

Attachment A – Recommendations by the LGSA Local Government Working Group on the Native Vegetation Act 2003 and the Catchment Management Authorities Act 2003

Native Vegetation Act 2003	
Issue	Recommendations
<p>Integration of Act with EP&A Act - Dual Consent</p>	<p>Currently under the Act an applicant may need to seek two separate approvals (dual consent) for the clearing of native vegetation, from the CMA and Council.</p> <p>(N1) That DECC as part of its review, provide further consultation and information to local government and other key stakeholders on the changes proposed to <u>limit dual consent</u>.</p> <p>(N2) That it is prescribed under the NV Act, and subsequently the EP&A Act, "where dual consent is required applicants must obtain approval from the CMA first, before submitting their application to Council for approval."</p> <p>(N3) That DECC as part of its review process considers how to obtain further alignment between the tools and instruments under the NV Act (PVPs, RAMAs, etc) and those under the EP&A Act (SEPPs, LEPs, DCPs and Das). Despite the different requirements of these tools, Local Government feels this would create a more effective land-use planning system for NSW.</p>
<p>Integration of Act with EP&A Act - Definitions</p>	<p>There is opportunity to align language, or definitions, between the Act and the new standard LEP template (EP&A Act 1979) for NSW councils.</p> <p>(N4) That DECC as part of its review investigate how to best align "definitions or language" between and within the NV and the EP&A Acts. This investigation should also consider alignment of language within other relevant NRM legislation (eg. Threatened Species Act).</p> <p>(N5) That DECC as part of its review investigates how to best clarify definitions of the NV Act to ensure that it is easy to interpret as to where the Act applies. It has been raised by councils that a barrier to effective "enforcement and compliance" is often the inability to easily interpret the Act.</p>

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<p>Integration of Act with EP&A Act - Protection of native vegetation in greater metropolitan areas and towns</p>	<p>There is concern that under the new standard LEP template, areas where the NV Act doesn't apply (such as in greater metropolitan areas and towns - Schedule 1 Excluded Land), that there will be limited protection for native vegetation (eg environmentally sensitive land in urban areas), even with the option of including the standard LEP template Clause 5.9.</p>	<p>(N6) That DECC as part of its review considers the apparent disparity between the level of protection of native vegetation between rural and urban areas, and the particular issues within transition zones (rural urban fringe areas).</p> <p>DECC should also investigate the opportunities for supporting councils in the development of suitable provisions within their planning instruments to protect native vegetation in urban areas.</p>
<p>Integration of Act with EP&A Act –Permitted clearing and activities</p>	<p>Where the Act currently applies, there is concern about the impact of "permitted clearing and activities" on Environmentally Sensitive Land or land zoned as Environmental Protection (E2, E3 or E4) under a council's new LEP.</p>	<p>(N7) That DECC as part of its review investigate the option of RAMAs (and other permitted clearing or activities that do not require approval under the NV Act) being made "<u>land-use zone dependant</u>". In particular, that RAMAs could vary in application according to the Zone in question and its objectives.</p> <p>Local Government supports an increase in the extent and/or use of variable RAMAs in the following situations:</p> <ul style="list-style-type: none"> • Coastal v inland • Riparian / protected lands / ESAs (overlays) • Environmental Protection Zones • Rural residential areas <p>(N8) That DECC as part of its review process consult with the Department of Planning (DoP) in order to discuss the identified Local Government / native vegetation issues, in particular RAMAs.</p>
<p>Local Government Infrastructure RAMA</p>	<p>In February 2007 the NSW Government amended the <u>Native Vegetation Regulation 2005</u> to provide a routine agricultural management activity (RAMA) for essential Local Government infrastructure.</p>	<p>(N9) That DECC as part of its review process recognises the need to conduct further education and awareness for Local Government in relation to the Local Government Infrastructure RAMA.</p> <p>(N10) That DECC as part of its review considers the need to conduct further consultation with Local Government on the effectiveness of the Local Government Infrastructure RAMA.</p>

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<p>Subdivision</p>	<p>For rural residential subdivision, the requirements for approval under both the EP&A Act and the NVA can be triggered.</p> <p>Approval for clearing of vegetation for the erection of a single dwelling is exempt from NV Act, creating a potential loophole in such situations if clearing is passed onto the owners of the subdivided lots.</p> <p>Clearing under the exemption stated, can only take place if council has approved the subdivision prior to the proponent obtaining any approval from the CMA for the native vegetation clearing.</p>	<p>(N11) That DECC consider as part of its review the need to create clearer guidelines on the clearing of native vegetation in relation to:</p> <ul style="list-style-type: none"> • dual consent situations • subdivisions • clearing on land zoned "Rural Residential" <p>(N12) That it is prescribed under the NV and EP&A Acts, "where dual consent is required applicants must obtain approval from the CMA first, before submitting their application to Council for approval."</p>
<p>PVP</p>	<p>There is concern regarding the communication between CMAs and Local Government on PVP provisions, in particular that CMAs have approved PVPs that are inconsistent with LEP zone objectives (eg. Private Native Forestry PVP within conservation zoned land) or a Council approved development.</p>	<p>(N13) That DECC as part of its review clarifies within Schedule 1 of the NV Act as to which land-use zones (as defined under the EP&A Act) the Act applies. This supports previous recommendations.</p> <p>(N14) That DECC as part of its review consider how best to ensure that:</p> <ul style="list-style-type: none"> • PVPs are consistent with existing zones objectives and any existing council approvals • PVPs are developed and made relevant to a sub catchment scale <p>In particular, Local Government supports that "<i>there needs to be an overarching instrument (regional or landscape) in order for a PVP (eg. native forestry) to achieve real landscape outcomes</i>". Currently, PVPs achieve "<i>rather less than ideal localised outcomes</i>".</p>

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		<p>(N15) That DECC as part of its review process investigates the option of including a PVP "on title".</p> <p>Recommendation C3.4 is relevant to this issue.</p>
<p>Education</p>	<p>Councils feel that they still need to be made more aware of how the Act works, such as what are permitted clearing and activities under the Act, and how does the Act impact on Council operations.</p>	<p>(N16) That DECC consider as part of its review how best to meet the education needs of Local Government, the CMAs and the wider community. In particular, there needs to be further awareness and education in relation to the following areas:</p> <ul style="list-style-type: none"> • Local Government RAMA • Links between the NV Act /LG RAMA/Infrastructure SEPP <p>Some additional comments in relation to this issue included:</p> <ul style="list-style-type: none"> • Current NV Act Information Fact Sheets can be confusing (need to be simplified) • Higher awareness of the NV Act in rural areas (especially larger land holders), but low awareness in rural residential areas • Higher awareness in large councils compared to smaller councils <p>(N17) That DECC consider as part of its review how to best ensure each CMA provides consist advice to a Council, particular where that Council is located within more than one catchment area.</p>
<p>Compliance and Enforcement</p>	<p>There is concern regarding a lack of compliance and enforcement support for councils by DECC.</p>	<p>(N18) That DECC to consider as part of its review how best to ensure appropriate resources are provided for "compliance". Currently many councils feel that DECC is highly under resourced in this area.</p> <p>(N19) That DECC consider as part of its review how best to encourage a consistent "enforcement" approach.</p>

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		<p>Currently, many councils feel that the level of enforcement varies across the State (eg. strong enforcement in the western division is not reflected elsewhere).</p> <p>(N20) That DECC consider as part of its review how best to support councils in strengthening their tools or provisions for native vegetation protection (eg Tree Preservation Orders or Clause 5.9 of the LEP) to appropriately support the objectives of the NV Act and other conservation initiatives.</p> <p>(N21) That DECC as part of its review investigates the option of listing a compliance notice or rehabilitation order "on title".</p> <p>(N22) That DECC investigates as part of its review the option of including "ongoing compliance notices on Council Sec 149 certificates".</p> <p>(N23) That DECC consider as part of its review how best to encourage a "faster resolution process" for any illegal breaches.</p>
<p>Impact of Bio-certification of planning instruments on the Act</p>	<p>The TSC Act enables the Minister for the Environment to certify Environmental Planning Instruments (EPIs) if satisfied that they will bring an overall improvement or maintenance in biodiversity values.</p>	<p>(N24) That DECC consider as part of its review whether there are any implications for the NV Act in relation to the "bio-certification of an LEP".</p>
<p>Invasive Native Species - Impact on economic viability of local communities</p>	<p>Invasive Native Species (INS) can cause environmental and production problems. How "Invasive Native Scrub" is dealt with under the Act, and subsequently the Native Vegetation Regulation 2005, has been an ongoing concern for farming and local communities in western NSW.</p>	<p>(N25) That DECC consider as part of its review the need for greater education and community awareness of the recent provisions to address INS control.</p>

Catchment Management Authorities Act 2003	
Issue	Recommendations
<p>Roles and Responsibilities / CMA Area of Operations</p> <p>The roles and responsibilities, or specific functions, of the CMA are outlined in Part 3 of the Act. CMAs in general can provide to Local Government, and other stakeholders, funding, education and training, and assistance with meeting CAP objectives.</p>	<p>(C1) That DECC as part of its review examine how best to clarify and raise the awareness of the roles and responsibilities of the CMA. This is to include the areas of native vegetation, community support and engagement (eg. Landcare).</p> <p>(C2) That DECC as part of its review examines the role and responsibility of the CMA in achieving triple bottom line outcomes for the catchment (eg. ecological, social & economic).</p> <p>(C3) That DECC as part of its review examine the roles and responsibilities of the CMA in relation to Local Government, and in particular examine:</p> <ul style="list-style-type: none"> • (C3.1) the role of the CMA in local statutory / strategic planning • (C3.2) the opportunities, within the legislative framework, for CMAs to be involved in the development of local statutory / strategic plans • (C3.3) how to better align language within the CAPs with that of Local Government, allowing for greater opportunities of integration between CMA and Local Government statutory / strategic plans • (C3.4) how to ensure, within the legislative framework, that Local Government is more actively involved in the development of the CAP and in assigning its priorities • (C3.5) how to ensure, within the legislative framework, an enhanced Local Government / CMA relationship, including an emphasis on improved collaboration and stronger partnerships. This includes: <ul style="list-style-type: none"> ○ (C3.5.1) the changing relationship between Local Government and CMAs in relation to the new Commonwealth funding program <i>Caring for our Country</i> ○ (C3.5.2) how best to coordinate this relationship where a local council area is located within more than one CMA area

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		<ul style="list-style-type: none"> ○ (C3.5.3) how best to encourage the interaction between CMA & councils at different organisational levels (eg councillors, senior management, technical staff) ○ (C3.5.4) the option of a legislative requirement for an MOU or engagement strategy, with a supporting standard template, defined annual meetings, and a requirement for a Reference Group operating at numerous organisational levels. ○ (C3.5.5) the value of working with councils at a ROC (Regional Organisation of Councils) or regional level, and investigate any options to improve this working relationship. <p>(C4) That DECC as part of its review examines how to ensure, within the legislative framework, a consistent approach to NRM issues within the catchment. This includes the role of the CMA in helping to deliver consistent "state government messages" on NRM to Local Government. <i>Often councils receive conflicting information from State Government agencies.</i></p>
<p>Local Government representation on the Board</p>	<p>Part 2 Section 8 (Boards of Authorities) deals with who should participate on a CMA Board.</p>	<p>(C5) That the existing legislative requirement for a CMA Board to include "State and/or Local Government expertise" be refined to specifically require an active Local Government representative to be on each CMA Board.</p> <p>One CMA currently has significant State Government expertise, but no Local Government expertise, on its Board.</p>
<p>CMA Funding & Support to councils</p>	<p>Councils are currently concerned about CMA funding and support to councils, and consequently the CMA's ability to guide catchment management activities.</p>	<p>Refer to recommendations (C3), and particularly (C3.4), (C3.5.4), and (C3.5.5)</p> <p>(C6) That Local Government is involved, at an early stage, in any major catchment funding applications (eg Caring for Our Country)</p>

