

SHOALHAVEN CITY COUNCIL

DEVELOPMENT COMMITTEE

To be held on Tuesday, 4th August, 2009
Commencing at the conclusion of the Crown Reserve, Community and Commercial Operations
Committee (commencing at 4.00pm).

29th July, 2009

Councillors,

NOTICE OF MEETING

You are hereby requested to attend a meeting of the Development Committee of the Council of the City of Shoalhaven, **to be held in Committee Rooms 1, 2 and 3, City Administrative Centre, Bridge Road, Nowra on Tuesday, 4th August, 2009 commencing at the conclusion of the Crown Reserve, Community and Commercial Operations Committee (commencing at 4.00pm)** for consideration of the following business.

R D Pigg
General Manager

Membership (Quorum – 7)

Clr Ward – Chairperson
Clr Young
Clr Findley
Clr Bennett
Clr Fergusson
Clr Brumerskyj
Available Councillors
General Manager or nominee

BUSINESS OF MEETING

1. Apologies
2. **Report of the General Manager**
 - Strategic Planning & Infrastructure
 - Development & Environmental Services
3. **Addendum Reports**

Note: The attention of Councillors is drawn to the resolution MIN08.907 which states:

- a) That in any circumstances where a DA is called-in by Council for determination, then as a matter of policy, Council include its reasons for doing so in the resolution.
- b) That Council adopt as policy, that Councillor voting in Development Committee meeting be recorded in the minutes.
- c) That Council adopt as policy that it will record the reasons for decisions involving applications for significant variations to Council policies, DCP's or other development standards, whether the decision is either approval of the variation or refusal.

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

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REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 4 AUGUST 2009

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Draft Local Environmental Plan No. LP371 - 'Milton Meadows Retirement Village', Princes Highway, Milton File 30978-03 (PDR)

Purpose of the Report:

Presents the outcomes of the public exhibition of draft Local Environmental Plan (LEP) No. LP371 - Milton Meadows Retirement Village and options for its finalisation.

RECOMMENDED that Council adopt the draft LEP (with amendments arising from the public exhibition) and forward the draft LEP to the Department of Planning (DoP) in accordance with Section 68 and 69 of the Environmental Planning and Assessment (EP&A) Act 1979 requesting its gazettal.

Options:

1. Adopt the draft LEP (with amendments) and forward it to DoP in accordance with Section 68 and 69 of the EP&A Act 1979 requesting its gazettal. This is the preferred option.
2. Adopt the draft LEP as exhibited and forward it to DoP in accordance with Section 68 and 69 of the EP&A Act 1979 requesting its gazettal.
3. Defer the matter to enable a Councillor Briefing to be held to present the background to this matter to avoid revisiting issues that have previously been resolved by Council.
4. Decide not to adopt the draft LEP and not proceed any further with the rezoning and inform the proponent and DoP of this decision.

Details/Issue:

Background

The subject land is Lot 1 DP 780801 and Lot 1 DP 737576, Princes Highway, Milton and is vacant, mostly cleared rural land, containing isolated trees and an extensive stand of trees along the creek/ riparian area. The subject land is bordered by the Princes Highway and the town of Milton to the north.

The rezoning process for the subject land commenced in 2004/2005 following the gazettal of the Milton-Ulladulla LEP Amendments. The exhibited draft LEP proposes to rezone the subject land from Rural 1(b) (Arterial and Main Road Protection) to a Residential 2(a3) under Shoalhaven LEP1985 which provides for low-density residential

development with a minimum allotment size of 4000 square metres, primarily for detached housing. The draft plan also contains objectives to ensure that the primary use of the land is for seniors housing, and removes the scenic preservation hatching over the subject land.

Reports on the draft LEP that were previously considered by Council in 2004, 2006 and 2008 are provided in the Councillors Information Folder.

Exhibition Period & Outcomes

The DoP issued a Section 65 Certificate in November 2008 to enable the public exhibition of the draft LEP. The draft LEP was publicly exhibited from Thursday 5 February to Friday 6 March 2009 (inclusive).

Notification of the exhibition appeared in local newspapers on 4 February and 18 February 2009. Notification letters were also sent to:

- adjoining landowners;
- relevant community consultative bodies;
- persons who had previously made a submission on the matter; and
- Government agencies consulted previously as part of the Section 62 Consultation in September 2005 and also the NSW Department of Water and Energy (DWE).

The exhibited draft LEP documents (map, written Instrument and explanatory statement) are provided as Attachment 'A'.

A detailed summary of the submissions received during the exhibition period is provided in the Councillors Information Folder for today's meeting and the following table outlines the number of submissions received:

Submissions Received	Number
Public	17
Government Agencies	5
Internal (within Council)	2
Total	24

Copies of the actual submissions are provided in the Councillor's Room.

Issues raised by the Public

As a result of the exhibition, public submissions objecting to and supporting the draft plan were received. The following is a summary of the key issues raised in the submissions:

Issue	Comment
<p>Issue: Economic benefits of the proposal The proposal will have economic benefits for the district, in terms of jobs and increased spending from more retirees moving to the area.</p>	<p><i>Comment – it is likely that the proposed retirement village will generate both construction and operational jobs. It is difficult to quantify the level of increased spending that will arise given that it is likely to accommodate both existing residents of the area as they age and also attract retirees to the area.</i></p>
<p>Issue: Additional Aged Care Facilities Support the provision of more aged care facilities in the Milton-Ulladulla area to cater for increasing demand.</p>	<p><i>Comment – Given our aging profile there is an acknowledged need to provide more aged care facilities in our main centres. The proposed rezoning will facilitate a retirement village and provide additional aged housing consistent with the South Coast Regional Strategy.</i></p>
<p>Issue: Good site location. Is a good location for the proposed development and would be a good use of the site.</p>	<p><i>Comments – The site is located adjacent to the Princes Highway within the Milton-Ulladulla area. As such it is in a good accessible location relative to both Milton and Ulladulla. The subject land was rezoned in 1999 to enable a three lot rural residential subdivision. Thus its development as a retirement village may represent a more optimum use of the site.</i></p>
<p>Issue: Removal of scenic preservation hatching and visual impacts Concerns were expressed regarding negative visual impacts of the proposed development on the rural landscape character of Milton. Opposition was also expressed to any development along the ridgeline to avoid negative impacts on the rural beauty and heritage character of Milton.</p>	<p><i>Comment – The scenic hatching is being removed to enable a development application to be lodged under State Environmental Planning Policy (SEPP) Seniors Living. Presently the SEPP provisions cannot be used on land identified as environmentally sensitive land, in this case, “Scenic”.</i></p> <p><i>The intent of the scenic hatching (visual amenity), has been addressed in the revised aims and objectives within the draft plan, through the inclusion of a specific aim related to visual amenity.</i></p>
<p>Issue: Setting a precedent for the rezoning of surrounding rural land in relation to urban uses Concerns were raised that, if the proposed</p>	<p><i>Comment – the draft plan is unlikely to set a precedent for the rezoning of surrounding rural land. Rezoning are considered on their merits and in</i></p>

Issue	Comment
<p>rezoning proceeds, that it would set a precedent for surrounding rural land to also be rezoned for urban purposes such as medium density housing.</p>	<p><i>accordance with State, Regional and Local strategic plans. They require the support and approval of both Council and DoP to proceed. DoP has stated that the subject land and adjoining caravan park must form the urban edge and that they support this proposal as it assists in meeting the objective within the South Coast Regional Strategy for provision of seniors housing. Any future subdivision of the subject land would need to comply with the 4000 sqm lot minimum, which represents large lot, low density residential development.</i></p>
<p>Issue: Location of the proposed retirement village Concerns were expressed that the proposed retirement village is not situated in a position to allow the residents to be part of the community and within walking distance to Milton. Suggestions were made for footpaths and a buggy-way to link the site to Milton and Ulladulla.</p>	<p><i>Comment - The distance from Milton, access to services/ facilities, a possible community bus and footpaths etc would also be assessed as part of a development application for seniors living, should the land be rezoned.</i></p>
<p>Issue: Negative economic impacts on the local tourism industry. Concerns were raised about the proposal having negative impacts on the rural landscape character and this would in turn negatively impact the tourism industry.</p>	<p><i>Comment – The proposal is likely to have minimal impacts upon the local tourism industry. Impacts on the rural landscape can be minimised through careful design of any future development of the site.</i></p>

Submissions from Government Agencies

Agency Comments	Comment
<p>1. NSW Department of Primary Industries (DPI) Agriculture. The land has good agricultural capability and since such land is limited on the south coast, the subject land should be retained for agricultural purposes. The land has high potential productivity and has good agricultural capability and is identified as prime crop and pasture land in the IREP (Deemed SEPP as of 1 July 2009) and is identified as class 3 land under NSW Agriculture's Agricultural Land Classification Map.</p>	<p><i>Comment – DPI's concerns are noted. The land is not class 1 or 2 under NSW Agriculture's Agricultural Land Classification system and DoP has to date supported. The proposed rezoning to facilitate a retirement village on the subject land in order to provide additional aged housing which is an objective of the South Coast Regional Strategy, provided that the subject land and neighbouring caravan park form the edge of the urban area. It is noted</i></p>

