

The Policy was originally drafted following Council's resolution of 3 May 1988 with a minimum front building setback of 30 metres being adopted for all lots within Deposited Plan (DP) 8082, Tasman Park Estate, to reduce the incidence of dust nuisance.

Further, on 23 February 2004, Council resolved that for Residential 2(c) zoned lots fronting The Wool Road, St Georges Basin that a 10 metre building line be adopted as an interim measure pending the completion of the Development Control Plan (DCP) process.

A separate Council resolution on the 23 February 2004 reaffirmed the combination of the two (2) resolutions above into the one (1) Policy (currently in force), as an interim measure until such time that DCP 75 could be completed. DCP 75 has not progressed to any draft documentation.

The intent of the Tasman Park Estate Policy is to reduce the incidence of dust nuisance associated with dwellings adjacent to unused roads, however, most of the roads bounding the area subject to the Policy have now been sealed including a later subdivision serviced by a cul-de-sac, known as Tasman Park Close. The only remaining properties within the Tasman Park Estate having unsealed road is a stretch of approximately 270m along The Wool Road adjacent to five (5) properties zoned Residential 2(c).

DCP 91 - Single Dwelling and Ancillary Structures which was subsequently adopted by Council on 25 June 2007, provides Acceptable Solutions for setback and front building lines for rural residential locations and rural zoned lots and is consistent with setback provisions within DCP100 - Subdivision Code (adopted by Council on 18 December 2001). The acceptable solution for front building lines for rural residential locations and rural zones, within DCP 91 states:

"In rural residential locations and rural zones, for lots up to 4000m², a minimum front building line of 12.5m is provided, for lots 4000m² and above, a minimum front building line of 20m is provided, and a front building of 30m for larger than 1ha. The setback to a secondary street frontage is 50% of the required front setback."

The provisions within DCP 91 effectively supersede the subject Policy and adequately covers the provisions for front building lines for both the area zoned Rural 1(d) and the Residential 2(c) of the Tasman Park Estate policy.

Given the adoption of DCP 91, it is recommended that the Policy for Building Lines - Tasman Park Estate (DP 8082) be rescinded.

2. Termite Protection Policy - (File 8397-02, POL08/197)

This Policy was originally adopted in 1995 with subsequent amendments in 1996. The Policy set out criteria for termite protection for new building construction within the Shoalhaven Local Government Area. Requirements for termite protection is already covered in the Building Code of Australia (BCA), furthermore the requirements within this Policy are considered more onerous than those of the BCA.

Given the requirements of the BCA are adequate to address this issue, it is recommended that the Termite Protection Policy be rescinded.

3. Determination of Development Applications - Draft Policies and Development Control Plans (File 5297, POL08/175)

This policy was originally adopted in 1997. The Policy provides that draft Policies and draft Development Control Plans will not be applied in the assessment and determination of development applications.

Section 79C of the *Environmental Planning and Assessment (EP & A) Act 1979* already provides that the consent authority take into consideration matters that are of relevance to a Development Application (DA), among others, any environmental planning instrument (Local Environmental Plans (LEP), State Environmental Planning Policies (SEPP) and Regional Environmental Plans (REP)), any draft environmental planning instrument and any adopted DCP that apply to the land subject of the DA.

While the intention of the Policy is understandable, it is adequately addressed through the provisions of Section 79(c) and to this extent could be misleading for DA applicants or the community because the Policy implies that Council has the discretion to consider a draft DCP or policy.

It is recommended that the Policy for Development Applications - Determination - Draft Policies and Development Control Plans be rescinded.

4. Dual Occupancy Development - Subdivision Restriction (File 15164, POL08/176)

This Policy was originally introduced as an interim policy statement as a result of Council resolution in March 2005 following the repeal of SEPP No 25 - Residential Allotment Sizes - Dual Occupancy Subdivision in 1997. This Policy articulates Council's position on dual occupancy developments. Specifically, this Policy provides that dual occupancy applications be assessed under the provisions of DCP 57 and that Council not support any variation to the Subdivision Code to allow the subdivision of dual occupancy development.

Planning Policy No 5 currently provides for subdivision of Dual Occupancy in certain situations, this policy is inconsistent with the subject policy. Note that work is also currently being undertaken to review DCPs 57 (Dual Occupancy) and 100 (Subdivision). In that regard, it is recommended that this Policy be rescinded.

5. Crematoriums in Funeral Parlours (File 31533, POL08/172)

This Policy was first introduced in 1990 to articulate that a crematorium is not ancillary or an integral part of a funeral parlour and as such if a crematorium is proposed then a DA for the specific purpose is required to be lodged and assessed accordingly.

At present there are four (4) funeral parlours in the Shoalhaven LGA, two (2) of which are located within Business 3(b) - Transitional Zone, one (1) on Business 3(d) - Commercial Zone and the other on Residential 2(a1) - Residential A1 Zone, under the current Shoalhaven Local Environmental Plan (SLEP) 1985.

Council's draft SLEP 2009 (which at this time, is with the Department of Planning awaiting a certificate for public exhibition), has in accordance with the standard LEP template, proposed a "B3 Commercial Core" zone for the three (3) funeral parlours

currently within Business zones and an “R2 Low Density Residential” zone for the funeral parlour currently in a Residential zone (its land use will rely on existing use rights).

Under draft SLEP 2009, a number of zones are proposed to allow permissibility of funeral parlours and/ or crematorium with consent. The intention is that crematoriums are deemed to be better suited within zones away from residential areas and are better suited on industrial and rural zoned lands that are not heavily populated. A simple matrix illustrating this is provided in the following table:

Proposed Zones under Draft SLEP 2009	Permissible with Consent	Prohibited
Zone RU1 Primary Production	Crematoria	Funeral parlours
Zone RU2 Rural Landscape	Crematoria, Funeral chapels (in conjunction with a crematorium), Funeral homes (in conjunction with a crematorium)	-
Zone RU5 Village	Funeral chapels, Funeral homes	Crematorium
Zone B2 Local Centre	Funeral chapels, Funeral homes	Crematorium
Zone B3 Commercial Core	Funeral chapels, Funeral homes	Crematorium
Zone B4 Mixed Use	Crematoria, Funeral chapels, Funeral homes	-
Zone B5 Business Development	Crematoria, Funeral chapels, Funeral homes	-
Zone B7 Business Park	Crematoria, Funeral chapels, Funeral homes	-
Zone IN1 General Industrial	Crematoria	Funeral chapels, Funeral homes

Given that the subject Policy is consistent with the proposed permissibility with consent of funeral parlours and crematoriums under the Draft SLEP 2009, it is recommended that this Policy be reaffirmed until such time that SLEP 2009 is gazetted (as currently drafted), upon which the Policy should automatically be rescinded.

6. Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups (File 23618, POL08/178)

This Policy has been in place for a number of years. The Policy aims to exempt certain organisations from the payment of fees associated with DA and provides certain criteria for the exemption.

Through this policy review process, it is recommended that this Policy be reaffirmed subject to minor changes being made to its “Purpose”, which does not change the intent of the Policy but rather makes for greater clarification:

- Replace the contents of Clause 1 - Purpose - with:
“This policy exempts certain organisations from the payment of fees associated with Development Applications subject to certain exemption criteria.”

7. Private Burial Grounds (File 31509, POL08/189)

This Policy originated from a Council resolution in 1997. The Policy provides criteria which allows for private burial grounds on private lands in the Shoalhaven. It is recommended that the Policy be reaffirmed.

8. Verons Estate - Sussex Inlet (File 1422-03 , POL08/198)

This Policy originated from a Council resolution in 1999. The Policy aims to permit low-scale, non-residential development that is ancillary to the rural use of properties pending resolution of zoning and road construction issues at the Verons Estate, Sussex Inlet. It is recommended that the Policy be reaffirmed subject to two (2) updates being made, as follows:

- update Clause 3.3 to be consistent with legislation; i.e. 8-part test should now read 7-part test in accordance with Section 5A of the *EP & A Act 1979*; and
- delete Clause 3.7 given that Council had resolved in part on 20 September 2005 that it acknowledges that the roads within the Verons Estate at Sussex Inlet constituted in DP 9897 are public roads (Min05.1251)¹

9. Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent (File 23139, POL08/188)

This Policy originated from a Council resolution in 2005. The Policy provides protection of native fauna in areas of sensitive environmental locations whilst respecting the rights of civil liberties of those in the community who find health benefits and comfort in the responsible caring of companion animals. It is recommended that the Policy be reaffirmed.

10. Parking of Caravans for Commercial or Community Activities - (File 17432, POL08/187)

This Policy originated from a Council resolution in 1996. The Policy provides guidelines on the parking of caravans (and similar types of vehicles) on public roads for the purposes of carrying out commercial and community activities. It is recommended that the Policy be reaffirmed.

ECONOMIC, SOCIAL & ENVIRONMENTAL (ESD) CONSIDERATION:

ESD considerations are addressed within each individual policy document.

FINANCIAL CONSIDERATIONS:

Not applicable in the context of this report

OPTIONS:

Council may:

- 1) Resolve to adopt the recommendation(s) in the report;

- 2) Resolve to make amendments to individual policies and specify such amendments;
or
- 3) Resolve to require a further report or briefing on all or particular policies.

RECOMMENDED that in accordance with this report:

- a) **Council rescind the following policies:**
 - Tasman Park Estate (DP 8082) - Building Lines (File 5266, POL8/196);
 - Termite Protection Policy - (File 8397-02, POL08/197);
 - Determination of Development Applications - Draft Policies and Development Control Plans (File 5297, POL08/175); and
 - Dual Occupancy Development - Subdivision Restriction (File 15164, POL08/176).
- b) **Council reaffirm the following policies, subject to certain minor updates being made for consistency purposes (as attached), as described in this report :**
 - Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups (File 23618, POL08/178); and
 - Verons Estate - Sussex Inlet (File 1422-03 , POL08/198).
- c) **Council reaffirm the Crematoriums in Funeral Parlours Policy (File 31533, POL08/172) until such time that SLEP 2009 is gazetted, upon which this policy will be automatically rescinded; and**
- d) **Council reaffirm the following policies:**
 - Private Burial Grounds (File 31509, POL08/189);
 - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent (File 23139, POL08/188); and
 - Parking of Caravans for Commercial or Community Activities - (File 17432, POL08/187).

Tim Fletcher
DIRECTOR, DEVELOPMENT AND ENVIRONMENTAL SERVICES

John Gould
ACTING GENERAL MANAGER

ATTACHMENT 'A'

CONSENT CONDITIONS for the TERARA RURAL INDUSTRY DEVELOPMENT

General

1. This consent relates to Construction of a Single Storey Building for use as a Rural Industry involving the Handling, Treating, Processing and Packaging of Primary Produce for Distribution Off-Site, and the provision of On-Site Car Parking and Loading Area as illustrated on the following plans

- Sheet No. A01 Site Plan at 1:500 prepared by AM Design and Revised 24-Sep-2008;
- Sheet No. A02 Floor Plan at 1:100 prepared by AM Design and Revised 24-Sep-2008;
- Sheet No. A03 Elevations at 1:100 prepared by AM Design and Revised 24-Sep-2008;

specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

Occupation of Development

2. The development must not be occupied until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Use of Premises

3. In accordance with the provisions of Shoalhaven Local Environmental Plan 1985, the Rural Industrial Shed must not be used for any habitable purposes for the life of the development.

Notice of Commencement

4. Notice must be given to Council at least two (2) days **prior to the commencement of building work.**

Builders' Toilet

5. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Construction Certificate

6. A Construction Certificate must be obtained from either Council or an Accredited Certifier **before any building work can commence**.

Implementation of Sedimentation and Erosion Controls

7. The relevant sedimentation and erosion controls required by this consent must be implemented prior to commencement of any work and maintained until the work is completed and the site stabilised.

Backflow Prevention

8. A cross connection and backflow prevention survey must be conducted for the proposed development in accordance with the National Plumbing and Drainage Code AS 3500. This survey shall be performed by a licensed plumber or other person authorised to conduct a survey for cross connection and backflow prevention. The written findings of this cross connection and backflow prevention survey must be lodged with Shoalhaven Water. The backflow prevention device must be installed appropriate for the hazard rating.