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		<p>(C7) That CMA programs are timed to compliment Council corporate planning and reporting processes (eg management plan / budget)</p> <p>(C8) That if a levy is required under the Act (eg. Part 6, Section 33, Schedule 4, Part 2) that it is collected at a State level rather than on a catchment or individual council basis, and that it is then distributed according to State NRM priority issues and areas.</p>
<p>Education & Training</p>	<p>Under the Act a CMA is to "provide educational and training courses and materials in connection with natural resource management" (Part 3, Section 15 (e) specific functions).</p>	<p>(C9) That DECC consider as part of its review how best to ensure CMA education and training in NRM for Local Government continues and is strengthened.</p>
<p>Integrating NRM into Local Government operations</p>	<p>CMAs are required under the Act (Part 4, Section 20, 2c) to meet "State wide standards and targets for NRM", and councils in turn are encouraged to integrate the State and CAP targets and priorities into local government operations (eg. land use and corporate planning processes).</p>	<p>(C10) That DECC consider as part of its review the option of a legislative requirement for each CMA to carry out sub regional planning and where possible "spatially represent" these sub regional plans.</p> <p>Refer to recommendation (C3.2). In particular DECC should consider as part of its review how best to encourage CMAs, within the legislative framework, to work at a strategic level with councils. This includes land use planning (eg. LEP) and corporate planning and reporting levels (eg. management plan / community strategic plan).</p>

Appendix A – Deleted Projects

Deleted Project	Reason for Deletion	Allocation of Funds
01 DRAI 0004 Jellicoe Street South Nowra – Box Culvert	Project completed.	Contributions for consents already issued to be returned to Council.
05 DRAI 0001 Princes Highway, South Ulladulla – Drainage	The majority of the catchment area is developed and therefore Council is unlikely to be able to levy additional contributions.	Contributions for consents already issued to be spent on drainage in the area.
05 DRAI 0003 St Vincent Street, Ulladulla – Drainage	The majority of the catchment area is developed and therefore Council is unlikely to be able to levy additional contributions.	Contributions for consents already issued to be spent on drainage in the area.
05 DRAI 0004 Deering Street, Ulladulla – Inter allotment Drainage	The majority of the catchment area is developed and therefore Council is unlikely to be able to levy additional contributions.	Contributions for consents already issued to be returned to Council.
05 DRAI 0006 Princes Highway Mollymook – Inter allotment Drainage	No contributions received – Project no longer required.	N/A
05 DRAI 0007 Princes Highway Mollymook – Inter allotment Drainage	No contributions received – Project no longer required.	N/A
05 DRAI 0008 Princes Highway Mollymook – Inter allotment Drainage	No contributions received – The majority of the catchment area is developed and therefore Council is unlikely to be able to levy additional contributions.	N/A
05 DRAI 0011 – North Street Ulladulla – Drainage	The majority of the catchment area is developed and therefore Council is unlikely to be able to levy additional contributions.	\$17,081 to be spent on drainage improvements in the catchment area.
05 DRAI 0013 – South Street/ Burrill Street South/ Jubilee Avenue/ Princes Highway, Ulladulla - Drainage	Project no longer required. The majority of the catchment area is developed and the existing drainage system is considered sufficient at this point in time.	\$18,055 to be spent on drainage improvements in the catchment area.

Appendix B

Project		01 DRAI 2002				
Description		South Nowra Industrial Estate – Gross Pollutant Trap and Artificial Wetlands				
Estimated Cost		\$827,629				
01 DRAI 2002	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	1,389,216	733,634	655,582	\$0.60	\$437,064.34	\$390,564.66

Project		01 DRAI 2003				
Description		Illaroo Road, North Nowra – Wet Retention Pond and Gross Pollutant Trap				
Estimated Cost		\$208,980				
01 DRAI 2002	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	219,263	187,188	32,075	\$0.95	\$178,409.25	\$30,570.75

Project		05 DRAI 2002				
Description		Camden Street/ Deering Street, Ulladulla – Interallotment Drainage				
Estimated Cost		\$30,000				
05 DRAI 2002	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	6,038	1,330	4,708	\$4.97	\$6,608.15	\$23,391.85

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Project		05 DRAI 2010				
Description		Section 6 and Kingsley Ave, Ulladulla - Drainage				
Estimated Cost		\$868,590				
05 DRAI 2010	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	197,870	166,882	30,988	\$4.39	\$732,561.97	\$136,028.03

Project		05 DRAI 2012				
Description		St Vincent Street, Ulladulla – Drainage				
Estimated Cost		\$234,830				
05 DRAI 2012	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	42,460	37,339	5,121	\$5.53	\$206,507.71	\$28,322.29

Recoupment Projects

Project		05 DRAI 2005				
Description		New Street, Ulladulla – Drainage Pipeline				
Total Cost		\$33,916				
05 DRAI 2005	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	19695	7704	11991	\$1.72	\$13,266.76	\$20,649.24

Project		05 DRAI 2009				
Description		Boree Street, Ulladulla – Drainage Pipeline				
Total Cost		\$150,000				
05 DRAI 2009	Total Catchment Area (m ²)	Existing Development (m ²)	Potential Development (m ²)	Contribution Rate (\$ / m ²)	Council Share	Development Share
1	41,270	39,105	2,165	\$3.63	\$142,131.09	\$7,868.91

Attachment 'A' - Reasons for changes to projects in 1993 Contributions Plan**Planning Area 1**

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
01AREC 0001	Nowra Fair Sporting Complex – Junction Street, Nowra (<u>Football & Cricket</u>)	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
	Cambewarra Road Sporting Complex (now known as Bernie Regan Sporting Complex - West Cambewarra Road, North Nowra (<u>Football & Cricket</u>))	Project no longer being built to the design shown in the 1993 Plan. The district hockey facility is also being located at this venue (Min08.150).
	Narang Road (now known as Narang Road Tennis Complex) (<u>Tennis</u>)	Facility constructed as per proposal in the 1993 Plan.
	Park Road Tennis Courts – Park Road, Worrigeer (<u>Tennis</u>)	Project has been constructed and later demolished to provide and “cluster” such facilities at Narang Road Tennis Complex. (Min05.596).
	Nowra West Tennis Courts - Cavanagh Lane, West Nowra (<u>Tennis</u>)	Project not constructed. Council’s Sportsground Strategic Plan 2008 - 2036 recommends to “cluster” such facilities at Narang Road Tennis Complex (Min08.150).
	Solon Tennis Courts - Stanbury Place, Worrigeer (<u>Tennis</u>)	Project not constructed. Council’s Sportsground Strategic Plan recommends to “cluster” such facilities at Narang Road Tennis Complex (Min08.150).
	Allsands Sporting Complex – Worrigeer Road, Worrigeer (<u>Football & Cricket</u>)	Project not constructed. Council’s Sportsground Strategic Plan recommends to “cluster” such facilities at South Nowra Soccer Fields and Lyrebird Sports Park (Min08.150).

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
	Worrigee Estate Sporting Complex – Isa Road, Worrigee (<u>Football & Cricket</u>)	Project not constructed. Council’s Sportsground Strategic Plan recommends to “cluster” such facilities at South Nowra Soccer Fields and Lyrebird Sports Park (Min08.150).
	Cambewarra School – Main Rd, Cambewarra (<u>Football & Cricket</u>)	Project not constructed. Council’s Sportsground Strategic Plan recommends to “cluster” such facilities at Ray Abood Village Green (Min08.150).

Planning Area 2

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
02AREC 0001	Callala Bay Sporting Complex – Emmett St, Callala Bay (<u>Tennis, Football & Cricket</u>)	Majority of Facility constructed as per proposal in the 1993 Plan. Future expansion of the complex dependent on future rezoning in this area.

Planning Area 3

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
03AREC 0001	Sanctuary Point Sporting Complex - Larmer Avenue, Sanctuary Point (<u>Football & Cricket</u>)	Project not constructed. Council has resolved not to build the facility proposed at this site due to site constraints (Min 07.1425). Council has reallocated part funds to expand existing facilities with the area.
	Vincentia Sporting Fields - Argyle Street, Vincentia (<u>Football & Cricket</u>)	Project not constructed and considered to have significant environmental constraints. Council has reallocated part funds to expand existing facilities within the area (Min 06.878 & Min08.150).

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
	Huskisson Tennis Courts – Park Street, Huskisson (Tennis)	Facility constructed as per proposal in the 1993 Plan.
	Jervis Bay & St Georges Basin District Sporting Complex – The Wool Road, Vincentia (now known as Vincentia Sportsground) (Netball, Football & Cricket)	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key elements of the project have been built or proposed to be built at other venues (Min08.150).
	Vincentia High School – The Wool Road, Vincentia (Basketball)	Facility constructed as per proposal in the 1993 Plan.

Planning Area 4

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
04AREC 0001	Cudmirrah Sporting Complex - Fifth Avenue, Cudmirrah (Football & Cricket)	Project not constructed. Council's Sportsground Strategic Plan 2008 - 2036 recommends to "cluster" such facilities at Thomson Street Sporting Complex (Min08.150).
	Thomson Street Sporting Complex - Thomson Street, Sussex Inlet (Netball, Tennis, Football & Cricket)	Majority of Facility constructed as per proposal in the 1993 Plan. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.

Planning Area 5

Project	Venue (<u>proposed facilities</u>)	Reason for Deletion (relevant Council Minute)
05AREC 0001	Lake Conjola Sporting Complex - Thorne Street, Lake Conjola (now known as Lake Conjola Sports field)	Partially constructed. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.

Project	Venue (proposed facilities)	Reason for Deletion (relevant Council Minute)
	Kioloa Sporting Complex - Murramarang Road, Kioloa (now known as Kioloa Sportsgrounds)	Partially constructed. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.
	West Ulladulla Sporting Complex - Camden Street, Ulladulla (now known as Ulladulla Sports Park)	Project no longer being built to the design shown in the 1993 Plan. Additional facilities also proposed for this venue in the Sportsground Strategic Plan 2008 - 2036 (Min08.150).
	Village Drive Sports Field - Village Drive, Ulladulla	Not constructed. This site is currently providing a passive recreation function and is not able to accommodate two full sized playing fields.

District

Project	Venue (proposed facilities)	Reason for Deletion (relevant Council Minute)
01AREC 0002	Nowra Fair Sporting Complex – Junction Street, Nowra (<u>Basketball & Netball</u>)	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
	Callala Bay Sporting Complex – Emmett St, Callala Bay (<u>Netball</u>)	Majority of Facility constructed as per proposal in the 1993 Plan. Future expansion of the complex dependent on future rezoning in this area (Min08.150).

Project	Venue (proposed facilities)	Reason for deletion (relevant Council Minute)
CWARE C0003 (referred in 1993 Plan as 01AREC 0003)	Sanctuary Point Sporting Complex - Larmer Avenue, Sanctuary Point (<u>Hockey</u>)	Council has resolved not to build the facility proposed at this site due to site constraints. Council has reallocated part funds to expand existing facilities with the area.