Agency Comments	Comment
	<i>that the subject land rezoned in 1999 to enable a three lot rural residential.</i>
<p>2. NSW Department of Environment and Conservation (DECC). Recommend that “if the rezoning does proceed, the area of remnant native vegetation, including the Milton Ulladulla Subtropical Rainforest, along the creek line in the north of the subject land should be protected. The development should be designed to avoid loss of native vegetation in this area”. Recommend that this vegetation be retained as much as possible and included in the management plan for rehabilitation. Also recommended assessment of other key issues.</p>	<p><i>Comments – It is considered that the key issues requiring assessment as noted in DECCs letter, would best be addressed during the assessment of any development proposed for the site should the rezoning proceed. Of specific relevance to the draft LEP is DECC’s recommendation to protect the remnant vegetation along the creek line. The draft LEP will be amended to give the riparian corridor and remnant vegetation an appropriate zoning consistent with the South Coast Regional Strategy, and the approach taken in the recently completed Dolphin Point LEP Amendment No. 232. Thus, the riparian corridor and remnant area of rainforest will be given an Environment Protection 7(a) zoning (or what would be E2 Environmental Conservation under the draft Shoalhaven LEP 2009), as shown on the revised draft LEP map – copy provided in Information Folder.</i></p>
<p>3. NSW Roads and Traffic Authority (RTA). Primary concern is the impact of the increase in vehicle movements generated by the rezoning on road safety and traffic efficiency at the junction of the Princes Highway and Slaughterhouse Road. The RTA sought additional information to allow their comments to be finalised.</p>	<p><i>Comments – The traffic issues raised can be appropriately considered at the future development application stage. DoP has previously generally advised that Section 79C assessment issues should not be included in LEP amendments, either as aims/objectives or separate local clauses.</i></p>
<p>4. Department of Water and Energy (DWE). Recommends the plan include provisions to protect and rehabilitate the creeks and riparian corridors on the site and include appropriate riparian setbacks along the watercourses in accordance with the Department’s stream categorisation. As such, recommend the LEP incorporate an E2 Zone (Environmental Conservation), applied to protect and enhance the creeks and riparian corridors at the site. In</p>	<p><i>Comments – the draft plan will be amended to include the aims and acknowledge the required riparian corridors and associated vegetation buffers. This is appropriate as this approach was also recommended by DECC and is consistent with the South Coast Regional Strategy and the recently completed Dolphin Point LEP Amendment No. 232. The remaining issues raised by DWE can be appropriately considered at the</i></p>

Agency Comments	Comment
<p>addition, DWE recommends the LEP include specific aims to protect and enhance creeks and riparian corridors and groundwater.</p>	<p><i>development application stage.</i></p>
<p>5. NSW Heritage Office (HO) Concerned about the removal of the scenic protection area hatching and that a subsequent senior's housing development on the site may lead to the erosion of the existing character and setting of Milton and will set an undesirable precedent for other similar requests. Recommends the implementation of the Principles for Potential Development of the Site identified in Dr Richard Lamb's Visual and Landscape Constraints Report 2005 as a condition of any approval for development on the site.</p>	<p><i>Comments – The issues raised can be appropriately considered at the development application stage. DoP has previously generally advised that Section 79C assessment issues should not be included in LEP amendments, either as aims/objectives or separate local clauses.</i></p> <p><i>The issue of precedent has been discussed above.</i></p>

Internal Council Submissions

<p>1. Shoalhaven Water (SW). Comments relate to connection of the subject land to reticulated water and sewerage and developer service charges. Recommended that a notation be added to the draft LEP map in relation to the likelihood of low water pressure on one area of the site that would be well below SW's level of customer service.</p>	<p><i>Comments – Most relevant to the draft LEP is the recommended notation to include in the plan which outlines the low pressure area. The appropriateness of this will be discussed with the Department of Planning as part of the finalisation of the plan. If this is not achievable then the proponent will be appropriately advised.</i></p>
<p>2. Traffic and Transport. Concerns regarding access to the local road network. Preliminary investigations found that the proposed access to Windward Way would not be accepted in the proposed location due to deficient sight distance and the need for Windward Way to be substantially upgraded to accommodate traffic from the proposed development. There are potential solutions for accessing both the Highway and / or Slaughterhouse Road, however, both of these options are likely to be very expensive, and require further investigation and consultation with all affected parties including local land owners and RTA which would need to be undertaken by the proponent.</p>	<p><i>Comments – The issues raised can be appropriately considered at the future development application stage. DoP has previously generally advised that Section 79C assessment issues should not be included in LEP amendments, either as aims/objectives or separate local clauses.</i></p>

Conclusion

In accordance with the LEP process Council now needs to consider the finalisation of the draft LEP as a result of the submission received.

The draft LEP has been revised to respond to some of the issues raised by the community and Government agencies - see attachment C in Councillor's Information Folder. The revised draft LEP shows the riparian corridor, Endangered Ecological Community and associated buffer as a proposed Environment Protection 7(a) (ecology) zone.

The revised draft LEP (map and instrument) also contain additional provisions to respond to the submission received. As discussed in the table above some of these changes may/may not be accepted by the Department of Planning/Parliamentary Counsel specifically aims (d) – (n) and proposed Clause 40N(4) may be removed or amended. The notation of the draft map related to water pressure may also ultimately be removed.

It is recommended that Council adopt the amended draft LEP and forward it to the DoP for gazettal. The draft LEP is yet to be referred to the Parliamentary Counsel. Should the opinion from the Parliamentary Counsel require minor alternations to the draft LEP which do not change its substance or those discussed in this report, these will be made to the plan before it is forwarded to the DoP for gazettal.

Economic, Social & Environmental (ESD) Consideration:

The broad ESD considerations include:

- Economic impacts - the proposed retirement village has the potential to generate employment and provide increased revenue through increased numbers of retired persons moving into the Milton-Ulladulla district.
- Social considerations - potential employment generation and the provision of additional aged care services consistent with the Judith Stubbs Report 'A Place for Aging' and the South Coast Regional Strategy.
- Environmental considerations - loss of agricultural land (class 3 prime crop and pasture land) through its conversion to urban uses, possible visual and character impacts and preservation of important areas on the subject land (riparian corridor vegetation, remnant vegetation and endangered ecological community).

Financial Considerations:

A key financial consideration is the potential for a contributions plan to be prepared or required to enable Council to levy the funds required for road works to connect the site either to the local road network or onto the Princes Highway and any other relevant services/ facilities/ works. Council resources would be required to prepare the contribution plan. It is noted there is potential to recoup some of the funds expended by Council in relation to a contributions plan, however, should existing residents/ development benefit from any services/ facilities/ works included in a contributions plan, Council may be apportioned this share. Alternatively this could be a direct condition of any approved development.

2. **Quarterly Report - Planning Work Program (Environmental Planning & Assessment Act Projects)** **File 28283 PDR**

Purpose of the Report:

To provide Councillors with an update on the planning work program, in relation to projects being undertaken as per the *Environmental Planning & Assessment Act, 1979* and specifically for the quarter April to June 2009.

RECOMMENDED that:

- a) **The Quarterly Report of the General Manager (Strategic Planning & Infrastructure) in relation to the Planning Work Program (Environmental Planning & Assessment Act Projects) be received for information; and**
- b) **Council redirect \$50,000 from the Citywide Growth Management Strategy project (Job No. 15273) to the Citywide Local Environmental Plan (Draft LEP 2009) project (Job No. 15293), consistent with agreements reached with the Department of Planning on 'Planning Reform Fund' projects.**

Options:

1. Adopt the report on the Planning Work Program and any reported variations for information. Adopt the redirection of the funding provided by the Department of Planning. This is the preferred option.
2. Identify any required Planning Work Program adjustments and adopt a revised work program. Not adopt the redirection of funding provided by the Department of Planning.

Details/Issue:

On Line Work Program

The on line work program can be accessed by Councillors via Council's Intranet site by using the "Planning Work Program" link.

Promoting Better Practice Review

Recommendation 12 of the Department of Local Government's Promoting Better Practice Review recommended that:

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

A Planning Session has been arranged for 7th August 2009 to enable Councillors to discuss the planning work program in the context of this recommendation.

Current Status Report

As previously outlined, the current staff focus is on the delivery of four significant Citywide planning projects that the State Government and Council are keen to see completed – Citywide LEP 2009, Citywide DCP 2009, Citywide Growth Management Strategy and Citywide Contributions Plan 2010. Comment on the status of each project is provided below.

Strategic Planning Staff are also now heavily involved in the new Local Government Integrated Planning & Reporting Project and the delivery of the new Community Strategic Plan.

In association with these major projects we are also continuing to progress as a priority a number of other important Council planning projects.

The following is a status report on some of the higher profile projects in the existing Work Program and supplements those matters referred to in the Management Plan reporting process.

This is also an opportunity for Council to review the priority of items shown in the on-line comprehensive listing and whether Council wishes to add or remove items from the list.

a) Completed Projects

The following projects were finalised during the report quarter:

Amendment No. 235 to Shoalhaven LEP 1985 - gazetted on 22 May 2009

This amendment rezoned additional industrial land at Ulladulla (former sewerage treatment plant site), removed a superseded building line from the South Ulladulla industrial area, updated the definition in the LEP related to bulky goods retailing and facilitated festivals/events on public land. The amendment finalised what were previously four separate proposed LEP amendments.

Huskisson Town Centre DCP Review – adopted 12th May 2009.

Amendment No.4 to the Huskisson Town Centre DCP No.54 aims to provide development guidelines incorporating amongst other things revised height controls, setbacks and land use controls within the Huskisson Tourist Town Centre. The plan became effective on 1st June 2009.

Several other projects have progressed to near completion stage.

b) Major Projects

Small Lot Rural Subdivisions

Heritage Estates - As Council is aware the rezoning was refused by the Federal Government under the provisions of the Environment Protection & Biodiversity Conservation Act on 13th March 2009. Thus the draft LEP was removed from the Planning Work Program and replaced with a new project focussed on resolving the land tenure of the Estates.

Council met with the Commonwealth Director of National Parks in early March and the Deputy Director General (National Parks) of the NSW Department of Environment and Climate Change in early April, to discuss the possibility of acquisition of the land and other options to resolve land tenure.