Waste Minimisation and Management

9. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier **prior to the issue of a Construction Certificate**.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Colour Schedule - Design

10. A schedule of the colour treatment for all elevations must be lodged with Council **prior to the issue of a Construction Certificate**. The proposed colours and materials must blend with the built and/or natural environment. In this regard:
 - (a) Exterior materials (excluding windows and other glazing) are to be non-reflective and of a texture and colour which blend with the existing surroundings;
 - (b) White, light grey or bright colours are not acceptable. The use of one of the darker colours such as Ironstone, Loft, Monument or Woodland Grey is acceptable;

- (c) Metal roofing and wall cladding shall be pre-coloured at the manufacturing stage. Profile material cladding such as Customorb or Miniorb is acceptable;
- (d) Any water tanks shall be painted to match either the roof or walls, or a dark green or brown colour; and
- (e) The roof pitch must be designed to 30° to respond to the heritage aspect of Terara Village.

The colour schedule and roof pitch design may be approved by Council or an Accredited Certifier.

Landscaping

11. The applicant must lodge a revised Landscape Plan with Council **prior to the issue of a Construction Certificate**. The revised plan must be prepared by a practicing, qualified landscape professional and must include the following details:

- (a) Revised planting for the northern, eastern and southern property boundaries such that the plantings are positioned no closer than at 5 metre centres so as to not impede the flow of floodwaters;
- (b) Provision of a shrub screen adjacent to the southern and eastern sides of the proposed building in order to soften its presentation to Terara Road and the Village;
- (c) Number and type of plants;
- (d) A shrub screen shall be established to provide for the privacy of the adjoining dwelling houses;
- (e) The planting of plant species listed on the Weeds Australia NSW weeds list (www.weeds.org.au) is prohibited for the life of the development; and,
- (f) Any new fencing of the property boundaries must be designed and constructed to be collapsible during major flood events. Open post and rail and three strand plain wire fencing need not be collapsible.

The plan may be approved by Council or an Accredited Certifier.

Water and/or Sewer Contributions

12. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and **prior to the issue of an Occupation Certificate**, Subdivision Certificate or Caravan Park Approval, as the case may be.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading “PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE” must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water’s Development Unit on (02) 4429 3111.

Engineering APPROVAL

13. Engineering design plans for all onsite works referred to in this Consent must be submitted to Council or an Accredited Certifier and approved **prior to the issue of a Construction Certificate**. Plans relating to works within the road reserve must be approved by the Council. Standard fees and charges apply and all work must be carried out in accordance with the approved plans.

All design and construction shall be in accordance with DCP 100 – Subdivision Code.

Note: Fees apply to the checking of engineering plans. Contact shall be made with Councils Development Engineer for a fee quote. All fees must be paid upon lodgement of the detailed engineering plans for checking.

Approval REQUIRED for work within the Road Reserve – Section 138 Roads Act

14. Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council for in order to obtain the s.138 approval:
- Pavement design
 - Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA’s manual – “*Traffic Control at Work Sites*”. Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.
 - Insurance details

Stormwater Drainage Design

15. All internal drainage works shall be designed and constructed for a 1 in 10 year recurrence interval.

Flood Affectation

16. The applicant shall ensure that the walls of the shed structure that are designed for failure are sufficiently secure so as not to cause harm downstream.

Flood Emergency Evacuation Plan

17. **Prior to issuing a Construction Certificate**, the applicant shall submit an appropriate consulting Engineer's Report demonstrating that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the State Emergency Services (SES).

In this regard, the Terara village and surrounding area is affected by floods and would be isolated in a 1% AEP flood event, with Terara Road under water to a depth of approximately 1.3 metres.

As a minimum, the following evacuation procedures shall be in place for the operation of the site:

Site Operation

- (a) The use of the subject site involves the employment of some people with disabilities and the site would not be operational in significant rainstorm events.

Evacuation Procedures

- (b) During heavy rains, the site shall not be operational and employees shall be advised not to report to work on such occasions;
- (c) Should heavy rains occur during operation on the site, then employees shall be taken home or to a predetermined safe site;
- (d) Employees shall be advised not to report for work during flood periods; and,
- (e) Alternative premises shall be provided for employees in the event that the site is closed due to heavy rain or flooding.
- (f) To the extent that evacuation of employees is required, such evacuation shall be undertaken in accordance with a specific set of procedures that would be implemented for each individual person to ensure that the particular employee was evacuated to a safe area;
- (g) In the event that a significant flood occurs in the Shoolhaven River, the site shall be evacuated and shall become non-operational when riverbank overflow occurs. Such a measure would ensure that the subject site is evacuated long before the land is inundated and whilst the site is still classified as low hazard.
- (h) Where possible, on-site vehicles shall be relocated before the site is inundated in a 1% AEP flood event.

Primary Evacuation Route

- (i) The first option evacuation route shall be to the west along Terara Road to the flood-free area at Nowra, approximately 1,700 metres from the subject site. This evacuation route is relatively clear and is bitumen sealed with good sight distances.

Secondary Alternative Route

- (j) the subject site may be evacuated along Millbank Road to flood-free land at Greenwell Point Road at a distance of 3,700 metres.

Approval of the Emergency Evacuation Plan

- (k) The Flood Evacuation Plan must be approved prior to commencement of the use of the property.

Building Code of Australia

- 18. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

Road Reserve, Footpath & Gutters

- 19. The kerb, gutter and footpath adjoining the site shall be kept clear of soil, litter and debris.

Soil and Water Management

- 20. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
 - (a) A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area);
 - (b) The fence must be regularly inspected and cleaned out;
 - (c) The fence must be repaired as necessary;
 - (d) All collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA);
 - (e) Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur;
 - (f) All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks;
 - (g) The relevant sedimentation and erosion controls required by this consent must be maintained until the work is completed and the site stabilised.
 - (h) All the above requirements must be implemented to the satisfaction of the Principle Certifying Authority (PCA).

Work Hours

- 21. To limit the impact of the development on adjoining owners, *all* construction and operational work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Weekends or Public Holidays without the further consent of Council.

Waste Minimisation and Management

22. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Colour Schedule

23. The building(s) must be constructed in accordance with the approved schedule of colours and building materials and finishes.

Landscaping

24. All landscaping must be carried out in accordance with the approved Landscape Plan.

Rural Access – Driveway Crossing Pavement

25. a) A bitumen sealed driveway crossing with 200mm minimum compacted pavement thickness shall be constructed 6 metres wide (minimum) at the property boundary and splayed at the pavement edge-line in accordance with Council's Plan SC 263734 (generally in accordance with Type 2 - Fig. D.19 of DCP100). The bitumen driveway crossing shall be constructed from the existing edge of bitumen and extend to the property. Council's Subdivision Manager or his nominee shall inspect and approve the work in accordance with DCP 100.

b) A partial embayment at the Nobblers Lane entrance shall be provided to reduce potential conflict with local traffic.

Driveway and Car Parking

26. The internal driveway and car park shall include the following:

- (a) Car park shall be repositioned to the area adjacent and north of the proposed shed and the driveway extended to a loading area and must be designed in accordance with DCP18. The general car park and driveway layout shall be as shown on a revised Site Plan **to be submitted with the application for a Construction Certificate**;
- (b) A minimum of three constructed car spaces must be provided on site in accordance with the approved Site Plan.
- (c) The internal driveway and car park shall be constructed to an all-weather gravel standard, with a minimum compacted pavement thickness of 200mm. Areas of Driveway traversed by service vehicles shall be designed for expected vehicle loads.
- (d) The internal driveway and car park is to be constructed flush with the existing surface levels so as not to affect the overland flow of stormwater runoff.

- (e) Reliable emergency vehicle access shall be provided that is capable of accommodating Ambulance, State Emergency Services (SES), Fire Brigade, Police and other Emergency Services during a 1% (1:100 year) Annual Exceedance Probability (AEP) flood event.

Discharge of Stormwater

- 27. Stormwater drainage works shall be designed and constructed to comply with the following engineering requirements:
 - (a) The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent stormwater runoff from overland flows or pipe blockages from entering the building or having adverse effect on adjacent property/buildings.
 - (b) Roof water and Stormwater runoff from hardstand areas associated with the proposed building shall be drained to the proposed on-site stormwater re-use tanks. Tanks shall be designed with minimum storage capacity to detain runoff from the 1in 10 year storm event. Overflow from the tank shall be conveyed by pipe-work and discharged to a grassed tail-out drain within the property.
 - (c) All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

Stormwater Collection

- 28. The stormwater from the roof areas shall be collected and stored for re-use within the proposed rural industry and also within the agricultural activities to be undertaken on the site. Stormwater runoff from hard surfaces must be dispersed into drainage swales within the site.

Amenity – Noise

- 29. Noise generated by the activity must not:
 - (a) Exceed 5dBA above the background noise level at the property boundary between the hours of 7am and 6pm (Monday to Saturday); and
 - (b) Be audible at the property boundary between the hours of 6pm and 8am (Monday to Saturday and all day Sunday and Public Holidays).

Fire Extinguisher

- 30. At least one Portable Fire Extinguisher, containing an extinguishing agent suitable for the risk being protected, must be installed within the building in accordance with Part E1.6 & Table E1.6 of the Building Code of Australia Volume One and AS 2444 "Portable Fire Extinguishers - Selection and Location".

Building Component

- 31. The Rural Industry shed building must be constructed of Flood Compatible Materials and in accordance with the recommendations contained in the Report on Structural Conditions for Flooding Incorporating Flood Assessment Report prepared by Geoff McVey Civil Engineer and dated March 2009. Ref. 08061.R.01.wpd. In this regard:

- (a) all building components must be designed to withstand inundation up to 1% (1 in 100 years) Annual Exceedance Probability (AEP) flood event + 0.5m freeboard level with minimal affectation;
- (b) all materials below the FPL must be constructed from concrete, steel, treated timber or masonry; and,
- (c) Cladding must be structurally designed to collapse under extreme flooding.
- (d) Any building failure above 1:100 year Average Recurrence Interval (ARI) must be designed so as to ensure that floating debris does not cause a problem for downstream properties. Details to be submitted prior to the issue of a Construction Certificate.
- (e) Electrical and Mechanical Equipment - For dwellings constructed on flood liable land, the electrical and mechanical materials, equipment and installation must conform to the following requirements:
 - i. Main power supply - subject to the approval of the relevant power authority, the incoming main commercial power service equipment, including all metering equipment, is to be located above the Flood Planning Level. Means are to be available to easily disconnect the dwelling from the main power supply.
 - ii. Wiring - all wiring, power outlets, switches, e.t.c., must, to the maximum extent possible, be located above the Flood Planning Level. All electrical wiring installed below the Flood Planning Level must be suitable for continuous submergence in water and must contain no fibrous components. Only submersible-type splices are to be used below the Flood Planning Level. All conduits located below the Flood Planning Level are to be so installed that they will be self-draining if subjected to flooding.
 - iii. Equipment - All equipment installed below or partially below the Flood Planning Level must be capable of disconnection by a single plug and socket assembly.
 - iv. Reconnection - Should any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

Occupation Certificate

32. An **Occupation Certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied.

If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

Food Preparation

33. Any premises used for the preparation of food for sale to the general public shall comply with Council's Code for the Construction and Alteration of Food Premises, the Food Act 1989 and Food Regulation 2001.

Backflow Prevention

34. All individual, zone or containment backflow prevention devices appropriate to the hazard(s) identified in the cross connection and backflow prevention survey, and

concurrent with by Shoalhaven Water, shall be installed, tested and registered according to Shoalhaven Water's requirements. The developer/owner/occupier shall enter into an annual agreement for the testing of all backflow prevention devices installed.

Residential Use Not Approved

35. The Rural Industry building shall not be used for permanent human occupation or for any other residential purpose or habitable use for the life of the development;

Flood Awareness

36. In the interests of public safety and awareness, the applicant shall implement the following flood awareness measures:
- (a) Preparation, approval and the implementation of an Flood Emergency Evacuation Plan prior to the commencement of the use of the property;
 - (b) The applicant shall obtain literature on flood liable land from Council and the NSW Department of Water and Energy;
 - (c) The applicant shall locate signs around the site (and on the meter box) identifying the site as being located in a flood hazard area; and,
 - (d) The applicant shall display the approved Flood Emergency Evacuation Plan in the meter box and make a copy of the plan available to all employees.

Site Servicing

37. To adequately service the development, the applicant shall provide a service bay capable of accommodating a "Pantech-sized" type truck. In this regard, the car park shall be amended to accommodate the turning movements of the largest vehicle that is expected to service the development. The car park design shall incorporate the following:
- (a) Service vehicles shall manoeuvre into and out of the site in a forward direction;
 - (b) The front overhang, and swept path made by the Service vehicle shall not obstruct car park traffic or encroach onto parking spaces; and
 - (c) Manoeuvring, loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.

Registered for Food Inspections

38. The premises are required to be registered with Council's Development & Environmental Services Division for the purposes of food inspection. Application must be made submitting the appropriate form and fee prior to business operations commencing. (See attached application). This type of premises would come under the small goods/ mixed business food shop category, attracting a fee of \$115.00 (2008 financial year).

Site Management and Maintenance

39. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:

- (a) loading and unloading in relation to the use of the premises must occur in the designated loading areas;
- (b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park or drive way areas;
- (c) activity on the site must not appreciably impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise
- (d) maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan;
- (e) maintenance of all:
 - (i) vehicular movement areas including driveways, car parking, manoeuvring areas and line marking to the standard specified in this consent;
 - (ii) stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - (iii) buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.

Effluent Pump-out

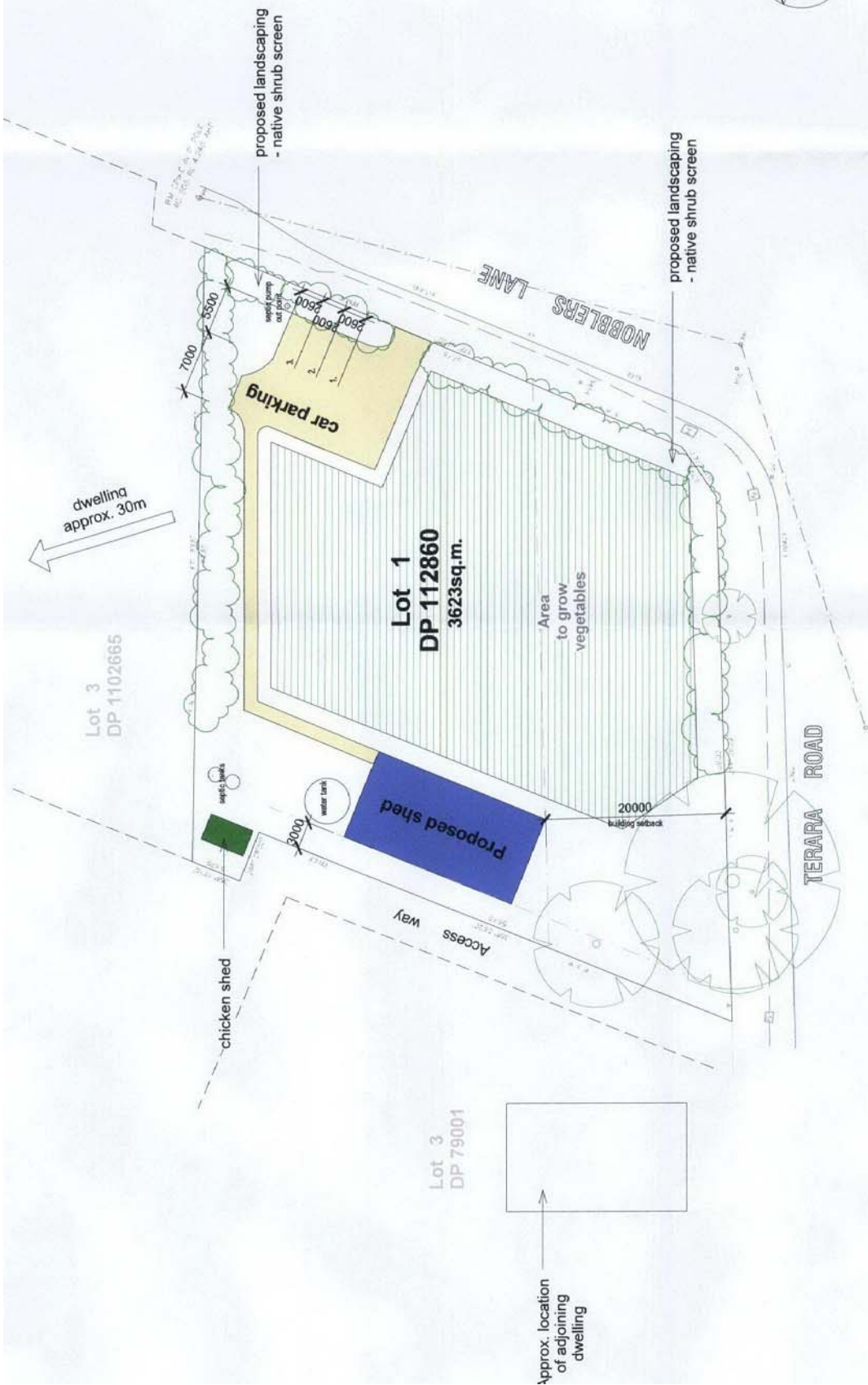
40. Effluent pump-out is available to the subject land at the full cost to the applicant. In this regard, the minimum service that shall be provided will be once every four (4) weeks. Pump-out procedure shall be carried out only during working hours from Monday to Friday.

Note to the Applicant

The applicant is advised to contact Mr Rob Moran of Council's Development and Environmental Services on Ph 4429 3407 in relation to effluent pump-out services.

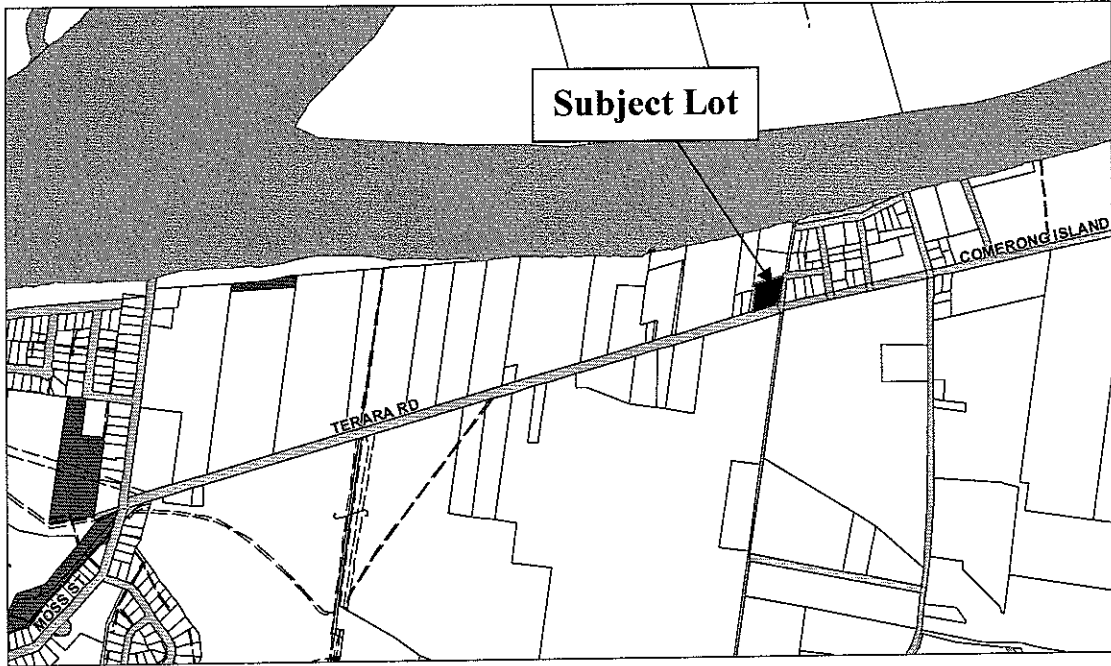
ATTACHMENT 'B'

- a) Council determine that the impact issues, outlined in the Section 79C Assessment of key considerations associated with the development proposal, are unacceptable and resolve to determine the application by way of refusal for the following reasons:
 - i) Pursuant to Section 79C(b), the likely social impact of the development is unacceptable in this particular location being adjacent to the village of Terara;
 - ii) Pursuant to Section 79C(c), the site is unsuitable for the proposed development by virtue of the flood liable nature of the site and the unacceptable risk to human life and property in the event of a flood event; and
 - iii) Pursuant to Section 79C(e), the development is not considered to be in the public interest due to the significant negative social impacts associated with the development proposal for the residents of Terara village.



SITE PLAN

ATTACHMENT 'D'





ATTACHMENT 'F' - Heritage Assessment of the Proposal DA08/1785

INTRODUCTION

This report is prepared in response to DA08/1785 which is a proposal to erect a metal clad building on land known as Lot 1 in DP 112860 having a street frontage to Terara Road. The land is level and has the appearance of low-lying. It is fenced and clearly identified by the adjacent battle-axe corridor and Nobblers Lane to which it has a secondary street frontage.

A heritage investigation is required in response to Clause 20G of the Shoalhaven Local Environmental Plan 1985.

This report is prepared for Shoalhaven City Council to assist in determining the Development Application. The report is prepared by Peter Marczuk in consultation with Wayne Brighton and completed on 17 November 2008.

The report is prepared without the benefit of a Conservation Management Plan for any of the surrounding properties to the proposal and as such, reliance is placed upon the records in place that have determined cultural heritage significance.

The sources of material used in this report are:

The Burra Charter

The NSW Heritage Manual with contents;

- Conservation Areas
- Heritage Curtilages
- Archaeological Assessments

The Shoalhaven Local Environmental Plan 1985

The Shoalhaven Heritage Study

Shoalhaven City Council's GIS System Records

Design in Context – Guidelines for Infill Development in the Historic Environment

With making reference to:

- Assessing Heritage Significance (NSW Heritage Office)
- Register of the National Estate
- New South Wales Heritage Register

And searching:

- Commonwealth Heritage List
- National Heritage List
- World Heritage List

Exclusions

Other than European derived heritage issues, this report does not address any other environmental factors.

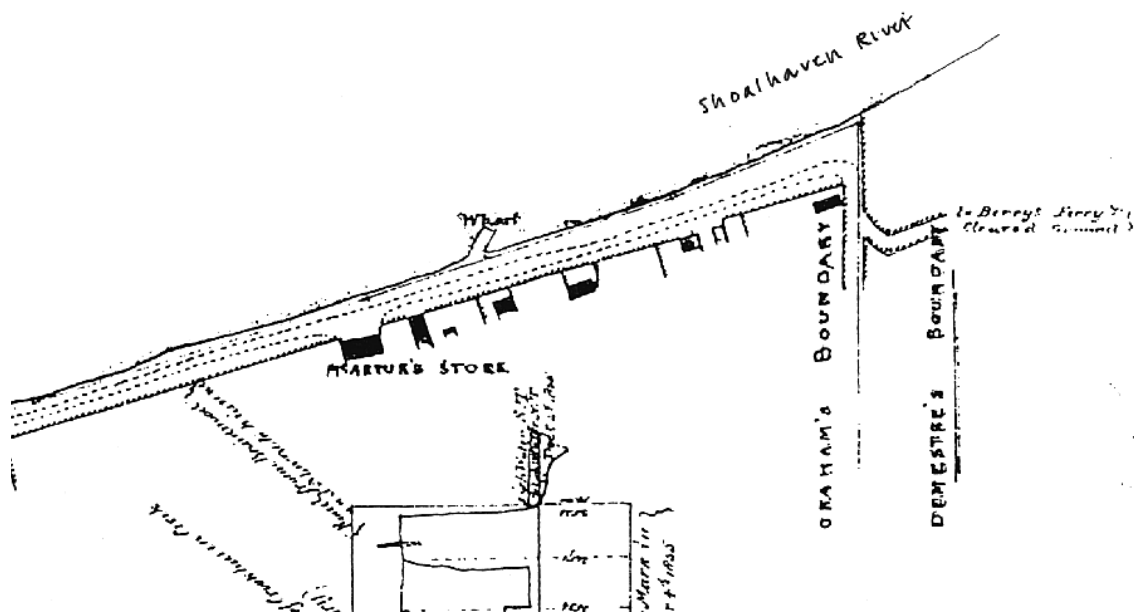
HISTORY

Prosper de Mestre arrived in Australia in 1818, aged 25, and began business as an importer. Five years later, in 1823, de Mestre had acquired a small farm at Bargo, west of Sydney. In 1829 he was granted 1300 acres which he called **Terara**, on the Shoalhaven River adjacent Berry and Wollstonecraft's Numbaa property. De Mestre became insolvent in 1844 and died at Terara that year, aged 51. His son, Etienne, was later to establish a horse stud at Terara, and won five Melbourne Cups, the first two with *Archer* in 1861 and 1862.¹

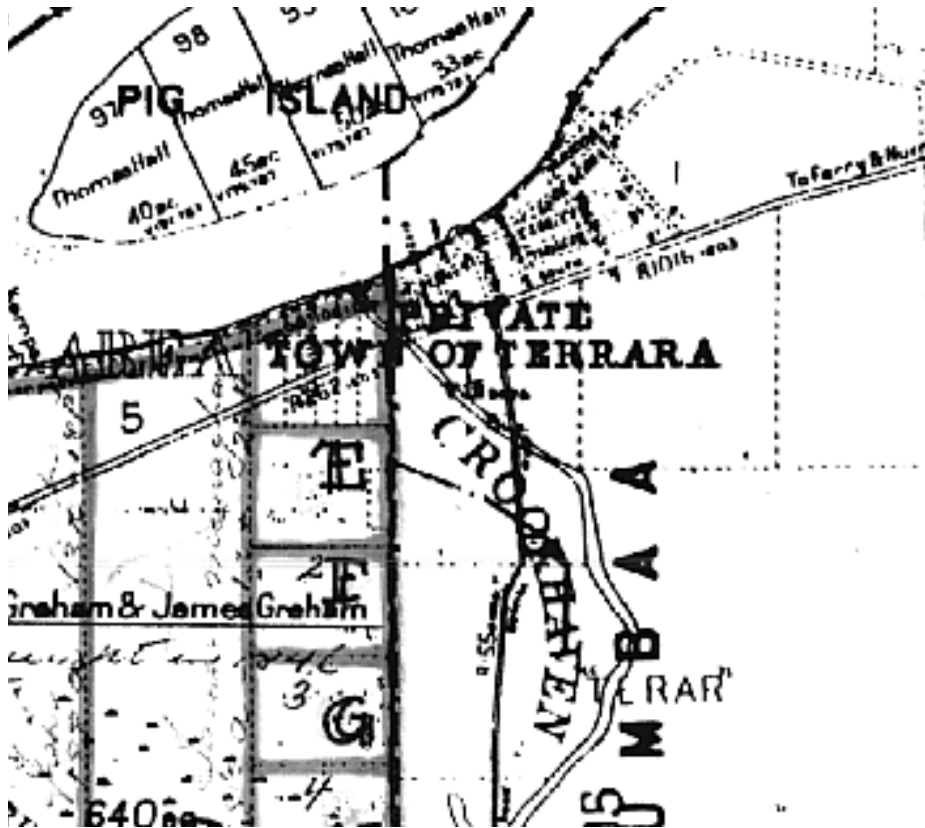
The wife of Prosper de Mestre, Mrs Ann de Mestre, was instrumental in the building of Terara. In 1854 there were three wharves on the river, including Adam's Wharf, and boasted nine hotels. There were several big general stores, a Town Hall, Telegraph Office, a newspaper and a number of professional men including doctors, dentists and lawyers.

Numbaa

The village of Numbaa, owned by Alexander Berry, had several large stores, a hotel and a 'commodious hall' for entertainment known as 'The Long Room'. A Court of Petty Sessions [the first in the district] was established in 1852. The wife of Prosper de Mestre, Mrs Ann de Mestre, was instrumental in the building of Terara. In 1854 there were three wharves on the river, including Adam's Wharf, and boasted nine hotels. There were several big general stores, a Town Hall, Telegraph Office, a newspaper and a number of professional men including doctors, dentists and lawyers.



¹ G.P. Walsh, 'Prosper de Mestre [1793-1844]' in *ADB, Volume 1, 1788-1850*, Melbourne, 1966 p. 305



Coolangatta

Was proclaimed a town in 1829 and never rose to that status.²

In 1842 the postal system was extended to the Shoalhaven. The post town was Shoalhaven at Numbaa. In 1850 the population of Nowra and Terara was over 200 while at Numbaa it was only about 50.³

1842 Flood

The foundations of Terara were laid in 1847 – the Walter Scott Inn.

1856 Church of England

1857 Wesleyan Church

1860 Flood

1870 Flood

With the bridge 1881 and the rail 1893, Terara began to flounder in growth compared with Nowra⁴

² A cousins, Garden of New South Wales, p.247, 1948

³ Ibid

⁴ Ibid

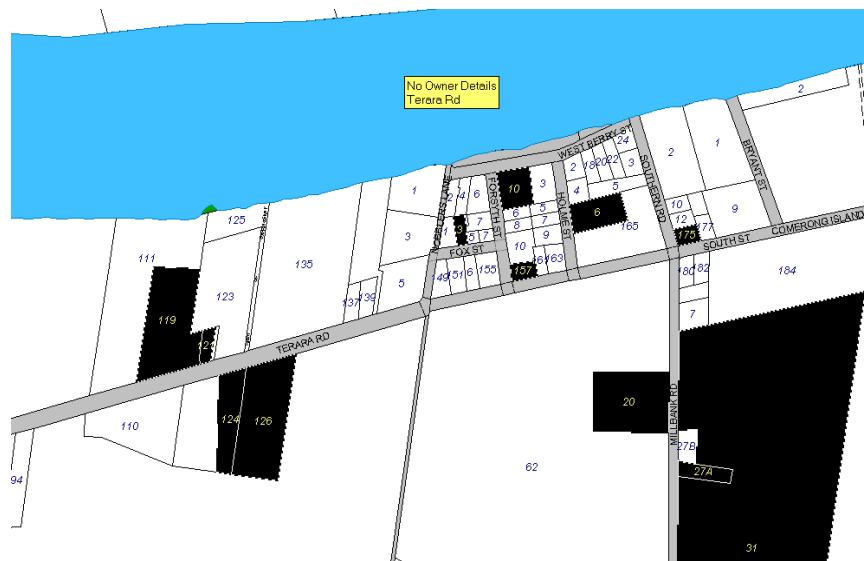
ASSESSMENT OF HERITAGE

The Terara Conservation Area is not listed on the Register of the National Estate.

Mill Bank House approximately 0.5km south of Terara Village is the nearest listing on the Register of the National Estate.

The Terara Conservation Area is not listed on the NSW State Heritage. There are no *Items* of State Heritage Significance listed on the State Heritage Register. The NSW Heritage Office lists only the Council Local Significance *Items*.

The following are places shown infilled (black) within the Terara map extract with heritage significance as listed in the Shoalhaven Heritage Study



The properties listed on the Shoalhaven Local Environmental Plan 1985 are:

- 3-7 Fox Street (noted in the diagram above)
- 6 Holme Street (noted in the diagram above)
- 20 Millbank Road (noted in the diagram above) & Terara School Grounds
- 27A Millbank Road (noted in the diagram above)
- 31 Millbank Road (noted in the diagram above)
- 77 Millbank Road (out of the diagram's scope)
- 157 South Street (out of the diagram's scope)
- 175 South Street (noted in the diagram above)
- 119 Terara Road (noted in the diagram above)
- 124 Terar Road (noted in the diagram above)
- 126 Terara Road (noted in the diagram above)
- 10 West Berry Street (noted in the diagram above)

The Local Environmental Plan and the Shoalhaven Heritage Study do not conflict.

A Mayoral Minute was presented to the Council meeting of 11 November 2008 following a petition of about 90 local residents with a total of 665 signatures to

consider Terara Village being classified as a Conservation Management Area. The recommendation as recorded states:

Recommended that the General Manager investigate and report back to Council on the possibility of, and process involved, in declaring Terara Village a Heritage Conservation Area.

The matter that the Village Precinct may be classified as a Conservation Management Area is considered in this assessment.

HERITAGE MANAGEMENT

NSW Heritage Office Guidelines – Assessing Heritage Significance

The heritage significance of *Place* and *Items* was assessed and it is noted that no *Item* is of *State Significance*.

Burra Charter

The Burra Charter is not a legal document, however, has similar status at law to an Australian Standard. That is, in the absence of statute, the Burra Charter is the primary Australian guiding reference for heritage assessment. The NSW heritage Assessment process is a derivative of the Burra Charter.

The Burra Charter suggests that, after significance is assessed, the process is to identify obligations arising from significance.⁵ This aspect is addressed throughout this investigation and report.

The following are extracts found in the publication “*Conservation Areas*” published by the NSW Heritage Office.

“The least important characteristic is the ‘look’ of the *Place*, although the commonly held community view is that it is the determining factor.”

“The registration of an area does not preclude development...”

“The National Trust defines an ‘urban conservation area’ as ‘an area of importance within whose boundaries controls are necessary to retain and enhance its character’.

The Trust recognises that heritage areas are not museum pieces and stresses that the important principle is to respect their essential character by conserving significant elements and adding new, sympathetically designed elements.”

“Changes to the Fabric: Keeping What is Significant

There may be many buildings and structures within a heritage area which contribute to the heritage significance of the area because of their age and integrity. They are not themselves items of heritage significance, otherwise they would be listed as such, but they do have a collective significance. The loss of any one of such buildings would erode the heritage significance of the area as a whole. That is why councils control the demolition of everything in the area, as they must weigh up any demolition application against the effect it would have on the heritage significance of the area.

Adaptations are often needed in heritage places to accommodate modern working or lifestyle requirements. These may include the addition of bathroom and kitchen facilities to individual houses, or off-street parking. As long as the heritage significance of the place is not adversely affected, such changes may be perfectly acceptable.”⁶

⁵ ICOMOS, Burra Charter, p.10, 2000

⁶ NSW Heritage Office, Conservation Areas, p.14, 1996

On p.26 of *Conservation Areas* there is a reference to height control; it states: “An appropriate height is one which reinforces the scale of the streetscape.”

Draft (Development Control Plan 76) Terara Conservation Area (which is superseded but reviewed) provides: “Any consent for a two storey development will be subject to Council being satisfied that the development will be in keeping with the prevailing height of buildings within the streetscape and / or the impact on any adjoining single storey *Item* of environmental heritage.”

In this case the proposal isn’t neighbouring an *Item* therefore the proposal should be required to be in keeping with the buildings in the streetscape.

Curtilage Considerations

The curtilage of identified heritage *Items* requires consideration for impact.

This assessment considers the following *Items* of European Derivative Cultural Environmental Heritage:

- 3-7 Fox Street (collectively)

A site inspection determined the proposal’s impact on other *Items* is insignificant. If the proposal impacts upon 3-7 Fox Street then it will have less impact upon other *Items* within the study area.

Without the benefit of a prior assessment of significance the *expanded* curtilage of Fox Street, if of State significance would be by its former association with the parcel of land upon which the heritage *Items* stand, or the visual amenity of place.

The reduced curtilage of Fox Street would reasonably be the parcels of land noted as heritage *Items* at Terara Village on Council’s GIS system.

Given that the proposal could be in the expanded curtilage of Fox Street, and that further, the development is within what could be accepted as a Conservation Management Area, then any design is required to satisfy the extract reported earlier “...the important principle is to respect their essential character by conserving significant elements and adding new, sympathetically designed elements.”

To comply with this requirement the NSW Heritage Office document “Design in Context – Guidelines for Infill Development in the Historic Environment” is referred to for assessment on the proposal.

The publication is limited and does not provide for a rural building in a rural context. Therefore the most aligned guideline is Case Study 05 – Residential Infill in a Rural Context”. This case uses the highly significant Rouse Hill Estate noting caution is required in views to and from the primary *Item* and outbuildings. “The new building was to be a harmonious insertion into the cultural landscape.” In this case the solution was to adopt a form that was “...consistent with other outbuildings nearby.”

The proposed building in this Development Application is consistent with the form of outbuildings in a rural landscape and thereby satisfies the provisions of a harmonious insertion.

DEVELOP POLICY

Policy

Shoalhaven City Council's objectives in relation to heritage management are:

- (a) To identify and conserve the environmental heritage of the City of Shoalhaven, and
- (b) To conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage *Items* and heritage conservation areas, and
- (c) To ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) To ensure that the heritage conservation areas throughout the City of Shoalhaven retain the heritage significance.

In this instance therefore, the following is provided:

Visual Aesthetic Impact

The form of the building is required to be in harmony with outbuildings in the precinct.

Council should give strong consideration in making any approval to conserve the heritage significance of existing significant fabric, and the visual character associated with the heritage significance of the potential heritage conservation areas.

In this instance therefore, it is recommended that a condition be imposed upon the proposed building that:

Any future colours and external finishes / fabric must be commensurate with the period of the rural outbuildings and records maintained of changes.

Consideration of the visual impact being commensurate with the extant rural buildings must be provided in any subsequent application to Council for a Construction Certificate, and the choice of all materials must be substantiated. Large pane aluminium windows and doors are not sympathetic to the visual amenity. This aspect of the design is required to be amended, and Council reserves rights to withhold a Construction Certificate until this issue is satisfied by the applicant.

Archaeology

The applicant has not supplied sufficient detail for Council to determine if the development will preclude its potential to yield information that will contribute to an understanding of NSW's cultural, indigenous cultural or natural history (or the cultural or natural history of the local area).

To satisfy this requirement, a condition of consent is recommended to state:

The siting of the proposed building is to be identified and inspected by a suitably qualified archaeologist or heritage consultant to report in an ‘Initial Assessment’ if an excavation permit is required in the first instance prior to any physical works being undertaken at the site. The report should be required to make reference to the requirements of the NSW Heritage Act.

MANAGEMENT IN ACCORDANCE WITH POLICY

Records

Pertaining to an approval, the owner should be required to present a record of any changes of fabric or colours made to the building with verification that alterations are commensurate with the consent.

Pertaining to an approval, the applicant should be required to present a record of the determination of the requirement for an excavation permit.

Appendix

SECOND MAYORAL MINUTE ORDINARY MEETING TUESDAY, 11TH NOVEMBER, 2008

1. Terara Village File

Following the Residents Briefing meeting held last night with residents of Terara Village and in light of the Petition signed by 665 residents of Terara and surrounding areas presented by me at the commencement of the meeting urging Council to support the retention of Terara Township as a Heritage Conservation Area in the Shoalhaven City Council Local Environment Plan, Shoalhaven Heritage Inventory and the State Heritage Register I wish to make the following recommendation –

RECOMMENDED that the General Manager investigate and report back to Council on the possibility of, and process involved, in declaring Terara Village a Heritage Conservation Area.

Paul Green

Mayor

Ordinary Meeting - 11th November, 2008

Second Mayoral Minute

Report - General Manager Committees Page 1

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Results

Click on the BACK button of your browser to return to the search.

Statutory Listed Items

Information and items listed in the State Heritage Inventory come from a number of sources. This means that there may be several entries for the same heritage item in the database. For clarity, the search results have been divided into two sections.

- **Section 1.** contains items listed by the **Heritage Council** under the NSW Heritage Act. This includes listing on the State Heritage Register, an Interim Heritage Order or protected under section 136 of the NSW Heritage Act. This information is provided by the Heritage Branch.
- **Section 2.** contains items listed by **Local Councils & Shires and State Government Agencies**. This section may also contain additional information on some of the items listed in the first section.

Section 1. Items listed under the NSW Heritage Act.

Click on an item name to view the full details.

The search results can be re-sorted by clicking on the **(sort)** option at the top of each column.

Item Name (sort)	Address (sort)	Suburb (sort)	LGA (sort)	Listed Under Heritage Act
----------------------------------	--------------------------------	-------------------------------	----------------------------	---------------------------

There were no records in this section matching your search criteria.

Section 2. Items listed by Local Government and State agencies.

Item Name (sort)	Address (sort)	Suburb (sort)	LGA (sort)	Information Source (sort)
----------------------------------	--------------------------------	-------------------------------	----------------------------	---

Ayrton House (former C.B.C. Bank)	175 South Street	Terara	Shoalhaven	LGOV
---	------------------	--------	------------	------

Dower House (former Coachman's House to Millbank)	27A Millbank Road	Terara	Shoalhaven	LGOV
---	-------------------	--------	------------	------

Inverness - two storey house	Southern Road	Terara	Shoalhaven	GAZ
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Millbank Cottage & Outbuildings	31 Millbank Road	Terara	Shoalhaven	LGOV
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Public School		Terara	Shoalhaven	GAZ
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Terara House		Terara	Shoalhaven	GAZ
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Terara House, Chapel Grounds & Tree Lined Drive	77 Millbank Road	Terara	Shoalhaven	LGOV
---	------------------	--------	------------	------

Terara School Grounds and Trees	20 Millbank Road	Terara	Shoalhaven	LGOV
---	------------------	--------	------------	------

Victorian Sandstone School & attached Residence	20 Millbank Road	Terara	Shoalhaven	LGOV
---	------------------	--------	------------	------

There were **9** records in this section matching your search criteria.

There was a total of **9** records matching your search criteria.

Key:

LGA = Local Government Area

GAZ= NSW Government Gazette (statutory listings prior to 1997), HGA = Heritage Grant Application, HS = Heritage Study, LGOV = Local Government, SGOV = State Government Agency.

Note: The Heritage Branch seeks to keep the State Heritage Inventory (SHI) up to date, however the latest listings in Local and Regional Environmental Plans (LEPs and REPs) may not yet be included. Always check with the relevant Local Council or Shire for the most recent listings.

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ATTACHMENT “G” Heritage Impact component of the Review of Heritage
Advice, Statements and Conditions document

**STATEMENT OF HERITAGE IMPACT
for
PROPOSED RURAL INDUSTRY
at**

**5 NOBBLERS LANE
LOT 1 DP 112860
TERARA NSW 2540**

JANUARY 2009

**This Statement forms part of the Heritage Assessment
for
Proposed Rural Industry
JANUARY 2009**

STATEMENT PRODUCED AND PREPARED BY

**DUTAILLIS ARCHITECTS PTY LTD
REGISTERED ARCHITECT AND HERITAGE CONSULTANTS
NSW REGISTRATION No: 4037**

PO Box 1039 GOULBURN NSW 2580

**Contact: Telephone: (02) 4821 8373
Fax: (02) 4822 1305
email: tim.lee@dutailisarchitects.com.au**

CONTENTS

1.0 STATEMENT OF HERITAGE IMPACT

1.1 Site

1.2 Statement of Heritage Impact

2.0 CONCLUSION

3.0 DRAWING SET

STATEMENT OF HERITAGE IMPACT

for

PROPOSED RURAL INDUSTRY

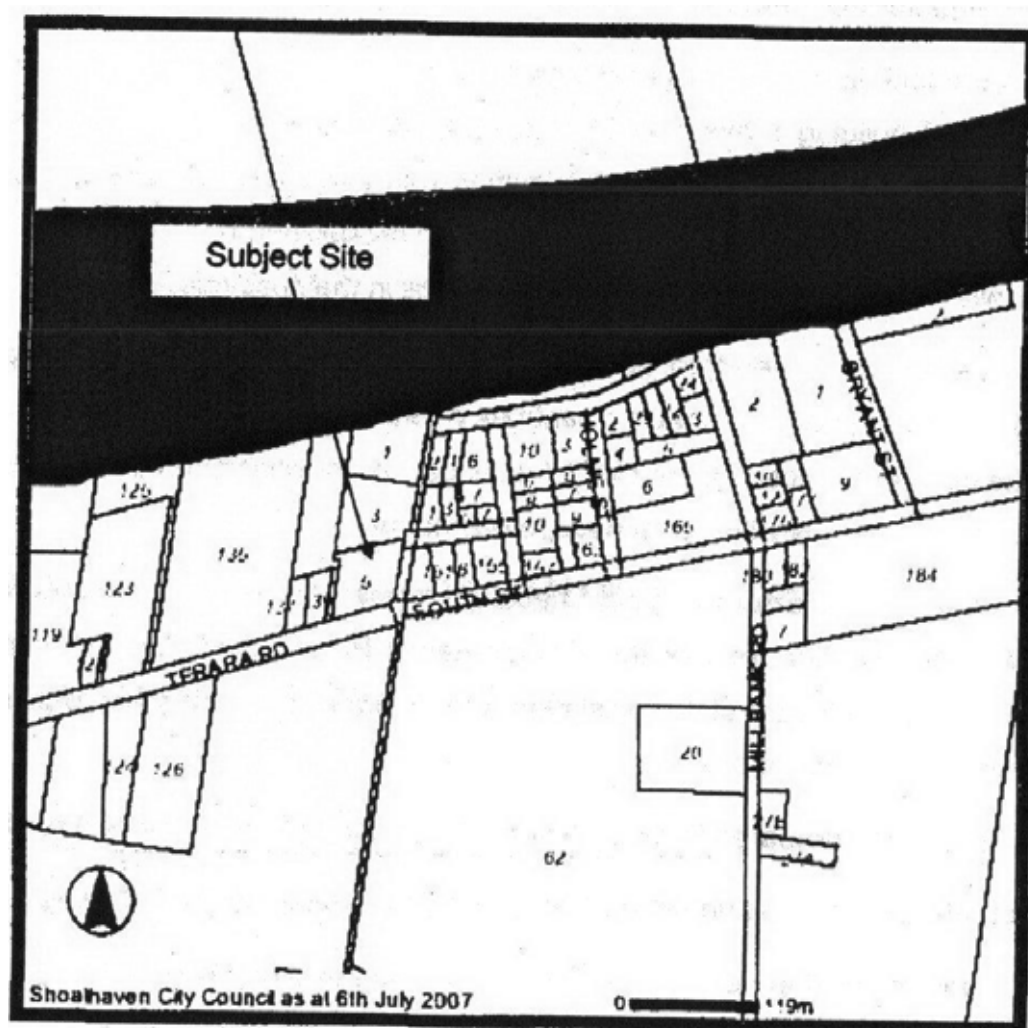
at

**5 NOBBLERS LANE
TERRARA NSW 2540**

1.0 STATEMENT OF HERITAGE IMPACT

1.1 The Site

The site is located at the corner of Nobblers Lane and Terara Road and is known as No 5 Nobblers Lane.



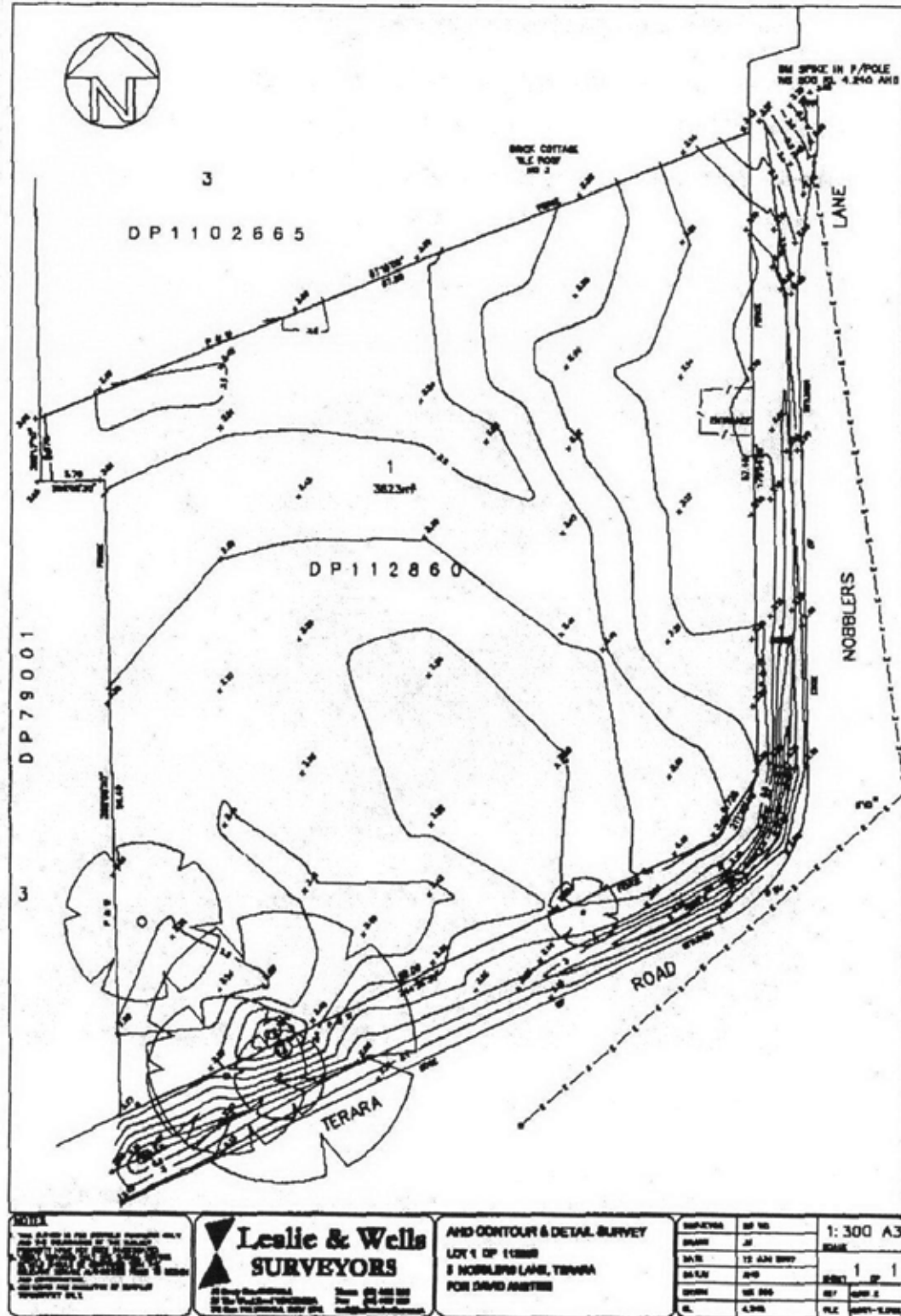
*Statement of Heritage Impact
5 Nobblers Lane, Terara NSW 2540*

*Ref:4953sohi
13th January 2009*

Attachment G – Development Committee – Item 9

The site is currently clear of significant vegetation. The site is largely grassed. Much of the site is within the flood zone. There is a band of land along the western boundary suitable for building.

The site area is 3623m² with 53.03 metre frontage to Terara Road and 57.46m² to Nobblers Lane. Refer to Cowman Stoddart, Statement of Environmental Effects.



Statement of Heritage Impact
5 Nobblers Lane, Terara NSW 2540

Ref:4953sohi
13th January 2009

1.2 Statement of Heritage Impact

New development adjacent to a heritage item.

1.2.1. How is the impact of the new development on the heritage significance of the item or area to be minimised?

The proposal is located some 100 metres from the heritage item with a proposed 20m setback from Terara Road.

1.2.2 How is the new development required to be adjacent to a heritage item?

The expanded curtilage of the heritage item encompasses lands along both sides of Fox Street, Nobblers Lane and Forsyth Street.

The land for the proposed development falls within the boundaries of the expanded curtilage. The proposed site is the last undeveloped parcel of land in the village.

1.2.3 How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

The definition of the word curtilage is: An area of land attached to one house and forming one enclosure with it.

The curtilage allowed around the heritage item in Fox Street can, therefore, be divided into two subsections.

Firstly, the curtilage, that is, land directly associated with the item itself, in this case Lots 3, 5 & 7. The combined allotment comprising the dwelling and garden, as identified in the deeds for that land.

Secondly, the expanded curtilage, i.e. lands surrounding the site that;

- strengthen views into and out from the site.
- reinforce massing and streetscape elements associated with the site and contribute to the overall appreciation of the item within the greater urban context.

Note. The Oxford Online Dictionary specifically attaches the work to residential urban forms only. i.e. a single dwelling and surrounding gardens.

Therefore, in the context of the relationship of the subject land to the heritage item, the former not the latter explanation applies in this instance.

The immediate curtilage maintains the dwelling in the original detached setting highlighting the relationship of garden to house, house to street and house to neighbours. In this example, the contracted curtilage i.e. deeded lands associated with the item, contributes on a more significant level than the expanded curtilage.

Attachment G – Development Committee – Item 9

The item is a small residence from the original Terara settlement. The curtilage around the item is integral to appreciating how the house was developed from first construction through to today. Refer attached Shoalhaven Heritage Study Assessment for additional information.

*1.2.4 How does the new development affect view to, and from, the heritage item?
What has been done to minimise negative effects?*

The proposed development has been placed on the block so as to maintain existing view corridors into and out from the heritage item.

1.2.5 Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

There are no known archaeological deposits associated with the site. There are no alternative sites available.

1.2.6 Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

The proposal has been designed to resemble a dwelling. Form, massing, materials and colours are all common to the village.

The internal layout is such that should conversion to a dwelling at a later date be applied for, a new Development Application would be required. This satisfies the requirements of Council prohibiting additional dwellings in the Village.

1.2.7 Will the additions visually dominate the heritage item? How has this been minimised?

The proposal will not visually dominate the existing heritage item. Refer to site plan.

1.2.8 Will the public, and users of the item, still be able to view and appreciate its significance?

Yes. Views to the item will not be affected.

1.2.9 The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The proposal respects the overall integrity of the village by emulating the form, massing and siting of existing structures.

Attachment G – Development Committee – Item 9

- 1.2.10 *The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:*

The proposal is for a rural industry and market garden for local produce.

The type of business is common to the area.

The proposal will be run by „Slice of Life“ non- profit organisation helping disadvantaged and disabled people.

The site boundary will be hedged maintaining the village appearance to further integrate the proposal into the urban fabric.

- 1.2.11 *The following sympathetic solutions have been considered and discounted for the following reasons:-*

The proposal has been redesigned to better integrate into the built form of the area.

The form and style of building presents the preferred solution for the needs of the group.

2.0 CONCLUSION

The proposal is consistent with the domestic scale village style building type common to the Terara village.

Hedging will line Terara Road and Nobblers Lane, further screening the site while maintaining the existing urban form of the village.

The proposal is consistent with Shoalhaven Local Environment Plan 1985 (amended), requirements for rural zoning.

The proposal complies with associated Development Control Plans.

The proposal is therefore considered to have only minimal impact on the heritage item and surrounding village. The proposal is considered an appropriate insertion into the existing urban fabric.



STATEMENT REGARDING HERITAGE AND OTHER IMPACTS OF THE PROPOSED DEVELOPMENT AT Lot 1 DP 112860 5 NOBBLERS LANE, TERARA

For Issue 20.1.2009

BACKGROUND:

A proposal is under consideration by Shoalhaven City Council for the construction on this site of a single storey building and use of the building as a Rural Industry involving the handling and processing of Primary Produce for distribution off site.

Originally submitted to Council on 6/6/2008, revised drawings were submitted on 24/9/2008. A copy of the revised site plan is attached.

This Statement seeks to address the impact of the proposal on the village of Terara with respect to heritage, urban design, and amenity.

Measures that could potentially reduce the negative impacts of the Proposal are discussed in the body of the report, and in the Conclusion.

As this Statement addresses a wide range of issues it is not structured as a formal Heritage Impact Statement.

Commissioned by Mrs. Joanna Whiteley, a resident of Terara, this Statement has been prepared by David Wilson Architects. The Principal of this Practice, David Wilson, is listed on the Heritage Consultants Directory held by the Heritage Branch of the NSW Department of Planning.

Mrs. Whiteley and her husband are the owners of 'The Old House', a Heritage Item located at 3 Fox Street, Terara. This property is one of the township allotments created by Mary Ann de Mestre (see below), remaining in her ownership until her death in 1861.

HISTORY AND SETTING:

The village of Terara pre-dates the establishment of the regional centre of Nowra, and was originally a private town on the de Mestre estate. Persistent major flooding led to the location of town functions on higher ground.

The zoning under the current 1985 SCC LEP is 1(g) (Rural 'G' (Flood Liable) Zone), which allows for agriculture without Consent, and 'buildings used in conjunction with agriculture', and 'uses and buildings associated with other lawful land uses' with Consent.

Under the proposed 2009 LEP the zoning would be RU1 'Primary Production' which allows for agriculture and horticulture without Consent, and a range of related activities with Consent.

The village is within the Coastal Zone as defined by SEPP71, and is partially a Sensitive Coastal Location, although not the portion containing this site.

Under this Policy a consent authority must not consent to a Proposal within the Coastal Zone in which effluent is to be disposed of by means of a non-reticulated system if the proposal is likely to have a negative effect on the water quality of an estuary, a coastal creek or other similar body of water.

The village has a compact and identifiable form within its riverine and rural landscape and contains or is adjacent to a range of Items listed in the Shoalhaven Heritage Inventory or State Heritage Register. It is shown on its Inventory item as being listed as a National Trust Conservation Area.

A Terara Conservation Area was previously nominated by SCC (in conjunction with draft DCP76, which will form part of a single DCP strategy in the new LEP 2009).

The Terara Residents Association is currently lobbying to have the Conservation Area re-established. The subject site falls within its nominated buffer zone.



A0 Plan of the Development Proposal as amended.

ANALYSIS OF THE PROPOSAL:

As currently configured (and as shown above) the proposal consists of the following elements:

- 1 The use of the site for agriculture (allowable without consent),
- 2 A gabled, Colorbond clad, 140m² shed with a 60m² verandah, to be used for produce processing and office purposes, and located on the western boundary of the site
- 3 A small car park in the north east corner of the site, off Nobblers Lane adjacent to Fox Street, and
- 4 Ancillary structures and tanks, and a planted buffer to the north, east, and south boundaries.

The location of the site adjacent to the core of the historic Terara village provides some guidance as to the required form of an approvable development in this location.

The plan of the previously extant Terara Conservation Area, although not currently in force, was based on sound planning principles, and identified the subject site as being in a location that required additional consideration in order not to produce an inappropriate impact on the village core.

In the terms described in the SCC Draft DCP 76 'Heritage Conservation Development Guidelines' and the NSW Heritage Manual, the site would be defined as being part of the 'Composite Curtilage' of the whole precinct or village.

This situation is reinforced by housing existing beyond the subject site to its west and north which also forms part of the village (see Attachment A1 'Aerial view of Terara village core and surrounds').

In this location any development should be required to have a strong relation to that which would be required within the village core, as a moderating element between the relatively unrestricted surrounding rural areas, and the heritage requirements within the core.

A SWOT analysis of the proposal suggests:

- 1 The current location of the proposed building is desirable in urban design terms as being along the west boundary of the site and being screened by substantial trees it reduces its visual impact from Terara Road.
- 2 In urban design terms its visibility along the view axis from Fox Street will require careful design in terms of form, mass, and finishes, particularly as

this visual axis forms part of the Composite Curtilage of the village core, and can also be considered as an element in the Extended Curtilage of 3 Fox Street and other nearby Heritage Items. An example of controls being applied to visual axes extending from Heritage Items is controls existing on development surrounding or potentially visible from Elizabeth Farm at Parramatta.

- 3 The location of the car park in the north east corner off Nobblers Lane is problematic as it will impede this axis- although this location minimises traffic conflicts off Terara Road. The narrow width of the Lane (and Fox Street) is a difficulty in terms of access for service vehicles, cars delivering workers, and pump-out trucks.
- 4 The proposed hedging of the site, although increasing visual separation, will significantly affect traffic sightlines at the Terara Road / Nobblers Lane intersection and may also impede flood flows.
- 5 The mass and form of the proposed building is not appropriate for its transitional location and should be re-considered.
- 6 The on-site servicing and circulation seems unresolved, with no direct vehicle access to the processing end of the proposed building, despite the provision of a large garage door. This may produce additional noise and other conflicts and lead to a future request to provide direct vehicle access off Terara Road.
- 7 As the site is located directly adjacent to the village core (that is, in a next-to-urban location) consideration should be given to the effect of secondary activities on the site such as waste storage, composting, 'junk' areas, etc.

A POSSIBLE SOLUTION:

It is considered that significant improvements can be made to the proposal to make it more appropriate for its location and the heritage significance of the village.

A higher standard of design is required in this location than for a rural outbuilding on a substantial farming property- this could be achieved by taking further measures that may include the following:

- 1 Provide a partial embayment on either Terara Road or Nobblers Lane to reduce traffic conflicts caused by mini-bus and pump-out access.
- 2 Reconsider the form and materials of the proposed building. The roof pitch could increase to 30 degrees to respond to the heritage precinct, and the walling materials could be changed, possibly by using bagged

and painted brickwork for the walls facing the village core. At the very least any profiled metal cladding should be Customorb or Miniorb profile, and use one of the darker colours such as Ironstone, Loft, Monument, or Woodland Grey. Windows should be vertically proportioned and be constructed of traditional materials or coloured to recede as a minimum standard.

- 3 Attempt to reduce the footprint of the building to that required to support agricultural purposes- at the moment about 50% appears to be for office uses which may be able to be re-located elsewhere.
- 4 If the proposed reduction is not possible then split the building into two equal gabled parts separated by a courtyard and linked by an extension of the verandah.
- 5 Provide screened work and storage areas suitably located and related to the proposed building, and
- 6 Re-consider the on-site circulation with respect to reducing current and future impacts.

CONCLUSION

An analysis has been made of the proposed development at Lot 1 DP 112860 Nobblers Lane, Terara, and a Statement prepared by David Wilson Architects addressing the impact of the proposal on the village of Terara with respect to heritage, urban design, and amenity.

The activities described in the Proposal are generally allowable within the Zone, but in this transitional location, within the Composite Curtilage of the village core, any development should be required to have a strong relation to that which would be required within the village core, so as to create a moderating element between the relatively unrestricted surrounding rural areas, and the heritage requirements within the core.

To achieve this a higher standard of design is required than for a rural outbuilding on a substantial farming property- this can be achieved by taking measures as described above to reduce the negative urban design and heritage impacts of the Proposal.

In addition greater consideration needs to be given to issues such as traffic and parking, flooding and evacuation, and the general on-site circulation and disposition of activities in order to avoid negative impacts on the historic village of Terara.

ATTACHMENTS:

- 0 Plan of the Development Proposal as amended.
- 1 Aerial view of Terara village and surrounds.
- 2 SCC Zoning map from LEP 1985.
- 3 SCC Map- Heritage Items in Vicinity.
- 4 SCC map- Coastal Zone and Sensitive Coastal Location.
- 5 Terara Conservation Area.

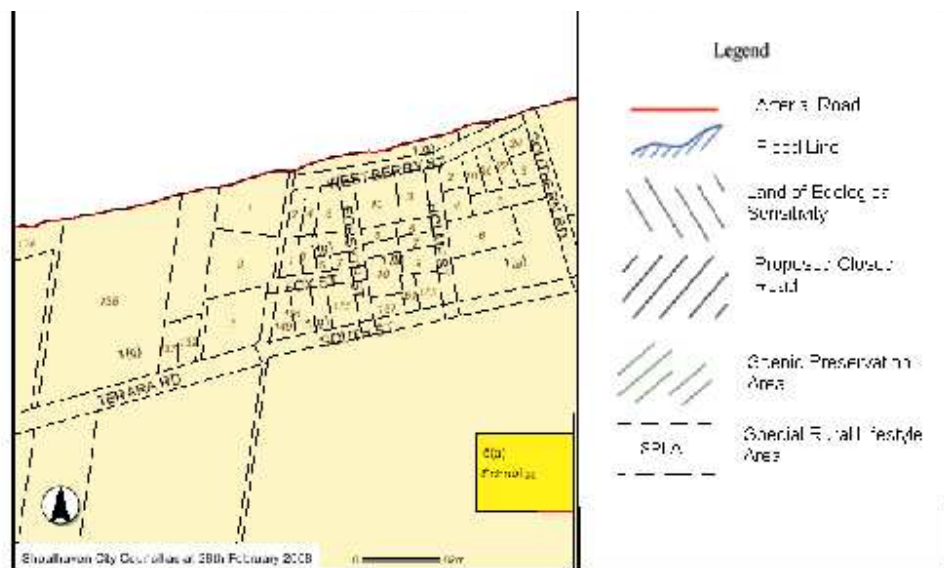
REFERENCES:

- 1 Shoalhaven Local Environmental Plan 1985 (as amended) and proposed LEP 2009
- 2 Shoalhaven Heritage Study 1993-1995 (2003)
- 3 NSW Heritage Office Statement of Heritage Impact guidelines.
- 4 NSW Heritage Office publication 'Design in Context'.
- 5 Draft SCC DCP 76 'Heritage Conservation Development Guidelines'.

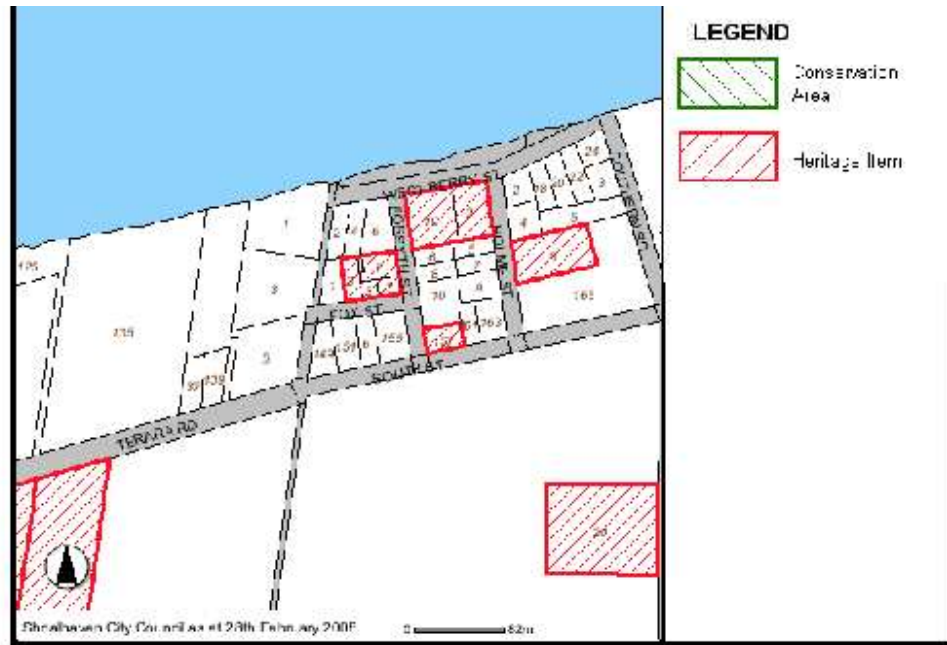




A1 Aerial view of Terara village core and surrounds.



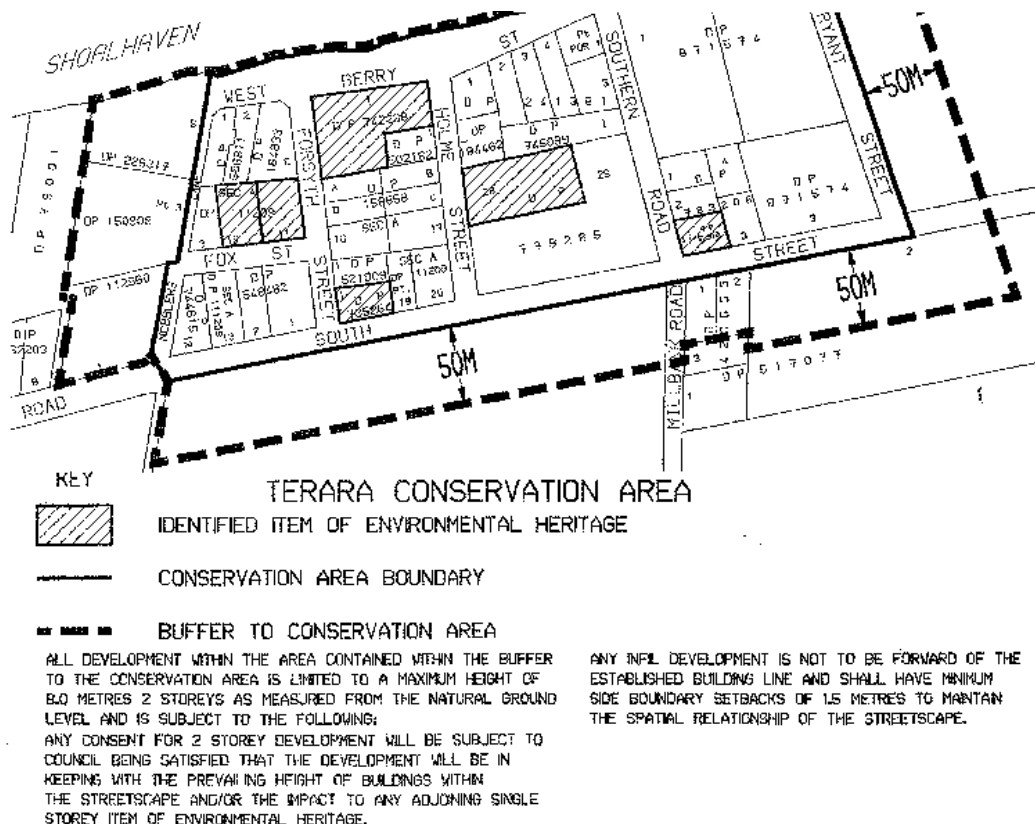
A2 SCC Zoning map from LEP 1985.



A3 SCC Map- Heritage Items in Vicinity.



A4 SCC map- Coastal Zone and Sensitive Coastal Location.



A5 Terara Conservation Area.

ATTACHMENT “I” - **Assessment of Submissions**

This development application has been advertised in accordance with Council's Community Consultations Policy. The initial advertising period was conducted from **17th June** to the **2nd July 2008**.

A second advertising period, for amended plans and a variation to the proposed rural industry process, was conducted from **26th September 2008** to **13th October 2008**.

As at the 23rd October 2008, thirty-nine (39) submissions were received.

(Refer to attached *DA08/1785 S79C(1)(d) Public Submissions made in Accordance with the Act or Regulations* for a detailed summary of the submissions).

Public Submissions to be Addressed

The key main issues as perceived by the interested public are as follows:

- Traffic Impact
- Flood Impact
- Village Amenity
- Heritage Impact
- Prohibited within 1(g)
- Undesirable Precedent
- Pump-out Effluent Disposal Policy
- Probity

1.1 Narrow Streets

The narrow streets with the Terara village would not cope with the increase in traffic generated by the proposed development.

Comment: See “Traffic / Pedestrian Access” section of the report.

1.2 Restricted Load Limit

The roads in the Terara village area have a 3 tonne load limit and would be unable to accommodate the weight of the effluent pump-out truck.

Comment: There is no known weight limit applying to the local public road network located within or around the Terara village.

1.3 Impact on Village Ambience

The increase in traffic would adversely impact on the ambience of Terara village.

Comment: The increase in traffic movement would be equivalent to that generated by a single detached dwelling house and would not adversely impact on the ambience of Terara village. There would be no need for the traffic associated with the proposed development to enter into the village area beyond the access point in Nobblers Lane. See “Traffic / Pedestrian Access” section of the report.

1.4 Risk to the Safety of Residents

The increase in traffic would be an unacceptable risk to the residents of Terara village.

Comment: Given that the proposal would generate traffic equivalent to that of a dwelling house, an additional ten trips would result in 120 AADT for Nobblers Lane. 120 AADT is lower than the number required to trigger an upgrade to “Local Street” status.

1.5 Pump-out Trucks

Any additional pump-out truck movements would increase the risk to residents of Terara village.

Comment: Given a pump-out frequency of once a month, any increased risk to public safety would be no greater than that from a new dwelling. See “Traffic / Pedestrian Access” section of the report.

2. Flooding [issue raised 24 times]

2.1 Obstruction to Floodwaters

Because the proposed development would impede the flow of the floodwaters, the resulting flood would cause major disaster to the village of Terara.

Comment: The re-location and re-orientation of the industrial building in an almost north-south direction reduces impediment to the flow of flood waters.

See Development Control Plan 106 – Flood Management section of the report.

2.2 Contrary to Council's Flood Policy

The proposal is contrary to Council's Flood Policy and does not comply with DCP 106.

Comment: According to Schedule 6: Flood Related Development Control – General Development table, the commercial/industrial (rural industry) is not an unsuitable development type for the subject land provided suitable conditions are imposed.

2.3 Evacuation

The proposal lacks an evacuation plan and awareness of the flooding danger.

Comment: The use of the site involves the employment of people with disabilities.

The site would not operate in significant rainstorm events and employees would not to report to work. In the event of a significant flooding danger, the site would be evacuated long before the land was inundated and whilst the site was still classified as low hazard.

An Emergency Evacuation Route was submitted.

2.4 Perimeter Shrubs and Trees

Perimeter Shrubs and Trees would impede the Flow of Floodwaters

Comment: In the event of approval, a condition would be imposed on the development requiring perimeter trees and/or shrubs to be replanted at suitable intervals, removed or partly removed.

3. Adverse Impact on the Amenity of the Village [issue raised 22 times]

3.1 Property Values

Property values at Terara would be lowered as a result of this development.

Comment: The proposed rural industry represent the highest and best use for the subject land.

3.2 Amenity of the Area

The car parking and septic tank would adversely impact on the amenity of the area.

Comment: The car parking and the septic tank would be contained wholly on the subject land.

3.3 Safety of Residents

The safety of residents would be put at risk.

Comment: See Traffic / Pedestrian Access sections in the report..

3.4 Commercial Business

The proposed development constitutes a commercial business and is prohibited in the zone.

Comment: The proposed development is defined as a "rural industry" and is not prohibited.

3.5 Suitable Sites Elsewhere

There are more suitable sites elsewhere that could accommodate the proposed development.

Comment: Council could consider an exchange of land to a less contentious site.

3.6 Out of Character

The design of the proposed shed is out of character with village.

Comment: The design of the rural shed was amended to reflect the nearby character and streetscape of the Terara village.

3.7 Unsuitable Development

This is an unsuitable development.

Comment: The proposal is not prohibited and is compatible with nearby farming activities.

3.8 Rural Outlook

The rural outlook in the area would be blocked off by the planting of perimeter trees.

Comment: The provision of landscaping would assist in maintaining scenic amenity.

3.9 Quality of Life

The proposed development would adversely impact on the existing peace and quiet and quality of life in the area.

Comment: The impact on the quality of life issues would be similar to that resulting from farming activities on nearby rural properties.

3.10 Adverse Scenic Impact

The proposed development would have an adverse scenic impact and would not contribute aesthetically.

Comment: The impact on the scenic quality would be similar to that resulting from farming activities currently on other nearby rural properties.

3.11 Unsuitable Village Gate-way Location

The subject property is located at the gate-way to the village.

Comment: Agreed.

3.12 Residential Property

The subject property is residential.

Comment: The subject property is not residential.

3.13 Heritage Value

The subject property has significant heritage value.

Comment: The subject land is not heritage listed.

4. Impact on Heritage Significance of Terara village [issue raised 20 times]

4.1 Heritage Impact Statement

A heritage study / impact statement is required

Comment: Given that the subject land may be seen as being located in the “vicinity” of a heritage item, a Heritage Assessment has been prepared.

See Heritage Conservation, Development in the Vicinity of a Heritage Item and Attachment “D” Heritage Assessment.

4.2 Character of Historic Village

The design of the proposed shed should reflect the character of the historic village.

Comment: See 4.1 above.

4.3 Heritage Conservation Area

The Terara village, including the subject land, are located within a Heritage Conservation Area. As a consequence, the development is inappropriate given the heritage nature of the locality.

Comment: Terara village is not a Heritage Conservation Area.

4.4 Vicinity of a Heritage Item

Development in the vicinity of a heritage item would adversely impact on significant heritage views.

Comment: See 4.1 above.

5. Prohibited within the 1(g) Zone [issue raised 16 times]

5.1 Definition

The proposed development is not a rural industry / definition.

Comment: The proposed development satisfies the definition of “rural industry” and there is no issue about the permissibility of the development in the subject rural 1(g) zone.

See Model Provisions 1980 section of the report.

5.2 Contrary to Zone Objectives

The proposed development is contrary to zone objectives.

Comment: See SLEP 1985 section of the report.

6. Undesirable Precedent [issue raised 15 times]

6.1 Residential by Default

Building will become residential by default.

Comment: There is no evidence that residential use is the purpose of the application.

6.2 Alterations by Stealth

Alterations can be made by stealth.

Comment: In the event of approval, it would be illegal to use the shed for any purpose for which Council approval was required or a use that was prohibited within the zone.

6.3 Inappropriate Development

Inappropriate development on a floodplain.

Comment: See 6.1 and 6.2 above.

6.4 Future Bedrooms

Future development to include bedrooms.

Comment: See 6.1 and 6.2 above..

6.5 Uneconomical Development

Uneconomical development would lead to abandonment and a future eyesore.

Comment: The applicant has submitted a Business Plan showing how the development would be carried out and the Department of Primary Industries supports the use of the land for agricultural purposes. The applicant states that there is more to the development than economic viability.

6.6 Noise

Future loud machinery.

Comment: The noise generated from the development would be no greater than that emanating from other farms in the vicinity.

6.7 Similar Development Nearby

If approved then there would be similar development on other village properties.

Comment: Council is obliged to consider development applications for rural industry.

6.8 Future Intensification or Change

No constraint on intensifying or changing future use.

Comment: Any intensification in the use would require Council approval.

6.9 Non Compliance

New owner would not comply with conditions placed on current developers.

Comment: Development approval remains with the land regardless of the new owner.

6.10 Non-approved Uses

Non-approved uses, e.g. a school.

Comment: The proposal does not involve the construction of an education establishment or any other use that is not approved.

7. Does not comply with Pump-out Effluent Disposal Policy [issue raised 14 times]

7.1 Effluent Waste Pump-out System

Applicant has requested Council approval of non-compliant effluent waste system.

Comment: See Effluent Management and Shoalhaven Water Section of the report.

7.2 Last Resort System

Pump-out should be considered only as a last resort where on-site systems are failing and connection to a reticulated sewerage system is not possible.

Comment: See Effluent Management and Shoalhaven Water Section of the report.

7.3 Prohibition of Pump-out Development

Developments relying on pump-out systems should be prohibited.

Comment: Effluent pump-out systems can be an acceptable solution for waste disposal.

7.4 Collection Well Size

The collection well should be sized to contain a maximum of seven days daily flow.

Comment: See Effluent Management and Shoalhaven Water Section of the report.

7.5 Location of On-site Effluent System

It is best to locate all the components of an on-site effluent system above the 1:100 year probability flood contour but the 1:20 year probability contour may be used as a limit for land applications.

*Comment: Storage tanks need to be installed below ground level to allow waste to empty into the tank. The tank can be sealed with the vent above the required flood level.
See Effluent Management and Shoalhaven Water Section of the report.*

7.6 Quality of Life

On-site sewerage management systems should be selected, sited, designed, constructed, operated and maintained so that they do not unreasonably interfere with quality of life and, where possible, so that they add to the local amenity, special consideration should be given to aesthetics, odour, dust, vectors and excessive noise.

Comment: The subject property is located adjoining a main road so that excessive noise should not be an issue. In the event of approval, the pump-outs would be permitted only during the working hours from Monday to Friday.

7.7 Odour

Odour from the on-site pump-out sewerage management systems.

Comment: It is assumed that the effluent storage tanks would be appropriately sealed to ensure odour problems would be minimised.

7.8 Public Health Risk

The pump-out sewerage management systems represents an unacceptable public health risk.

Comment: A pump-out effluent system represents no greater risk to public health than a trenched on-site effluent disposal system.

7.9 Location in Rural Zone

Pump-out effluent management systems are not permitted to be located in rural zone.

Comment: See Effluent Management and Shoalhaven Water Section of the report.

7.10 Pump-out System Noise

The pump-out sewerage system would lead to unacceptable noise levels.

Comment: An additional pump-out service would not cause undue traffic or noise pollution as the servicing of this property could be undertaken under the same trip when servicing other nearby properties at Terara.

7.11 Frequency of Service

Frequency of service (should be more than once every 4 weeks)

Comment: See Effluent Management and Shoalhaven Water Section of the report.

8. Probity [issue raised 10 times]

8.1 Council Determination

Council should determine application.

Comment: It is appropriate that this development application is reported to Council.

8.2 Contrary to Council Charter

The proposed development is contrary to Council's own Charter.

Comment: The proposed development is not prohibited within the subject zone.

8.3 Applicant is a Council Staff Member

The applicant is a Council staff member.

Comment: Agreed.

8.4 Insufficient Community Consultation

There has been insufficient community consultation.

Comment: This development application has been advertised in accordance with Council's Community Consultations Policy on two separate occasions.

In addition, a Community Briefing Meeting was also held at the Council Administrative Centre.

8.5 Plastic Sleeve Rubbish

This particular objector expressed disappointment in staff response to plastic sleeve rubbish issue.

Comment: The issue of plastic sleeve rubbish on or in the vicinity of the subject is not relevant to the assessment of the proposed development.

8.6 Fireweed Rubbish

This particular objector expressed disappointment in staff response to fireweed rubbish issue

Comment: The issue of fireweed rubbish on or in the vicinity of the subject land is not relevant to the assessment of the proposed development.

8.7 Applicant has No Respect for Terara Village Residents

The objection infers that, as the applicants do not reside in the Terara village, they do not respect the village or its residents.

Comment: This objection is irrelevant.

8.8 Residents Briefing Meeting

Request residents briefing meeting.

Comment: A Residents Briefing Meeting was conducted.

8.9 Insufficient Information

There is insufficient information upon which to make determination.

Comment: The applicant has submitted adequate development plans and supporting information to enable a reasonable assessment of the application to be undertaken.

8.10 Objector is Offended

The objector states that they are offended at being required to prepare another submission.

Comment: Council would have been criticised if the revised submission was not re-advertised.

8.11 Inconsistent with Council Policies

The objection States that the proposed development is inconsistent with Council's own Policies.

Comment: The proposed development is not prohibited in the zone and is permitted with Council consent.

8.12 Planning Qualifications should be Stripped – incompetent staff

The objection states that the planner who allows development should be stripped of qualifications.

Comment: Should the objector be dissatisfied with the Council determination, he or she may pursue the matter in the Land and Environment Court.

8.13 Document Unavailable on DA Tracking

Certain document not made available on DA tracking.

Comment: The objector is referring to a document from the Department of Housing. The Freedom of Information (FOI) Officer subsequently confirmed that the floor plan could be viewed, but not the business plan.

It was explained that there was an avenue under FOI legislation for them to apply to view this document.

8.14 Flooding Concerns

Request for a copy of the flooding concerns raised by Council's Acting Flood Engineer.

Comment: The information received by Council as a response to these concerns was subsequently posted on the DA tracking system.

8.15 ICAC – corrupt staff allegation

As due process has not been followed, this matter should be reported to Independent Commission Against Corruption (ICAC).

Comment: If the objector that raised this issue has evidence of corruption by Council staff, he/she has a duty to report the matter to the ICAC immediately.

There are no other Public Participation, Referrals or Submissions issues relevant to this proposed development.