
From: Amanda Moylan <Amanda.Moylan@rfs.nsw.gov.au>
Sent: Thursday, 28 January 2016 4:25 PM
To: Eric Hollinger
Subject: RE: Woollamia - Falls Ck Deferred Areas PP - draft working maps

Hi Eric

I've had a look at the working maps for the Falls Creek Deferred Areas. Here are some preliminary comments.

Please bear in mind that individual applications for development, including subdivision, on bush fire prone land, will trigger the integrated provisions under the *EP&A Act* and will be assessed in accordance with s100b of the Rural Fires Act. The lot configuration shown in the draft Planning Proposal would require the submission of an alternative solution as the draft layout is unlikely to be consistent with the acceptable solutions for access set out in *Planning for Bush Fire Protection (PBP)*.

General Comments

It is noted that both precincts are located in existing rural residential areas where the broader landscape provides the opportunity for bush fire to approach from more than one aspect. The sites are also located in areas where land is not managed in a minimum fuel condition (when looking at the broader landscape). Access into and out of the locality may be problematic in a bush fire situation due to main access routes (Jervis Bay Road and Seasongood Road) travelling through heavily forested areas, and access from the precincts to appropriate places to shelter from a fire may be difficult in a bush fire situation. Council should carefully consider facilitating additional residential development in this area, having regard to the above and the context of the sites.

Seasongood Road precinct

Access

- PBP requires the provision of safe access to properties to/from the public road system
- The future subdivision of lots 113, 113A, 119, 119A, 118 and 118A may result in the creation of building envelopes that are greater than 200m from a public through road.
- It would be the preference of the NSW RFS that short property access roads are provided, or in their absence, alternative access is provided, for the safety of evacuating residents and emergency service personnel. The main concern with the access to these lots is the potential for access roads to be cut/blocked during a bush fire event. The risk of this increases where land adjacent to access ways is vegetated and where utility services (power lines) are above ground and adjacent to the access way.
- Should Council consider pursuing current configuration, a suitable legal mechanism to ensure the management of vegetation adjacent to internal access roads (to ensure roads will not be blocked by fallen trees in a bush fire situation) should be considered.
- It is noted that access to lots 113 and 113A require crossing of water courses. Water crossings can pose operational difficulties and it should be noted that PBP requires access to be all weather. Bridges must be capable of carrying a load of 15 tonnes, where they service only 2 lots, or 28 tonnes (9 tonnes per axle) for access roads that service 3 or more lots and in a non reticulated area.
- Where access to a development comprises 3 or more lots, the provisions of 4.1.3 Access [1] Public Roads applies.

Building envelopes

- Council should be aware that PBP is currently being reviewed by the RFS and APZ tables may alter into the future.

APZ's

- Where APZ's are proposed over adjacent properties, Council should be satisfied that a suitable legal mechanism can be established to ensure ongoing
- Where building envelopes are proposed on sites with environmental constraints (e.g. water course) APZ's should not extend into these areas.

Woollamia Road precinct

APZ's

- Lot 1 - it is noted that downslopes between 10-15 deg are identified to the west and north west of the proposed building envelope on lot 1. Council should consider the hazard which most significantly affects the fire behaviour of the site having regard to the vegetation class found, particularly around the riparian area, to determine the relevant effective slope.
- Where APZ's are proposed over adjacent properties, Council should be satisfied that a suitable legal mechanism can be established to ensure ongoing
- Where building envelopes are proposed on sites with environmental constraints (e.g. water course) APZ's should not extend into these areas.

Access

- The creation of lots 4 and 5 may result in the creation of building envelopes that are greater than 200m from a public through road - a suitable turning area would be required to ensure rapid access and egress for fire fighting appliances and residents.

Building envelopes

- Council should be aware that PBP is currently being reviewed by the RFS and APZ tables may alter into the future.

regards

Amanda




Amanda Moylan | Team Leader Development Assessment and Planning | Customer Service and Support
Batemans Bay
NSW RURAL FIRE SERVICE
Unit 2 63 Cranbrook Rd NSW 2536 | Locked Bag 17 Granville NSW 2142
P 02 4472 0600 F 02 4472 0690 M 0418 639 016 E Amanda.Moylan@rfs.nsw.gov.au
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.

From: Eric Hollinger [<mailto:Eric.Hollinger@shoalhaven.nsw.gov.au>]
Sent: Thursday, 3 December 2015 4:42 PM
To: Amanda Moylan
Subject: FW: Woollamia - Falls Ck Deferred Areas PP - draft working maps

Hi Amanda
Have you had the opportunity to look at this yet? Give me a call if you need to discuss (but not tomorrow as I won't be in).
Regards
Eric

Eric Hollinger
Senior Project Planner
Shoalhaven City Council

02 4429 3320 | 0409 256 192
Bridge Rd (PO Box 42) Nowra NSW 2541
hollingere@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



From: Eric Hollinger [mailto:Eric.Hollinger@shoalhaven.nsw.gov.au]
Sent: Tuesday, 17 November 2015 5:08 PM
To: Amanda Moylan <Amanda.Moylan@rfs.nsw.gov.au>
Subject: Woollamia - Falls Ck Deferred Areas PP - draft working maps

Hi Amanda

Please find attached two working maps for the Woollamia - Falls Ck Deferred Areas PP for your comment. The theoretical/conceptual lot layout put together by the stormwater engineer, has been overlaid onto various bushfire-related constraints. Apologies for my scratchy writing!

I started making changes to the consultant's layout including deleting the rear-most lot & building envelope on Lot 122A, Seasongood Rd, to try & get it to be consistent with PBP (particularly in relation to any dwellings that would be substantially >200m from a public road).

Note that the 2 maps are at different scales. BTW - the originals are on A2 paper. I have written relevant dimensions.

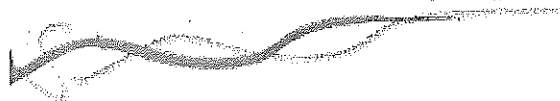
I have numbered each of the building envelopes (new dwellings only) for reference purposes.

Let me know if you have any questions or you require further information.

Regards

Eric Hollinger
Senior Project Planner
Shoalhaven City Council

02 4429 3320 | 0409 256 192
Bridge Rd (PO Box 42) Nowra NSW 2541
hollingere@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



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NSW RURAL FIRE SERVICE



Shoalhaven City Council

Received

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

15 FEB 2016

File No. 38279E

Referred to: E. Hollinger

Your Ref: L08/0110

Our Ref: L08/0110

ATTENTION: Eric Hollinger

9 February 2016

Dear Eric

Woollamia - Falls Creek Deferred Areas Planning Proposal

I refer to the above Planning Proposal and to the working maps for the Woollamia - Falls Creek Deferred Areas forwarded to the NSW Rural Fire Service (RFS) for comment on the 17th November 2015. I also refer to ongoing discussions between staff from the Shoalhaven City Council and NSW RFS.

The RFS have reviewed the working plans having regard to s117(2) 4.4 'Planning for Bush Fire Protection', (PBP) 2006 and future obligations under s91 of the Environmental Planning and Assessment Act (EP& Act) 1979. The following comments are provided for your consideration.

1. The NSW Rural Fire Service (RFS) notes that the subject sites are identified as being located on bush fire prone land on the Shoalhaven Bush Fire Prone Land Map.
2. It is noted that the planning proposal has the potential to result in a significant increase in the number of rural residential lots in the area.
3. As Council is aware, future development applications on bush fire prone lands will be required to comply with either Section 79BA of the Environmental Planning and Assessment Act 1979 or Section 100B of the Rural Fires Act 1997 depending upon the nature of the proposed development.
4. The RFS advises the following issues should be considered:
 - a. Minimising the interface to the bush fire hazard is a key planning principle of Planning for Bushfire Protection (PBP). This is most commonly achieved through the use of perimeter roads. This would not appear to be viable given the moderate lot yield of future subdivisions, the rural residential nature of the zoning, the relatively large MLS and the fragmented ownership of the land.
 - b. (i) PBP specifies requirements for access to and from development. For example, the acceptable solutions for public roads in subdivisions require roads to be through roads. Dead end roads are not recommended, but where unavoidable, dead ends shall not be more than 200m in length. For property access roads, the acceptable solutions require that where a dwelling is located greater than 200 metres

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

from a public through road, a secondary access road shall be provided. Where the acceptable solutions of PBP cannot be met, the development is considered under the "merit based provisions" and required to satisfy the intent of the relevant 'performance criteria'.

The NSW RFS is concerned that a significant portion of the subject land is unlikely to comply with the acceptable solutions for property access roads and public road access of *PBP 2006* at future development stages. Future subdivisions within the planning proposal area would need to demonstrate that they can satisfy the intent of the public road access 'performance criteria' that 'public road widths and design that allow safe access for firefighters while residents are evacuating an area' and the property access 'performance criteria' that 'road widths and design enable safe access for vehicles'

(ii) At Planning Proposal stage, where it is determined that the acceptable solutions are unlikely to be satisfied, the RFS considers the following matters in combination;

- the relevant 'performance criteria' of *PBP*,
- the existing subdivision potential of the land,
- the subdivision potential of the land sought under the proposal,
- the level of bushfire risk posed in the broader locational context of the site;
- broader access to and from the site through the public road system.

Having considered these matters in determining the likely ability to provide a suitable suite of bushfire protection measures in the future, the RFS is of the view that difficulty in providing through public access roads or measures such as perimeter roads which, as discussed above, may be unlikely to be viable for future subdivisions in this area.

- c. Planning for Bushfire Protection 2006 includes requirements for water, electricity and gas. Where appropriate a reticulated water supply should be provided. The RFS is of the understanding that the reticulated water supply in the area may be unreliable. PBP requires that where fire hydrant spacing, sizing and pressures cannot comply with AS2419.1-2005, the RFS will require a test report of the water pressures anticipated by the relevant water authority. In such cases the location, number and sizing of hydrants shall be determined using fire engineering principles, or alternatively, each future dwelling would require a 20 000L static water supply in accordance with the provisions of section 4.1.3 'Services' of PBP 2006.
- d. Planning for Bushfire Protection (PBP) 2006 requires that future residential/rural residential subdivisions are able to achieve the required Asset Protection Zones (APZs) wholly within property boundaries and are required to achieve a radiant heat level not greater than 29kW/m² in accordance with Table A2.4 of PBP. A preliminary assessment of the proposal provides that this is likely to be achievable given the large lot sizes proposed.

For any enquiries regarding this correspondence or to discuss the matters raised in this letter further, please contact Amanda Moylan or Martha Dotter on (02) 4472 0600.

Yours faithfully,



Jeff Lucas

Director - Customer Service and Support

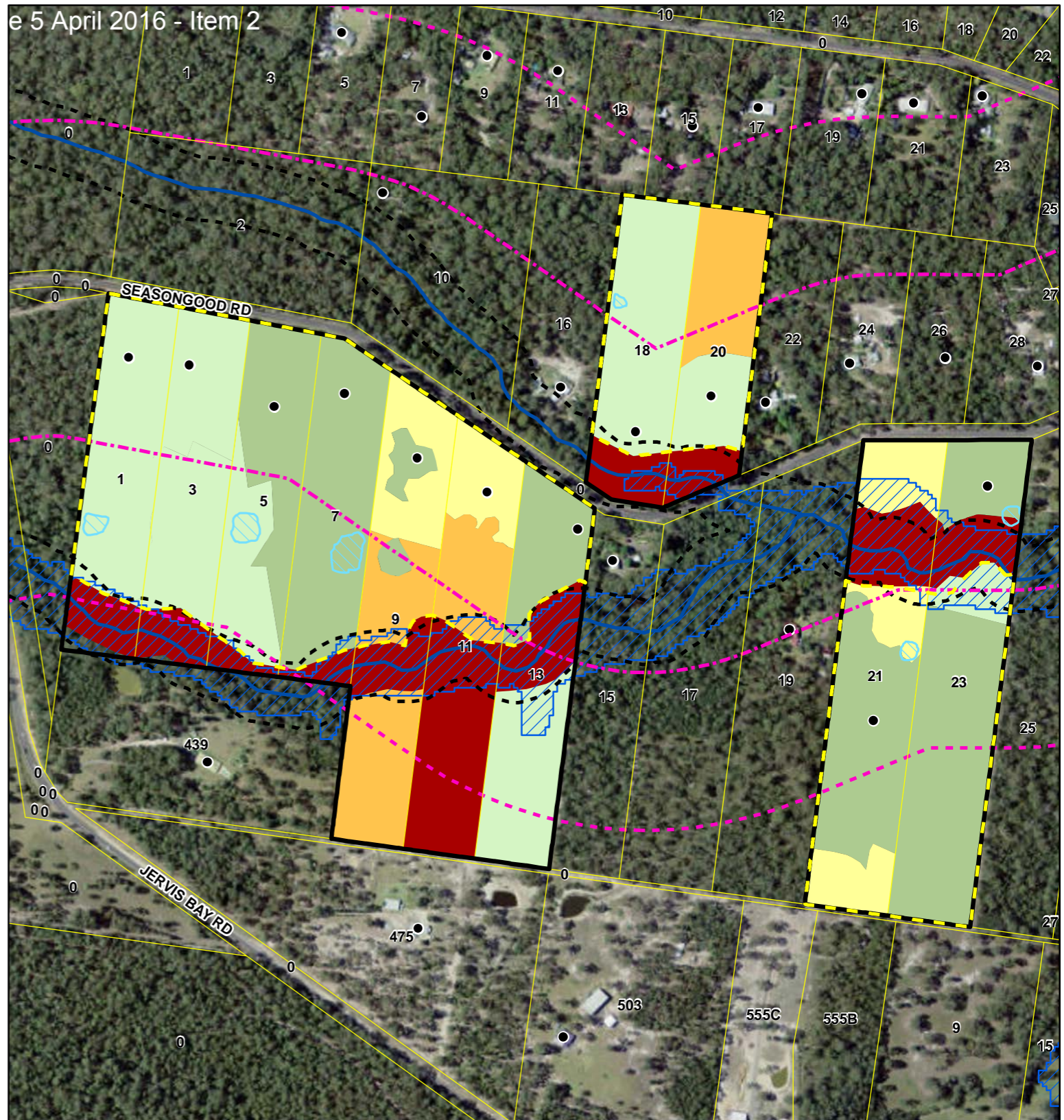
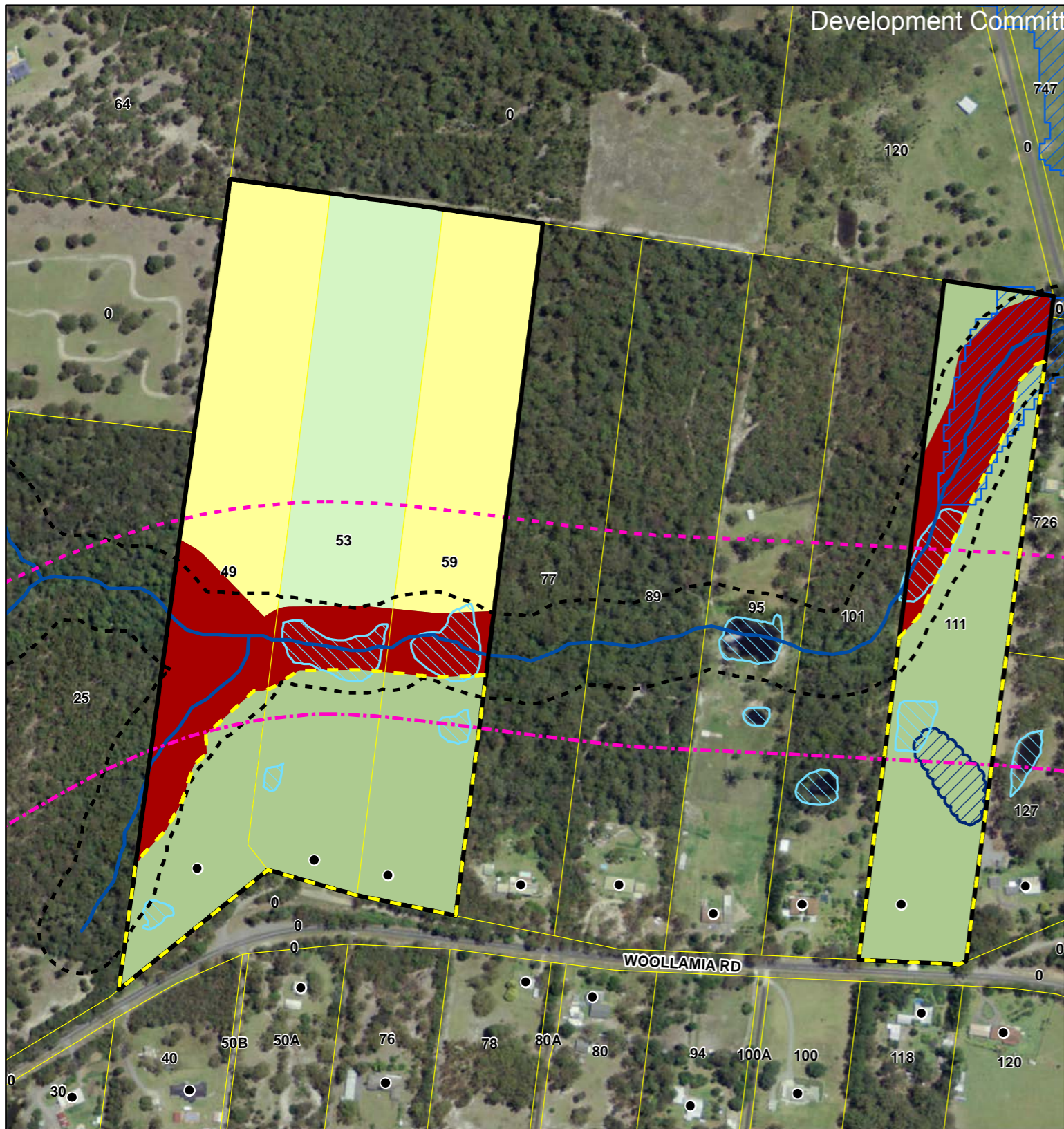
Falls Creek / Woollamia Deferred Areas PP - Breakdown of potential additional lot yield and distance from public road

Property Details Address	Total lot area (Subject land) (ha)	Investigation Area (ha)	Theoretical # dwelling sites			Comments
			Within 200 m of public road	200-400 m from public road	More than 400 m from public road	
111 Woollamia Rd (Lot 159A DP 15266)	6.53	4.47	1	1	0	More than one additional lot would significantly increase bushfire interface.
59 Woollamia Rd (Lot 157 DP 15266)	6.19	2.10	1	0	0	Insufficient area to consider any more than one additional lot.
53 Woollamia Rd (Lot 155A DP 15266)	6.9	2.11	1	0	0	
49 Woollamia Rd (Lot 155 DP 15266)	7.18	1.83	1	0	0	Preliminary analysis suggests one additional lot is possible but asset protection zone (APZ) would need to overlap onto the watercourse buffer. This could be accepted if offset by a providing a wider vegetated buffer elsewhere on the property. The APZ would also overlap onto Lot 155A, adjacent to the existing dwelling.
1 Seasongood Rd (Lot 119 DP 15266)	4.18	3.44	1	1	0	Dwellings to be positioned centrally as APZs must be within property boundaries. More than 1 additional lot would require secondary access and a perimeter road. The RFS does not support the creation of fire trails across multiple residential lots.
3 Seasongood Rd (Lot 119A DP 15266)	4.09	3.51	1	1	0	
5 Seasongood Rd (Lot 118 DP 15266)	4.03	3.81	1	1	0	
7 Seasongood Rd (Lot 118A DP 15266)	3.95	3.69	1	1	0	
9 Seasongood Rd (Lot 116 DP 15266)	5.29	2.78	1	0	0	Insufficient area to consider any more than one additional lot.
11 Seasongood Rd (Lot 116A DP 15266)	4.88	2.29	1	0	0	
13 Seasongood Rd (Lot 115 DP 15266)	4.61	1.49	1	0	0	The lot would need to be subdivided lengthways, with the new dwelling site positioned adjacent to the existing dwelling, and the watercourse contained within the residual. The APZ would overlap onto existing APZ for the existing dwelling on Lot 116A,.
18 Seasongood Rd (Lot 122A DP 15266)	3.84	3.20	1	1	0	Investigation area is to the rear of the watercourse. The existing watercourse crossing should be utilised and upgraded if necessary. Watercourse crossings should be limited to one on each lot.

Property Details Address	Total lot area (Subject land) (ha)	Investigation Area (ha)	Theoretical # dwelling sites			Comments
			Within 200 m of public road	200-400 m from public road	More than 400 m from public road	
20 Seasongood Rd (Lot 123 DP 15266)	3.29	2.79	1	0	0	Investigation area is to the rear of the watercourse. Insufficient area to consider any more than one additional lot.
21 Seasongood Rd (Lot 113 DP 15266)	6.35	4.29	0	1	2	Investigation area is separated from the Road by a watercourse. Disturbance of the watercourse and associated vegetation should be minimised. This can be achieved by utilising the existing watercourse crossing, subject to any necessary upgrade. The existing dwelling is approx. 350 m from the Road. A potential dwelling site approx. 220 m from the Road is adjacent to an approved dwelling on 19 Seasongood Road (which is not part of the PP).
23 Seasongood Rd (Lot 113A DP 15266)	6.51	4.59	0	2	2	The existing dwelling is at the front of the Lot, outside of the investigation area. A watercourse to the rear of the dwelling, separates the investigation area from the Road. It is important that disturbance of the watercourse and associated vegetation is minimised. The closest that a new dwelling could be positioned to the Road is approx. 220 m. Residential development in this location would be directly adjacent to existing and potential future residential development to the west and south west, limiting the bushland interface to the east and north.
Total	77.82 ha	46.39 ha	13	9	4	

Notes

1. Except where noted, the bushfire asset protection zones (APZ) for potential new dwelling sites could be accommodated within the boundaries of the lot (based on BAL-29 construction standard under AS3959).
2. Secondary access is required for dwellings more than 200 m from a public road.
3. Perimeter access will be required to achieve any more than one additional lot.
4. The RFS does not support the creation of perimeter fire trails across multiple lots.
5. The viability of creating perimeter roads is questionable given the relatively low lot yield and density, and that there are five separate potential subdivision areas.



Not to Scale

Constraints Summary Planning Proposal LP406 Falls Creek/ Woollamia

Council File: 38279E

Legend

- | | | | |
|-----------------------|-------------------------|--|---------------|
| Investigation Area | Watercourse | Biodiversity Constraints Categories | |
| Subject Land | 40m Water Course Buffer | | Low |
| 200m from Public Road | 1% AEP (2050) | | Low-Moderate |
| 400m from Public Road | Dams | | Moderate |
| Existing Dwellings | Boggy Area | | Moderate-High |
| | | High | |



Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

Prepared by
Planning & Development Services Group
Shoalhaven City Council
File 50767E

August 2015

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
telephone (02) 4429 3111
facsimile (02) 4422 1816
e-mail planning@shoalhaven.nsw.gov.au
internet www.shoalhaven.nsw.gov.au

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Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

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1 Introduction

This Planning Proposal (PP) seeks to extinguish Council's interests in land at Shoalhaven Heads, Coolangatta, St Georges Basin and part of land at Vincentia, and to reclassify the remainder of the Vincentia land from "operational" to "community". The purpose of the PP is to extinguish Council's interests in the subject land to enable the land to be sold or licensed.

The subject land was reclassified from "community" to "operational" as part of the comprehensive Shoalhaven LEP 2014 (SLEP 2014), with the intention that Council's interests in the land would also be extinguished. However, due to an administrative error when the new LEP was drafted, the sites were inserted into Part 1 of Schedule 4 instead of Part 2. This meant that when the SLEP 2014 came into effect on 22 April 2014, the land was reclassified to "operational" but no change was made to the interests in the land. In addition, the SLEP 2014 changed the classification of all of Lot 2081 DP 216860 at Vincentia to "operational", not just the narrow strip of land to the rear of 83 to 109 Frederick Street and 7 Sutton Street.

Through this PP, Council is seeking to correct this administrative error.

This PP has been prepared consistent with DP&E's *LEP Practice Note PN 09-003 – Classification and reclassification of public land through a local environmental plan* (Reclassification Practice Note) and *Best Practice Guidelines for LEPs and Council Land* (Best Practice Guidelines).

1.1 Subject Land

The subject land is located throughout the Shoalhaven LGA as follows:

1. Lot 21 DP 252581 - 50 Shoalhaven Heads Road, Shoalhaven Heads
2. Lot 12 DP 617101 - Bolong Road, Coolangatta
3. Lot 3 DP597223 - Bolong Road, Coolangatta
4. Lot 4 DP 550354 - Island Point Road, St Georges Basin
- 5a. Part Lot 2081 DP 216860 - Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only)
- 5b. Part Lot 2081 DP 216860 - Lively Street, Vincentia (remainder of lot)

The location of the sites is mapped on **Figure 1**. Details of the subject land including zoning and site characteristics are in **Table 1** below.

Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

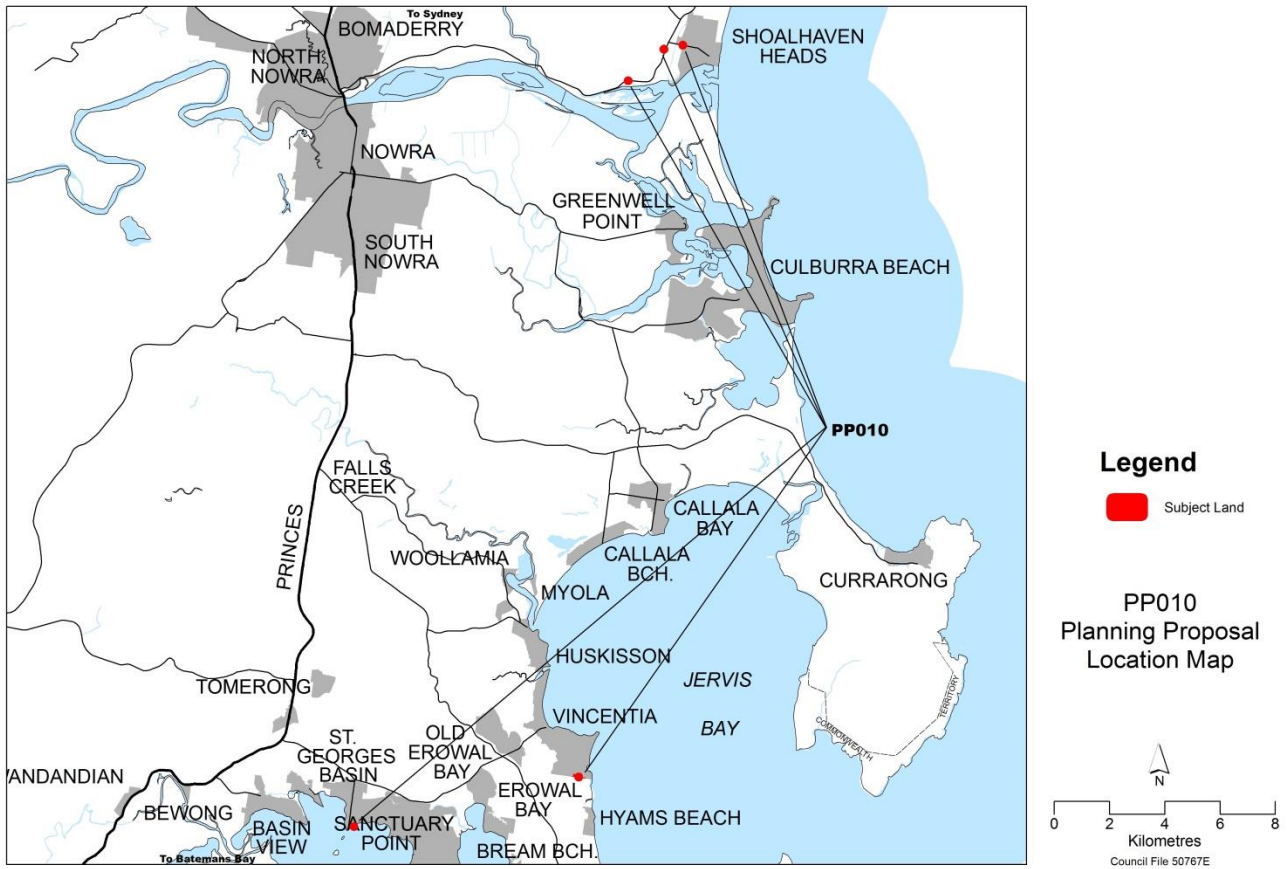


Figure 1 – Subject Land Locations

1.2 Background

Council resolved on 20 March 2012 to reclassify the following parcels of Council owned land from “community” to “operational” as part of SLEP 2014 (**Attachment “A”**):

1. Lot 21 DP 252581 - 50 Shoalhaven Heads Road, Shoalhaven Heads
2. Lot 12 DP 617101 - Bolong Road, Coolangatta
3. Lot 3 DP597223 - Bolong Road, Coolangatta
4. Lot 4 DP 550354 - Island Point Road, St Georges Basin
5. Part of Lot 2081 DP 216860 - Lively Street, Vincentia along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street
6. Lot 35 DP 226342 - Edgewater Avenue, Sussex Inlet

For sites 1 to 5, the reclassifications also proposed to extinguish Council’s interests in the land to enable the land to be sold or licensed (see Fact Sheet which formed part of the exhibition materials for SLEP 2014 at **Attachment “B”**).

However, due to an administrative error when the plan was drafted, the sites were inserted into Part 1 of Schedule 4 of the new LEP instead of Part 2. This meant that when the SLEP 2014 came into effect on 22 April 2014, the land was reclassified to “operational” but no change was made to the interests in the land. In addition, the SLEP 2014 changed the classification of all of Lot 2081 DP 216860 to “operational”, not just the narrow strip of land to the rear of 83 to 109 Frederick Street and 7 Sutton Street.

This matter was reported to Council on 14 July 2015 and Council resolved to submit Planning Proposal (PP010) – Housekeeping Reclassification of Council Land for initial Gateway determination (**Attachment “C”** – Development Committee Report and Minutes).

Note: This PP does not apply to the land at Lot 35 DP 226342 Edgewater Avenue, Sussex Inlet which was also reclassified as part of the preparation of SLEP 2014.

2 Part 1 –Intended Outcome

The intended outcome of this PP is to allow Council to explore the sale or licensing of the subject land, and reclassify part of the land at Vincentia from “operational” to “community” to clearly reflect the originally desired outcomes for that land under SLEP 2014, i.e. classified as community land and no interests changed.

Details of the subject land and purpose of the PP in relation to that land are contained in **Table 1** below.

Table 1. Subject Land Details**Site 1. Lot 21 DP 252581 - 50 Shoalhaven Heads Road, Shoalhaven Heads**

I:\Planning\Graphics\Projects\City\PlanningProposals\PP010\PlanningProposal_AirPhoto.mxd

Current zoning: RU1 Primary Production

Site Characteristics:

The site has an area of approximately 1235m². It is a 'battle-axe' shaped lot with an access handle on Shoalhaven Heads Road. It forms part of a service station and part of the Coastal Palms Holiday Park. The part within the Coastal Palms Holiday Park contains a sewer main and play equipment. In the past the site has been maintained by the holiday park under a lease from Council. This lot was dedicated to Council as public reserve under subdivision no. 3062A in 1976.

Purpose of PP:

Due to the configuration of the land it has limited public use and the reclassification will enable the investigation of sale to adjoining land owner(s).

Rights or interests to be extinguished:

- The Deposited Plan (DP) identifies the land as a 'Public Reserve'.
- K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves.
- Reservations and conditions, if any, contained in the Crown Grant referred to in the certificate of title.

Any trusts and covenants relevant to the site: Nil

Site 2. Lot 12 DP 617101 Bolong Road, Coolangatta

Current Zoning: RU1 Primary Production

Site Characteristics:

The site has an area of approximately 1082m². It is a long narrow lot which runs parallel to Bolong Road. It is partly unused land within the fenceline of an adjoining private property and contains a small amount of vegetation. This lot was dedicated to Council as public reserve under subdivision no. 4308 in 1981.

Purpose of PP:

The site has no practical public use and the reclassification will allow Council to investigate the sale of the land to an adjoining land owner.

Rights or interests to be extinguished:

- The DP identifies the land as a 'Public Reserve'.
- K200000P Caveat by the Registrar General forbidding unauthorised dealing with public reserves.
- Reservations and conditions, if any, contained in the Crown Grant referred to in the certificate of title.

Any trusts and covenants relevant to the site: Nil

Site 3. Lot 3 DP 597223 Bolong Road, Coolangatta

Current Zoning: RU1 Primary Production

Site Characteristics:

The site has an area of approximately 2263m². It runs parallel to Bolong Road. It is partly within the fenceline of adjoining private land. The owner of the adjoining property was granted a grazing permit for this land in the past, but this permit is not current. This site was dedicated to Council as a condition of consent under subdivision no. 4306. It was dedicated as a public reserve with the idea of it being used as a driver rest area, however, it has not been utilised for this purpose.

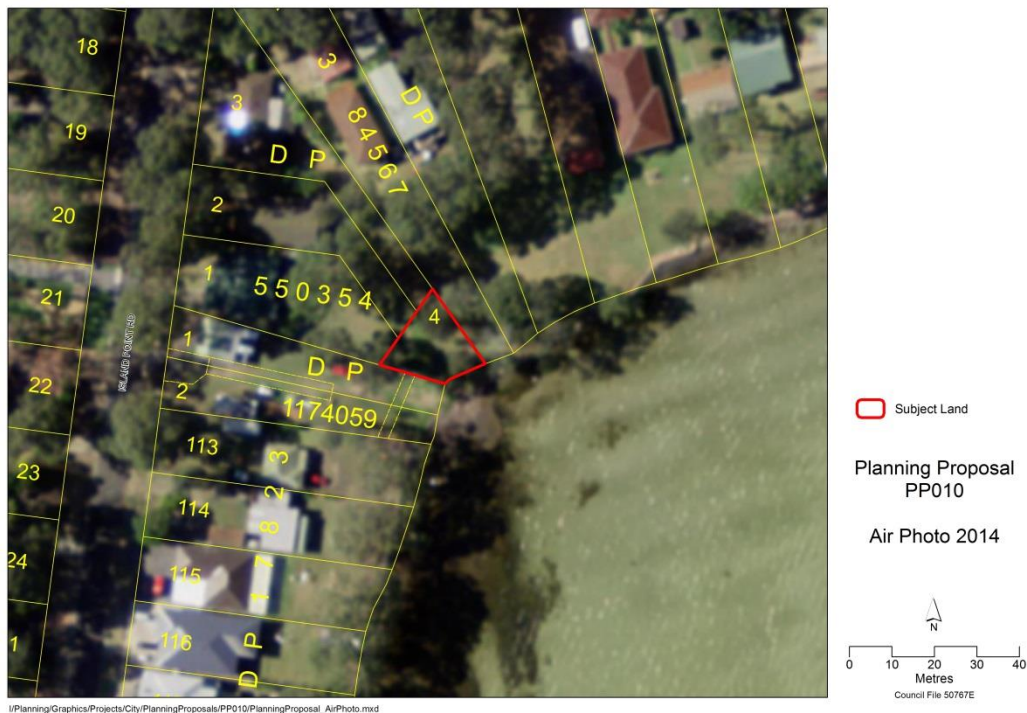
Purpose of PP:

The site has no practical public use and the reclassification will allow Council to investigate the sale of the land to an adjoining land owner(s).

Rights or interests to be extinguished; any trusts and covenants relevant to the site:

- The DP identifies the land as a 'Public Reserve'.
- K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves.
- Reservations and conditions, if any, contained in the Crown Grant referred to in the certificate of title.

Any trusts and covenants relevant to the site: Nil

Site 4. Lot 4 DP 550354 Island Point Road, St Georges Basin

Current zoning: B4 Mixed Use

Site Characteristics:

The site has an area of approximately 354m² and has water frontage to St Georges Basin. It is land-locked and has no means of access other than via water. This lot was dedicated to Council as public reserve in 1971 under subdivision No. 3071.

Purpose of PP:

The site has no practical public use and the reclassification will allow Council to investigate the sale of the land to an adjoining land owner(s).

Rights or interests to be extinguished:

- The DP identifies the land as a 'Public Reserve'.
- K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves.

Any trusts and covenants relevant to the site: Nil

Sites 5a. and 5b. Lot 2081 DP 216860 Lively Street, Vincentia

Current Zoning: Part RE1 Public Recreation and part R2 Low Density Residential

Site Characteristics:

The site has an area of approximately 1ha, is irregular in shape and contains access handles from Sutton and Frederick Streets. A further access handle is connected to the unformed part of Waldegrave Crescent to the west. The majority of the site is well vegetated and backs onto Jervis Bay National Park. This lot was dedicated to Council under subdivision no. 710 as public garden and recreation space in 1954.

Purpose of PP:

Site 5a. This PP will enable investigation of licensing the narrow section of the lot adjoining 83-109 Frederick Street and 7 Sutton Street to adjoining land owners in order to formalise access to the rear of their properties (orange shading on map above). All Frederick Street properties have existing legal access, however, 7 Sutton Street currently uses part of the land to access a garage at the rear of the property.

Site 5b. This PP will reclassify this part of the land to community, to reflect the fact that it was not supposed to be reclassified to operational in the SLEP 2014 process (green shading on map above).

Rights or interests to be extinguished:

- The DP identifies the site as 'Public Garden and Recreation Space'.
- Reservation and conditions, if any, contained in the Crown Grant(s) referred to in the DP.

Any trusts and covenants relevant to the site: Nil

3 Part 2 – Explanation of Provisions

The PP proposes to amend SLEP 2014 to list sites 1 to 5a under Part 2 of Schedule 4 “Land classified, or reclassified, as operational land – interests changed”. This change will give effect to Clause 5.2(5) of SLEP 2014 so that the subject land will no longer have public reserve status, and will be discharged from “all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land” (as indicated in **Table 1**). This will enable Council to explore the sale (sites 1-4) or licensing (site 5a) of the subject land.

For site 5b, the PP proposes to list the land under Part 3 of Schedule 4 “Land classified, or reclassified, as community land”. This will ensure that this site is classified to reflect the original intent of the reclassifications carried out under SLEP 2014, i.e. classified as “community” land and no interests changed. This will create a dual classified lot.

As the PP involves extinguishing Council’s interests in some of the land, the approval of the Governor of NSW will be required in accordance with section 30 of the Local Government Act 1993 (LG Act) prior to the PP being finalised. Copies of the Certificates of Title for the subject land are at **Attachment “D”**.

4 Part 3 – Justification

4.1 Need for the planning proposal (Section A)

4.1.1 Is the planning proposal a result of any strategic study or report?

The PP is not the result of a strategic study or report. It aims to correct an administrative error which occurred in the drafting of SLEP 2014.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This PP is considered to be the best means of achieving the intended outcome.

4.2 Relationship to strategic planning framework (Section B)

Given the various locations of the subject sites across the Shoalhaven LGA, some or all of the following strategic plans and strategies will apply.

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

➤ South Coast Regional Strategy

Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

The South Coast Regional Strategy (SCRS) aims to support economic growth in the region including tourism, while limiting development constrained by coastal processes, flooding, wetlands and significant and cultural landscapes. It identifies Council's requirements with zoning land and making provision for natural environments and natural hazards through implementing applicable natural resource policies, plans and guidelines. The proposed PP is consistent with the SCRS.

➤ Draft Illawarra Regional Growth and Infrastructure Plan

The draft Illawarra Regional Growth and Infrastructure Plan (draft Plan) applies to the whole Shoalhaven LGA including the subject lands. The draft Plan seeks to provide a framework for provision of well-located, more diverse and more affordable housing. The proposed PP is consistent with the draft Plan.

➤ South Coast Regional Conservation Plan (2010)

The South Coast Regional Conservation Plan (SCRCP) provides direction to local government on planning and development decision-making so that the biodiversity of the South Coast can be maintained or improved. The proposed PP is consistent with the SCRCP.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

➤ Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2023

The Proposal is consistent with Council's Community Strategy Plan and the relevant objective and strategy below:

Objective 2.2 Population and urban settlement growth that is ecologically sustainable and carefully planned and managed.

Strategy 2.4.2 Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The PP is consistent with the applicable state environmental planning policies (SEPPs). A full list of the SEPPs is provided at **Attachment "E"**. The relevant SEPPs are discussed below.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

This policy aims to protect and manage the natural, cultural, recreational and economic attributes of the NSW coast through ensuring that development in the NSW Coastal zone is appropriate and suitably located. All of the lots within the planning proposal area fall within the boundaries to which SEPP 71 applies. Two of the sites are also identified as being within a sensitive coastal location. The proposal does not seek to rezone land, nor does it relate to development of the land, and therefore the PP is considered to be consistent with SEPP 71.

SEPP (Rural Lands) 2008

The Rural Lands Ministerial Direction requires that PPs which affect land within existing or proposed rural or environmental zones be consistent with the principles of the Rural Lands SEPP. The PP is considered to be consistent with this SEPP.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions are considered in **Attachment “F”** and those that are most relevant are discussed below.

1.2 Rural Zone and 1.5 Rural Lands

The properties at Coolangatta and Shoalhaven Heads are zoned RU1 Primary Production. This PP does not seek to rezone these lots, and will allow the continuation of the existing use in the case of the land in Shoalhaven Heads adjacent to a caravan park, or to be used for agricultural purposes for the land in Coolangatta. The proposal does not detract from the agricultural production value of the land and is consistent with these Directions.

2.2 Coastal Protection

All of the subject land is located in the coastal zone, however, due to the administrative nature of the proposal it is consistent with this Direction.

3.2 Caravan Parks and Manufactured Home Estates

Lot 21 DP 252581 Shoalhaven Heads Road, Shoalhaven Heads adjoins an existing caravan park. Council intends to explore the sale of this lot to the adjoining caravan park. The draft PP is consistent with this direction.

5.1 Implementation of Regional Strategies

The consistency of the PP with the SCRS and draft Illawarra Regional Growth Plan is discussed in Section 4.2.1.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves an administrative amendment to the SLEP 2014. Any future use of the land will consider environmental impacts as part of the development assessment process.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The PP will not have any environmental impacts as it involves an administrative amendment to the SLEP 2014. Any future use of the land will consider environmental impacts as part of the development assessment process.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts related to the PP are considered minimal. Where the land is to be investigated by Council for its sale to an adjoining land owner, this may avail funds to be reallocated to the development of other public spaces for community use.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the planning proposal?

The PP does not require the provision of additional public infrastructure. The public land to be reclassified does not currently serve a practical public purpose due to the configuration of the land and limited accessibility from public areas.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The National Parks and Wildlife Service/Office of Environment and Heritage will need to be consulted in relation to the land at Vincentia which adjoins Jervis Bay National Park. It is not considered necessary to consult with other public authorities, however Council will be guided by the consultation requirements specified in the DP&E's Gateway Determination.

Further, as noted in Section 3 of this PP, approval of the Governor of NSW will be required in accordance with section 30 of the LG Act prior to the PP being finalised.

5 Part 4 – Mapping

Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

The maps included in this PP (**Figure 1** and **Table 1**) are provided for information purposes. The PP does not involve changes to the SLEP 2014 maps.

6 Part 5 – Community Consultation

Section 29 of the LG Act requires a public hearing to be held into land reclassifications when the classification of the land is changing from “community” to “operational”. To comply with this requirement, public hearings for the land reclassifications under draft SLEP 2014 were held on 2nd and 3rd November 2011, and 11 June 2013, following each public exhibition period. As the PP does not reclassify community land to operational, a public hearing is not required to be held for this proposal.

In accordance with DP&E’s Reclassification Practice Note and Best Practice Guidelines, Council will include a written statement in the exhibition material to cover the exhibition requirements contained therein. The exhibition material will include the details of the land, Council’s interests in the land, financial implications, purpose of the reclassification and anticipated development resulting from the PP. A copy of the Reclassification Practice Note and Best Practice Guidelines will also be included with the exhibition material.

It is proposed to exhibit the PP for the minimum of 14 days or as otherwise directed in the DP&E’s Gateway determination.

7 Part 6 – Project Timeline

The following milestone timeframes are anticipated and will be revised if any significant delays are encountered.

Table 2 - Planning Proposal Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	September 2015
Completion of Gateway determination requirements	October 2015
Public exhibition (14 days)	October/November 2015
Consideration of submissions	November 2015
Report to Council	November 2015
Governor-General’s approval	December 2015
Finalisation and notification of Plan	March 2016

Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

Attachment A – Special Development Committee Resolution 20 March 2012

Attachment B – Draft Shoalhaven LEP Fact Sheet: Reclassifications

Attachment C – Development Committee Report and Resolution 14 July 2014

Attachment D – Certificates of Title for Subject Land

Attachment E – State Environmental Planning Policies

Attachment F – Ministerial Directions (Section 117 Directions)

Attachment G – Evaluation Criteria for the Delegation of Plan Making Functions

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY,
3 NOVEMBER 2015 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE,
BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM**

1. Nowra CBD – Draft Urban Design Development Controls, Proposed Public Exhibition
File 48168E, 52288E, 52289E (PDR)
-

MOTION: Moved: Wells / Second: Baptist

RESOLVED that, in accordance with the Committee’s delegated authority from Council, that the Committee:

- a) Adopt the Nowra CBD Draft Urban Design Development Controls for public exhibition for a minimum period of 28 days.
- b) Report back to Council following the exhibition of the draft Nowra CBD Urban Design Development Controls.
- c) Prepare a Planning Proposal to incorporate the proposed building heights into Shoalhaven LEP 2014 and submit the Planning Proposal to the Department of Planning and Environment for Gateway determination.
- d) Following the Gateway determination, publicly exhibit the Planning Proposal and a formal Amendment to Shoalhaven Development Control Plan 2014 as a package.
- e) Proceed to prepare detailed urban design controls for the northern Riverfront/Gateway precinct and report back to Council on the steps required to enable redevelopment of this important precinct.

CARRIED

FOR: Clr White, Gash, Robertson Tribe, Kearney, Baptist, Wells Anstiss, Findley, Watson, Kitchener, McCrudden, Russ Pigg

AGAINST: Nil