The outcomes were considered by Council in July 2009 and further action will now be taken in accordance with Councils resolved position.

Jerberra Estate – Council resolved on 12 May 2009 to: "accept that its preferred option is not achievable due to the State Government position and pursue the compromise option with Dept of Planning (DoP) and Department of Environment & Climate Change (DECC) to explore avenues for regularising existing unauthorised structures and dealing with equity issues in areas that may be zoned for environmental conservation ('E' zones)."

Thus Council representatives met with DoP and DECC in June. The Government Departments indicated a willingness to consider allowing very limited development in the proposed conservation area, provided appropriate land-use planning and management controls are in place to protect the area's environmental values. The matter will be reported to Council once the options to progress it have been evaluated.

Nebraska Estate - Council is currently waiting on DECC's comments on the draft Threatened Biodiversity Study prepared by Eco Logical Australia Pty Ltd (ELA). The matter will be reported to Council once DECC's comments have been received and the Study has been finalised.

Verons Estate – The preliminary draft Threatened Biodiversity Assessment Report prepared by ELA is being reviewed and will be reported to Council once finalised. The Riparian Mapping Assessment and Cultural Heritage Assessment (Aboriginal and European) have been completed, as required by the State Government. Clarification has been sought from the State Government on their requirements for assessing potential impacts on Swan Lake and SEPP 14 wetlands.

Goodland Road - Relevant environmental studies required to progress the Draft LEP are nearing completion - including bushfire, effluent disposal and flora & fauna. The flora & fauna studies identified Endangered Ecological Communities (EEC's) and the need for detailed orchid surveys (which will continue into the coming months). The environmental studies and review of previous studies has enabled opportunities and constraints to be identified. An in-house consultant is now using the outcomes of the studies to prepare a draft Environmental Study (ES) and once this is complete the matter will be reported to Council for consideration.

Citywide Growth Management Strategy

A detailed Council workshop was held on 15th April 2009 and was facilitated by Dr Danny Wiggins. As a result of the outcome of this workshop, staff are currently working on the finalisation of a draft Strategy that will be discussed at a Council briefing on 6th August 2009, prior to being reported to Council.

Both the Growth Management Strategy and LEP2009 projects received funding from the NSW Department of Planning's Planning Reform Fund (PRF).

Council initially received \$150,000 for the Growth Management Strategy. In discussions with the Department it has been agreed that \$50,000 of this funding will now be redirected to the LEP2009 project. This additional funding will be used to undertake the community consultation phase of LEP2009. The Growth Management Strategy will be completed within the remaining budget and using existing staff resources.

Revised project Memorandum's of Understanding (MoU's) were provided to the Department of Planning in June 2009 to facilitate the transfer of the funding. Council also needs to formally acknowledge the funding transfer.

Shoalhaven LEP Review (LEP2009)

Given the significance of this project it continued to be a major focus during the report quarter. Staff have been involved in on going discussions with the Department of Planning, and other Government Departments, regarding the draft LEP and its contents.

Considerable staff resources have also gone into finalising the draft mapping that forms part of the plan to enable the issuing of a Section 65 Certificate to enable exhibition and the mapping will be presented to DoP in early August 2009.

Council also resolved on 2nd June 2009 to advise the NSW Department of Environment & Climate Change that it will not be pursuing the bio-certification of LEP 2009 at this point.

Shoalhaven DCP Review (DCP2009)

The intent of this project is to deliver a draft of the new DCP in association with the LEP 2009 project. Thus, work is continuing to transfer our current DCP's and planning policies into a single DCP with the assistance of the Development & Environmental Services Group. Councillor Briefing's have been scheduled during July to September 2009 to discuss the detailed content of the draft DCP.

Release Area Report/ Development Control Plan/ Contribution Plan for Mundamia and Worrige release areas

Although the new urban "release areas" identified in the Nowra-Bomaderry Structure Plan will be rezoned for development via Shoalhaven LEP 2009, a clause in the LEP requires certain criteria to be satisfied prior to the NSW Director-General of Planning releasing the land to allow actual development to occur.

An in-house consultant is currently working on this project, and relevant studies are being undertaken to inform the Development Control Plan and Contributions Plan.

Review of Development Control Plan (DCP) No. 119 - Nowra Hotel Site & Civic Precinct

Cox Humphries Moss (in conjunction with traffic sub-consultants Hughes Trueman) has submitted a preliminary working draft of the DCP review and this is currently being reviewed by staff.

The DCP review cannot be completed until the related hotel economic feasibility assessment is finalised (see below).

Nowra Hotel Economic Feasibility Assessment

A stakeholder meeting was held as part of this project in late May 2009. The assessment will be completed during July 2009 and will then feed into the finalisation of the DCP No. 119 review.

Scenic Drive Master Plan

The draft site analysis is nearing completion and will inform the finalisation of the master plan. The expected completion date for the master plan is July/ August 2009.

Draft LEP No.LP401, Reclassification of Council land at Nowra and Huskisson

The draft LEP is being publicly exhibited from 15th July to 14th August 2009. Council has received a draft of the Assessment and it is currently being reviewed by staff. The required public hearings are also scheduled for 2nd & 3rd September 2009. The outcomes of the exhibition and public hearings will be reported to Council in due course.

Draft LEP No.LP130 Badgee Urban Expansion, Sussex Inlet

The proposed urban expansion is identified for investigation in the endorsed Sussex inlet Settlement Strategy and is currently being pursued by the proponents as both a Part 3A Development Application and rezoning (draft LEP).

In accordance with the agreed process Council received copies of the proponent's various studies in late May 2009 and a meeting was held in late June 2009 to discuss the progress of the project with the Department of Planning. As a result quotations are being sought from consultants to peer review the proponents studies and if appropriate form them into an environmental study (required to support a draft LEP). The environmental study will be reported to Council for consideration at the appropriate point.

Draft LEP No. LP400 One Tree Bay, Sussex Inlet

The required Government Agencies Planning Focus Meeting for this Part 3A Project and rezoning was held 27th March 2009. Formal Section 62 consultation was undertaken with relevant Government Agencies in May/June 2009.

As a result of a meeting with the Department of Planning in June 2009 it is envisaged that this rezoning will now follow a similar path to LP130 Badgee Urban Expansion, whereby the studies undertaken for the Part 3A development application will inform the required environmental study (required to support a draft LEP). The Department indicated that the studies need to provide justification for the proposal against the 'Sustainability Criteria' in the South Coast Regional Strategy as an initial stage.

Section 94 Contribution Plan - Major Review

The Minister for Planning through considering Council's submission on the introduction of a \$20,000 development contributions threshold for residential properties in Shoalhaven, and a subsequent review of the 1993 Contribution Plan, has provided the following direction to Council:

The Existing Direction (direction under section 94E of the Act - \$20,000 threshold for residential properties) ceases to apply to Development Consents in respect of Residential Development on the Shoalhaven Land requiring Monetary Contributions imposed under any Contributions in force at the date of this Direction.

In providing this direction, the Minister has requested that Council complete a review of its Contribution Plan by the end of 2009.

The review of the 1993 Contribution Plan to meet the end of 2009 deadline has commenced. This has involved scheduling meetings with staff from the Department of Planning to seek further clarification as Council is still waiting for the supporting Regulations and Practice Notes following the Environmental Planning & Assessment Amendment Act 2008, which make significant changes to the framework for Development Contributions.

Staff have also commenced finalising the format of the *Shoalhaven Contribution Plan 2010* which will replace the *1993 Contribution Plan*. To assist in making the document more accessible, the *Shoalhaven Contribution Plan 2010* will be available on Council's internet site in both a property inquiry system and stand alone document. It is also proposed that the Plan will be made available in CD format only, due to the size of the document and to minimise printing requirements.

The following draft Contributions Plans are in the process of being exhibited for inclusion into the *Shoalhaven Contribution Plan 2010*:

1. Draft Huskisson Town Centre Contribution Plan - endorsed by Council for exhibition on 9th June 2009
2. Draft Ulladulla Town Centre Contribution Plan – endorsed by Council for exhibition on 14th July 2009.
3. Draft Amendments No. 77.2 & 77.4, Planning Area 2 & 4 Roads – endorsed by Council for exhibition on 14th July 2009.

Staff are also reviewing the following existing elements of the *1993 Contribution Plan* which have not yet been reviewed for public exhibition prior to inclusion in the *Shoalhaven Contribution Plan 2010*:

1. Planning Area 3 Roads
2. Active Open Space
3. Various existing contribution projects for car parks
4. Various existing contribution projects for drainage

Due the resourcing requirement to meet the review deadline of the end of 2009, there is little opportunity at this stage to consider new projects for inclusion in the Shoalhaven Contribution Plan 2010.

Ulladulla CBD DCP Review

A further report to attempt to resolve outstanding anomalies and issues with Amendment 4 of the Ulladulla DCP No.56 will be presented to Council in August. Further amendment is foreshadowed.

Nowra CBD DCP Review

Work has commenced on a review of the Nowra Town Centre DCP No.95, with a town walk and briefing of Councillors undertaken. A 3D base model of the town centre has also been completed.