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	Nowra Fair Sporting Complex – Junction Street, Nowra (<u>Hockey</u>)	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
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ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 26 FEBRUARY 2008

150. (Item 8, Page 11) Developer Contributions Available for Active Recreation Capital Works Expenditure File 28705
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This item was withdrawn and dealt with separately

RECOMMENDED that

- a) **Developer funds held by Council for active recreation projects be distributed as follows:**
- Lyrebird Sports Park - \$913,587**
 - Bernie Regan Sporting Complex - \$1,164,322**
 - Ray Abood Village Green - \$108,951**
 - Narang Road Tennis Complex - \$675,230**
 - Northern Shoalhaven Indoor Sports Centre - \$703,097**
 - Park Road Netball Courts - \$300,000**
 - Berry Sporting Complex - \$120,000**
 - Planning Area 2 sporting facilities - \$14,681**
 - Huskisson Sportsground - \$150,000**
 - St. Georges Basin Sports Field - \$150,000**
 - Transfer to Council from 03AREC0001 as recoupment of 25% of acquisition cost for St Georges Basin Sports Field - \$32,660**
 - Additional site, Planning Area 3 - \$598,960**
 - Planning Area 4 sporting facilities - \$39,289**
 - Ulladulla Sports Park - \$170,245**
 - Bernie Regan Sporting Complex (Hockey) - \$1,144,623**
- b) **Future contributions income for active recreation projects be distributed in the same way until resolved by Council otherwise.**
- c) **The General Manager (Strategic Planning) submit a further report to Council in relation to the proposed distribution of developer funds to South Nowra Soccer Fields to the amount of \$735,818.**

A MOTION was moved by Clr Green, seconded Clr Bates that

- a) Developer funds held by Council for active recreation projects be distributed as follows:
- Lyrebird Sports Park - \$913,587
 - Bernie Regan Sporting Complex - \$1,164,322
 - South Nowra Soccer Fields - \$735,818
 - Ray Abood Village Green - \$108,951
 - Narang Road Tennis Complex - \$675,230
 - Northern Shoalhaven Indoor Sports Centre - \$703,097
 - Park Road Netball Courts - \$300,000
 - Berry Sporting Complex - \$120,000
 - Planning Area 2 sporting facilities - \$14,681
 - Huskisson Sportsground - \$150,000
 - St. Georges Basin Sports Field - \$150,000
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Transfer to Council from 03AREC0001 as recoupment of 25% of acquisition cost for St Georges Basin Sports Field - \$32,660
Additional site, Planning Area 3 - \$598,960
Planning Area 4 sporting facilities - \$39,289
Ulladulla Sports Park - \$170,245
Bernie Regan Sporting Complex (Hockey) - \$1,144,623

- b) Future contributions income for active recreation projects be distributed in the same way until resolved by Council otherwise.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Rudd, Green, Ward, Bates, Watson

The following Councillors voted "No";

Clrs Murphy, McCrudden, Kerr, Kearney, Anderson, Willmott, Young

RESOLVED on a MOTION of Clr Willmott, seconded Clr Young that the recommendation of the Policy and Planning Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Rudd, Murphy, McCrudden, Kerr, Ward, Kearney, Anderson, Willmott, Young, Bates.

The following Councillors voted "No";

Clrs Green, Watson.

ADOPTED AT COUNCIL MEETING HELD ON Tuesday, 27 June 2006

878. (Item 16, Page 45) Active Recreation – Proposed Football Fields for Planning Area 3, Amendments to Section 94 Contributions Plan File 28705
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This item was withdrawn and dealt with separately

RECOMMENDED that Council:

- a) **Commence preparing Development Application for construction of additional sporting fields at Huskisson Sporting Complex and St Georges Basin Soccer fields;**
- b) **Incorporate in its Section 94 Contributions Plan – Active Recreation Review, additional sporting fields at Huskisson Sporting Complex, St Georges Basin Soccer fields and Francis Ryan Oval;**
- c) **Transfer S94 funds from Vincentia Sports Fields (one football field), Jervis Bay and St Georges Basin Sporting Complex (2 football fields) to fund additional sporting fields at Huskisson Sporting Complex, St Georges Basin Soccer fields and Francis Ryan Oval once the S94 Plan has been amended accordingly.**

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Rudd that Council

- a) **Commence preparing Development Application for construction of additional sporting fields at Huskisson Sporting Complex and St Georges Basin Soccer fields;**
- b) **Incorporate in its Section 94 Contributions Plan – Active Recreation Review, additional sporting fields at Huskisson Sporting Complex, St Georges Basin Soccer fields and Francis Ryan Oval;**
- c) **Transfer S94 funds from Vincentia Sports Fields (one football field), Jervis Bay and St Georges Basin Sporting Complex (2 football fields) to fund additional sporting fields at Huskisson Sporting Complex, St Georges Basin Soccer fields and Francis Ryan Oval once the S94 Plan has been amended accordingly.**
- d) **A report be submitted to the Shoalhaven Sports Board addressing; priority, delivery time frames and funding for the proposed additional sporting fields at Huskisson and St Georges Basin.**

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 20TH JUNE 2006

Appendix

Project No.	Locality	Car park location	Number of spaces	Land cost (note 1)	Construction cost (note 2)	Estimated total cost
01CARP3001	Nowra	Egans Lane Parking Station Lawrence Ave Parking Station Collins Way Old Gasworks site Lot 12 Haigh Avenue 67 Kinghorne St. Total	220 300 110 196 34 40 900	N/A N/A \$946,550 N/A \$241,573 \$417,228 \$1,605,351	\$10,251,189 \$6,601,499 \$64,550 \$980,000 \$110,271 \$116,824 \$18,124,333	\$10,251,189 \$6,601,499 \$1,011,100 \$980,000 \$351,844 \$634,052 \$19,729,684
01CARP3003	Bomaderry	42 & 44 Coomea St.	54	\$138,021	\$218,971	\$356,992
01CARP3004	Kangaroo Valley	part 169 Moss Vale Rd.	62	\$7,482	\$140,042	\$146,072
03CARP3001	Sanctuary Point	Kerry St. (road reserve)	118	\$0	\$573,967	\$573,967
04CARP3001	Sussex Inlet	16 Nielsen Rd. 45 & 47 Ellimoos Ave. Total	57 69 126	N/A \$527,210 \$527,210	\$87,979 \$129,963 \$217,942	\$87,979 \$657,173 \$745,152
05CARP3001	Ulladulla	19 Boree St. 94 St. Vincent St. 96 St. Vincent St. Total	35 27 31 93	\$291,206 \$428,220 \$428,220 \$1,147,646	\$97,240 \$140,010 \$140,010	\$335,874 \$568,230 \$568,230
05CARP3002	Milton	84 Princes H'way (note 3)	65	\$171,591	\$415,000	\$586,591

Note 1. For land acquired by SCC, land cost is purchase price indexed to 2009. Land area required is based on 29 m² per space, which includes an allowance for access driveways and landscaping.

Note 2. Actual construction costs since 1993 are used. For future construction cost estimates are used.

REPORT OF GENERAL MANAGER

ATTACHMENT 'A'

DEVELOPMENT COMMITTEE

TUESDAY, 11 NOVEMBER 2008

STRATEGIC PLANNING / DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Development Control Plan (DCP) 56 Ulladulla Town Centre and Harbour – Amendment No 4 – Issues Arising Since Adoption File 13767-08 PDR

Purpose of Report:

The purpose of this report is to consider issues and anomalies associated with the recent adoption of DCP 56 Amendment No. 4, Ulladulla Town Centre and Harbour Review.

Details/Issues:

The DCP Review arose out of the need to address the integration of the future harbour upgrade with future land use controls in the CBD and a desire by the previous Council to revitalise the CBD through increased height and floor space ratios. The State Government Department of Premier and Cabinet, Department of Planning and Department of Lands contributed funds to the project of \$60,000 and Council contributed \$30,000, plus in kind contribution.

Whilst Council staff prepared the overall review, external consultants were engaged to provide specialist reports on infrastructure analysis, (McDonald International) incorporating an economic demand analysis (by Buchan Consulting), development viability appraisals (by Jones Lang La Salle) and the preparation of a draft Section 94 Plan (by Don Fox Planning). An independently facilitated working party was established including membership from tourism, business, community forum, joint venture partners, an independent local architect, RTA and additional members of the community. The working party met four times to provide advice to Council.

Following the preparation of an issues paper and receipt of the Buchan economic analysis, it was clear that the modest growth projections would not provide the vision for growth envisaged by Council to 2026. To achieve Council's objective, an accelerated growth strategy was suggested with its main platform being the concept of Key Development Sites.

Key Development Sites in the retail area were designed to provide major infrastructure requirements such as multi-level car parking, civic open space, a library and space for a discount department store of 5-6000m². Accordingly these sites had to be large in area, requiring lot consolidation, and would most likely require the acquisition of one of the public car parks to assemble the amount of land required. As an increased incentive, such sites would be eligible for bonus heights of up to 25 metres and 6 stories and floor space ratios of up to 3:1. The restriction of taller buildings to a couple of sites would also allow for view sharing of the harbour and ocean waters and was included as a desirable planning principle in the objectives in the plan. A copy of the adopted DCP has been placed in the Councillor's room.

The following issues have arisen with the recent adoption of DCP 56:

a) **Accelerated Growth Strategy:**

The DCP has been adopted by the previous Council with a view to revitalising the Town Centre through incentives for increased building height and floor space controls. The DCP developed an accelerated growth strategy which allowed key developments to enjoy bonus height and floor space provisions which in turn would generate total floor space beyond the forecasts of the Buchan report to 2026. The strategy required such developments to mitigate the impacts of their development brought about by such increased floor space by providing additional infrastructure. Questions have been raised about the true incentive value now the accelerated provisions have been applied to much lower lot areas.

Suggested Action:

Council review the existing incentives / minimum lot sizes in conjunction with suggested action (b) hereunder.

b) Key Development Sites and Provision of Future Infrastructure Facilities:

The criteria for qualifying as a Key Development Site was altered in the adopted DCP 56 Amendment No. 4 to a site being either 2000m² or 4000m². Developers will find it difficult, or impossible, to provide future infrastructure requirements on sites of this size.

The legality of requiring future infrastructure services in return for bonus development incentives, particularly the library, has been questioned. For example, the DCP encourages the provision of a library on either of the two key development precincts in the retail area (Boree Street or South Street) and a developer may object to providing the facility on the basis that there is an alternative site available.

Council has received advice on this issue which is the subject of a confidential report to this meeting.

Further issues arise with the potential sale of the Boree and South Streets car parks. These two car parks contain the equivalent land component associated with long term infrastructure identified in the Plan and Council should exercise care to ensure infrastructure requirements are met should the EOI over these sites proceed.

Suggested Action:

Council review the nominated infrastructure in light of advice in the confidential report.

c) Incompatible Controls for The Harbour Triangle Key Development Site:

The adopted controls relating to this precinct are 18 metres and 5 stories for sites in excess of 2000m². It is considered that the adopted plan is not in keeping with the stated environmental and urban design objectives in the plan, particularly those relating to height and separation of building form which result in loss of view impacts. Council may wish to revisit this aspect of the draft plan and the adopted height on the recreational and special activities precinct (Civic Centre site) which is 19 metres and five storeys which may be considered to be incompatible with the objectives.

Suggested Action:

Council reconsider the controls in the Harbour triangle area relative to loss of view from other areas of the CBD.

d) **Height controls in the precinct east of South Burrill Street between Wason Street and South Street:**

The adopted control plan allows a height of four stories and 10 metres for this higher density precinct. The definition of a storey within the adopted DCP sets minimum heights for any residential storey at 3 metres for the first two levels and 2.7m for subsequent storeys above this level. It is not possible to achieve a 4 storey development within the 10 metres maximum height limit. The previous staff recommendation was for a 10 metre or 3 storey limitation.

