

Development Committee 1 September 2009 - Item 2 Attachment A
Strategic Planning Infrastructure

Policy Name	Group (Current version)	TRIM Ref (New version)	Minute
DCP - Basin View: The Wool Road - (DCP 44)	Strategic Planning Group		
DCP - Bawley Point / Kioloa District - (DCP 29)	Strategic Planning Group		
DCP - Berry - Residential Expansion & Graham Park - (DCP 70)	Strategic Planning Group		
DCP - Bomaderry - 2(c) and 5(c) area - (DCP 46)	Strategic Planning Group		
DCP - Bomaderry - Lyndhurst Drive Neighbourhood Centre - (DCP 3)	Strategic Planning Group		
DCP - Bomaderry - Princes Highway/Jasmine Drive (Guidelines for Residential Development) - (DCP 68)	Strategic Planning Group		
DCP - Bomaderry - Meroo Road Lot 2 DP 237607 - Subdivision Guidelines - (DCP 92)	Strategic Planning Group		
DCP - Burrill Lake and Dolphin Point - Detail Traffic Controls - (DCP 52)	Strategic Planning Group		
DCP - Callala Bay - (DCP 41)	Strategic Planning Group		
DCP - Cambewarra - Hockeys Lane Lot 27 DP 804838 - (DCP 84)	Strategic Planning Group		
DCP - Culburra Expansion Area - (DCP 67)	Strategic Planning Group		
DCP - Floodplain Management (DCP 106)	Strategic Planning Group	POL08/406	06.1255
DCP - North Bomaderry (Development Area - Link Road to Highway/Road Widths/Roundabout) - (DCP 34)	Strategic Planning Group		
DCP - North Nowra - Condie Cres Area - Subdivision Guidelines - (DCP 55)	Strategic Planning Group		
DCP - North Nowra - Page Avenue/McMahons Road (Medium Density Development) - (DCP 2)	Strategic Planning Group		
DCP - Nowra - Land Bounded by East Street Plunkett Street and Osborne Street - Streetscape Guidelines - (DCP 80)	Strategic Planning Group		
DCP - Nowra Bridge Road - Hotel Site and Civic Precinct - (DCP 119)	Strategic Planning Group		
DCP - Nowra Central Business District (CBD) - (DCP 10)	Strategic Planning Group		
DCP - Nowra East Street - Bulky Goods Precinct - (DCP 94)	Strategic Planning Group		
DCP - Nowra Hill / Yerriyong / Parma - ANEF Noise Zone - (DCP 69)	Strategic Planning Group		
DCP - Nowra Hill Cabbage Tree Lane (Candidate Area) - (DCP 35)	Strategic Planning Group		
DCP - Sexual Services Premises (DCP 85)	Planning Group		98.2426
DCP - Shoalhaven Heads - Shoalhaven Heads Road/Explorer Boulevard (Medium and Low Residential Development) - (DCP 8)	Strategic Planning Group		
DCP - Shoalhaven Heads Central Business District (CBD) Area - (DCP14)	Strategic Planning Group		
DCP - South Nowra - Bakery Development - (DCP 77)	Strategic Planning Group		
DCP - South Nowra / Worrigea (Subdivision Layout) - (DCP 43)	Strategic Planning Group		

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Strategic Planning Infrastructure

Policy Name	Group (Current version)	TRIM Ref (New version)	Minute
DCP - South Ulladulla Business Precinct - (DCP 12)	Strategic Planning Group		
DCP - Subdivision for Rural Lifestyle Development (Rural 1c Zones) - (DCP 72)	Strategic Planning Group		
DCP - Waste Minimisation and Management - Controls for (DCP 93)	Planning Group		02.1069
Development Control Plans - Landowner's Advice	Planning Group	POL08/396	04.1596
Development Control Plans - Notations Regarding Flexibility	Planning Group	POL08/397	04.1175
Public Information Signs	Strategic Planning Group	POL08/410	08.27
Waste Minimisation and Management Guidelines	Planning Group		N/A

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 16 DECEMBER 2008

STRATEGIC PLANNING

1. Bomaderry Industrial By Pass - Section 94 Contributions Plan File 1028-06 (PDR)

Purpose of the Report:

To provide Council with background information in relation to the proposed Bomaderry Industrial bypass and recommended deletion of the project from Council's S94 Contributions Plan. (Location map Attachment "A").

Details/Issue:

Previous Structure Plans for the Nowra Bomaderry area have provided the principle of an industrial link road from Bomaderry Industrial area east of the railway line crossing near Edwards Avenue and linking to Meroo Road north of the urban area. This proposal has been the subject of intense debate from affected residents in the past.

The industrial bypass of Bomaderry was seen as a desirable link to minimise the extent of industrial traffic through Meroo Street/Cambewarra Road/Meroo Road at Bomaderry. It was also a part replacement for the former Nowra Bomaderry services corridor which ran east of Bomaderry and Nowra townships but has now been relocated to the western side. Recently a Development Application has been submitted by Shoalhaven Starches for an expansion of ethanol production under part 3A and because the project has not been deleted from Council's S94 Contributions Plan a contribution of \$635,065 would be required. The company has previously paid a contribution of \$15,759 in 1994.

At this time the only practical replacement for the industrial bypass is continued use of Bolong Road/Princes Highway intersection which, while being acceptable for traffic heading south turning left into Bolong Road, constitutes a problem for heavy vehicles heading north from Bolong Road up the hill on the Highway. The stacking distance for this movement has a direct impact on left hand turns heading south on the Highway. There is a major financial cost in upgrading this intersection and Council cannot impose contributions in relation to this without the approval of the Roads and Traffic Authority.

If other developments which are contemplated on the flood plain area are to proceed it may be that an alternate access north of Bomaderry will be a requirement. In the most recent 3(A) DA, it has been submitted that increased road traffic will be minimal because of upgrading of rail transport activities.

During recent preparation of the revised Nowra Bomaderry Structure Plan the viability of achieving this link was questioned and the proposed road has therefore been excluded from the adopted Structure Plan. Council since 1993 has received contributions towards this link road with the expansion of the Manildra operation being a major contributor. Current balance, including interest, is \$81,802 an insignificant amount when compared to

the overall project cost. (indexed cost 08/09 - \$15.46m with Council share \$5.18m). Contributions would be from the 8 benefit areas shown on attachment "A" much of which has not developed or developed in a manner where Development Applications have maintained that limited increased traffic will be generated.

Economic, Social & Environmental (ESD) Consideration:

In reconsidering the proposal there was considerable economic, social and environmental considerations which led to the deletion of the road from the Structure Plan.

Financial Considerations:

If Council is not to proceed with the project then it is appropriate that previous contributions be applied to road works in the vicinity to assist with increased traffic management. This has been accepted practice in the past.

Options:

1. Council reinvestigate opportunities for industrial traffic leaving the Bomaderry Industrial precinct and maintain the current project. This is difficult on the basis that the project does not form part of the Nowra/Bomaderry Structure Plan.
2. Council accept that eventually the RTA will need to improve the Bolong Road/Princes Highway intersection and request that this matter be addressed in the current 3(A) Development Application. Council delete the project from the S94 Contributions Plan and apply previous contributions to works in the vicinity where a nexus can be established.
3. Council delete the project from the S94 Contributions Plan and refund previous contributions.

RECOMMENDED that Council

- a) **Delete the Bomaderry Industrial By-Pass project from the S94 Contributions Plan and apply previous contributions to works in the vicinity.**
- b) **Request the Department of Planning to address the need to improve the Bolong Road/Princes Highway intersection in the current 3(A) Development Application.**

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 4 AUGUST 2009

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Status of outstanding Council resolutions for Contributions Plan amendments

File 39338

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

RECOMMENDED that:

- a) Council rescind the following past resolutions (reference in brackets indicates 1993 Amendment Number in attached summary document) for Contributions Plan amendments which are no longer required, attachment "A" – (a) :
- i) MIN94.2956 (S94-CP019) – 94/3236
 - ii) MIN95.2796 (S94-CP031) – 95/2451
 - iii) MIN96.1760 (S94-CP042) – 96/1687, 96/2201
 - iv) MIN98.1177 (S94-CP050) – 98/1978
 - v) MIN00.1434 (S94-CP057) – 20878
 - vi) MIN00.1673 (S94-CP059) – 21534
 - vii) MIN03.1618E (S94-CP082) – 29359
 - viii) MIN03.1671 (S94-CP083) – 29521
 - ix) MIN07.1524 (S94-CP098) – 36856
- b) Council consider the remaining outstanding Council resolutions for Contributions Plan amendments following adoption of the Shoalhaven Contributions Plan 2010, attachment "A" – (b).

Options:

Council may choose to:

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

Details/Issue:

Background

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

Issues

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

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

Economic, Social & Environmental (ESD) Consideration:

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

Financial Considerations:

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

E J Royston
DIRECTOR, STRATEGIC PLANNING & INFRASTRUCTURE

R D Pigg
GENERAL MANAGER

1993 Contribution Plan – Council Resolution Amendment Summary

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
(a) RESOLUTIONS NO LONGER REQUIRED				
S94-CP019	Callala Bay	Open Space	Amend Plan to allow dedication of public reserve in lieu of monetary contribution for subdivision SF 7583. Amendment not required.	Rescind previous Council resolution (Min94.2956) as amendment is not required.
S94-CP031	West Nowra	Open Space	Amend Plan to include the total area of open space as provided for in subdivision approval SF7999. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min95.2796) as amendment is not required.
S94-CP042	St Georges Basin	Island Pt Rd Perimeter Road	Amend Plan to include perimeter road acquisition and construction. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min96.1760) as amendment is not required.
S94-CP050	Berry	Berry Bypass Kangaroo Valley Rd Access Road	Amend Plan to include provision for the alternate road access onto Kangaroo Valley Road, adjoining the northern Berry bypass option. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required as now a RTA Project.	Rescind previous Council resolution (Min98.1177) as amendment is not required.
S94-CP057	Vincentia District Centre	Roads, Drainage, Open Space and CFAC	Amend Plan to include infrastructure provision for the Vincentia District Centre and	Rescind previous Council resolution (Min00.1434) as amendment is not required.

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
			surrounding development and since made redundant by recent Stockland Part 3A approval. Amendment not required.	
S94-CP059	Nowra	Road	Amend Plan to include the construction of Brereton Street and negotiations be finalised with the RTA in relation to the traffic lights relocation to North Street/Princes Highway. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min00.1673) as amendment is not required
S94-CP082	Ulladulla	Community Facilities And Public Access Within Ulladulla Harbour Foreshore	Amend Plan to include community facilities and public access within Ulladulla Harbour and foreshore area. Facilities identified in Ulladulla Town Centre Development Control Plan and Superseded by Amendment 99 - Ulladulla Town Centre Contribution Plan. Amendment not required.	Rescind previous Council resolution (Min03.1618E) as amendment is not required.
S94-CP083	Ulladulla	Ulladulla CBD Traffic Lights And Drainage	To be Superseded by Amendment 99 - Ulladulla Town Centre Contribution Plan	Rescind previous Council resolution (Min 03.1671) as amendment is not required.
(b)RESOLUTIONS FOR FURTHER CONSIDERATION				
S94-CP007	Sussex Inlet	Jacob Drive car parking and road	Amend Plan to include review car parking within the town centre be reviewed to support the Development Control Plan; and	Amendment to be considered in new Plan and future Contributions Plan Amendment

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
			to fund the acquisition of land and the construction of the service road to the south of retail properties fronting Jacobs Drive (Min 94.202).	
S94-CP010	Huskisson	Roads, car parking and Drainage in the Town Centre	Huskisson Town Centre Contribution Plan adopted by Council (Min09.720) for public exhibition in July 2009.	Pending outcome of public exhibition. Amendment to be incorporated into new Plan.
S94-CP035	Manyana	Open Space and Community Facilities	Amend Plan pending finalisation of a deed of agreement with Kylor Pty (Min95.3053).	Amendment to be considered in future Contributions Plan Amendment.
S94-CP040	St Georges Basin	Drainage and Water Quality	Pending completion of a Development Control Plan (Tasman Park) to be prepared in the area.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP044	Milton	CBD Car Parking	Amend Plan to reflect negotiations with the owner of the Star Hotel to purchase land at the rear for car parking (Min97.392)	Amendment to be considered in new Plan.
S94-CP063	South Nowra	Drainage - Browns Rd & Quinns Lane	Amend Plan to include to industrial land between Browns Road and Quinns Lane, South Nowra. Withdrawn by Council from Planning Services work program (Min03.428). Amendment now required and pending completion of a design.	Amendment to be considered in new Plan.
S94-CP073	Citywide	Active Recreation Review	Amendment to be included in the Shoalhaven Contribution Plan 2010	Amendment to be incorporated into new Plan.

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
S94-CP077.1.2	Nowra	Nowra CBD Traffic Facilities Sub-arterial Road (ENSA)	ENSA proposal under current investigation.	Amendment to be considered in future in new Plan.
S94-CP077.2	Shoalhaven	Roads Area 2 Review	Adopted by Council (Min09.872) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP077.3	Shoalhaven	Roads Area 3 Review	Proposed to be presented to Council in August 2009 for public exhibition endorsement.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP077.4	Shoalhaven	Roads Area 4 Review	Adopted (Min09.872) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP084	Milton	Milton CBD Traffic Controls And Street Treatments	Pending completion of a Development Control Plan to be prepared in the area.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP085	Ulladulla	Ulladulla Proposed Public Car Park	Amend Plan (Project 05 CARP 001) in accordance with the proposal over part Lot 11 DP748839.	Amendment to be incorporated into new Plan.
S94-CP087	Mollymook/ Ulladulla	Possible Medium Density Zones Infrastructure	Pending outcome of rezoning and traffic modelling investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP092	Shoalhaven	Northern Leisure Centre	Pending outcome of current investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP093	South Ulladulla	South Ulladulla Business Precinct Plan For Roads, Drainage And Carparking	Amend Plan to include infrastructure requirements of Draft Development Control Plan No.12 South Ulladulla Business Precinct and in the interim planning (developer) agreements be negotiated.	Amendment to be considered in future Contributions Plan Amendment

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
S94-CP095	Manyana	Increase Infrastructure	Amend Plan to include portions 106 and 204 Parish of Conjola and Lot 1070 DP 836591 (Kylor Development site), to cater for increased infrastructure.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP097	Sussex Inlet	Service Road Adjacent To Sussex Inlet Road	Amend Plan to include a service road adjacent to Sussex Inlet Road, Sussex Inlet (Min07.161). Proposal under investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP098	South Nowra	Warra Warra Rd Roundabout	Amend Plan to include contributions towards the proposed Warra Warra Road Roundabout, Princes Highway. Exhibited but never reported to Council. Amendment not required as now a RTA Project.	Rescind previous Council resolution (Min07.1524) as amendment is not required.
S94-CP099	Ulladulla	Ulladulla Town Centre Contribution Plan	Adopted (Min09.874) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan

ATTACHMENT B

Project Number	Description	Reasons
03 ROAD 0002	Falls Road Falls Creek	Benefit Area developed
03 ROAD 0003	Falls Road Woollamia	Project Completed
03 ROAD 0004	Edendale Street Woollamia	Project Completed
03 ROAD 0005	Willowford Road Woollamia	Project Completed
03 ROAD 0006	Naval College /The Wool Road Roundabout	Project Completed
03 ROAD 0007	Jervis Bay Road Vincentia	Incorporated into 03 ROAD 2033
03 ROAD 0008	The Wool Road Old Erowal Bay	Incorporated into 03 ROAD 2033
03 ROAD 0009	Watt Road [Pt 2] Falls Creek	Benefit Area developed
03 ROAD 0010	Willowgreen Road Falls Creek	Project Completed
03 ROAD 0012	Sinclair Road (Part 4) Falls Creek	Project Completed
03 ROAD 0015	Sinclair Road (Part 1) Falls Creek	Incorporated into 03 ROAD 2014
03 ROAD 0017	Suffolk Road Tomerong	Project Completed
03 ROAD 0018	Andrews Road Tomerong	Project no longer required
03 ROAD 0020	Gumden Lane (Previously Railway Rd) St. Georges Basin	All Contributions collected
03 ROAD 0026	The Wool Road Basin View	Project Completed
03 ROAD 0027	Bollerang Road Wandandian	Project Completed
03 ROAD 0029	Tolwong Road Tolwong	Project no longer required
03 ROAD 0030	Touga Road Touga	Project no longer required
03 ROAD 0031	Touga Road TR92 Touga	Project no longer required
03 ROAD 0032	Douglas Paddock Rd Endrick River	Project no longer required

Updated and Retained Projects

Project Number	Project Name	Council Share	%	Development Share	%	Estimated Cost
03 ROAD 2001 RETAINED	Dowling Street Falls Creek	\$37,144.37	75.00%	\$12,381.46	25.00%	\$49,525.83
03 ROAD 2011 RETAINED	Hart Road Falls Creek	\$155,368.32	80.00%	\$38,842.08	20.00%	\$194,210.40
03 ROAD 2013 RETAINED	Sinclair Road [Part 3] Falls Creek	\$81,648.00	66.67%	\$40,824.00	33.33%	\$122,472.00
03 ROAD 2016 RETAINED	Port Jervis Estate Tomerong	\$10,595.03	1.11%	\$944,825.97	98.89%	\$955,421.00
03 ROAD 2024 RETAINED	Atherton Street/ The Wool Road Basin View	\$60,636.32	47.37%	\$67,373.68	52.63%	\$128,010.00
03 ROAD 2028 RETAINED	Wandean Road Wandandian	\$502,135.20	1.09%	\$496,677.21	98.91%	\$502,135.20
03 ROAD 2033 RETAINED	Naval College Road Tomerong/Vincentia	\$8,163,766.48	95.17%	\$414,379.25	4.83%	\$8,578,145.73
03 ROAD 2053 RETAINED	The Wool Lane Sanctuary Point	\$243,557.69	54.44%	\$203,812.31	45.56%	\$447,370.00

Recoupment Projects

Project Number	Project Name	Council Share	%	Council Spent	%	Amount to be Recouped
03 ROAD 2014 RECOUPMENT	Sinclair Road [Part 1 & 2] Falls Creek	\$18,228.00	24.31%	\$74,981.00	100.00%	\$56,753
03 ROAD 2019 RECOUPMENT	Tasman Park Estate St. Georges Basin	\$176,613	66.34%	\$266,204.00	100.00%	\$89,591
03 ROAD 2021 RECOUPMENT	St Georges Basin Bypass St. Georges Basin	\$4,267,289	83.28%	\$5,123,898.00	100.00%	\$856,609
03 ROAD 2022 RECOUPMENT	Grange Road St. Georges Basin	\$518,544	80.71%	\$642,439.00	100.00%	\$123,895
03 ROAD 2025 RECOUPMENT	Basin View Estate Roads	\$181,725	75.00%	\$242,300.00	100.00%	\$60,575
				Total to be Recouped		\$1,187,423

New Projects

Project Number	Project Name	Council Share	%	Development Share	%	Estimated Project Cost
03 ROAD 0114 NEW	Windley Road Wandandian	\$0	0.0%	\$256,608	100.0%	\$256,608
03 ROAD 0115 NEW	Sydney/Bowen Streets Huskisson	\$418,409	44.6%	\$520,330	55.4%	\$938,739



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the **Strategic Planning & Infrastructure Group**

Shoalhaven Heritage Strategy 2008-2011

Policy Number: POL08/452 • **Adopted:** 24/02/2009 • **Minute Number:** MIN09.245 • **File:** 39336 • **Produced By** Strategic Planning & Infrastructure Group • **Review Date:** 28/10/2011

1. PURPOSE

Shoalhaven City Council has reviewed the best practice advice contained in the Heritage Office publication “Suggestions on How Local Councils Can Promote Heritage Conservation” and has resolved to:

- 1.1. Increase community participation awareness and appreciation of heritage in the local area.
Action:
To work with local history groups and historical societies to promote heritage conservation particularly in regard to heritage items and conservation areas listed in the Shoalhaven Local Environmental Plan.
- 1.2. Survey and legally protect heritage items that are culturally significant for the Shoalhaven.
Action:
Following the gazettal of heritage items in 2007 resulting from a major review of the whole of the Shoalhaven, undertake a further review in 5 years or upon any major review of the SLEP whichever occurs sooner.
- 1.3. Maintain good measures to assess all development applications involving heritage items and landscapes.
Action:
Review current practises with the heritage advisor to ensure that best practise arrangements are in place by the beginning of July 2009.
- 1.4. Encourage best practice heritage conservation through providing free heritage advisory services, promotion and incentives.
Actions:
Continue the heritage advisory service at the current level
 - Prepare information brochures on building within the vicinity of a heritage item and identifying the heritage curtilage associated with heritage items

- Continue to provide local heritage assistance grants which encourage owners to undertake conservation work.
- Incorporate the draft heritage development guidelines into the single Development Control Plan currently under preparation.

1.5. Lead by example by taking good care of its own heritage times.

Actions:

- Continue to prepare plans of management for heritage assets in accordance with best practice guidelines adopted by the Burra Charter and in consultation with Council's heritage adviser.
- Allocate adequate maintenance funds in accordance with recommendations of such management plans.

1.6. Promote sustainable development as a tool for heritage conservation.

Actions:

- Maintain and update on an annual basis reporting requirements for heritage management and listings in the Shoalhaven State of the Environment Report.
- Council's publication 'Guidelines for Integrating the Principles of Ecologically Sustainable Development into Shoalhaven City Council Activities' be used in the management of Shoalhaven's Heritage assets.
- Consider impacts of climate change in the development of conservation management plans and preparation of heritage impact assessments.

2. IMPLEMENTATION

The policy will be administered by Council's Strategic Planning & Infrastructure Group.

3. REVIEW

The policy will be reviewed in 2011 or as required.

4. APPLICATION OF ESD PRINCIPLES

This policy now reflects the requirements for ESD.

Extracted from Heritage Information Series, **RECOMMENDATIONS FOR LOCAL COUNCIL HERITAGE MANAGEMENT** (Heritage Council of NSW, 2007)

Recommendation 1 Establish a heritage committee to deal with heritage matters in your local area

Outcome 1 Increased community participation, awareness and appreciation of heritage in the local area

What is the role of a heritage committee?

The primary role of a heritage committee is to advise the council on how to conserve and promote heritage items in its area. The committee's responsibility should preferably encompass Aboriginal, built, movable and natural heritage.

How should the committee be structured?

Preferably it should be a formal Section 377 committee of the council under the Local Government Act, so that it has the support of the council and its advice can feed directly into council decisions.

Who should be invited to join the committee?

The committee should be chaired by a councillor, and include representatives from the community and council staff. Community representatives will come from local organisations with a specific interest in heritage or townscapes, such as:

- historical society
- National Trust branch
- Aboriginal Land Council
- ethnic communities
- Tidy Towns group
- main street committee
- chamber of commerce

Council staff may include representatives from the Environment Services Division and Library. Try to make sure that the interests of the major geographical areas and towns in the local government area are represented. *It is important to choose people who are do-ers rather than talk-ers, even if this means a smaller committee.*

What are the committee's objectives?

The committee should have well-defined and achievable objectives:

- prepare and monitor a heritage policy;
- provide advice to the council on the management of heritage by the council (this includes reviewing council or government policies which affect heritage places in the area);

- raise community awareness of heritage conservation through publications, seminars, public displays and annual heritage awards;
- make recommendations on the collection and recording of local heritage material and artefacts;
- compile a register of local heritage suppliers and heritage consultants;
- make recommendations on the nomination and deletion of items on the Local Environmental Plan (LEP) heritage schedule maintained by the council;
- supervise funding submissions to other agencies, including requests for heritage grants from the Heritage Office, NSW Department of Planning *NSW Heritage Grants program*;
- comment on specific development applications before the council when required.

It is essential to set down the rules of the committee in writing. The rules for the heritage committee could be based on those for other council committees.

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979
DA09/1901**

TO:

The Condomerie
C/- Mrs S Sorlie
PO Box 415
BERRY NSW 2535

**being the applicant(s) for DA09/1901 relating to:
4 Nowra Lane, NOWRA - Lot 9 - DP 809875**

APPROVED USE AND OR DEVELOPMENT:

Change of use of Shop 1 to an adult shop with associated signage

BCA CLASSIFICATION(s):

DETERMINATION DATE:

[#Determined#]

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

[#ConsentFrom#]

CONSENT TO LAPSE ON:

[#LapseDate#]

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to the **Change of use of Shop 1 to an adult shop with associated signage** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall 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.*
2. The **Change of use of Shop 1 to an adult shop with associated signage** shall not be occupied or the use shall not commence 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

3. In accordance with the provisions of Shoalhaven Local Environmental Plan 1985, the Change of use of Shop 1 to an adult shop with associated signage shall not be used for any industrial or habitable purposes.

PART B

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Restricted Items

4. Restricted items such as DVD's, adult literature and sex aids are to be located in an area of the shop that restricts access by minors and displays the restricted items so they are not viewable from the street.
5. Signage is to be placed at the entrance to the restricted area advising that entry to the area is restricted to persons 18 years old and over.

Building Code of Australia

6. 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.*

Hours of Operation

7. All work associated with the approved use shall be restricted to the hours of 9.00am to 9.00pm Monday to Saturday with no trading permitted on Sundays or public holidays.

Signage

8. No signage other than that approved by this consent may be erected on the property without the prior approval of Council.
9. Advertising signs must not feature flashing or moving components, announce the availability of sexually explicit products, contain advertising relating to sexually explicit products or contain evocative graphics or images.

PART C

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART D

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

PART E

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART F

GENERAL ADVICE TO APPLICANT

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the

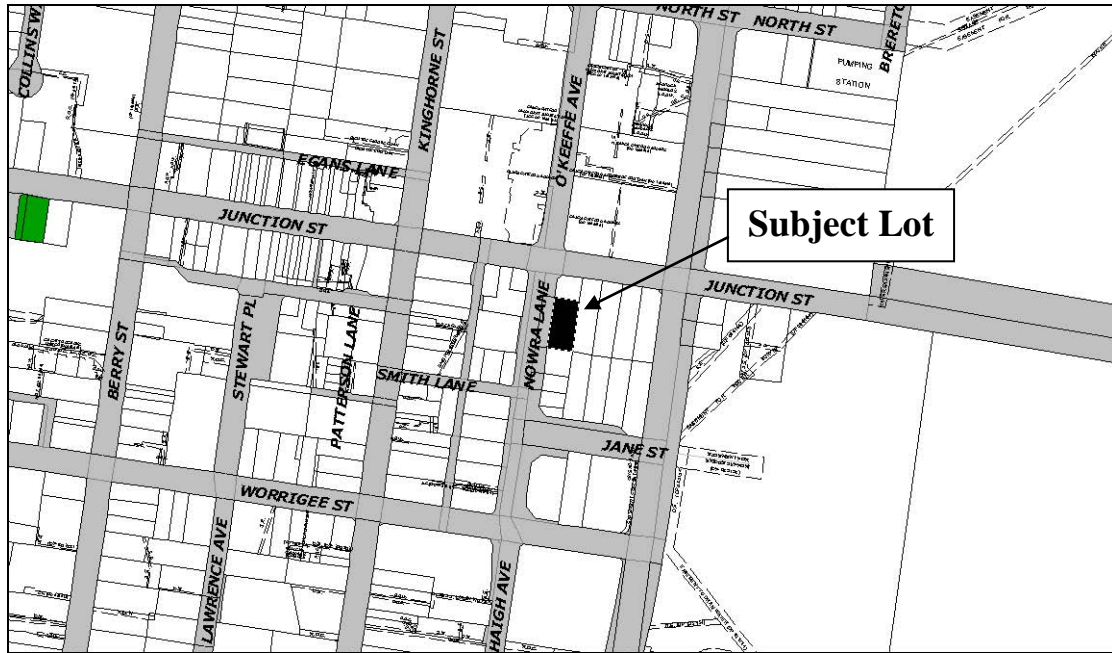
extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

SIGNED on behalf of Shoalhaven City Council:

Signature

Name **James Bonner**
 Development Planner
 Development & Environmental Services Group

ATTACHMENT "B"



**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT
APPLICATION**

BY REFUSAL

**Environmental Planning and Assessment Act, 1979
DA09/1901**

TO:

The Condomerie
C/- Mrs S Sorlie
PO Box 415
BERRY NSW 2535

being the applicant(s) for **DA09/1901** relating to:
4 Nowra Lane, NOWRA - Lot 9 - DP 809875

REFUSED USE AND/OR DEVELOPMENT:

Change of use of Shop 1 to an Adult Shop with associated signage

DETERMINATION DATE: [#Application Date#]

REFUSAL DATE: [#Application Date#]

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the following reasons:

1. Council considers that the application does not comply with Council's Adult Shop Policy in that it is located on a pedestrian thoroughfare potentially able to be utilised by children in accessing areas listed in section 3.3.2 of the Policy.
2. Considering the circumstance of the application, the proposal is contrary to the public interest.

RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request

must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.

Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.

SIGNED on behalf of Shoalhaven City Council:

Signature

Name Robert Russell
Development Manager
Development & Environmental Services Group

DRAFT