Council resolved on the 14th July 2009 to commence a master plan for the whole of the Nowra town centre.

c) Other Work Program Alterations

The following projects have been removed from the work program since it was last considered by Council:

Draft LEPs No. LP363 & LP373 Related to the Tree Policy and Removal – see comments in Section d) below:

d) Items with Department of Planning or Subject to Recent Response

Project No.	Task/Strategic Project	Comments/Progress Statement
LP363 & LP373	Shoalhaven – LEP 1985 1(c) tree policy & Shoalhaven – Exempt tree removal from LEP 1985	DoP advised that the need for, or ability to amend our LEP has been nullified by the introduction of the Native Vegetation Act 2003 and the Standard LEP Instrument. Will now be removed from the work program.
LP396	Currarong – Heritage Item - Removal	Incorporated into draft Citywide LEP 2009
LP313	Dolphin Point – Dolphin Point Road – Thomson	Incorporated into draft Citywide LEP 2009
LP379	Meroo Meadow – Residential Expansion	Incorporated into draft Citywide LEP 2009
LP387	Citywide LEP 2009	Request for S65 certificate submitted in September 2008. Detailed mapping to be provided to DoP early August 2009.

e) Other Involvements

In addition to the work program Planning staff have coordinated or had major input/advice into other matters during the reporting period including:

Planning Reform Legislation – Continued to coordinate Council's review of the planning reform legislation that was finalised by the State Government during the report quarter.

Aboriginal Land Claims - Continued involvement with the Department of Land in regard to a number of claims, both new and existing, including Aboriginal Land Claim No. 15194 at South Nowra that was reported to Council in May 2009.

South Coast Regional Strategy Implementation – Continuing to progress the establishment of a land development monitor for Shoalhaven as required as a matter of urgency by the Strategy. Initial version of the monitor was provided to the Department of Planning during the report quarter.

Sustainable House (Sustaining Our Shoalhaven Project) – Continued coordinating Council's involvement in this privately led project. The house was completed and opened by the Mayor in early July 2009 and received positive media exposure. Council is currently running a major competition in conjunction with the opening of the house to enable a sustainable makeover for an existing dwelling within Shoalhaven.

Cities for Climate Protection (CPP) Program – Completed a carbon inventory of councils operations and achieved Milestone 1 of this program. The direction of this work was discussed at Councils Climate Change Risk Management Committee in June 2009.

Draft Centres Policy: Planning for Retail and Commercial Development -Coordinated Council's submission to the State Government Discussion Paper that was reported to Council in May 2009.

Discussion Paper on Competition in the NSW Planning System - Coordinated Council's submission to the State Government Discussion Paper that was reported to Council in May 2009.

SEPP Infrastructure - Provided feedback to the Department of Planning in June 2009 as part of the 12 month review of the SEPP.

State Government *Inquiry into the NSW Planning Framework* – staff appeared before the Inquiry in Queanbeyan on 19th May 2009.

Standard Instrument Liaison Group - staff provided on going feedback to the Department of Planning on draft circulars and practice notes related to the Standard LEP Instrument.

Reforms to Plan Making - staff reviewed and responded to the legislative changes that were gazetted in late June 2009 and took affect on 1st July 2009. Council will be briefed on these changes on 19th August 2009.

Illawarra Employment Lands Taskforce - staff gave a presentation on "Major Employment Land Planning Issues in Shoalhaven" to the Task Force when they met in Nowra in April 2009.

Development Application and Part 3A Referrals – managed Strategy Planning & Infrastructure Group comment on development applications referred from Development & Environmental Services Group and Part 3A referrals from the Department of Planning.

f) Additional Requests/Projects

Citywide LEP Review – various requests have been received seeking changes to zoning etc as part of the Citywide LEP review. These requests will be considered as submissions as part of the exhibition process.

g) Staff Resources

The new Trainee Strategic Planner commenced work with Council during the report period.

Economic, Social & Environmental (ESD) Consideration:

ESD considerations integrated into individual projects within the work program

Financial Considerations:

Projects on the work program are generally managed in accordance with existing budgets.

**3. Gazettal of Amendment 235 to Shoalhaven Local Environmental Plan 1985
File 30286, 30787, 32327, 34208 PDR**

Purpose of the Report:

To advise of the gazettal of Amendment No. 235 to *Shoalhaven Local Environmental Plan 1985* on 22 May 2009.

RECOMMENDED that the report regarding the Gazettal of Amendment No. 235 to *Shoalhaven Local Environmental Plan 1985* be received for information.

Options:

Not Applicable – For Information.

Details/Issue:

Amendment No.235 to *Shoalhaven Local Environmental Plan 1985* was published and became effective on 22 May 2009.

The LEP amendment consists of the following four components:

- a) Rezoned the former Ulladulla Sewerage Treatment Plant site from Special Uses 5(a) (Sewage Treatment Works) to part Industrial 4(b) (Light), part Open Space 6(a) (Existing Recreation) and part Environment Protection 7(a) (Ecology) Zone;
- b) Removed the need for development consent for certain community events and festivals where a licence is also required for the use of public land;
- c) Removed the “bulky goods” definition from the LEP and replaced it with the definition contained in the State Government’s Standard LEP Instrument for “bulky goods premises”; and
- d) Removed the 30 metre building line which previously applied to industrial land located on the western side of the Princes Highway at South Ulladulla.

A copy of Amendment No. 235 is provided as Attachment “A”.

Economic, Social & Environmental (ESD) Consideration:

The Amendment provides the ability to expand a sporting complex in Ulladulla and/or allow additional industrial development; allow for timely and efficient approvals of community and festival events on public land; updates the LEP provisions related to bulky goods retailing and will encourage industrial development in the South Ulladulla industrial area.

Financial Considerations:

There are limited financial considerations as a result of this report.

The removal of the need for development consent for certain community events and festivals where a licence is also required for the use of public land means that Part 5 assessments will need to be undertaken, rather than Part 4 assessments. The cost to Council of a Part 5 assessment will possibly be less than that of a Part 4 assessment.

4. Public Exhibition of Draft LEP No. LP 338 - Ross Avenue, Narrawallee File 26448 and 1787-04 PDR

Purpose of the Report:

To inform Council that a Section 65 certificate has been issued enabling the public exhibition of draft Local Environmental Plan (LEP) No. LP 338 - Ross Avenue, Narrawallee, and to obtain direction on whether Council considers it necessary to re-exhibit the related draft LEP No. LP 225 concurrently with draft LEP No. LP 338 as recommended by the Department of Planning.

RECOMMENDED that:

- a) **Draft LEP No. LP 338 and the 'Deed of Agreement' between Council and Hanson South Coast Pty Ltd be placed on public exhibition for a period of 28 days; and**
- b) **The related Draft LEP No. LP 225 also be re-exhibited for a period of 28 days concurrently with draft LEP No. LP 338.**

Options:***Option One***

1. Place Draft LEP No. LP 338 (Ross Avenue) and the Deed of Agreement between Council and Hanson South Coast Pty Ltd on Public Exhibition for a period of 28 days.
2. The related Draft LEP No. LP 225 (Seaspray Street) also be re-exhibited for a period of 28 days concurrently with LP 338.

Option Two

Amalgamate draft LEP No's LP225 and LP338 into the draft Shoalhaven LEP 2009 that is yet to be exhibited and advise the Department of Planning accordingly.

Option Three

1. Place draft No. LP338 (Ross Avenue) on Public Exhibition on its own for a period of 28 days.
2. Forward the Section 68 report for LP 225 (Seaspray Street) to the Department of Planning requesting Gazettal of the draft Plan.

Details/Issue:

This is a complex and long running matter that has taken some time to resolve and advance and as such Council's direction is required prior to attempting to bring it to a conclusion.

On 13th June 2009, the NSW Department of Planning (DoP) issued a Section 65 Certificate which enables Council to publicly exhibit draft LEP No. LP 338 (Ross Avenue).

LP 338 proposes to rezone Lot 300 DP 792411, Ross Avenue, Narrawallee, currently zoned part Residential 2(c) (Living) and part Environment Protection 7(a) (Ecology), under Shoalhaven LEP 1985 to wholly Environment Protection 7(a) (Ecology). The aim of the draft LEP is to ensure the protection of Garrads Lagoon which is considered to have high environmental significance.

Prior to receiving the Section 65 certificate for draft LEP No LP 338, staff received advice from the DoP recommending that Council consider re-exhibiting the associated draft LEP No. LP 225 (Seaspray Street) concurrently with draft LEP No. LP 338 for the following reasons:

- Draft LEP No. LP 225 is linked to draft LEP No. LP 338 via a Deed of Agreement between Council and the affected/benefitting landowner; and
- Considerable time has passed since the public exhibition of draft LEP No. LP 225 and there may have been changes in the community or changes to community expectations during this period.

The two draft LEPs are linked as a result of a Council's desire for Garrads Lagoon to be brought into public ownership. Council negotiated with the land owner (Hanson South Coast Pty Ltd) of Lot 300 DP 792411, Ross Avenue, Narrawallee to surrender the existing 17 lot subdivision consent over the lot and to agree to Council rezoning that part of the lot zoned 2(c) Residential (Living) to Environment Protection 7(a) (Ecology). Copies of both draft LEPs are included as Attachments A and B to this report.

Once rezoned, Lot 300 DP 794211 containing Garrads Lagoon would be dedicated to Council.

To compensate for the loss of the existing 17 lot subdivision consent, Council agreed to prepare draft LEP No. LP 225 over Lot 29 DP 874275 Seaspray Street, Narrawallee to rezone part of the land to Residential 2(a1) to facilitate residential development. This land is also owned by Hanson South Coast Pty Ltd and is currently zoned Environment Protection 7(d2) (Special Scenic).

Draft LEP No. LP 225 was previously publicly exhibited from 21st December 2001 to 18th January 2002. Issue's raised in the submissions received from the community during the public exhibition period included:

- Preservation of Vegetation
- Loss of Vegetation and the loss of flora and fauna habitat
- Vehicle access and traffic management

-
- Lot size and density
 - Relationship with exist subdivision consent for Ross Avenue

The submissions received by Council during the public exhibition period did not raise any significant issues requiring changes to the draft LEP. However, to ensure the surrender of the 17 lot subdivision consent and the dedication of Lot 300 DP 794211 to Council, Council resolved to prepare a Deed of Agreement to ensure it was facilitated. The Section 68 report requesting gazettal of draft LEP No. LP 225 was placed on hold until the finalisation of the Deed of Agreement. The terms of the Deed of Agreement between Council and Hanson South Coast were finally endorsed by Council on 12 August 2008.