Suggested Action:

Council reconsider the adopted height controls to more appropriately reflect either 3 or 4 storey development. The recommendation to Council was based on 3 storeys (10 metres) while Council adopted 4 storeys which would relate to 13 metres, not 10 metres

e) **Heritage Provisions:**

Heritage provisions are inadequate and clause 4 (A) 5 in the adopted DCP is contrary to the objectives of the Local Environmental Plan (LEP) by detailing requirements for demolition rather than requirements for conservation / appropriate assessment. It was previously advised to Council that Section 79(c) will prevail irrespective of the DCP.

Suggested Action:

Council review the provisions in the DCP to provide for an appropriate assessment/evaluation in heritage and economic terms rather than an accepted demolition.

f) **Roads and Traffic Authority:**

RTA requirements were overlooked particularly concerning their request for development access via alternative side roads where they exist rather than the Princes Highway

Suggested Action:

Council reconsider the provision to require vehicular access from roads other than the Princes Highway where possible

g) **Public Transport Facilities:**

The issue of an improved public transport facility remains unresolved

Suggested Action:

Council further investigate an appropriate location for an improved and longer term public transport facility.

Economic, Social & Environmental (ESD) Considerations:

The development of small parcels with increased height and bulk may frustrate the orderly consolidation of retail sites to meet the future needs of the centre. Open space may also be deficient to meet the needs of increased residential living in the centre.

Financial Considerations:

There are no direct financial implications to Council, but the adopted DCP may run the risk of failure to provide adequate future infrastructure. Land acquisition in the CBD will be very costly if land currently owned by Council is sold without securing provision for future infrastructure such as library, car parking and public amenities. Any possible challenge to the DCP would involve legal costs

Options:

Should Council consider that the accelerated growth strategy underpinning the controls in the DCP should be retained, Council has a number of options to consider in regard to the adopted Plan. These are as follows:

- 1) Leave the DCP as is and deal with development on merit. (Not preferred based on comments above).
- 2) Resolve to attempt to resolve issues identified in this report and the confidential report with recommended actions being reported to Council. This could involve the following process:
 - i. Councillor Briefing
 - ii. Further report
 - iii. Make amendments to the DCP through the Environmental Planning & Assessment statutory process i.e. resolution, advertising and consultation, consideration of submissions, final adoption
- 3) Undertake further community consultation to assist in the resolution of issues, inconsistencies and anomalies and submit a further report to Council with the view to re-exhibit any proposed amendments to the DCP.
- 4) Repeal the adopted plan and start the process afresh. (Note that this option would require a merit assessment for any DA prior to any new plan being adopted) and is not a preferred option.

Summary

Given the number of new Councillors, the complexity of the legal advice and the option to discuss options to address the issues outlined in the report, it may be beneficial to hold a Councillor briefing to better ascertain the appropriate way forward.

RECOMMENDED that

- a) **A Councillor briefing be held on the Development Control Plan No. 56 Ulladulla Town Centre and Harbour Review.**

- b) **A further report be presented to Council following the Councillor briefing.**

E J Royston
DIRECTOR, STRATEGIC PLANNING

I Fletcher
DIRECTOR, DEVELOPMENT & ENVIRONMENTAL SERVICES

J Gould
ASSISTANT GENERAL MANAGER

R D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 6 OCTOBER 2009

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. **Development Application for four (4) new shops and toilet for the disabled to be located within the rear service area of the existing Settlement Shopping Centre - Lot 1 DP 741976 - 97 Princes Highway, Milton. Applicant: ADS Designs. Owner: John Blackburn. File DA08/2767**
-

PURPOSE OF THE REPORT:

DCP 26 and its associated plan envision the provision of future development envelope and a driveway/market square over an existing building on the applicants land. The DCP and associated plan were not updated with the development of the Village Green resulting in development and access pathways that do not correspond with the DCP and the associated plan.

The subject application is reported to Council for policy direction in relation to DCP 26 - Milton Commercial Area as:

1. The proposed development footprint is not in accordance with the DCP plan; and
2. The subject proposal impacts on the potential provision of future pedestrian access linking the Settlement Shopping Centre with the Milton Village Green.

RECOMMENDED that:

- a) **Council permit the applicant to utilise the existing covered awning located north of the proposed shops for the purpose of providing future pedestrian linkage with the Village Green subject to a 2m wide pedestrian Right of Way being registered with Land Titles providing public access from the western boundary of Lot 1 DP 735827 to Wason Street, Milton; and**
- b) **The application be determined under delegated authority;**

OPTIONS:

Council may:

- a) **Require the development to comply strictly with the DCP and associated Map (which does not make any specific provision for pedestrian link between the village green and settlement arcade); or**

- b) Require redesign of the proposed development by relocating shops 1 and 2 to the north to create a pedestrian way through the building between shops 2 and 3 to better align with the Village Green access gate; or
- c) Permit the applicant to utilise the existing covered awning located north of the proposed shops for the purpose of providing future pedestrian linkage with the Village Green subject to a 2m wide pedestrian Right of Way being registered with Land Titles providing public access from the western boundary of Lot 1 DP 735827 to Wason Street, Milton (recommended option).

DETAILS/ISSUE:

Background

Currently the adjoining landlocked owner to the east - Morton [Lot 1 DP 736269] enjoys rear access to their property via a gentleman's agreement with Mr. Blackburn.

Council was approached by Mr Blackburn and Mr Morton in relation to possible opportunities for linking the Settlement development at Milton with the Village Green in 2008. Councillors would be aware that currently pedestrian access from the properties owned by Mr Blackburn and Mr Morton to the Village Green is not available.

- # Council resolved on 22 April 2008 to accept a proposal of allowing car parking credits for Mr. Blackburn and Mr. Morton based on the requirement for a permanent pedestrian Right of Way [ROW] providing access from Wason Street to the Village Green and that the construction be at the various property owner's expense. A copy of the resolution is included in **Attachment 'A'**.

Subsequent negotiations over costs between Mr Blackburn and Strategic Planning & Infrastructure broke down with Mr Blackburn withdrawing his request on 24 October 2008.

The Site

Situated on the land is the existing heritage listed Settlement Shopping Centre comprising a series of brick buildings ranging from single to double storey facing the highway, an early cottage and the original coach house all of which have been adapted for retail/commercial use.

The land is relatively flat with a rear service yard accessed off Wason Street that provides vehicular and pedestrian access to the rear of the Settlement shops, privately owned public toilets and trade waste bins.

Current Proposal

- # The applicant is proposing to construct four [4] new shops and toilet for the disabled adjacent and parallel to the south east corner of his site with a brick parapet and roofed veranda facing into the rear service area. See **Attachment 'B'** for location and plans.
- # The applicant contends that pedestrian access from his land to the Village Green is made possible via an existing covered veranda, approximately 2m wide located between the existing and proposed shops that abut the western boundary of Morton's land. The proposal provides the possibility of a future dog leg route through Morton's land to the

Village Green access gate located approximately 4.0m south of the covered veranda. A sketch of how this might be provided is shown in **Attachment 'C'**.

Strategic Planning Comment

The proposed development is not entirely consistent with the DCP, however the proposed development does allow for pedestrian access between the Village Green, Mr Blackburn's and/ or Mr Morton's land.

Consistent with Council resolution of 22 April 2008, pedestrian access between the subject site and the Village Green should be provided via a Right of Way. Safe pedestrian access through the site should also be provided for.

ECONOMIC, SOCIAL & ENVIRONMENTAL (ESD) CONSIDERATION:

The provision of a pedestrian link between the Village Green and Mr Blackburn's land is in keeping with the broad intent of the DCP and would improve accessibility and commercial opportunities to all properties sharing the pedestrian links.

FINANCIAL CONSIDERATIONS:

There are no direct financial implications for Council associated with the policy report presented.

CONCLUSION

- # The future development footprint and driveway/market square envisioned in the DCP map does not acknowledge all the existing buildings over the subject land and has not had landowner agreement. The DCP written document and an extract of the plan relative to this proposal are included for information in **Attachment 'D'**.

Since adoption of the DCP in 1998, the DCP and associated map have not been updated to represent the actual developed footprint of the Village Green, Mr Blackburn's or Mr Morton's land and Council has not prepared any specific development guidelines to quantify Council's vision, particularly relating to pedestrian links. As such the document can only really be considered a guiding document and the plan indicative of potential development.

Whilst a slight dogleg pathway is not considered ideal from a visibility/safety perspective, the proposal enables a future pedestrian link to be provided between Mr Blackburn's land and the Village Green subject to future negotiation with the owner of the land in between.

The suggestion that shops 1 and 2 be moved northwards to create a pedestrian way through the building between shops 2 and 3 to better align with the access Village Green access gate is not supported by Mr Blackburn as it would effectively reduce the development to three [3] shops and he considers it would make his development unviable. This exact scenario was dealt with in Mr Blackburn's previous three [3] shop and pedestrian access proposal addressed by Strategic Planning in 2008 that was subsequently withdrawn.

ATTACHMENT 'A'

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 22 APRIL 2008

495 (Page 13 Item 1) Access to Milton Village Green

File 3801-02

This item was withdrawn and dealt with separately.

Clr Willmott declared his pecuniary interest in the matter being that his father is generally involved in construction work on his site, left the room and did not take part in discussion or vote on this matter the time being 4.17pm.

RECOMMENDED that Council accept the proposal of allowing carparking credits based on the requirement for a permanent Right of Way providing access from Wason Street to the Village Green and that the construction be at the various property owner's expense.

RESOLVED on a MOTION of Clr Ward, seconded Clr Kerr, that the recommendation of the Development Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

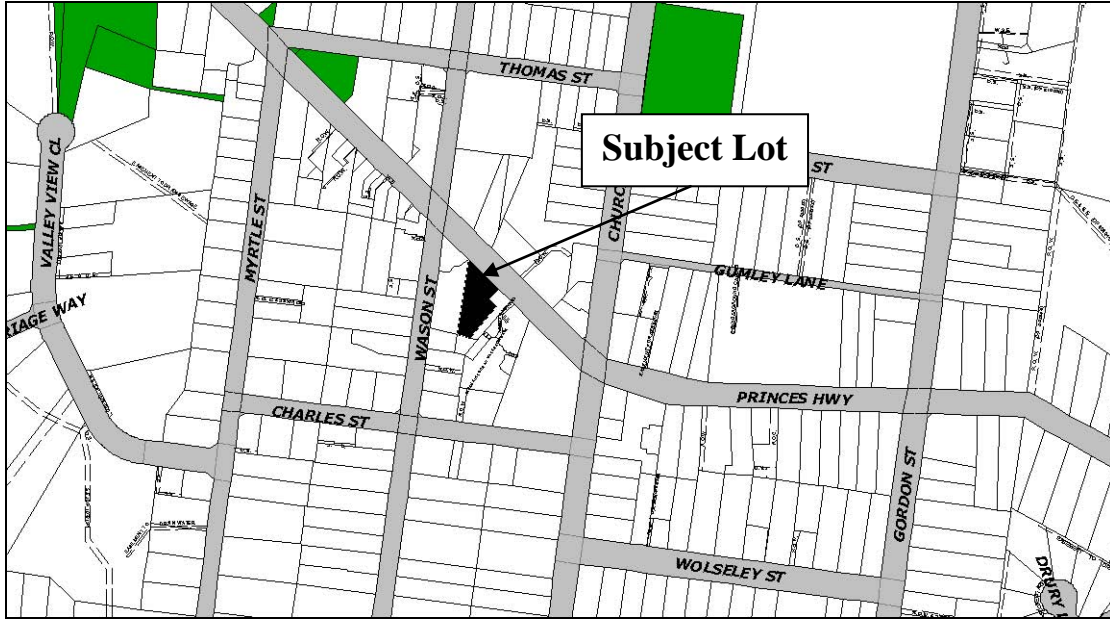
Clrs Murphy, Green, McCrudden, Kerr, Ward, Kearney, Young, Watson

