires that an engineering analysis would be required to demonstrate that location, existing infrastructure, external façades and potential for entrapment issues do not pose an unacceptable risk.

At this stage a referral to the NSW Rural Fire Service has not been completed, as this is generally undertaken after a Gateway determination in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection. It is likely that further detail will be required regarding this aspect of the PP. The ability for the site to manage its own bushfire protection requirements is however a concern given its size, location and scale of development proposed. In this regard it is doubtful that required APZs could be accommodated on site and could impact on adjacent properties not covered by this proposal.

Economic

The amended PP request proposes an APU to permit residential accommodation, tourist and visitor accommodation, food and drink premises, recreation facilities (indoor), recreation facilities (outdoor) and retail premises in conjunction with the tourist and visitor accommodation developed on the site. The proposed APU specifies maximum gross floor space areas for each land use, which could enable a different outcome from that of the concept plan provided with the PP. The amended PP includes an Economic Impact Study dated 24 March 2016 that states the proposal will seek to fill a gap in the accommodation market rather than compete with existing small-scale accommodation facilities in the area.

The Shoalhaven Tourism Master Plan sets desired outcomes and directions forward for the Jervis Bay and St Georges Basin precinct however not specifically for the site or for Worrowing Heights. The master plan identifies Huskisson as the primary tourism hub and Vincentia as having potential for tourism development at the Vincentia shopping centre site.

Visual Amenity

The amended PP request proposes to amend the height control on the subject site to 9 metres within an R2 zoning, and to include an APU that enables a height of 14 metres for tourist and visitor accommodation and residential accommodation on the site. This represents 3 metres increase on the current general maximum building height of 11 metres permitted under Clause 4.3(2A) of Shoalhaven LEP 2014.

Existing development in the area is generally characterised as relatively low density with maximum two-storey developments. The existing height controls in the vicinity range from 3 to 11 metres.

The amended PP request includes a Landscape Character and Visual Impact Assessment dated 24 March 2016 which concluded that future development of the site has a 'relatively limited visual catchment and overall moderate visual impact'.

An incremental rezoning and redevelopment of this location via a spot rezoning has the potential to impact on the visual character and pattern of development and this could be inconsistent with the principles of the Coastal Design Guidelines 2003. It is also acknowledged that the site is adjacent to a new urban area consisting of a large residential subdivision and shopping centre.

Water and Sewerage Infrastructure

Shoalhaven Water have reviewed the amended PP request and have advised that the existing water main fronting the property should be adequate to support the proposed development's domestic and commercial needs, excluding firefighting. A fire support system would need to be designed and installed, which may require an augmentation of the water supply at full cost to the developer. Direct pumping from Council's water supply mains is not permitted.

The property is not currently serviced by town sewerage and the developer would need to provide gravity/pressure sewer (gravity preferred) to the future development. The downstream sewage pumping station may also require augmentation works, including but not limited to upsizing of pumps, provision of additional emergency storage, internal power supply upgrade, and external power supply upgrade.

Relevant Strategies, Policies and Ministerial Directions

The following is an overview of relevant strategic planning documents relevant to the amended PP request.

- *Illawarra-Shoalhaven Regional Plan (ISRP)*

This is a high level strategic planning document which currently applies to Shoalhaven. The Plan addresses the provision of suitable land for employment and housing needs. While the Plan applies to Shoalhaven, it does not contain any specific provisions related to the subject land. As such the request is not inconsistent with the broad intentions of the ISRP.

- *Jervis Bay Settlement Strategy (JBSS)*

This Strategy applies to the Jervis Bay Region and establishes a set of principles to manage growth in the Region. The Strategy does not identify the subject site for future urban expansion or potential tourist development. While the PP is not inconsistent with the broad principles of the Strategy, the subject land is not specifically identified for this type of development nor is the broader precinct.