Due to the time that had elapsed between the original public exhibition of draft LEP No. LP 225 and the finalisation of the Deed of Agreement, staff sought the DoPs advice on the progression of draft LEP No. LP 225. In response, DoP recommended that Council re-exhibit draft LEP No. LP 225 concurrently with draft LEP No. LP 338 because of the link between the LEPs and the considerable time had passed since the public exhibition of draft LEP No. LP 225.

Economic, Social & Environmental (ESD) Consideration:

The aim of draft LEP No. LP 338 is to bring about a positive environmental outcome through the protection of Garrads Lagoon. This should ensure that a piece of environmentally sensitive land will be maintained for future generations. However, this positive environmental outcome will be negated by the loss of land currently zoned Environment Protection 7(d2) (Special Scenic) to residential development as proposed by draft LEP No. LP 225.

Draft LEP No. LP 338 represents a reduction of land currently zoned for residential development, however, the current consent only permits the development of 17 residential lots which will be more than compensated for by the area of land that will be rezoned through draft LEP No. LP 225 which has far greater development potential.

Financial Considerations:

On transfer of the land, the cost of maintaining Garrads Lagoon will become Council's responsibility. Additional resources may need to be allocated to meet the cost of maintaining the land into the future.

A condition of the Deed of Agreement will see Hanson South Coast Pty credited for the equivalent of 17 lots for S94 and S64 contributions for future development of the Seaspray Street land. The estimated value of the credits is \$411,820 which includes:

- a) Approx \$168,227 for section 94 contribution (estimate calculated on 14 July 2009).
- b) Approx \$243,593 for Section 64 head works charges, including water supply, water service fee and sewerage (09/10 Charges).

These credits have the potential to have a negative impact on future budgets due to a reduced level of income and the need to provide the services without receiving a contribution.

Purpose of the Report: To update Council on the:

1. Minister for Planning's direction following review of Councils 1993 Contribution Plan;
2. Matters for further consideration which are noted in the Minister for Planning's Media Release of 13 July 2009;
3. Proposed new Shoalhaven Contribution Plan 2010 which will supersede the 1993 Contribution Plan; and
4. Status of "other" Contributions Plans.

RECOMMENDED that

- a) **Council endorse the proposed format of the Shoalhaven Contribution Plan 2010 to be based on Planning Areas.**
- b) **Council write to the Minister for Planning and seek provision of outstanding information requested from the Department of Planning as a matter of urgency as this could impact on Council's ability to meet the 30 December 2009 deadline to make the plan publicly available, including on Council's website.**
- c) **Council be updated on the progress of the Shoalhaven Contribution Plan 2010 on a regular basis.**

Options:

Council may choose to:

- a) Endorse the recommendations as detailed in this report; or
- b) Seek amendments to the recommendations as detailed in this report; or
- c) Not endorse the recommendations as detailed in this report.

Details/Issue:

Background

Council at its meeting of 14 April 2009 (MIN 09.422) resolved that:

- a) *The report on the status of Contributions Planning be received for information;*
- b) *A Councillor Briefing and further report to Council be made after the Department of Planning's Practice Notes for Local Contributions Plans have been published; and*
- c) *Priority in Contributions Planning be given to Contributions Plan Amendments already resolved by Council and the preparation of the new Contributions Plan as required by changes to legislation.*

Council at its meeting of 9 June 2009 (MIN 09.719) resolved in part that:

- b) *Council incorporate the amended Policies (Payment of Development Contributions by Instalments & Voluntary Planning Agreements) in its new Contributions Plan; and*
- c) *Council consider the inclusion of a reduction in Development Contributions for Seniors Living Developments in its new Contributions Plan.*

The reports pertaining to the above resolutions are provided as in the Councillor's Information Folder.

Issues

Information requested by Department of Planning

Since the resolution of 14 April 2009, Council staff have met with Department of Planning (Department) Staff and the Local Contributions Review Panel in response to the introduction of a \$20,000 development contributions threshold for residential properties. As indicated in Attachment A, Council provided a submission to the Department that highlights 37 road projects which result in Development Contributions exceeding the \$20,000 threshold, of which 19 of these roads projects alone exceed the threshold.

- # As detailed in Attachment A, the 37 road projects that result in Development Contributions exceeding the \$20,000 threshold are considered "Rural Residential" roads. The higher than normal development contribution is associated with a small number of lots contributing to often a large proportion of road sealing works. For most road projects in the Shoalhaven, contributions are typically significantly less than the amounts shown in Attachment B.
- # In response to reviewing the submission put forward by Council for the road projects, the Department has taken the opportunity to review Council's 1993 Contribution Plan. In response to this review, the Local Contributions Review Panel – Summary Assessment Report (see Attachment B), raised the following matters for consideration:
 1. *The request submitted by Council appears reasonable in relation to the 37 areas identified.*
 2. *The review of information provided by Council has highlighted the urgent need for Council to undertake a holistic review the Plan to ensure relevance, reasonableness and transparency. This review should be undertaken immediately by Council.*
 3. *This review should be completed by the 31 December 2009, with regular reports to and oversight by the Department of Planning.*

Information requested from the Department of Planning

Through supplying the above information, Council staff have requested information on the following points to assist in the development of a new Contribution Plan (Shoalhaven Contribution Plan 2010):

1. Confirmation on what are reasonable assumptions for 'Local' and 'District' community facility demand areas for the Shoalhaven. Council staff have proposed the following definitions of community facility demand areas:
 - Local community facility demand area = Single Planning Area.
 - District community facility demand area = 2 or more Planning Areas.

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2. Supply of information used to assist the Local Contributions Review Panel to benchmark various Councils; i.e. "Assessment Criteria Proforma" and "Indicative population thresholds for community facility provision".
 3. Confirmation of the Department's level of assistance that could be provided in developing a new Plan. Further to this, Council requires assistance to clarify the implications of recent changes to the Environmental Planning & Assessment Act for development contributions and what can be expected in the pending Regulation.

At the time of writing this report, Council staff had not yet received the above Information.

Minister for Planning's direction following review of the 1993 Contribution Plan

Upon reviewing Councils 1993 Contribution Plan, the Minister of Planning (Minister) has provided the following direction to Council:

The Existing Direction (direction under section 94E of the Act - \$20,000 threshold for residential properties) ceases to apply to a Development Consent in respect of Residential Development on the Shoalhaven Land requiring Monetary Contributions imposed under any Contributions in force at the date of this Direction.

Notes attached to this direction state:

Notes:

1. This Direction may be revoked or substituted at any time by the making of a further direction under s94E of the Act.
2. The Council is to undertake a review of the Shoalhaven Contributions Plan. The review, and any necessary amendment of the Plan consequent upon that review, is to be completed by the end of 2009 and monthly progress reports are to be provided to the Department of Planning pending completion of the review. The review, amongst other things, is to:
 - a) assess the standard of roads servicing rural residential areas to determine whether a lesser standard is possible having regard to market viability, including consideration of the cost of different standards of roads and the consequent impact on the viability of development in the rural residential areas;
 - b) address the pooling of funds for road projects in the rural residential areas having regard to the dispersed pattern of settlement; and
 - c) produce an amended Contributions Plan that is clear and concise, and is publicly available, including on the Council's webpage."

A copy of the Minister's letter to Council detailing this information is provided as Attachment C.

Based on this direction and previous feedback from the Department, Council staff have continued reviewing the 1993 Contribution Plan to meet the end of 2009 deadline. However, the notes in the Minister's Direction to Council detail the review must be "publicly available, including on Council's website" by the end of 2009. Such a requirement does not adequately consider the timeframe for the review period, Councillor

briefing/reports, public exhibition and Department feedback. It is therefore recommended that this requirement be raised with Department staff and in a response letter to the Minister. It is anticipated that Council staff will meet Department staff prior to this Development Committee meeting and if so, a verbal update will be provided at this meeting.

In addition to the above, Council was commended on the operation of the 1993 Contribution Plan and the spatial nexus and of the contribution project works.

Minister's Media Release of 13 July 2009

In addition to providing the above direction to Council, the Minister has provided a Media Release on 13 July 2009 (copy in Councillor's Information Folder) detailing broad findings of the final review of contribution plans submitted to the Department.

Whilst this media release does not provide any additional specific information related to the Shoalhaven, it does note some possible issues to be considered in the new Plan (Shoalhaven Contributions Plan 2010). These issues refer specifically to:

- Levying Contributions associated with library books, bushfire facilities and mobile library services which Council currently does require contributions but has however, not been mentioned in the Shoalhaven City Council review (i.e. feedback to Wollondilly Shire Council).
- Sufficient justification for continued levying to repay loans (i.e. feedback to Tweed Shire Council - could affect Shoalhaven Entertainment Centre)

Additional issues for consideration

Upon the Department reviewing the first round of local contribution plans (Council reviewed in the second round), the Minister circulated a media release (Copy in Councillor's Information Folder). As detailed in this media release, the Minister has made the following key statements that will affect Council's current 1993 Contribution Plan:

"... larger items such as council administration buildings through S94 levy plans, as opposed to other revenue streams, needs to be justified through business planning principles."