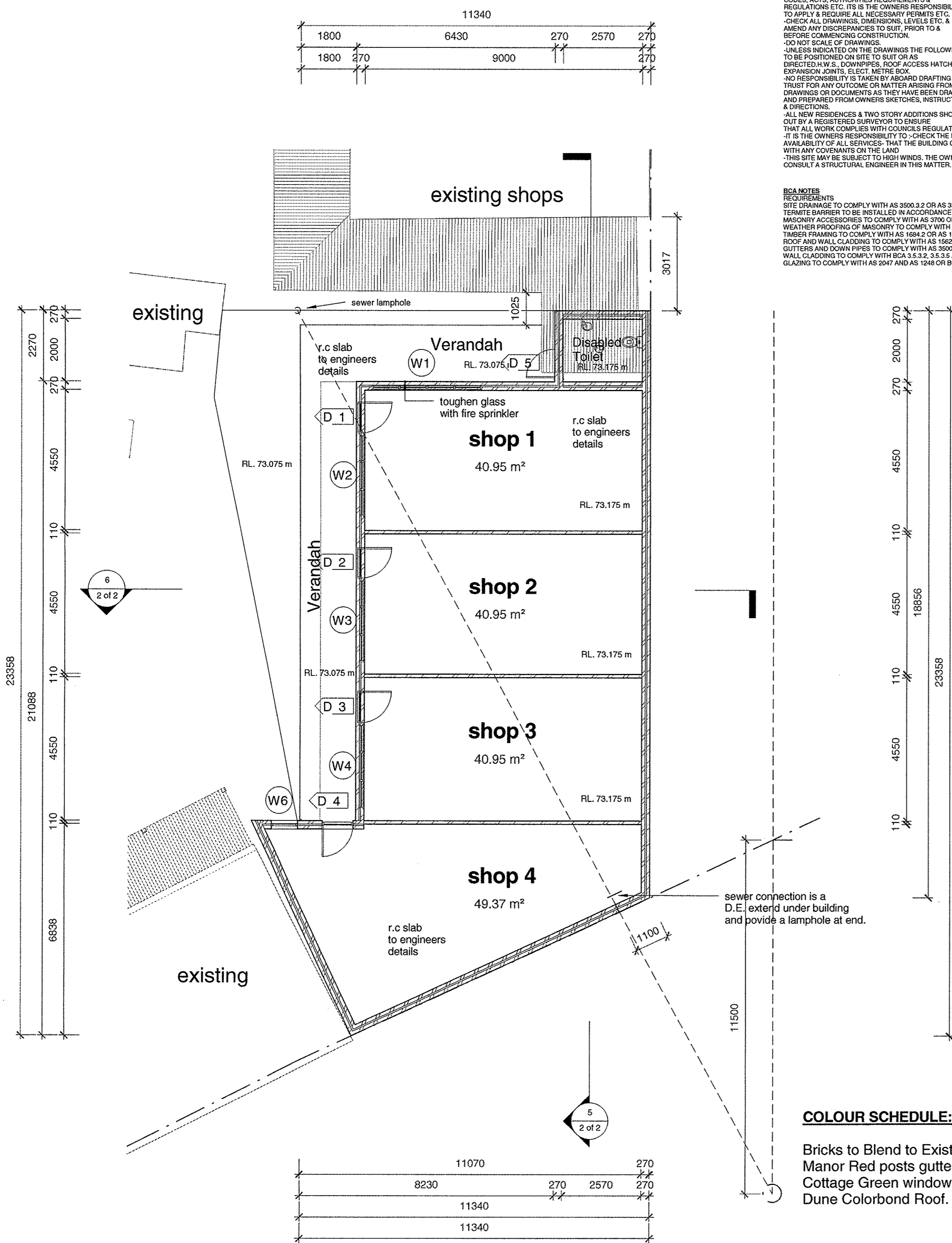
The following Councillors voted "No";

Clrs Finkernagel, Rudd, Bates, Anderson

Note: Clr Willmott returned to the meeting following discussion on this item, the time being 4.30pm.

ATTACHMENT "B"



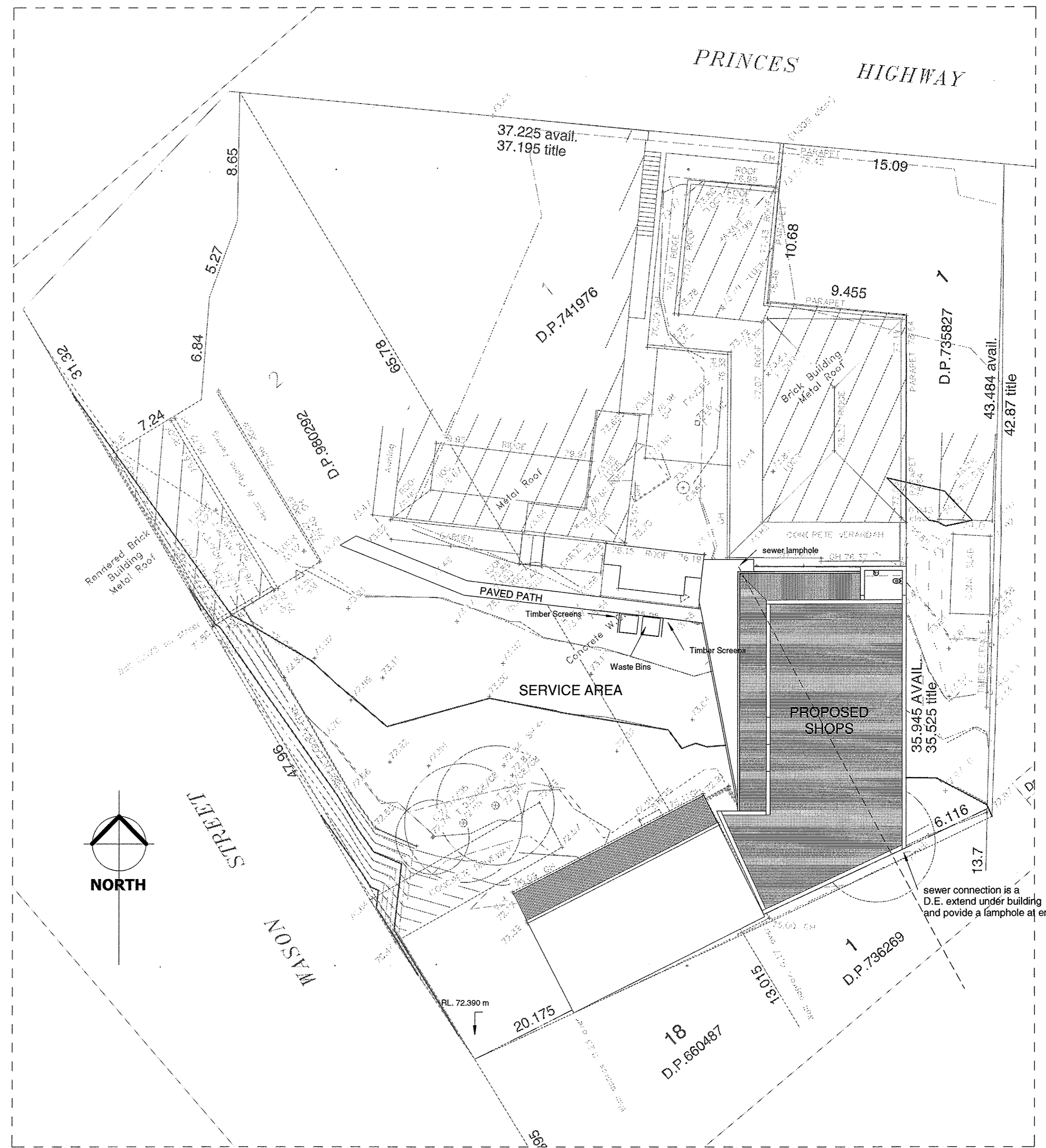


NOTES
 ALL WORK TO COMPLY WITH ALL ORDINANCES, CODES, ACTS, AUTHORITIES REQUIREMENTS & REGULATIONS ETC. IT IS THE OWNERS RESPONSIBILITY TO APPLY & REQUIRE ALL NECESSARY PERMITS ETC. CHECK ALL DRAWINGS, DIMENSIONS, LEVELS ETC. & AMEND ANY DISCREPANCIES TO SUIT, PRIOR TO & BEFORE COMMENCING CONSTRUCTION. DO NOT SCALE DRAWINGS.
 UNLESS INDICATED ON THE DRAWINGS THE FOLLOWING IS TO BE POSITIONED ON SITE TO SUIT OR AS DIRECTED H.W.S. DOWNPIPES, ROOF ACCESS HATCH, BRICK EXPANSION JOINTS, SELECT METRE BOX.
 NO RESPONSIBILITY IS TAKEN BY ARCHITECTURAL SERVICES TRUST FOR ANY OUTCOME OR MATTER ARISING FROM THESE DRAWINGS OR DOCUMENTS AS THEY HAVE BEEN DRAWN AND PREPARED FROM OWNERS SKETCHES, INSTRUCTIONS & DIRECTIONS.
 ALL NEW RESIDENCES & TWO STORY ADDITIONS SHOULD BE SET OUT BY A REGISTERED SURVEYOR TO ENSURE THAT ALL WORK COMPLES WITH COUNCILS REGULATIONS ETC. IT IS THE OWNERS RESPONSIBILITY TO CHECK THE LOCATION & AVAILABILITY OF ALL SERVICES THAT THE BUILDING COMPLES WITH ANY COVENANTS ON THE LAND.
 THIS SITE MAY BE SUBJECT TO HIGH WINDS. THE OWNER SHOULD CONSULT A STRUCTURAL ENGINEER IN THIS MATTER.

BCA NOTES
 REQUIREMENTS
 SITE DRAINAGE TO COMPLY WITH AS 3600.3.2 OR AS 3600.5 OR BCA 3.1.2.1
 PERMETE BARRIER TO BE INSTALLED IN ACCORDANCE WITH AS 3600.1
 MASONRY ACCESSORIES TO COMPLY WITH AS 3700 OR BCA 3.3.3
 WEATHER PROOFING OF MASONRY TO COMPLY WITH AS 3700 OR BCA 3.3.4
 ROOF AND WALL GLAZING TO COMPLY WITH AS 1684.2 OR AS 1684.4
 TIMBER FRAMING TO COMPLY WITH AS 1684.2 OR AS 1684.4
 GUTTERS AND DOWNPIPES TO COMPLY WITH AS 3600.3.2 OR AS 3600.5 OR BCA 3.5.2.1
 WALL CLADDING TO COMPLY WITH BCA 3.5.3.3, 3.5.3.4 AND 3.5.3.6
 GLAZING TO COMPLY WITH AS 2047 AND AS 1248 OR BCA 3.6

COLOUR SCHEDULE:

Bricks to Blend to Existing Shops
 Manor Red posts gutter & trims.
 Cottage Green windows.
 Dune Colorbond Roof.



1 Floor Level
 1:100

2 Site
 1:200

Area Schedule (Gross Building)		
Name	Area	Level
Area	196.19 m ²	Floor Level

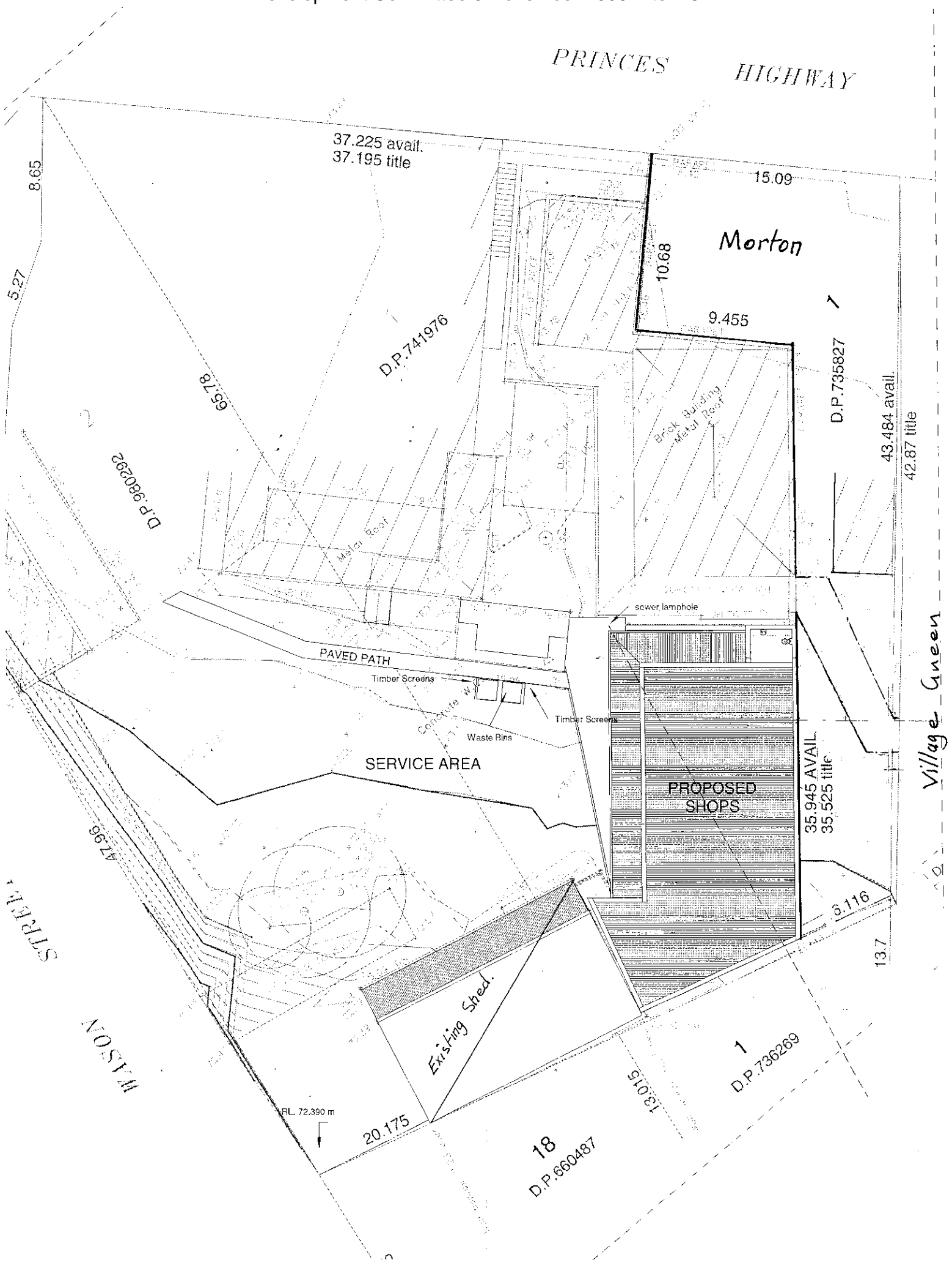
Door Schedule						
Level	Mark	Location	Height	Width	Comments	Area
Floor Level	1		2100	1000		2.10 m ²
Floor Level	2		2100	1000		2.10 m ²
Floor Level	3		2100	1000		2.10 m ²
Floor Level	4		2100	1000		2.10 m ²
Floor Level	5		2040	920		1.88 m ²
Grand total: 5						

Room Schedule					
Level	Number	Name	Area	Comments	
Floor Level	2	shop 1	40.95 m ²		
Floor Level	3	shop 2	40.95 m ²		
Floor Level	4	shop 3	40.95 m ²		
Floor Level	5	shop 4	49.37 m ²		
Floor Level	6	Disabled Toilet	5.14 m ²		
Floor Level: 5			177.36 m ²		
Grand total: 5			177.36 m ²		

Window Schedule						
Mark	Window Style	Width	Height	Material	Remarks	Area
1		3600	1800			6.48 m ²
2		2700	1800			4.86 m ²
3		2700	1800			4.86 m ²
4		2700	1800			4.86 m ²
5		2700	1800			4.86 m ²
6		850	2100			1.79 m ²



THE ARCHITECTURAL ALTERNATIVE Walthex Pty Ltd Trading as ADS Designs 3 Fan Palm Cr Ulladulla NSW 2539 Ph: (02) 44 542 887 Mobile: 0414 542 887 email: sales@adsdesign.com.au Website: www.adsdesign.com.au		<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date										John Blackburn Lot 1 Princes Hwy Milton D.P 741976	 	Project D.A & C.C	1 of 2
			No.	Description	Date													
Date 26/07/2009 12:07:22 PM	Scale As indicated																	



Shoalhaven City Council**MILTON COMMERCIAL AREA****Development Control Plan Statement****Location**

Land bounded by Charles, Church, Myrtle and Thomas Streets, and including Lot 11, D.P. 594775, Corner of Church Street and Princes Highway.

Planning Control

The land is zoned 3(a) Retail Business; 3(f) Village Business; 3(b) Transitional Business; 2(b2) Residential; 5(a) Special Uses (Car Park, Church, Court House, Public Purposes, Post Office, Baby Health Centre and Sewerage Pumping station); 6(a) Open Space (Existing); 2(a) Residential - under Shoalhaven Local Environmental Plan 1985.

Description

The Development Control Plan relates to the existing shopping centre of Milton, which has been developing since the 1860s. For the most part, the shops have been located on either side of the Princes Highway, straddling a north-south ridgeline. Land to the rear of the shops is either vacant land or residential dwellings. A substantial car park is located in the north-western segment of the block. Community buildings are located at either end of the shopping centre and include Court House, Post Office, banks and a church.

Planning Context

Milton Town Centre has traditionally been the shopping centre for the surrounding rural areas. In recent times the Ulladulla Shopping Centre has rapidly grown as a result of the increasing importance of tourism and retirement within the coastal villages and is now the dominant centre.

In preparing the LEP for Milton, zones were selected which gave a high degree of flexibility to ensure that the changing role of Milton could be accommodated. The main retail zone has been located around shops backing onto the Council owned car park, with the majority of all other areas being zoned Village Business. The allocation of this zoning to ensure that future commercial options can be accommodated should it be required.

Aims and Objectives

1. To coordinate the future expansion of the Milton Shopping Centre.
2. Provide accessible and central off-street car parking.
3. Encourage and promote the historical character of Milton.
4. Reduce the pedestrian traffic conflict.
5. Provide appropriate landscaping and control building density to a scale which blends with the historical character of many of the buildings.

6. Provide within the streetscape design a pedestrian-dominated focal point.
7. Retain key visual vistas to rural and seascapes which are visible between some buildings on the main street.

Development Proposals

The Development Control Plan has been designed to take into account existing retail and commercial establishments. The principles applying to the plan are:

- **concentration of retail development** - to reduce the linear nature of the existing shopping centre, the plan examines the ability for each commercial business, particularly in the retail core, to take advantage of double-frontages where they back onto car parks - either proposed or existing;
- **pedestrian focal point** - to reinforce the concentration of the retail centre and link the two main retail areas presently separated by Wason Street, it is proposed to widen the footpaths in Wason Street and make vehicular access one-way off the highway. The timing of such construction will be dependent upon the general agreement of shop owners and the public;
- **off-street servicing** - it is proposed to provide off-street servicing from the rear and from car parks where possible. In this way, rear service lanes are avoided and generally larger manoeuvring areas are available, particularly in off peak times;
- **key visual vistas to rural and seascapes** - it is desirable to link the shopping centre with the natural scenic attraction of the area. This is possible in a number of locations, particularly on the north-eastern side along Wason Street, from the rear of some of the hotels and the south-western side of Wason Street;
- **maintenance and enhancement of Milton's historical character** - Milton is endowed with many historical buildings, which give the town a unique character. The plan requires the preparation of design guidelines, with particular reference to the scale and density of development and to façade treatment on the Princes Highway frontage. Colour themes appropriate to the period, together with landscaping and street furniture, would be included in the guidelines for use by intending developers or owners wishing to refurbish their stores. The guidelines will be provided as a separate attachment and would be developed conjointly with business owners, architects and representatives of the National Trust or Heritage Commission;
- **car parking** - off-street car parking has been provided within close proximity to all retail and commercial developments. The main retail core on the south-western side of the highway has a total of approximately 150 spaces, whilst land to the south-east of the highway has provision for 79 spaces in the first stage, with a further 100 spaces in future stages. Approximately 14 spaces can be provided to the development in the north-eastern block. Land acquisition will be necessary to the rear of the National Bank and right-of-carriageway will be required over the existing car park to the rear of the Settlement Arcade. Right-of-carriageways would also be required to provide key links with future car parking on the eastern side of the highway;
- **retail floor space ratios and building height** - the plan maximises the ability to use the maximum amount of site area and in most cases a floor space ratio of .75:1 has been used. Bonus floor space provisions apply to those developments incorporating an arcade at strategic locations on the plan and to minimal sized blocks, generally being less than 150m² site area. The bonus provisions apply primarily to first level floor space and height

restrictions limit first level development to the inner retail core, with other areas being restricted to one level as measured from the crown of the Princes Highway;

- **streetscape** - attached is a separate plan describing streetscape proposals for the Princes Highway in Milton. The main theme of the proposal is to reinforce the historical atmosphere, which is achieved as follows:

1. *Shrub and Tree Planting*

Owing to limited pavement width, existing power lines and awnings, large trees cannot be satisfactorily planted beside the Princes Highway, except where open space occurs, eg Anzac Park, School of Arts Park and other small spaces where buildings have been set back from the front boundary. Larger trees are confined to car parks at the rear of existing buildings. Such trees will complement the streetscape, provided they are allowed to grow above the height of the existing buildings. Trees which achieve both height and the historical atmosphere are, for example, the Araucarias, eg the Norfolk Island, Hoop or Bunya Pine.

Planting within the highway has been confined to small shrubs and flowers which can be contained within planter/window boxes, or both.

2. *Replacement of Existing Concrete and Bitumen Footpath with Paving Blocks*

These would be full width in the vicinity of the retail core and half width where pedestrian traffic is minimal. It will be a requirement of each new development to provide unit paving in accordance with the adopted paving type and design. Paving units will be required to either frontages to the highway or frontages to the car park.

3. *Street Furniture*

Street furniture, including seats, planter boxes, lights, garbage receptacles etc, would be provided to a uniform design and such design would reflect the historical character of Milton.