As reported to Council in May 2018, a review of the JBSS is currently underway in accordance with Council's adopted Strategic Planning works program. The review will consider the incorporation of the Worroing Heights Precinct Plan and Strategic Directions Report into a revised strategy.

- *Section 9.1 Directions by the Minister (formerly Section 117 Directions)*

The amended PP is inconsistent or potentially inconsistent with the following directions:

Direction 1.2 Rural Zones – the amended PP request is inconsistent as it proposes to rezone land from rural to residential and increases the permissible density of land within a rural zone outside a strategy that is endorsed by DP&E.

Direction 1.5 Rural Lands – the amended PP request is inconsistent with the rural planning principles of the SEPP (Rural Lands) and as a result is potentially inconsistent with this Direction as it is outside a strategy that is endorsed by the DP&E.

Direction 2.2 Coastal Protection – The amended PP request is potentially inconsistent with this Direction as it could be considered at odds with the principles in the Coastal Design Guidelines 2003.

- *Worroing Heights Precinct Plan & Strategic Directions Report*

The Worroing Heights Precinct Plan provides a broad future strategic plan for the area and Council's overall policy position for the future development of the area. Council has gone to considerable lengths on behalf of the proponent in preparing and adopting the Precinct Plan. The proponent's amended PP gives little consideration to the adopted Precinct Plan, and directly conflicts with its contents on a number of fronts as discussed earlier in the report, and no justification is provided for these inconsistencies.

- *Council's Planning Proposal (Rezoning) Guidelines*

These guidelines detail the circumstances when a PP is likely to be supported by Council and provide detail on the PP process. The guidelines were adopted by Council in 2016 and note that Council is likely to support a PP in the following circumstances:

- Proposed amendment is supported by Council or State Government strategy or plan.
- Clear zoning anomaly exists on site.
- Proposed amendment is considered to be minor in nature and has been sufficiently justified to Council.

The guidelines make it clear that PPs that are not supported by a strategy or plan and are considered speculative will generally not be supported by Council.

Based on the above, the PP is not inconsistent with the broad intentions of the ISRP and the underlying intent of the JBSS. However, the PP is considered to be inconsistent with

Council's recently adopted Worroving Heights Precinct Plan and Strategic Directions Report as detailed earlier in the report. Thus, it is inconsistent with Council's Planning Proposal (Rezoning) Guidelines.

Conclusion

As detailed above, the amended PP request seeks to rezone the site in isolation and also potentially enable an additional specific development outcome.

The amended PP seeks to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, with a 500m² minimum lot size and a mapped 9 metre Height of Buildings development standard. These proposed controls do not solely facilitate the specifically intended development outcome of a hotel and two residential apartment buildings and could result in a future residential subdivision of the site in isolation to the broader precinct and surrounding area. At this stage, this proposal would be incompatible with the broader precinct which is still currently zoned RU2 and could be for some time.

The PP also seeks to facilitate tourism land uses on the site through an APU clause in Shoalhaven LEP 2014. The APU would permit development for the purposes of tourist and visitor accommodation and residential accommodation to a maximum height of 14m. It would permit a total gross floor area (GFA) of 6,650m² for tourist and visitor accommodation, 10,000m² for residential accommodation, 275m² for food and drink premises, 150m² of retail premises, 200m² for a day spa, 350m² for a function centre and recreation facilities (indoor) recreation facilities (outdoor). The proposed GFAs are not tied to the indicative concept plan provided with the PP and could result in a different development outcome on the site.

Whilst the area is undergoing change, the size and scale of the proposed development is considered to be an overdevelopment of the site on which it will be located, and not in keeping with the current or future scale of development in the precinct on the urban/rural fringe of the Jervis Bay and St Georges Basin area. The amended PP request remains solely focused on the site 1310 Naval College Road, Worroving Heights and gives little consideration to the implications of permitting this scale of development on the site in the context of the broader precinct.

Council has gone to considerable lengths in preparing and adopting the Worroving Heights Precinct Plan and Strategic Directions Report. The proponent's amended PP gives little consideration to the adopted Precinct Plan, and directly conflicts with its suggestions on several fronts. No justification is provided for these inconsistencies.

The amended PP has also not addressed several outstanding issues detailed in this report, which were previously raised in the Development Committee Report of 18 July 2016 and in the initial pre-lodgement advice letter of 12 January 2016. The proponent has had two years to address these concerns however the fact that they remain largely unresolved in their amended PP further highlights the unsuitability of the site for the proposed development. However, it is noted that there is the opportunity for relevant matters to be considered post Gateway determination should the PP request proceed.

It is therefore recommended that Council not support the proponent initiated PP request and that no further action to amend Shoalhaven LEP 2014 in respect of 1310 Naval College Road, Worroving Heights, be undertaken at this stage.

If they wish, the proponent can have their request and Council's decision on it to be reviewed (Rezoning Review). Proponents can seek an independent review if Council:

- has notified the proponent that the LEP changes are not supported;
- has failed to submit a Planning Proposal for a Gateway determination within a reasonable time from resolving to support the proposal; or
- has not considered the request to change the LEP within 90 days.

Rezoning Reviews are carried out if necessary by the relevant Planning Panel Pre-Gateway. One of the key early tests in this review process is a strengthened 'Strategic Merit Test'. Where proposals are assessed to determine if they are:

- Consistent with the relevant regional plan; or
- Consistent with a relevant endorsed local strategy; or
- Responding to a change in circumstances, such as investment on new infrastructure or changing demographic trends that are not recognised by existing plans.

As such it is likely that similar issues/concerns would need to be considered by the Planning Panel should the proponent consider pursuing a rezoning review.

As noted earlier in the report, the need and desire for a hotel of a suitable standard to respond to the tourism demand is generally acknowledged. As such Council should consider working with others including the Shoalhaven Tourism Advisory Group, operators/developers etc. to pursue other potential sites that are more suitably zoned/located within the Jervis Bay/St Georges Basin area and the broader northern Shoalhaven.

Community Engagement

Upon receipt of the initial PP request in 2016 the surrounding landowners were notified in writing and provided an opportunity to review the documentation. Surrounding landowners were also notified in writing of the proponent's amended PP.

If the PP proceeds, public exhibition will be required including advertising in the local newspaper and notification to surrounding landowners. The Gateway determination will also set required formal consultation requirements.

Policy Implications

Should Council resolve to support the amended request, this will commence a formal process to amend Shoalhaven LEP 2014 and a PP will be prepared and submitted to the DP&E.

Should Council resolve to not support the PP, no further action to amend Shoalhaven LEP 2014 in respect of 1310 Naval College Road, Worroving Heights, be undertaken at this stage.

Financial Implications

Should Council resolve to support the PP, it will be pursued on a 100% cost recovery basis, to be funded by the proponent.



Our ref: OBJ17/14413
Your ref: 53077E (D18/58564)

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

Attention: Gordon Clark, Strategic Planning Manager

Dear Mr Pigg,

Worring Heights Precinct Plan and Strategic Directions Report

I refer to your letter of 21 February 2018 seeking the Department of Planning and Environment's endorsement of the Worring Heights Precinct Plan and Strategic Directions Report, December 2017, prepared by Locale Consulting. Shoalhaven City Council's strategic approach to planning for the area is supported.

I would like to acknowledge the strategic planning work of councils through the endorsement of strategies such as the Jervis Bay Settlement Strategy. This not only recognises the effort and strategic approach councils take in their planning, but also assists with the consideration of new planning proposals against Ministerial Directions issued under Section 9.1 of the Environmental Planning and Assessment Act 1979.

I understand that Council has included a review of the Jervis Bay Settlement Strategy in its upcoming works program. However, due to timeframes Council has prepared the Worring Heights Precinct Plan in the interim to compliment the revised Settlement Strategy.

The Department would prefer to consider the Worring Heights Precinct Plan and Strategic Directions Report as part of the broader review of the Jervis Bay Settlement Strategy. I note that Council has adopted the precinct plan and as such it is already a local planning strategy that must be considered in planning for this precinct.

Should you wish to discuss or require any further information on this matter please contact Graham Towers, Team Leader on 4224 9467.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Lees', written over a horizontal line.

Sarah Lees 22/05/2018
Direction Regions, Southern
Planning Services

CL18.181 Variations to Development Standards - Second Quarter Report 2018

HPERM Ref: D18/222226

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Variations to Development Standards - June Quarter, 2018 [↓](#)

Purpose / Summary

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the Shoalhaven Local Environmental Plan) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to report the variations to the full Council and thereafter the Department of Planning and Environment.

Recommendation

That Council receive this report for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

Options

1. Receive the report for information and forward the report to the Department.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS18-003 Variations to development standards*.

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

Background

Function of SEPP 1 and clause 4.6

SEPP 1 and clause 4.6 allow flexibility in the application of development standards by allowing the consideration of development proposals that meet the objective of a development standard but not its stated value.

SEPP 1 and clause 4.6 permit an applicant to object to development standards on the grounds that they are unreasonable, unnecessary or would result in poor planning outcomes.

When the consent authority is satisfied the objection under SEPP 1 or clause 4.6 is well founded it may, with the concurrence of the Secretary of the Department of Planning and Environment, grant consent to that Development Application (DA) notwithstanding the subject development standard.

The Secretary of the Department of Planning & Environment has delegated to councils assumed concurrence to use SEPP 1 or clause 4.6 in respect of most types of development.

Monitoring of council use of SEPP 1 and clause 4.6

Councils are required to monitor their use of the Secretary's assumed concurrence under SEPP 1 and clause 4.6 and report to the Department of Planning and Environment on that usage on a quarterly basis. The Department has been systematically monitoring council quarterly SEPP 1 and clause 4.6 returns since June 2008.

Monitoring and auditing council's use of SEPP 1 and clause 4.6 enables the Department to check whether councils are keeping accurate records of the use of SEPP 1 and clause 4.6, to assess whether any particular development standards are being regularly varied by a council and may require review, and to detect anomalies (e.g. exceeding of delegations) if they are occurring.

Planning Circular *PS18-003 Variations to development standards*, dated 21 February 2018

The Circular states:

- *"Applications for variations to development standards cannot be considered without a written application objecting to the applicable development standard and addressing the matters required to be addressed in the relevant instrument."*
- *A publicly available online register is to be established, and its currency maintained, of all variations to development standards approved by council or its delegates. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation."*
- *A report of all variations approved, either by council or its delegates, must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December). Such report must be on the form provided by the Department."*
- *A report of all variations approved under delegation by staff must be provided to a full council meeting at least once each quarter."*

The Circular concludes:

"The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy."

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development."

Conclusion

Upon receipt of this report, the report and attachment will be provided to the Department. Additionally, the attached table detailing variations has (or will) be published on Council's webpage.

CL18.181

[illegible]

CL18.157 Waste 2018 Conference

HPERM Ref: D18/192954

Submitted by: Cllr Mark Kitchener

Attachments: 1. Conference report (under separate cover)

This item has been deferred from the Extra Ordinary Meeting 28 June 2018 .

Purpose / Summary

To provide a report (Attachment 1) from Cllr Mark Kitchener on the Waste 2018 Conference held in Coffs Harbour 8-10 May 2018 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council

1. receive the report from Cllr Mark Kitchener on the Waste 2018 Conference for information.
2. organizes a familiarization tour of Kimbriki Monavale and the West Nowra Landfill for councillors and key council personnel, to compare Kimbriki to the Shoalhaven's landfill and gather innovative technologies, products and services to be incorporated in the proposed AWT facility and the Shoalhaven's seven Buy Back Centres.

Options

1. Receive the report for information
2. Request further information on the conference

CL18.157

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.