Currently, Council does not include business planning in its Contribution Plan for facilities that may be deemed "District", for example:

- Shoalhaven Entertainment Centre
- Shoalhaven Fire Control Centre
- Northern Shoalhaven Leisure Centre (proposed future project)
- Northern Shoalhaven Indoor Sports Stadium (proposed future project)

In addition to these projects, other projects that may be deemed as "district" projects (i.e. cover 2 or more Planning Areas and pending advice from the Department) and therefore need to be justified through business planning principles are:

- Fire Protection Services
- Shoalhaven Mobile Children's Services
- Shoalhaven City Library extensions

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- Shoalhaven City Arts Centre
 - Shoalhaven Multimedia & Musical Centre
 - Shoalhaven District Integrated Children's Services
 - Shoalhaven District Community Transport & Family Support Services

Proposed format of the Shoalhaven Contribution Plan 2010

Council staff have commenced finalising the format of the Shoalhaven Contribution Plan 2010 which will replace the 1993 Contribution Plan.

The Shoalhaven Contribution Plan 2010 is intended to be based on Planning Areas, unlike the 1993 Contribution Plan which aligned per project (i.e. all roads projects, active open space, community facilities, etc detailed in separate chapters). It is proposed that this format will be more relevant to users of the document.

To assist in making the document more accessible, the Shoalhaven Contribution Plan 2010 will be available on Council's internet site in both a property inquiry system and a stand alone document. The property inquiry system will allow development contributions for a property to be estimated by a potential developer. These estimates would then be finalised upon lodgement of a development application. It is also proposed that the Plan will also be made available in CD format only, due to the size of the document and to minimise printing requirements.

Development of the Shoalhaven Contribution Plan 2010 will require use of both Council and external resources to create a web based property inquiry system. This will involve data entry and remapping from the 1993 Contribution Plan and peer review of the Shoalhaven Contribution Plan 2010.

To guide the development of the Shoalhaven Contribution Plan 2010 a Steering Group from key areas of Council who will benefit or rely on the new Plan have been engaged, including staff from Planning, Development Assessment and Finance. In addition to Council staff assessment, the Shoalhaven Contribution Plan 2010 will also progressively peer reviewed by a suitably qualified consultant. It is also proposed that any significant changes to the operation of the 1993 Contribution Plan will be progressively reported to Council.

Status of "other" Contributions Plans

In addition to the above resourcing, Council staff are in the process of exhibiting the following draft Contributions Plans for inclusion into the Shoalhaven Contribution Plan 2010:

4. Draft Huskisson Town Centre Contribution Plan
5. Draft Ulladulla Town Centre Contribution Plan
6. Draft Amendments No. 77.2 & 77.4 – Planning Area 2 & 4 Roads

Council staff are also reviewing the following existing elements of the 1993 Contribution Plan, which have not been reviewed since the Plan commenced, for either public exhibition prior to or inclusion in, the Shoalhaven Contribution Plan 2010:

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- I. Planning Area 3 Roads
 - II. Active Open Space
 - III. Various existing contribution projects for car parks
 - IV. Various existing contribution projects for drainage

As highlighted in this report, due to the resourcing requirement to meet the review deadline of the end of 2009, there is little opportunity at this stage to consider new projects for inclusion in the Shoalhaven Contribution Plan 2010. Therefore future amendments will be made to the Shoalhaven Contribution Plan 2010 to include new projects.

Economic, Social & Environmental (ESD) Consideration:

Development of the Shoalhaven Contribution Plan 2010 will involve best practice industry standards which include making the Plan available on the internet and on CD format to minimise the need for printing hard copy documents.

Financial Considerations:

Both the 1993 Contribution Plan and proposed Shoalhaven Contribution Plan 2010 will allow Council to collect Development Contributions to assist in the funding of key community infrastructure within the Shoalhaven Local Government Area. It is proposed that the Shoalhaven Contribution Plan 2010 will provide a 'schedule of works' which Council will be able to collect contributions and detail the Council funding required to match Development Contributions.

6. Status of outstanding Council resolutions for Contributions Plan amendments

File 39338

Purpose of the Report: To update Council on the status of outstanding Council resolutions for Contributions Plan amendments.

RECOMMENDED that:

- a) Council rescind the following past resolutions (reference in brackets indicates 1993 Amendment Number in attached summary document) for Contributions Plan amendments which are no longer required, attachment "A" – (a) :
 - i) MIN94.2956 (S94-CP019)
 - ii) MIN95.2796 (S94-CP031)
 - iii) MIN96.1760 (S94-CP042)
 - iv) MIN98.1177 (S94-CP050)
 - v) MIN00.1434 (S94-CP057)
 - vi) MIN00.1673 (S94-CP059)
 - vii) MIN03.1618E (S94-CP082)
 - viii) MIN03.1671 (S94-CP083)

ix) MIN07.1524 (S94-CP098)

- b) Council consider the remaining outstanding Council resolutions for Contributions Plan amendments following adoption of the Shoalhaven Contributions Plan 2010, attachment “A” – (b).**

Options:

Council may choose to:

- a) Endorse the recommendation as detailed in this report; or
- b) Seek amendments to the recommendation as detailed in this report; or
- c) Not endorse the recommendation as detailed to date in this report.

Details/Issue:

Background

Since the commencement of the 1993 Contribution Plan, Council has resolved to undertake numerous amendments to this Plan. To date a number of Council resolutions for Contributions Plan amendments are outstanding for various reasons.

Issues

- # Detailed in the attached summary document (Attachment A) are the outstanding Council resolutions for Contributions Plan amendments with a brief description why the resolution is outstanding. As a result of some past resolutions no longer being required, it is recommended that Council rescind these corresponding resolutions.

Where resolutions remain active and appropriate, they will be considered for inclusion into the new Shoalhaven Contribution Plan 2010 or as a subsequent amendment.

Economic, Social & Environmental (ESD) Consideration:

This report is considered to have no Economic, Social and Environmental (ESD) considerations due to a resolution being no longer required for consideration for inclusion into the Shoalhaven Contribution Plan 2010.

Financial Considerations:

Amendments to both the 1993 Contribution Plan and proposed Shoalhaven Contribution Plan 2010 will allow council to collect Development Contributions to assist in the funding of key community infrastructure within the Shoalhaven Local Government Area. It is proposed that the Shoalhaven Contribution Plan 2010 will provide a ‘schedule of works’ which Council will be able to collect contributions and detail the Council funding required to match Development Contributions.

E J Royston

DIRECTOR, STRATEGIC PLANNING & INFRASTRUCTURE

R D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 4 AUGUST 2009

DEVELOPMENT AND ENVIRONMENTAL SERVICES

7. New Food Handler Training Initiative for Retail Food Businesses **File 7467-05**

PURPOSE OF THE REPORT:

Council has received a communiqué from the NSW Food Authority regarding a new food handler training initiative. This initiative will require certain food businesses in NSW to designate a 'Food Safety Supervisor'. This person will be required to receive accredited training in safe food handling. This new initiative will help safeguard NSW consumers from food borne illnesses.

SUBMITTED for information.

DETAILS/ISSUE:

The scope of the initiative will cover hospitality businesses such as restaurants, cafes, take-away shops, caterers, bakeries, clubs, hotels and certain retail activities.

The minimum training requirements for the purposes of Food Safety Supervisor training in NSW will be linked to nationally recognised units of competency that exist within the Vocational Education Training (VET) system. Recognition of prior learning is also built into this system.

Registered Training Organisations will deliver the training and/or conduct assessments to issue nationally recognised qualifications in accordance with the Australian Quality Training Framework.

The training will align with training requirements in Victoria and Queensland. The NSW Food Authority has also involved representatives from retail food industry associations in the development of this initiative and is continuing consultation with key stakeholders.

It is anticipated that the new requirements will commence in early 2010. Businesses will be given adequate time to undergo relevant training once the start date of proposed Regulation is announced.

At the time of preparing this report, information had been sought from the NSW Food Authority on responsibility for organising/auditing compliance with this new requirement.

ECONOMIC, SOCIAL AND ENVIRONMENTAL (ESD) CONSIDERATION:

This meets the ESD principle of improving Public Health and Safety objectives.

FINANCIAL CONSIDERATIONS:

There are no financial considerations.

8. Food Regulation Partnership - Enforcement Activities of Council for the Second Six Monthly Reporting Period from 1 January 2009 to 30 June 2009. File 7467-05

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council that the second six monthly report to the NSW Food Authority has been submitted as part of the Food Regulation Partnership for the period 1 January 2009 to the 30 June 2009.

SUBMITTED for information.

DETAILS/ISSUE:

Background

The Shoalhaven City Council LGA has a total of 885 food premises. Of these 491 have been prioritised as high risk, 137 are medium risk and 257 are low risk food premises. High risk premises require 2 or 3 primary inspections per year while medium and low risk premises receive one inspection per year.

Results of Council's inspections

For the second reporting period from the 1 January 2009 to the 30 June 2009 under the NSW Food Regulation Partnership 555 premises were inspected. Of these inspections 440 (79%) complied with all Critical Food Handling Practices.

Of the remaining 115 food premises (21%) that did not comply, upon re-inspection 77 premises (67%) were subsequently found to be compliant with all Critical Food Handling Practices. Further regulatory action was taken against the other 38 premises. This action included the issue of warning letters, Penalty Infringement Notices, Improvement Notices and Prohibition Orders.

Other Related Issues

During the reporting period, Council received 29 complaints concerning food premises. The majority of these complaints related to general food hygiene, food handling and incidents where foreign matter was found in food.

Council's enforcement action during this period resulted in 156 warning letters, 6 Improvement Notices, 2 Prohibition Orders and 5 Penalty Infringement Notices being issued. There were no food seizures or court prosecutions during this period.