4. *Other Landscape Areas*

There are two other areas where landscape detail will be important. This is the area relating to the footpath widening in Wason Street and landscaping for frontages adjoining the car parks. The primary function of the landscaping adjoining the car parks will be to reduce the effect of adverse winds and, as such, include closed structures, eg pergola, whilst the main function of the landscaping in Wason Street will be to provide summer shade, winter sun and frame the rural views to the south. This area will be the subject of further detailed examination and comment from the community.

5. *Building Setbacks*

Building setbacks to the Princes Highway are shown in the supporting plan. These are variable in width, ranging from 1 to 5 metres, the distance being determined by the type of planting proposed for each area.

Implementation of the Plan

This will be carried out over a period of time. The majority of the plan will be developed as owners redevelop their land and a requirement of development consent would be to provide those aspects of the plan relating to their land, that is, landscaping, footpath reconstruction with unit paving, car parking (either physically or via cash contribution) and to design their development in accordance with the suggested guidelines being prepared.

Implementation of the focal point need not occur in conjunction with the streetscape, but could be developed as a separate task once funds became available and there is general agreement from both shop owners, tenants and the public.

Section 94 Contributions

Contributions from each development will be made under Section 94 of the Environmental Planning and Assessment Act for:

- (a) streetscape development programme, including unit paving, street furniture and planting;
- (b) design and implementation of the focal point;
- (c) augmentation of drainage works;
- (d) acquisition and construction of off-street car parking.

The extent of the Section 94 will be governed by the size of each owner's development.

Supporting Plan

The Development Control Plan is supported by two plans indicating:

- (a) design detail and layout; and
- (b) streetscape proposals as referred to in the above statement.

Details shown on the plan shall be required to be incorporated within any development application.

Development Applications

The primary aim of the Development Control Plan is to outline the main requirements which will need to be included with development applications, so as to enable coordination of future commercial and retail development. Each applicant will, however, be required to comply with other conditions which Council must consider when dealing with development applications.

Variation of Control Plan

To assist with the implementation of the plan, Council reserves the right to make changes of a minor nature.

Development Control Plan No. 26, comprising this written statement and two plans:

was adopted by Council 21 July 1987
and is effective from 26 August 1987

Signed G A NAPPER

 Town Clerk

Development Control Plan Statement DCP 26

The Development Control Plan was amended to delete the formal off-street car park within the block bounded by the Highway, Church, Charles and Wason Streets and to incorporate the market square and village green on 17th February 1998 and became effective from 25th February 1998.



G A Napper
GENERAL MANAGER

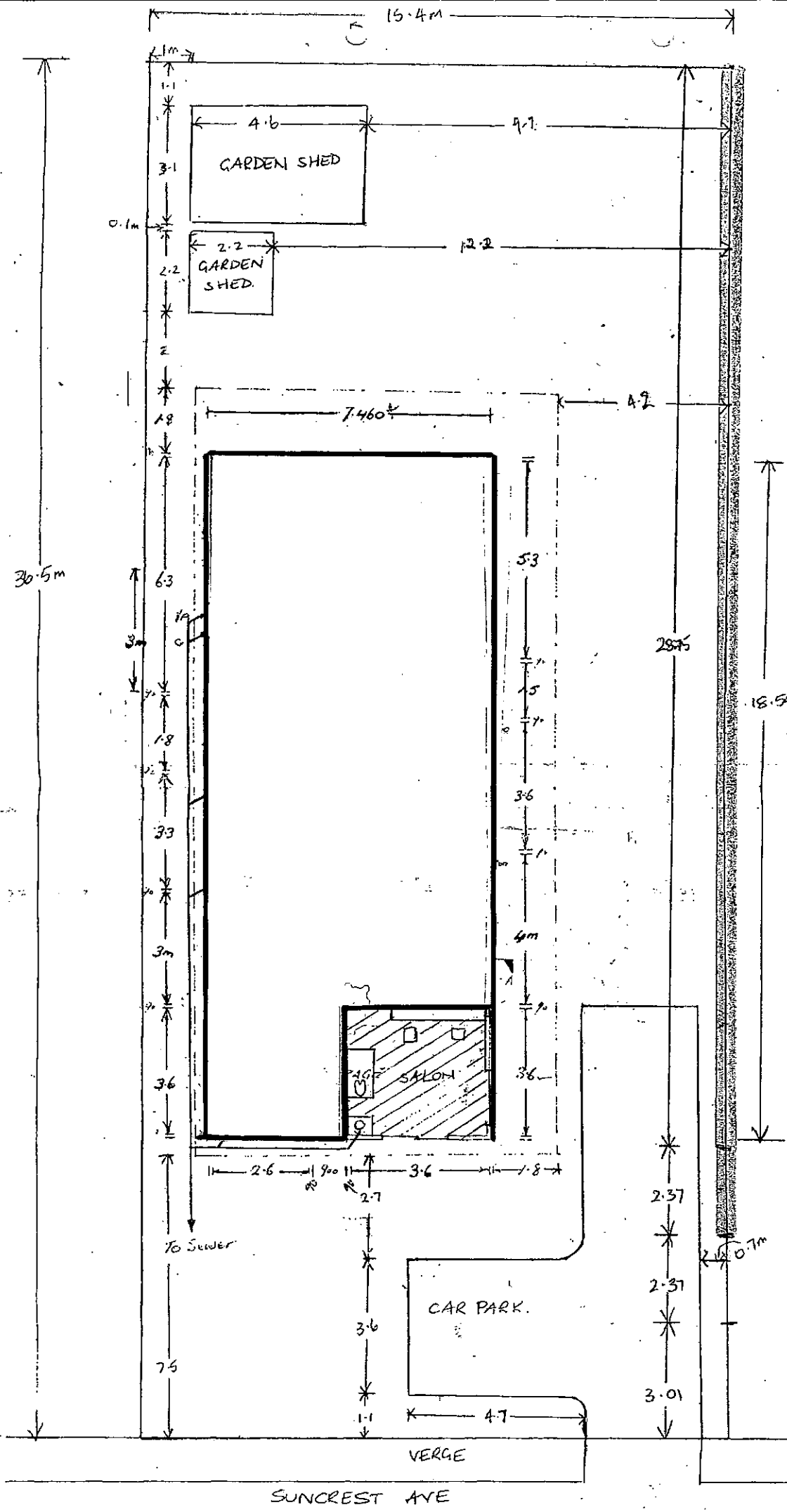
1998



ATTACHMENT "A"



ATTACHMENT 'B'



SHOALHAVEN CITY COUNCIL
 Environment Planning & Assessment Act, 1979

Development Consent No. 05/3718 Dated 6/12/05

There are plans referred to in the above Development Consent/Modification of Development Consent DS09/1228

Signed: _____ Date: _____

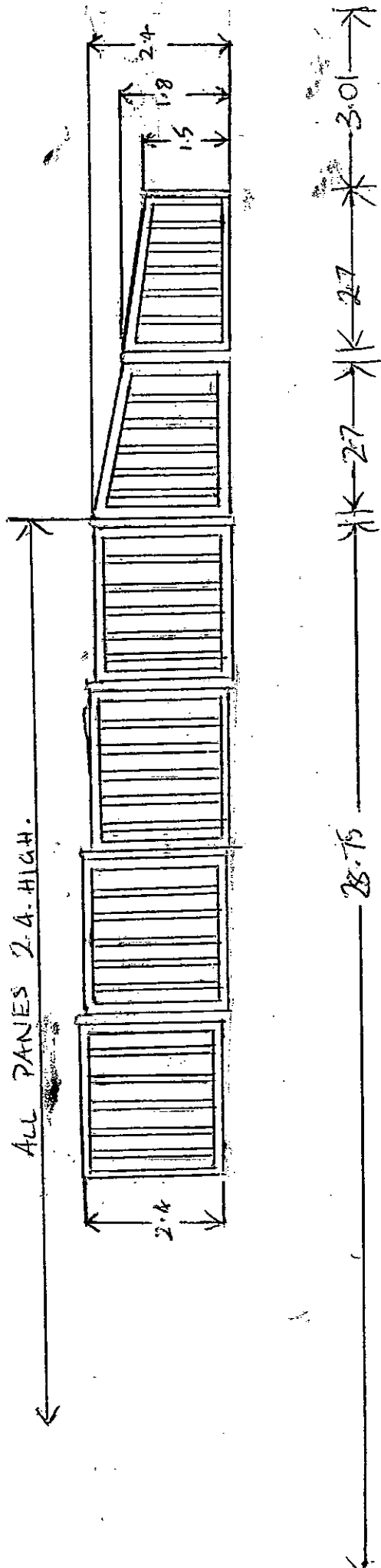
Note: Approval of the works shown on this plan is subject to the compliance with the written conditions of Development Consent.

FENCE HEIGHT

- 2400
- 1800
- 1500
- 1200 (EXISTING FENCE)

PLAN 1:100

ELEVATION - BOUNDARY FENCE
 86 SUNCREST AVE
 SUSSEX INLET



MATERIAL - COLOURBOND
 COLOUR - MIST GREEN (PANELS)
 - MOSSVALE SAND (CAPPING + POSTS)

SHOALHAVEN CITY COUNCIL
 Environment Planning & Assessment Act, 1979

Development Consent No. 05/318 Dated 6/12/05

There are plans referred to in the above Development Consent/Modification of Development Consent DS09/1228

Signed Date

Note: Approval of the works shown on this plan is subject to the compliance with the written conditions of Development Consent.

Joanne Donovan

JD Hair

86 Suncrest Ave

Sussex Inlet NSW 2540

29th July 2009

Mr Tim Fletcher

Shoalhaven City Council

Bridge Street

NOWRA NSW 2541

Dear Sir,

RE: DS09/1228 Hair Salon at 86 Suncrest Ave, SUSSEX INLET

I wish to refute a number of matters raised in the submission to Council, regarding the above mentioned amendment application, by residents at 88 Suncrest Ave, SUSSEX INLET, dated 22nd July 2009.

In this submission it is stated "If the hours are approved this shows that the business has outgrown its capacity as a Home Activity. The salon already operates longer than the local hairdressing salons in the Sussex Inlet shopping centre." As discussed at mediation, I am looking for more flexibility in my business to better accommodate my working clients as well as my family and friends who I am currently unable to do after hours in the salon area. These statements do not take into consideration the fact that until the recent loss of flexibility, I rarely operated on a Saturday. It also failed to mention that I sometimes finish earlier than the normal closing time depending on other personal commitments I may have. One of the main reasons for running my business from my home is for the flexibility it gives me to fulfil both my family and financial commitments. The fact that other salons in this area have different opening and closing times is totally irrelevant to this situation.

These neighbours would have Council believe that the noise generated by this hairdressing salon is excessive and intrusive. They infer that there is an incessant stream of noisy traffic, that car doors close noisily and horns beep constantly. I must ask why, to my knowledge, this noise has never been mentioned in any of the numerous complaints made to Council over the past year. Is this an attempt to justify these mostly irrelevant complaints? I invite Council staff to inspect the premises and witness first hand this apparent intrusion. I am sure any such visitor will be as perplexed as I am.

Further, why has the Council not received any other complaints from adjoining neighbours? The whole surrounding area is aware of the business and no other neighbour or resident appear to have an issue with the business.

In fact the majority support the business in its current location. My business is a valued business in the area and this is demonstrated by the support of Sussex Inlet Chamber of Commerce and many other letters of support received. (Copies attached).

From my home business I offer a section of the community namely:

- A convenient location especially for elderly people who do not have transport to town or Nowra.
- Working People a service that they cannot obtain during working hours without affecting their income in the Sussex Inlet area
- A service to people who do not have access to public transport
- Elderly people with disability access.

Two of the biggest issues in the Shoalhaven LGA are unemployment and lack of transport. I am trying to address these two issues and others in my business so that the community of Sussex Inlet has the opportunity for a service at a reasonable cost without affecting their lives in the areas of income and transport.

I also question why this apparent noise and intrusion (especially if I happen to be in the salon in the evening) has bothered these neighbours so much over the past year or so. As before this, they too were regular customers outside normal business hours (as a favour to them) to fit in around their work commitments and it didn't seem to be a bother at all.

They have also stated to me that the noise coming from inside the salon is intrusive, although this noise must travel through a secured glass door that is closed; anyone approaching the salon cannot hear noise from within until actually standing directly outside. For this reason, I now keep this glass door closed at all times except when entering or leaving the salon.

It is stated that "we have seen over the last couple of years the increase in clients and believe that this high level of activity was not apparent during the first year of operation". How has the objector ascertained this information? They have not accessed my business records and apart from stalking my clients, family and people attending my premises how can this statement be true. The objectors should be requested to demonstrate how this statement is correct, as if they have been stalking then criminal charges may be commenced.

I believe these objections to be just the latest in a litany of complaints over the past year that have, at times, had little or no relevance to the actual operation of my business or contained accusations that are just not true. I believe this objection to be an attempt at justifying these complaints. I understand that a history of complaints must be taken into account when considering such applications but I urge Council to take a close look at the *type* of unsubstantiated and irrelevant complaints that have been made. Because of this I believe these complaints and objections have gone beyond a grievance against my business and are directed more at my family and me in general. The business just happens to be an easier target.

This business is located on a wide, fairly busy road, not a quiet, isolated cul-de-sac. People, family and friends have the right to visit my premises to see my family, without harassment from the objector. It should be noted that not everyone who visits our family actually has their hair done as stated by the objector. We do have a lot of friends who visit.

This situation has been going on for more than a year, taking up valuable time and resources of both Council and myself. I have found it necessary to take time off work and have spent a considerable amount of money on screening, window tinting and solicitor's fees, as well as countless hours writing to Council trying to resolve these issues, to no avail.

As state above, I have attached letters of support to my application. There are many more people who support this business and are willing to write or come to council to speak in favour of my application.

Thank you for your assistance and please do not hesitate to contact me if you require any further information regarding this matter.

Yours Faithfully,

Joanne Donovan

Ph: 44411903

Sussex Inlet District Chamber of Commerce Inc

PO Box 81 SUSSEX INLET NSW 2540

Phone - Secretary/Treasurer Mobile 0407 412 939 Email jrsussex@bigpond.com

Member of the State Chamber of Commerce (New South Wales) - Member of Shoalhaven Combined Chamber of Commerce & Industry

Shoalhaven City Council

Received

24 JUN 2009

File No. DS09/1228 (DA05/3718)

Referred to: CA

19th March 2009

Mr Tim Fletcher
Shoalhaven City Council
PO Box 42
NOWRA 2541.

Dear Sir,

At our last General Meeting of the Chamber of Commerce it was resolved to write to you in respect of one of our members a Mrs. Joanne Donovan, in reference to her application for extended hours in relation to her home business of JD Hair.

We have been advised that her original application has been declined and we are finding it difficult to understand as to why this application would be rejected and further question on what grounds Council made this decision.

The business of JD Hair is a council approved home business offering the community of Sussex a service that other businesses in the area would be proud to offer their clients and given the current economic and employment situation in the Shoalhaven District it is a type of business that should be encouraged to extend the hours.

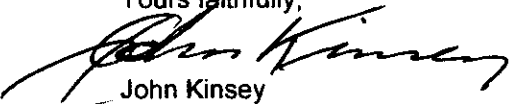
This type of home business is well suited to the environment and neighbourhood with no noise other than the quiet buzz of hair clippers and the clicking of scissors. Mrs. Donovan has also gone to considerable expense to make this Council approved business, a neighbourhood friendly business by providing council mandatory car parking on the property as well as window tint to prevent any visual discomfort to neighbours.

Mrs. Donovan has need to sometimes leave the premises during the day to attend to her aged and frail clients, a service which she gladly provides the elderly residents of Sussex Inlet, as well, this home business is on a bus route and gives easy disabled access and peaceful surrounds to those who cannot drive themselves to the salon.

Mrs. Donovan also has business clients who cannot attend the salon during the day and so the need to extend the hours to normal retail business hours of a Thursday night and Saturday morning has become a necessity to this popular hairdressing enterprise. The members of the Chamber fail to see how this extension of trading hours would affect the neighbourhood and environment given that at any time there would only be a maximum of two to three clients visiting the salon.

The Sussex Inlet Chamber of Commerce would be happy to meet and discuss with you and our elected councillors in the near future to bring this matter to a sensible and fair conclusion.

Yours faithfully,


John Kinsey
Secretary/Treasurer.

C.c General Manager, Russ Pigg, Mayor Paul Green, Deputy Mayor Gareth Ward,
Councillors Robert Miller, Josi Young, Bob Proudfoot, Amanda Findley.

 **Sussex Inlet**

There's no place like it

Another Sussex Inlet Chamber of Commerce Initiative.

Shoalhaven City Council

Received

MS
28 JUL 2009

22nd July 2009

The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

File No. DS09/1228

Referred to: C. Anderson

RECEIVED
28 JUL 2009
COUNCIL SERVICES

RE: DS09/1228; HOME ACTIVITY - JD HAIR

We wish to object to application to modify the development consent in relation to the Home Activity Business, JD Hair.

In the guideline for Home Activity it states that if the business grows beyond the scope of a Home Activity the business should be relocated to an industrial area or shopping centre. If the hours are approved this shows that the business has outgrown its capacity as a Home Activity. The salon already operates longer hours than the local hairdressing salons in the Sussex Inlet shopping centre.

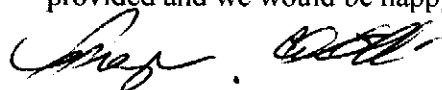
With the later finishes (6.30pm Tues, Wed, Fri and 8.30pm Thurs and 4.00pm occasional Sat) there would be an increase in clients at these times and with the possibility of two hairdressers working, especially during the Thursday night hours there would be between three to five clients at any one time. Also there would be cars arriving and departing within this time. Given that the existing hours were and are constantly abused if the extended trading hours are approved there is an opening for the business to again trade outside these hours.

We are the only residents in the street that this activity effects directly as our living areas are within eight metres from the salon door. All other residents are over forty metres away from the salon, and their living areas are protected from the visual and audible aspect of the business. Even with the extension of the fence, which we find extreme (8 foot), the cars arriving and departing, doors closing and horns beeping goodbye, our loss of amenity has to be taken into consideration.

The salon was opened in 2005 and we purchased the adjoining property in 2006, we have seen over the last couple of years the increase in clients and believe that this high level of activity was not apparent during the first year of operation or foreseen upon approval of the existing Development Application.

We support the growth and development of local business, but put the businesses in the appropriate place, in the shopping centre. This is a **RESIDENTIAL AREA** and we do **LIVE HERE 24/7**.

If you require anything further, regarding this matter please do not hesitate to contact us on the numbers provided and we would be happy to supply additional documentation or information.



Vicki Boyd & Colin Bell
88 Suncrest Avenue
SUSSEX INLET NSW 2540
Ph: 4441 0974 Mobile 0414 142 579

Development Committee 3 November 2009 - Item 11

DA Number	Applicant	Address	Proposal	Status/Comments	Recommendation
DA08/2541	BHI	101 The Marina Culburra Beach	Alterations & additions to existing two storey dwelling. Demolish existing swimming pool. Construct new swimming pool.	At the time the application was lodged with Council the proposal was generally compliant with Council's policy requirement for coastal hazards with the exception of the proposed swimming pool. Portion of the proposed pool was located seaward of the 2004:2050 hazard line where new development was not permissible. The applicant sought a review of the location of the hazard line from SMEC on the basis of the topography of the site and adjoining sites. SMEC subsequently agreed to relocate the hazard line 2.0m seaward which was essentially clear of the proposed pool and was therefore compliant with Council's policy at that time. However prior to the determination of the application the revised hazard lines were received and considered by Council with Council subsequently resolving to defer determination of affected development application until the adoption of the coastal Hazards DCP.	That the application be determined in accordance with the draft Development Control Plan under delegated authority.
DA02/4241 DS09/1404	Raymond Vincent Constructions P/L	87 The Marina Culburra Beach	Section 96 application: Alterations and additions to dwelling – delete bedroom 1 & increase lounge & delete condition requiring piercing.	Development consent was issued by Council in Feb 2003 for alterations and additions to an existing dwelling. Proposed works were located landward of the coastal erosion setback line applicable at that time. The proposal has been the subject of a number of Section 96 applications to modify the approved development including the current application to delete bedroom 1 and increase the lounge room and to delete the requirement to pier new footings. The existing dwelling is located within both Precinct 2 (moderate risk) and Precinct 3 (low risk).	That the application be determined in accordance with the draft Development Control Plan under delegated authority.
DA09/1351	Nicholas Macri	180 Elizabeth Drive Vincentia	Demolition of existing dwelling & construction of attached dual occupancy and subdivision.	The subject site contains land within Precinct 2 (moderate risk) and Precinct 3 (low risk). The location of the hazard lines on the site are currently being verified in relation to the development and portion of the proposed development may be located in Precinct 2 (moderate risk).	That the application be determined in accordance with the draft Development Control Plan under delegated authority.

Development Committee 3 November 2009 - Item 11

DA06/2127 DS09/1361	Russel Caro	87 Quay Road Callala Beach	Proposed dual occupancy development. Section 96 application - Amended plans and staging	<p>Development consent issued by council in May 2007 for a proposed dual occupancy development. The proposal complied with Council's 23m rear building line setback with the exception of a ground floor cantilevered deck.</p> <p>The proposal has been the subject of two Section 96 applications including the current application to modify the development including the approved staging.</p> <p>The subject property contains areas within Precinct 1 (high risk), Precinct 2 (moderate risk) and Precinct 3 (low risk). The location of the hazard lines in relation to the development is currently being verified however it is likely that portion of the proposed development would be located in Precinct 1.</p>	That the application be determined in accordance with the draft Development Control Plan under delegated authority.
DA08/1927	Milton Drafting and Design	13 Shipton Crescent Mollymook	Alterations and Additions to dwelling	The proposal was originally only impacted by oceanic inundation and a report was sought from the applicant addressing this issue. The report was received, however, the revised sea level rise projections came out and the applicant was requested to revise the report in light of new SLR projections. The revised report and SMEC revision of hazard lines now puts part of the proposed work seaward of the 2009:2050 ZRFC. A substantial part of the existing building is in the proposed foreshore building exclusion area (FBEA) - Precinct 1.	That the application be determined in accordance with the draft policy by delegation with the exception that the requirement to demolish that part of the building in the FBFA not be applied as the Draft LEP has not yet gone on exhibition.
DA09/1304	Mollymook Surf Life Saving Club Inc	Mitchell Parade Mollymook	Alterations to Surf Club	This application is a proposal from the surf club to improve the function centre that they made a grant application . There have been some delay in determining if council as trustee of the crown land is supportive of the proposal in principle. The existing building is seaward of the both the 2009:2025 and 2009:2050 ZRFC. The proposed work appears to be partly seaward of 2009:2025 ZRFC.	The proposal should be assessed in accordance with the criteria set out within the draft policy.