With regard to food handler education programs and other services provided, Council delivered the following:

- the introduction of the new "I'm Alert" interactive on-line food safety training. To date this program has resulted in over 200 food handlers completing the training;
- on-site technical advice, support and training during daily inspections;
- free food handler training for the food business at their premises; and
- free food handler training to community groups and non-profit (charitable) organisations.
- participation in surveys conducted by the NSW Food Authority;
- distribution of food hygiene literature including hand washing and temperature control posters as well as fridge thermometers;
- issuing of Media Releases targeting various food handling issues; and
- distribution of the 2 Autumn edition of Council's "Food News" newsletter to all food premises.

ECONOMIC, SOCIAL & ENVIRONMENTAL (ESD) CONSIDERATION:

Council's Food Surveillance Program helps to maintain the social integrity and economic viability of our community by providing safer food for consumers. This is achieved through the reduction of foodborne illness from the retail food sector and the associated costs to health care and local businesses when foodborne illness occurs. The program also strengthens the food safety response capacity of Council. The benefits for local business include protection of reputation as suppliers of quality safe food and improved industry performance.

A higher level of confidence in the food sector will provide a significant boost to the wellbeing of the community and maintain the City as a leader in tourism through the protection of reputation as a supplier of food that is both good quality and safe.

The program also provides other environmental health and ESD outcomes by encouraging cleaner business operations, waste minimisation and recycling and incorporates the monitoring non-reticulated water supply and on-site sewage management.

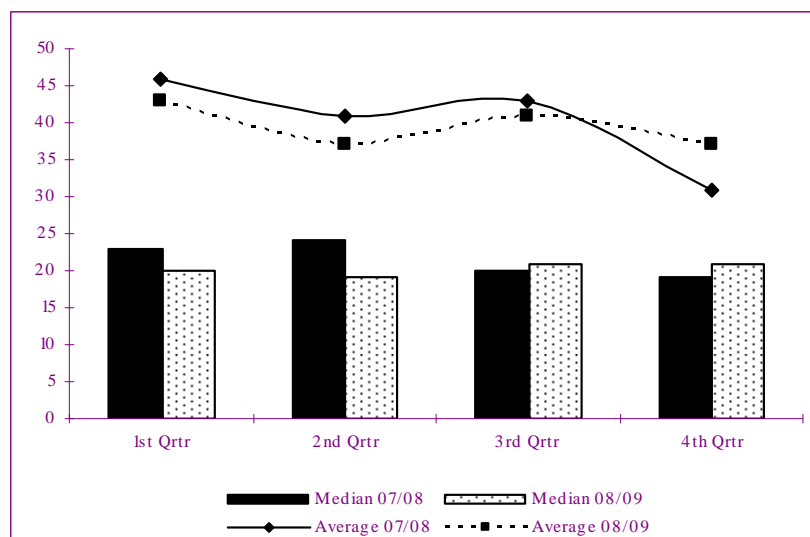
FINANCIAL CONSIDERATIONS:

There are no adverse financial implications for Council in this partnership arrangement, other than the normal resources required to undertake inspections and follow up procedures.

Purpose of the Report:

This supplementary report to the Quarterly Report is provided given the interest in development related matters. It provides a summary of some of the key performance indicators used to monitor Group performance and development activity. The report also contains detail on the status of major applications as well as policy reviews and formulation.

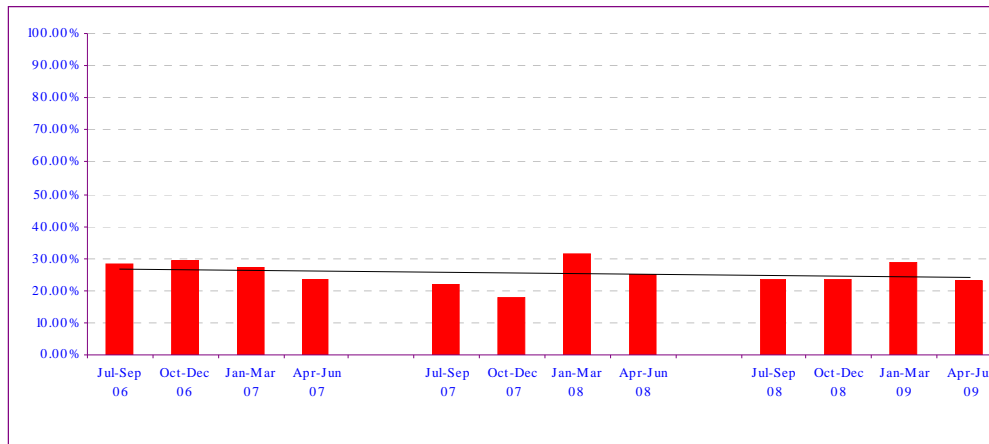
SUBMITTED for information.

DETAILS/ISSUE:**Processing Times Summary - Development Applications**

The median processing figure for this quarter is similar to last quarter and the rest of the year at approximately 21 days. The average processing time has improved slightly on the previous quarter which is pleasing.

While application numbers are down, resources have also been reallocated to other duties. Overall both median and average figures continue to be at sound levels.

Percentage of DAs determined exceeding 40 days



The number of applications exceeding 40 days has reduced from the last quarter which is a significant improvement. Overall the trend line is trending down, albeit only slightly. This represents a reasonable result.

Applications Received and Approved

Period	Received	Determined	Difference
06/07			
Quarter 1	643	654	-11
Quarter 2	497	564	-67
Quarter 3	478	520	-42
Quarter 4	619	536	83
Total 06/07	2237	2274	-37
07/08			
Quarter 1	607	598	9
Quarter 2	574	545	29
Quarter 3	448	476	-28
Quarter 4	517	491	26
Total 07/08	2146	2110	36
08/09			
Quarter 1	482	514	-32
Quarter 2	428	448	-20
Quarter 3	403	361	42
Quarter 4	463	422	41
Total 08/09	1776	1745	31

Development application numbers improved noticeably over the last quarter; reversing a downtrend that had occurred over the preceding four quarters (12 months). This is a pleasing result and may be the first signs of an improvement in the local economy. The number of applications determined also increase by approximately an equivalent amount. There is still some work to do in this area to get the difference back into negative territory.

Undecided Development Applications - ILAPs

These older applications (old system) are now virtually completely resolved with only two still outstanding. These applications invariably involve complex planning issues where policy changes have required detailed consideration and applicants have further submissions to make.

Development Application	Date Lodged	Proposed Development	Property Address	Application Status
DA04/3419	Dec 2002	New dwelling and demolition of existing residence	390 Leebold Hill Rd Red Rocks	Legal advice on a proposed refusal of the application has been obtained and is being considered.

Undecided Development Applications - DARTS

At the time of preparing this report there were 180 applications outstanding for more than 60 days under the DARTS system. This is substantially less than the 260 that were within the system when reporting on the DARTS system commenced. This represents an improvement of approximately 69% in the last 3 years.

Status of Major Development Applications

Southern Area

- **Masterplan Development for 350 Residential and Tourist Units, Maisie Williams Drive Mollymook** - Traffic, water and sewer infrastructure, bushfire and threatened species issues. Notification complete and resident briefing meeting (RBM) held on 22 April. Regional Traffic Committee raised a number of issues and meetings with applicant being arranged to work through these issues. Status of closed road to be determined and finalise assessment of threatened species and bushfire issues. Community submissions open for a further week following RBM. Approximately 23 submissions received. Threatened species issues are causing concern for the applicants with an on-site meeting to be held in the near future to go through all the threatened species issues with their consultants.
- **New Woolworths Supermarket Complex, Boree and South Streets Ulladulla** - Traffic, sewer infrastructure and design issues. Notification complete. Submissions being reviewed to determine issues to be addressed by applicant prior to further assessment. Applicant requested to revise design of Highway elevation to include commercial activation and pedestrian weather protection. Meeting held on traffic issues and further meetings with RTA required to resolve issues of traffic lights and highway vehicular access. Policy report covering DCP 56 issues was submitted to Development Committee on 7 July 2009 that was deferred from consideration at the request of the applicant to enable Woolworths time to assess the viability of an alternate design proposed by local architect Belinda Scott.

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- **Permanent Occupancy Caravan Park, Inyadda Drive, Manyana** - Residents Briefing Meeting held 5 June 2008. Threatened Species and Social Impact issues major concern. Threatened Species Issues resolved. Application refused on social impact issues. Request to review under Section 82A received including amendment to tourist caravan park with no permanent occupancy. Report to May Development Committee for consideration. Council resolved not to review the S82A request on 12 May 2009. Applicant served Council in July 2009 with a Class 1 appeal to the Land and Environment Court. This appeal is against the actual refusal of DA08/1258. The first call over is on 10 August 2009.
 - **High Care Senior Living Development, Bishop Drive, Mollymook** - Deferred Commencement Consent Issued 23 March 2009. A section 96 amendment to the consent is expected to be lodged soon to provide for minor variation to the development however the footprint of the development will be retained.

Northern Area

- **Masterplan Development for Expansion of William Campbell College, Albatross and Gannet Roads, Albatross** - Reported to Council in December 2008. Council resolved to accept proposal as an in nominate use, an acoustical report be submitted prior to determination, confirm consistency with DCP 69 based on 2014 ANEF Forecast, noise mitigation measures to be incorporated in the building design and be certified upon completion and further discussions be held with the Department of Defence and that the application be dealt with under delegated authority. An independent Social Impact Assessment (commissioned by Council) has been prepared, Acoustical Report (prepared by the applicant) has been submitted/assessed and discussions continuing with the Department of Defence. S79C assessment continuing with staff finalising their assessment of the application.
- **29 Unit Mixed Commercial/Residential Complex, Owen Street, Huskisson** - Reported to July Development Committee. Amended submission completed by the applicant addressing design matters and directions of the Committee. Notice of Motion considered by Council on 21 October 2008 - Section 79C Assessment Report and Determination finalised by the granting of 'Deferred Commencement' Development Consent. Alternative development application lodged for a Boutique Hotel/Conference/Dining Facilities and shops. Section 79C for this application complete. Approved 3 July 2009.
- **4 Storey Hotel - Huscorp - Council Precinct, Bridge Road, Nowra** - This application has been withdrawn.
- **New Supermarket Complex, off Island Point Road, St Georges Basin** - Section 79C Assessment and draft development consent has been discussed with developer who is preparing a formal response including a request that some Section 94 Contributions be off-set against works in kind. Report on drainage funding reported to Works and Finance Committee on 21 October 2008. Section 79C Assessment Report and consent issued. Applicant/Developer negotiating s94 Contributions as off-sets against "works-in-kind" - waiting formal submission in support of s96 amendment application.

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- **New Supermarket Complex, Weston Street, Culburra Beach - Section 79C** Assessment being undertaken. Report to be submitted to Council in September/October in relation to Voluntary Planning Agreement proposed by the applicant and variations to Culburra Development Control Plan.

Status of Department of Planning 3A Applications

- **Hotel (MP08_0027) - Four Storey Hotel, Basement Level Car Parking and Associated Landscaping - Scenic Drive, Nowra** - Determined to be a 3A Application on 15 April 2008. Project application submitted 27 May 2008. Key issues and assessment requirements issued 8 July 2008. Director-General's requirements for environmental assessment issued 11 July 2008.
- **Shaolin Tourist Residential Development, Comberton Grange (MP06_0135) - Concept Plan for the Construction of a Mixed Tourist, Residential, Commercial Facility - Comberton Grange Road, Comberton Grange** - Major Project status confirmed and application received 4 June 2008. Key issues and assessment requirements submitted 15 July 2008. Director-General's requirements for environmental assessment issued 16 July 2008, amended and re-issued 11 September 2008.
- **Rural Residential Subdivision (MP07_0015) - Three Lot Rural Residential Subdivision - Garrads Lane, Milton** - Major Project application received 7 May 2007. Council submission forwarded 25 June 2007. Director-General's (DG's) requirements for environmental assessment issued 2 August 2007. The Department has delegated the assessment of the application to Council. The applicant submitted a draft Environmental Assessment to Council which was inadequate. The applicant has been advised by letter on 20 May 2009. A revised draft EA is required for consideration before a decision is made to publically exhibit the proposal.
- **Tourist Development at Goodnight Island and Commercial Development at Greenwell Point Road, Greenwell Point (MP06_0034) - Orama Crescent, Orient Point and Greenwell Point Road, Numbaa** - Major Project application received 30 March 2006. Council submission forwarded 8 May 2006. Director-General's requirements for environmental assessment issued. Public exhibition of environmental assessment 21 July 2008 to 19 August 2008. Council submission forwarded 16 September 2008. Proponent is currently preparing a response to submissions to the Department of Planning.
- **Residential and Tourist Development (MP07_0126) - Low and Medium Density Residential Development, expansion of the existing 9-Hole Golf Course to 18 holes, including ancillary structures, upgrading of existing course and a new clubhouse, tourist development, open space and ancillary infrastructure and dedicated conservation areas - Badgee Lagoon, Sussex Inlet** - Application submitted 28 August 2007. Application pending rezoning. Director-General's requirements issued 20 February 2008.
- **170 Lot Residential Subdivision (MP05_0024) - Highview Drive, Dolphin Point** - Director-General's requirements issued 11 February 2006, environmental assessment exhibited 11 October - 30 November 2007. Council comment on environmental assessment submitted 4 April 2008. Proponents preferred project report issued. Council's responses to the PDR submitted 17 December 2008. Project currently being assessed by the Department of Planning.

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- **Nowra Brickworks Quarry (P07_0123) - Princes Highway South Nowra (Council File 3A08/1001)** - Environmental Assessment (EA) exhibited from 27 February to 30 March 2009. Council submission on EA submitted. Proposal is currently being assessed by the Department.
 - **Mixed Commercial and Residential Development (MP08_0201) - 23-27 Wason Street, Ulladulla (Council file 3A09/1002)** - Council submission on key issues submitted. Director-General's requirements issued 29 March 2009.
 - **27 Lot Subdivision (MP06_0003) - Murramarang Road (cnr Forster drive), Bawley Point (Council File 3A09/1002)** - Council submission on key issues submitted. Director-General's requirements issued 9 April 2009.
 - **200 Lot Subdivision (MP09_0056) - Lot 1 DP1021332, George Evans Drive, Mundamia (Council File 3A09/1004)** - Council land as part of the Mundamia Masterplan growth area, north of the University campus. Council submission on key issues submitted. Director-General's requirements issued 13 April 2009.
 - **380 Lot Residential Subdivision (MP08_0141) - Jonsson and George Evans Roads, Mundamia, West Nowra** - Part of the Mundamia Masterplan growth area, north of the University campus. Council submission on key issues submitted. Director-General's requirements issued 17 October 2008.

3A Applications Approved

- **Vincentia Coastal Village (MP06_0060 and MP06_0058) - Residential and Commercial Development - The Wool Road and Naval College Road, Vincentia** - Concept and staged approval on 25 January 2007. Modification No 1 approved 8 October 2007, modification No 2 approved 9 July 2008, modification No 3 approved 6 February 2009, modification No 4 approved 13 February 2009 and modification No 5 approved 20 April 2009.
- **Bayswood Retirement Living Village, Vincentia (MP08_0096)** - Comprising: 166 Predominantly Single-Storey (attached and detached) Dwellings on a Single Lot with 18 Dwellings in a Two-Storey Scale Building with Basement Car Parking; a Village Centre comprising 'resident only' facilities and associated works - Corner of Jervis Bay Road (Naval College Road) and The Wool Road, Vincentia - Approved 28 January 2009.
- **Vincentia District Town Centre (MP06_0205) - Discount Department Store, Supermarket, Medical Centre, Childcare Centre, Restaurants and Speciality Retail** - Proposal includes car parking, loading bays, landscaping, public open space and associated services and infrastructure - Corner of The Wool Road and Naval College Road, Vincentia - Stage 1 approved 7 January 2009.
- **Additions to Existing Caravan Park (MP05_0141) - 20 Additional Short Term Sites and 90 Additional Camp Sites, Kioloa Beach Holiday Park - Murramarang Road, Kioloa** - Approval issued 8 April 2009.
- **Expansion of Ethanol Production (MP06_0228) - Upgrade of Ethanol Production, reduction of odour and waste water treatment measures for existing and proposed operations at Shoalhaven Starches Factory - Bolong Road, Bomaderry** - Approval issued 28 January 2009.

Policy Formulation and Review

The following policy and procedures have formed part of our current work program from 1 April to 30 June 2009.

- Review of DCP 57 (Dual Occupancy) - Councillor Briefing held in December 2008, in conjunction with DCP 100 (Subdivision). Reported to March 2009 Development Committee. Referred for a Stakeholders Meeting 16 July and a further Councillor Briefing on 20 July 2009. To report to September Development Committee for adoption.
- Huskisson Business 3(g) zoned land - DCP 99 to be reviewed to cover all 3(g) zoned land in Huskisson and to include the Ruker Urban Design Strategy for the subject area. DCP 99 and associated Contributions Plan affecting rear service lanes within the subject area currently being concurrently prepared.
- NSW Planning Reforms:
 - Submission made to DoP in June 2009 on Local Variations and Local Exclusions as part of the NSW Planning Reform Complying Development standards.
 - E-Housing Code Pilot Project - To participate.
 - Joint Regional Planning Panel (JRPP) commenced 1 July 2009. Necessary reporting provided to Council and preparations commenced to make necessary changes to Council's Community Consultation Policy, pre-lodgement requirements, DARTS and other DES internal systems.
 - Changes to Part 4 of the *EP&A Act 1979* – On stand-by to receive and make relevant changes affecting internal DES systems when legislation comes into force.
- DCP 91 (Amendment No 1) - Adopted 9 June 2009.
- Policy for Subdivisions, Rural Dwellings and Tourist Facilities - Leebold Hill Road - Amendments adopted 9 June 2009.
- DCP for Areas of Coastal Hazards - Initial draft finalised December 2008. To improve and update draft document in conjunction with Council's position on Sea Level Rise benchmarks as defined by the NSW Government Draft Sea Level Rise Policy Statement. On-going discussions with Strategic Planning and Infrastructure Group on further details, to correspond with draft SLEP 2009.
- Draft DCP 120 - Commercial Use of Footpaths - Draft DCP prepared and placed on public exhibition between 24 June and 24 July 2009, with further extension until 21 August 2009.
- Adult Shops Policy - Amendments adopted 14 April 2009.
- Update of Protocol on the Implementation of the *Native Vegetation Act 2003* between Shoalhaven City Council and Southern Rivers Catchment Management Authority - to be finalised in conjunction with proposed amendments to Native Vegetation Act.
- Operation of Markets Policy - Review commenced and amendments drafted, to be publicly exhibited and completed by next quarter.
- Draft NSW Telecommunications Facilities Code Including Broadband – reported to Council in July for submission to be made.

CONCLUSION:

Overall, there has been an increase in the number of Development Applications this quarter, which is the first increase for 12 months and as such is a positive sign. While turnaround figures remain at sound levels we need to ensure that adequate resources are applied to application assessment so that the number of applications in the system continue to decrease. The policy area continues to produce a high volume of output and a wide range of policy issues.

Tim Fletcher

DIRECTOR, DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER