

Development & Environment Committee

Meeting Date: Tuesday, 03 September, 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr Joanna Gash - Chairperson
Clr Greg Watson
All Councillors
Chief Executive Officer or nominee

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Call Over of the Business Paper**
5. **Mayoral Minute**
6. **Deputations and Presentations**
7. **Notices of Motion / Questions on Notice**
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Local Government Act - Section 10A(2)(g) - Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

Development & Environment Committee**Delegation:**

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
- i. The preparation, adoption, and review of policies and strategies of the Council in respect to sustainability matters related to climate change, biodiversity, waste, water, energy, transport, and sustainable purchasing.
- j. The preparation, adoption and review of policies and strategies of the Council in respect to management of natural resources / assets, floodplain, estuary and coastal management.

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 6 August 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley
Clr Joanna Gash - Chairperson
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Digiglio
Clr Annette Alldrick
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Mark Kitchener – arrived 5.10pm
Clr Bob Proudfoot
Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Apologies were received from Clr Watson, Clr Guile, and Clr Kitchener (arrived late).

Confirmation of the Minutes

RESOLVED (Clr White / Clr Digiglio) MIN19.530

That the Minutes of the Development & Environment Committee held on Tuesday 02 July 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper

The following items were called up for debate:

DE19.64, DE19.65, DE19.66, DE19.69, DE19.72, DE19.73, DE19.74, 19.75, 19.76.

The remaining items were resolved en bloc (Clr White / Clr Wells) at this time. They are marked with an asterisk (*) in these Minutes.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

DE19.64 SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372

Mr Matt Philpott, of Allen Price & Scarratts, addressed the meeting and spoke in favour of the recommendation.

DE19.66 Moss Vale Road North Urban Release Area - Detailed Supporting Plans

Mr Matt Philpott, of Allen Price & Scarratts, addressed the meeting and spoke in favour of the recommendation.

Note: Clr Kitchener arrived at 5.10pm.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr White)

MIN19.531

That the following matters be brought forward for consideration:

- DE19.64 - SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372
- DE19.66 - Moss Vale Road North Urban Release Area - Detailed Supporting Plans

CARRIED

REPORTS

DE19.64 SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372

**HPERM Ref:
D19/187428**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve Development Application SF10541 for a fifteen (15) lot Torrens title subdivision and associated site works at C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 by way of *Deferred Commencement* consent, subject to the recommended conditions of consent contained in Attachment 2 to this report.

2. Support the preparation of a planning proposal over C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 to amend *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) to rezone the current R1 General Residential component of the land to R5 Large Lot Residential and also apply a 1,500m² minimum lot size and 8.5m height limit to that part of the land.
3. Submit the Planning Proposal to the NSW Department of Planning, Industry and Environment (PIE) to request a 'Gateway determination'. If a favourable determination is received, proceed to public exhibition and report back to Council with the outcomes of the exhibition period.

RESOLVED (Clr Gartner / Clr Digiglio)

MIN19.532

That Council:

1. Approve Development Application SF10541 for a fifteen (15) lot Torrens title subdivision and associated site works at C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 by way of *Deferred Commencement* consent, subject to the recommended conditions of consent contained in Attachment 2 to this report.
2. Support the preparation of a planning proposal over C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 to amend *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) to rezone the current R1 General Residential component of the land to R5 Large Lot Residential and also apply a 1,500m² minimum lot size and 8.5m height limit to that part of the land.
3. Submit the Planning Proposal to the NSW Department of Planning, Industry and Environment (PIE) to request a 'Gateway determination'. If a favourable determination is received, proceed to public exhibition and report back to Council with the outcomes of the exhibition period.

FOR: Clr Findley, Clr Gash, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Wells and Clr Aldrick

CARRIED

DE19.66 Moss Vale Road North Urban Release Area - Detailed Supporting Plans

HPERM Ref: D19/214378

Recommendation (Item to be determined under delegated authority)

That Council

1. Acknowledge the work undertaken by the proponent group and give 'in-principle' support to the current package of information for the Moss Vale Road North Urban Release Area being used as the basis for the detailed supporting plans, including the Planning Proposal Background Report being used as the basis for preparing a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014.
2. Prepare and submit the Planning Proposal to the NSW Department of Planning, Industry and Environment for Gateway determination and if necessary, receive a further report following receipt of the Gateway determination.
3. Formally commence the preparation of a Development Control Plan Chapter and Contributions Plan for the Moss Vale Road North Urban Release Area as required by Part 6 of Shoalhaven Local Environmental Plan 2014.
4. Continue to work with the Moss Vale Road North Owners Group to discuss opportunities highlighted in the report and resolve the issues identified in this report and through initial staff referrals as the Planning Proposal, Development Control Plan Chapter and Contributions Plan are advanced and prepared.
5. Investigate biodiversity certification for the Urban Release Area with a further report to be provided to Council in due course.

6. Investigate the preparation of an affordable housing contribution scheme under the SEPP 70 Affordable Housing (Revised Schemes) for the Urban Release Area and opportunities more generally to ensure affordable housing outcomes in the area.
7. Investigate and report back on potential suburb naming options for the Moss Vale Road North and Moss Vale Road South Urban Release Areas.

Note: Cllr Proudfoot left the meeting at 5.50pm

RESOLVED (Cllr Gartner / Cllr Alldrick)

MIN19.533

That Council

1. Acknowledge the work undertaken by the proponent group and give 'in-principle' support to the current package of information for the Moss Vale Road North Urban Release Area being used as the basis for the detailed supporting plans, including the Planning Proposal Background Report being used as the basis for preparing a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014.
2. Prepare and submit the Planning Proposal to the NSW Department of Planning, Industry and Environment for Gateway determination and if necessary, receive a further report following receipt of the Gateway determination.
3. Formally commence the preparation of a Development Control Plan Chapter and Contributions Plan for the Moss Vale Road North Urban Release Area as required by Part 6 of Shoalhaven Local Environmental Plan 2014.
4. Continue to work with the Moss Vale Road North Owners Group to discuss opportunities highlighted in the report and resolve the issues identified in this report and through initial staff referrals as the Planning Proposal, Development Control Plan Chapter and Contributions Plan are advanced and prepared.
5. Investigate biodiversity certification for the Urban Release Area with a further report to be provided to Council in due course.
6. Investigate the preparation of an affordable housing contribution scheme under the SEPP 70 Affordable Housing (Revised Schemes) for the Urban Release Area and opportunities more generally to ensure affordable housing outcomes in the area.
7. Investigate and report back on potential suburb naming options for the Moss Vale Road North and Moss Vale Road South Urban Release Areas.

FOR: Cllr Findley, Cllr Gash, Cllr White, Cllr Wells, Cllr Levett, Cllr Digiglio, Cllr Alldrick, Cllr Gartner, Cllr Pakes, Cllr Kitchener, and Stephen Dunshea

Against: Nil

CARRIED

Note: Cllr Proudfoot returned to the meeting at 5.53pm

**DE19.65 Development Application – 38 Lyrebird Drive Nowra -
Lot 74 DP 1198691 DA18/2175**

**HPERM Ref:
D19/228785**

Recommendation (Item to be determined under delegated authority)

That Council consider the conditions of consent as shown in Attachment 4.

RESOLVED (Cllr Pakes / Cllr White)

MIN19.534

That Council endorse the conditions of consent as shown in Attachment 4, with Part B, Condition 5 (d) of the Consent amended to:

Demonstrating that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure 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 of the NSW State Emergency Services (SES).

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Aldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley and Clr Digiglio

CARRIED

DE19.66 Moss Vale Road North Urban Release Area - Detailed Supporting Plans

**HPERM REF:
D19/214378**

Item dealt with earlier in the meeting see MIN19.533

DE19.67 Update - Planning Proposal - Inyadda Drive, Manyana

**HPERM Ref:
D19/234274**

RESOLVED* (Clr White / Clr Wells)

MIN19.535

That Council receive the report on the Planning Proposal – Inyadda Drive, Manyana, for information.

CARRIED

DE19.68 Update - Halloran Trust Lands Planning Proposal - Biodiversity Certification

**HPERM Ref:
D19/208445**

RESOLVED* (Clr White / Clr Wells)

MIN19.536

That Council receive this report on the progress of bio-certifying the Halloran Trust Lands Planning Proposals for information, noting that the biodiversity certification reports will be submitted to the NSW Office of Environment and Heritage by 25 August 2019.

CARRIED

DE19.69 Public Hearing Outcome and Proposed Finalisation - Planning Proposal (PP023) - Anson Street, St. Georges Basin

**HPERM Ref:
D19/219918**

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the Independent Chairperson's Report on the Public Hearing held on 1 July 2019 regarding Planning Proposal PP023 for information.
2. Adopt and finalise Planning Proposal PP023 as exhibited.
3. Forward PP023 to the NSW Parliamentary Counsel's Office to draft the amendment to Shoalhaven Local Environmental Plan 2014.
4. Give effect to the decision by making the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using Council's delegation, through arranging for the instrument to be notified on the NSW Legislation Website.
5. Write to the affected landowner, relevant community groups/individuals and advise them of

this decision.

6. Proceed to separately review the building height controls for the adjacent B4 and R1 zoned land to the north and south of the subject land to consider establishing a consistent outcome (8.5 metre maximum mapped height) and advise the affected landowners in this regard.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN19.537

That Council

1. Receive the Independent Chairperson's Report on the Public Hearing held on 1 July 2019 regarding Planning Proposal PP023 for information.
2. Adopt and finalise Planning Proposal PP023 as exhibited.
3. Forward PP023 to the NSW Parliamentary Counsel's Office to draft the amendment to Shoalhaven Local Environmental Plan 2014.
4. Give effect to the decision by making the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using Council's delegation, through arranging for the instrument to be notified on the NSW Legislation Website.
5. Write to the affected landowner, relevant community groups/individuals and advise them of this decision.
6. Proceed to separately review the building height controls for the adjacent B4 and R1 zoned land to the north and south of the subject land to consider establishing a consistent outcome (8.5 metre maximum mapped height) and advise the affected landowners in this regard.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

Against: Nil

CARRIED

DE19.70 Audit by NSW Planning Industry & Environment - use clause 4.6 of Shoalhaven Local Environmental Plan 2014

HPERM Ref: D19/242003

RESOLVED* (Clr White / Clr Wells)

MIN19.538

That the report on the Department of Planning Industry and Environment's Audit be received for information.

CARRIED

DE19.71 Home modifications to permit elderly and injured residents to return to their dwellings

HPERM Ref: D19/240753

RESOLVED* (Clr White / Clr Wells)

MIN19.539

That Council adopt the draft policy as presented as Attachment 1 to this report.

CARRIED

DE19.72 Quarterly review for compliance matters

HPERM Ref: D19/219965

Recommendation (Item to be determined under delegated authority)

That Council receive the quarterly report on compliance matters for information.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.540

That Council receive the quarterly report on compliance matters for information.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.73 Bomaderry Grey-headed Flying Fox Community Education Grant from Local Government NSW

HPERM Ref: D19/214637

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the report for information regarding the \$10,000 grant (excl. GST) received from NSW Office of Environment and Heritage and Local Government NSW for the Bomaderry Grey-headed Flying-fox Community Education project; and
2. Write to the NSW Office of Environment and Heritage and Local Government NSW thanking them for the grant and their support of the project.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.541

That Council

1. Receive the report for information regarding the \$10,000 grant (excl. GST) received from NSW Office of Environment and Heritage and Local Government NSW for the Bomaderry Grey-headed Flying-fox Community Education project; and
2. Write to the NSW Office of Environment and Heritage and Local Government NSW thanking them for the grant and their support of the project.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.74 Grant Application: Coastal & Estuary Grants Program 2018-19

HPERM Ref: D19/230517

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the grant offer of \$105,000 (ex GST) from NSW Department of Planning, Industry and Environment (DPIE) for Protecting and Enhancing the Shoalhaven's Coastal Wetlands and Bushland Reserves project, over 3 years.
2. Provide matching funding, from the existing operational budget (job #15817).
3. Write a letter of thanks to the Member for the South Coast and NSW Minister for Local Government, the Hon. Shelley Hancock, for the grant.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.542

That Council

1. Accept the grant offer of \$105,000 (ex GST) from NSW Department of Planning, Industry and Environment (DPIE) for Protecting and Enhancing the Shoalhaven's Coastal Wetlands and Bushland Reserves project, over 3 years.
2. Provide matching funding, from the existing operational budget (job #15817).
3. Write a letter of thanks to the Member for the South Coast and NSW Minister for Local Government, the Hon. Shelley Hancock, for the grant.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.75 Lake Conjola Entrance Opening and other Matters
Relating to Mayoral Minute MIN19.143**

**HPERM Ref:
D19/246757**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Write to The Honourable Melinda Pavey MP, Minister for Water, Property and Housing, to thank her for her assistance in the granting of a licence to carry out "Access and Environmental Protection Work" (Conjola Lake entrance opening works).
2. Write to The Honourable Shelley Hancock MP, Minister for Local Government, to thank her for her assistance and support in making representations for the Licence application for Lake Conjola entrance opening works.
3. Receive a briefing regarding the formulation of a "dry notch" management policy for Lake Conjola.

RESOLVED (Clr White / Clr Kitchener)

MIN19.543

That Council:

1. Write to The Honourable Melinda Pavey MP, Minister for Water, Property and Housing, to thank her for her assistance in the granting of a licence to carry out "Access and Environmental Protection Work" (Conjola Lake entrance opening works).
2. Write to The Honourable Shelley Hancock MP, Minister for Local Government, to thank her for her assistance and support in making representations for the Licence application for Lake Conjola entrance opening works.
3. Receive a briefing regarding the formulation of a "dry notch" management policy for Lake Conjola.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.76 Orient Point Wetland Bushwalk

**HPERM Ref:
D19/191949**

Recommendation (Item to be determined under delegated authority)

That Council continue to maintain the newly constructed Orient Point Wetland duck board bushwalk, provided the following works are undertaken, prior to re-opening the bushwalk:

1. Track head area to be landscaped (Orama Crescent entrance);
2. Move the star picket, inserted on the outward side of the bearers (as per photo) to secure the structure, to the inside where they pose less risk to the user;
3. Installation of track head signage, stating that the bushwalk is rated as a Grade 3 (as per Australian Standards), with a narrow (380mm) width.

RESOLVED (Clr Pakes / Clr Findley)

MIN19.544

That Council continue to maintain the newly constructed Orient Point Wetland duck board bushwalk, provided the following works are undertaken, prior to re-opening the bushwalk:

1. Track head area to be landscaped (Orama Crescent entrance);
2. Move the star picket, inserted on the outward side of the bearers (as per photo) to secure the structure, to the inside where they pose less risk to the user;
3. Installation of track head signage, stating that the bushwalk is rated as a Grade 3 (as per Australian Standards), with a narrow (380mm) width;
4. Council undertake regular inspections of Orient Point Wetland bushland tracks for a period of 6 months;
5. Installation of signage, handrails, and a formalised entrance to the Wetland;
6. The access points to the Wetland remain closed until the works are completed.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener and Stephen Dunshea

AGAINST: Clr White and Clr Proudfoot

CARRIED

DE19.77 Review of Environmental Factors - Woollamia and St Andrews Way - Berrys Bay- Pressure Sewer Scheme

**HPERM Ref:
D19/202563**

RESOLVED* (Clr White / Clr Wells)

MIN19.545

That

1. After consideration of the REF for Woollamia Pressure Sewerage System, June 2019,
 - a. Council determine that it is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity.
 - b. The proposed mitigation measures and controls outlined in the REF be adopted and implemented.
2. After consideration of the REF for St Andrews Way, Berrys Bay Pressure Sewerage System, June 2019,
 - a. Council determine that it is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity.

- b. The proposed mitigation measures and controls outlined in the REF be adopted and implemented.

CARRIED

There being no further business, the meeting concluded, the time being 6.31pm.

Clr Gash
CHAIRPERSON

DE19.78 Notice of Motion - Gravel Quarry - Termeil & Tomerong

HPERM Ref: D19/293256

Submitted by: Cllr John Levett

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation (Item to be determined under delegated authority)

That Staff compile a report on the following in relation to the Non Designated Extractive Industry – Gravel Quarry at Portion 42, Parish of Termeil, Monkey Mountain Road, Termeil and the mooted intention of the Operators of that Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

1. Monkey Mountain Road Quarry DA 95/3365

Consent to operate was apparently for five years from 29th April 1996 to 29th April 2001 with an extraction rate not to exceed 30,000 cubic metres per annum.

- a. Is an EPA Licence required for crushing and grinding at this or any quarry if the extraction rate exceeds 30,000 cubic metres per annum.
- b. What evidence does Council have that this extraction rate was not exceeded at the Monkey Mountain Quarry in any 12 month period since approval was given in April 1996.
- c. On what legal basis or consent was the Quarry operating after 29th April 2001.
- d. Is the Council satisfied that there has been no illegal clearing of trees on the site.
- e. Given the proximity of the site to Termeil Creek, are particular licences required from the Office of Water or the EPA to protect the catchment.
- f. Can Council provide assurance that the operators are complying with all Approved Regulatory Authority documents.
- g. Can Council confirm that the Quarry has not operated beyond the 2 hectare extraction area described in the General Conditions of Consent.

2. Tomerong Quarry DA90/1912

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.
- b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15th May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23rd January 2018.
- c. Can Council provide a summary of investigation and testing for pollution in and

DE19.78

around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.

- d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.

Background

Concerns in the Tomerong Community about a new operator at the Quarry are real and justified given the failure in the past of Shoalhaven City Council to fulfil its statutory obligation to enforce compliance at the operation. The questions asked above in relation to the Monkey Mountain Road Quarry are simply to reassure the Community that the new operator at Tomerong will be a far more reliable corporate citizen than the last one.

DE19.79 Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment

HPERM Ref: D19/296544

Submitted by: Cllr Joanna Gash

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That it be noted that the Chief Executive Officer will provide a letter of support for the Shoalhaven Netball Association grant applications to the Office of Sport Clubs Grant and an infrastructure grant with the NSW Government, for the refurbishment of their courts located at the corner of Park Road and John Purcell Way, Nowra.

Background

The project cost is approximately \$1 million and will allow for resurfacing and repairs of seven courts, costing approximately \$100,000 and a complete rebuild of five courts at an approximate cost of \$150,000 - \$200,000 per court.

The Premier's Office and State member Shelley Hancock MP have been very supportive of the application. Fiona Phillips MP will also be contacted.

DE19.79

DE19.80 **Exhibition - Proposed Development Control Plan and Contribution Plan Amendments - St Georges Basin Village Centre**

HPERM Ref: D19/150814

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Chapter N23: St Georges Basin, Village Centre (under separate cover)

Purpose / Summary

Obtain the required resolution to commence public exhibition of the following:

- Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014.
- Deletion of the Shoalhaven Contributions Plan (CP) 2019 project [03ROAD2113](#) (St Georges Basin Village Centre Service Lane).

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the preparation of the housekeeping amendment to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014 (Attachment 1) which in part includes the changes resolved by Council on 7 May 2019 (MIN19.287).
2. Exhibit the following for a minimum period of 28 days in accordance with legislation:
 - a. Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven DCP 2014 (Attachment 1)
 - b. Deletion of the Shoalhaven Contributions Plan 2019 project 03ROAD2113 (St Georges Basin Village Centre Service Lane).
3. Receive a further report following the public exhibition to consider submissions received and to consider finalisation of the draft Amendment.
4. Notify affected landowners and the Basin Villages Forum of this resolution and future exhibition arrangements.

Options

1. As recommended.

Implications: This is consistent with Council resolution of 7 May 2019 regarding the proposed service lane at the St Georges Basin Village Centre. It also enables the associated general housekeeping review of Chapter N23 to be advanced, which predominantly seeks to streamline the Chapter and remove redundant and duplicated content.

2. Adopt an alternative recommendation.

DE19.80

Implications: This will depend on the extent of any changes but may delay the implementation of updated DCP provisions and deletion of the [03ROAD2113](#) CP project.

3. Not adopt the recommendation.

Implications: This would be inconsistent with the previous Council resolution (MIN19.287) and would mean a general housekeeping of Chapter N23 could not be progressed at this point in time.

Background

Through the assessment of DA17/2435 for a commercial building at 148 Island Point Road, St Georges Basin (Applicant: Harpley), there have been ongoing discussions, Council reports (DE19.34, CL19.146) and decisions regarding the future of the proposed service lane and related vehicle access restrictions along Island Point Road. Additionally, concerns have also been raised regarding the substantial development costs to landowners / developers regarding the applicable contributions project, [03ROAD2113](#) (St Georges Basin Village Centre Service Lane).

On 7 May 2019, Council resolved (MIN19.287) to remove the proposed service lane from Chapter N23 of Shoalhaven DCP 2014 and the associated contributions project [03ROAD2113](#) from the Shoalhaven CP 2019.

Essentially, the draft DCP Amendment that is the subject of this report proposes to implement the above Council resolution as follows:

- Remove Section 5.1.3 Service Lanes from DCP Chapter N23 and update Supporting Map 1 accordingly.
- Rename remaining relevant 'service lane' references to 'private road' and redistribute to other sections of the Chapter.

The draft DCP Amendment also proposes minor 'housekeeping' changes throughout the Chapter that improve its function, but do not alter the overall intent. Some of the changes include;

- Updating Lot and DP references.
- Deleting specific performance criteria and acceptable solutions relating to development applications that have previously been undertaken (i.e. IGA development).
- Provide updated numbering following the deletion of provisions.
- Minor changes to punctuation, spelling, grammar, structure, formatting, acronyms.
- Plain English review.
- Highlighting DCP and LEP dictionary terms.
- Removing duplicated or redundant content.

Contributions project [03ROAD2113](#) is proposed to be removed from the Shoalhaven CP 2019 as part of this Amendment process. Until such time as this project is actually deleted, as per MIN19.352, the applicant of development application DA17/2435 will need to apply to modify the consent in order to defer any contributions payable for the project that is proposed to be deleted.

Community Engagement

The amendments to the DCP and CP will be publicly exhibited for at least 28 days in accordance with legislative requirements at the Nowra Administrative Building. Documentation will also be available on Council's website and at the Ulladulla Administrative Building. Affected landowners and the Basin Villages Forum will be advised of the exhibition arrangements relating to the Amendments.

Financial Implications

The draft Amendment will be resourced within the existing Strategic Planning budget.

DE19.81 Draft Low Density Residential Amendment - Shoalhaven DCP 2014 (DCP2014.25) - Post Exhibition Consideration and Finalisation

HPERM Ref: D19/256782

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Exhibition Submission Summary [↓](#)
2. Chapter G12 - Post Exhibition Version (under separate cover)

Purpose / Summary

- Consider the submissions received as a result of the public exhibition of the draft Low Density Residential Amendment (the Amendment) to Shoalhaven Development Control Plan (DCP) 2014.
- Consider the finalisation of the Amendment.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the draft Low Density Residential Amendment (the Amendment) as exhibited, with the inclusion of the changes to draft Chapter G12 as highlighted in Attachment 1 and shown in Attachment 2.
2. Notify the adoption of the Amendment in local newspapers in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Rescind existing Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures of Shoalhaven Development Control 2014 when the Amendment is made effective.
4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Amendment will be made effective.

Options

1. As recommended.

Implications: This is the preferred option as it will enable the resolution of operational issues and matters that require clarification to improve the function of the low density residential development provisions in Shoalhaven.

The Amendment will also result in provisions that holistically consider local character and context, good quality design, amenity, universal design (optional) and more broadly the public interest.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone the finalisation of the Amendment. Depending on the extent of any changes that may be made to the exhibition version of the Amendment, re-exhibition may be appropriate.

3. Not adopt the recommendation.

Implications: This could stop or defer the implementation of more appropriate and better structured low density residential development provisions.

Background

On 7 May 2019, Council's Development & Environment Committee resolved (MIN19.291) to:

1. *Support the exhibition of the draft Low Density Residential Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.*
2. *Receive a further report on the draft Low Density Residential Amendment following the conclusion of the public exhibition period.*
3. *Continue to investigate the possibility of an off-site mature tree replacement scheme for Shoalhaven in line with MIN18.955(4) and receive a future report on this matter.*
4. *Advise key stakeholders, including relevant industry representatives, of this decision.*

The Amendment seeks to improve the function of low density residential development controls within the DCP and also address policy gaps/operational issues or matters that need clarification that have been identified in regard to this development form since the Shoalhaven DCP 2014 originally became effective on 22 October 2014.

The Amendment includes:

- The repeal of existing [Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures](#).
- Proposed new Chapter G12: Dwelling Houses and Other Low Density Residential Development.
- Proposed related amendments to the DCP Dictionary.

Draft Chapter G12 applies to dwelling houses and rural workers' dwellings (including additions and alterations), relocation of second-hand dwellings, detached habitable rooms, secondary dwellings, ancillary structures and non-habitable structures on vacant land.

Public Exhibition

In accordance with the resolution, the Amendment package was publicly exhibited for a period of 30 days from Wednesday 29 May to Friday 28 June 2019 (inclusive).

Notices appeared in local newspapers on 29 May 2019. All Community Consultative Bodies, relevant development industry representatives (91) and one interested community member were notified directly in writing.

The exhibition material included the:

- Explanatory Statement.
- Draft Chapter G12: Dwelling Houses and Other Low Density Residential Development and the draft Dictionary. To view a copy of these Chapters, refer to the attachments to item DE19.27 considered at the 7 May 2019 Development & Environment Committee Meeting (MIN19.291).
- Newspaper advertisement.

As a result of the exhibition, two (2) formal submissions were received from development industry representatives.

A detailed summary of the submissions also with a Council staff response is provided in **Attachment 1**.

Copies of the actual submissions will also be available for review in the **Councillor's Room** prior to the meeting.

Post-Exhibition Amendments

Attachment 1 covers the content of the two submissions received, comments on them and highlights adjustments where required, justified etc.

Resulting from the submissions received, various amendments are proposed to the exhibited draft Chapter G12 as shown at **Attachment 2**. For convenience, the proposed changes are highlighted within the Chapter.

The recommended post exhibition amendments to draft Chapter G12 are summarised briefly below:

- Consolidation of content, as appropriate, to reduce length of the chapter and reduce duplication.
- Clarify content relating to 'restriction as to user' and 'certain' areas in relation to building materials, textures and colours.
- Clarify that setbacks may need to be reduced to respond to the prevailing setbacks in the streetscape. Also clarify that only the setbacks in the general vicinity of the subject land need to be considered when determining the prevailing setback in a street.
- Restructure and refine Table 2 (setbacks in urban areas), including the deletion of setbacks for development on battle axe lots and reduction of rear setbacks to 3m (average) as per [Chapter G13](#) (Medium Density Residential Development) of the Shoalhaven DCP 2014 as recently amended by Council.
- Refine and delete provisions relating to storage for consistency with [Chapter G13](#) as recently amended by Council.
- Removal of the restriction requiring car parking spaces to be provided behind the building line.

No changes are recommended in relation to the DCP Dictionary.

Conclusion

The draft Amendment, with recommended post exhibition changes, holistically considers low density residential development in Shoalhaven into the future. As such, there is merit in now adopting and finalising the Amendment, noting that DCP controls can be varied, set aside etc. where appropriate.

Community Engagement

The draft Amendment was publicly exhibited for 30 days at the Nowra Administrative Building in accordance with legislative requirements. Two (2) submissions were received which are summarised at **Attachment 1**.

Policy Implications

The Amendment seeks to introduce user-friendly DCP provisions in a logical structure that address gaps in policy and respond to operational matters that have arisen following the passing of time. Should the Amendment not proceed, these fundamental concerns will not be addressed.

It is intended that the new Chapter G12: Dwelling Houses and Other Low Density Residential Development will ultimately replace existing Chapter G12: Dwelling Houses, Rural Workers' Dwellings, Additions and Ancillary Structures.

Financial Implications

The finalisation of the Amendment will continue to be resourced within the existing Strategic Planning budget.

Risk Implications

Should the Amendment not proceed, there is a risk that Council will not be able to respond to low density residential development in a way that holistically considers matters such as local character and context, good quality design and amenity and more broadly the public interest. This could result in poor built form and liveability outcomes for both residents and the broader community. There are also matters that need to be revised to ensure the planning controls continue to operate as expected/intended and resolve inconsistencies.



Summary of Submissions

Amendment 25: Chapter G12

Public Exhibition: 29 May - 28 June 2019

No.	Submitter	Summary of Submission	Comments
1	Lee Carmichael (PDC Lawyers and Planners)	The layout of the DCP is unnecessarily lengthy and repetitive. To address this, the following changes to the structure of the document are suggested: <ul style="list-style-type: none"> Consolidate Sections 6.2.1, 6.2.2, 7.2, 7.3, 8.3, & 9.3 into one section and incorporate it into Section 5 of the document. Consolidate Sections 8 & 9 into one section. 	Supported. This can easily be accommodated, as shown at Attachment 2 to the Council report.
		Section 5.4 Building Form, Design and Materials, A6.4 and related note (dot point 3) <ul style="list-style-type: none"> A6.4 - Refers to 'certain' rural, environmental, foreshore, restriction as to user or scenic protection areas. Restrictions created pursuant to Section 88b of the Conveyancing Act 1919 can cover a wide range of situations and issues. Using the term 'restriction as to user' needs to be clarified and made more specific to address the particular context of setting controls for external building materials. What does 'certain' mean? Note (dot point 3) - The note indicates that white and bright colours are not acceptable in certain rural, environmental, foreshore, restriction as to user or scenic protection areas. What does 'certain' mean? 	Supported. There is merit in clarifying Council's intent as follows: <ul style="list-style-type: none"> Delete reference to restriction as to user from A6.4 and provide clarification in the note box. Insert proposed new note box point as follows: <ul style="list-style-type: none"> 'A restriction as to user (i.e. 88B Instrument) may specify or restrict certain building materials, textures and colours.' Delete the word 'certain' in relation to A6.4 and its associated note.
		Section 6.1.2 Height and Setbacks, note above A14.1 The note should be amended to state..... The acceptable solutions for setbacks may need to be increased, <i>reduced</i> , or modified.....	Supported. In some locations, setbacks may be less than the generic setback requirements.

	<p>The reason for this is to make it clear that in order to achieve relevant performance criteria, it may be necessary to reduce a front setback in particular circumstances. Achieving consistency with performance criteria for setbacks doesn't always translate to increasing setbacks.</p>	<p>It is recommended that the change also be applied to the proposed consolidated 'Ancillary Structures and Non-Habitable Structures on Vacant Land' section of the Chapter.</p>
	<p>Section 6.1.2 Height and Setbacks, A14.3</p> <p>The control cannot be reasonably applied. To require compatibility with an entire street is not workable for long streets (e.g. Illaroo Road, Princes Highway, Greville Ave).</p> <p>A14.3 should be deleted. The performance criteria within the DCP should serve to provide Council assessment staff with the tools required to ensure new buildings contribute towards the streetscape in a positive way.</p>	<p>Supported, in part. This provision has been transferred from existing Chapter G12. Exhibited acceptable solution A14.3 (A18.3 at Attachment 2) proposes the preferred way to achieve exhibited P14.1 (P18.1 at Attachment 2) and appears helpful based on feedback from members of the community, particularly proponents who do not choose to engage the services of a planning consultant.</p> <p>A common-sense interpretation would be to consider the general vicinity of the subject land. It is considered more appropriate to provide this clarification rather than delete the provision entirely.</p> <p>It is also recommend that the change also be applied to the proposed consolidated 'Ancillary Structures and Non-Habitable Structures on Vacant Land' section of the Chapter.</p>
	<p>Section 6.1.2 Height and Setbacks, Table 2</p> <p>Table 2 should be deleted and replaced with a table similar to the recently exhibited setback table in G13 as below.</p> <p>The setback table:</p> <ul style="list-style-type: none"> Removes the requirement for a 3m setback to a parallel road frontage. Parallel Road frontage setbacks should be assessed on merit. These roads are often used as accessways and frequently have garages located on the rear road boundary. Imposing 3m front and side setbacks and a 4m rear setback on battleaxe lots is not supported. Dwellings on battleaxe lots should be designed and positioned such that best outcomes are achieved for general amenity and solar access. Imposing a 3m front and side setbacks with a 4m rear setback to a battleaxe lot unfairly constrains these sites and doesn't always result in good design outcomes. With such onerous setback provisions in place for battleaxe lots, council is essentially forcing two storey development to occur. Rear setbacks have never been in place for single dwellings in the Shoalhaven. Our experience is that there is no need to impose rear setbacks of any kind for single dwellings. Imposing rear setbacks 	<p>Supported in part. The 3m parallel setback is an existing provision in current G12. There has been feedback from the community that this provision provides some certainty where dual frontages exist. Recommend retention.</p> <p>Battle-axe provisions have been proposed in Chapter G12 for the first time in response to community concerns regarding perceived density, overdevelopment and adverse amenity impacts which can be difficult to manage as part of a merit-based assessment. Recommend removal for consistency with Chapter G13.</p> <p>Rear setbacks have been introduced in G12 for the first time following a number of representations from the community. Recommend retention, with a reduction to 3m (average) as per Chapter G13.</p> <p>The proposed table in draft Chapter G12 maintains the long-standing approach to setbacks based on categories of land (i.e. infill development or subdivisions typologies). The change in the setback table structure has recently been tested via the Chapter G13 process. The proposed setback table arrangement is consistent with the finalised Chapter G13 to an extent and the change is supported, with the following changes recommended:</p>

		<p>straightjackets proponents into having private open space areas the rear of their dwellings. This area may have bad orientation. New dwellings should be located on a site to allow for best solar access outcomes.</p> <table border="1"> <thead> <tr> <th>Front Setback (Lots with street frontage)</th><th>Side Setback Secondary Road</th><th>Side Setback</th><th>Rear / Side Setback to Foreshore reserve</th></tr> </thead> <tbody> <tr> <td> <p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to walls of dwellings & 4m to verandahs, patios and awnings. <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 6m to walls of dwellings & 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to walls of dwellings & 6.5m to verandahs, patios and awnings. <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p> </td><td> <p>Lots under 600m²:</p> <ul style="list-style-type: none"> 3m <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 3.5m <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 3.5m </td><td> <p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p> </td><td>7.5m</td></tr> </tbody> </table> <p>6.2.5 Storage and Laundry Facilities, A23.1, A23.2 and A23.3</p> <p>These provisions are not supported and should be deleted. These same provisions were recently re-drafted as encouraged provisions in the medium density DCP. They should not be required for single dwellings.</p>	Front Setback (Lots with street frontage)	Side Setback Secondary Road	Side Setback	Rear / Side Setback to Foreshore reserve	<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to walls of dwellings & 4m to verandahs, patios and awnings. <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 6m to walls of dwellings & 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to walls of dwellings & 6.5m to verandahs, patios and awnings. <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>	<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 3m <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 3.5m <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 3.5m 	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	7.5m	<ul style="list-style-type: none"> Minor wording changes/additions to better reflect the G13 table (does not change intent). Retain existing parallel setback provision as exhibited. Retain rear setback provision but with a reduction to 3m (average) for consistency with Chapter G13. Amend note below 'Front Setback, primary road frontage' column to the following, to be consistent with the final wording in Chapter G13: <ul style="list-style-type: none"> 'Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced'. <p>Attachment 2 to the Council report shows the layout suggested in the submission with the above recommended changes.</p> <p>Supported, in part. To provide context:</p> <ul style="list-style-type: none"> A23.1 – The same provision in Chapter G13 was amended to encourage the rates rather than state "is to be provided". A23.2 – The same provision in Chapter G13 was deleted. A23.3 – The same provision in Chapter G13 was retained. <p>No justification has been provided as to why storage should not be required for single dwellings, other than consistency with Chapter G13.</p>
Front Setback (Lots with street frontage)	Side Setback Secondary Road	Side Setback	Rear / Side Setback to Foreshore reserve								
<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to walls of dwellings & 4m to verandahs, patios and awnings. <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 6m to walls of dwellings & 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to walls of dwellings & 6.5m to verandahs, patios and awnings. <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>	<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 3m <p>Lots over 600m²:</p> <ul style="list-style-type: none"> 3.5m <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 3.5m 	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	7.5m								

			<p>As dwellings get smaller, it is important to ensure that storage space is available so that garages (which may also be the only parking space) are still able to be used.</p> <p>It would be appropriate to reflect the changes made to Chapter G13 as part of Amendment 33 to the DCP which came into effect on 24 July 2019.</p>
		<p>6.2.6 Car Parking, A24.2</p> <p>The provision should be deleted as it essentially straightjackets proponents into a double garage for every new dwelling proposed in the Shoalhaven.</p> <p>Chapter G21 requires 2 car parking spaces per dwelling regardless of their size.</p> <p>For both of these spaces to be located behind the building line is representative of an inefficient use of space within a site. There is nothing wrong with a single garage with an additional space located within the front setback /driveway area. This would generally allow for a more pleasing front façade that isn't dominated by a double garage door and more private open space on site in rear yards.</p>	<p>Supported. Chapter G13 now enables certain dual occupancy development to include parking forward of the building line. The suggested change is consistent with this.</p>
		<p>6.3.1 Building Form, Design and Materials, A25.1</p> <p>A25.1, dot point 1, should be rephrased to state: "address the street by having a front door and / or living room windows facing the street at the ground level".</p> <p>Front doors are not the only means by which the performance criteria can be achieved. Living room windows can be just as, if not more effective.</p>	<p>Not supported. It is correct to state that a front door is not the only way in which the performance criteria can be met. The variation mechanism built into the DCP provides an opportunity for an application to propose an alternative solution.</p> <p>Crime Prevention Through Environmental Design (CPTED) incorporates basic design principles which contribute to the safety and security of a development and the public domain. There are four broad principles of CPTED: surveillance, access control, territorial re-enforcement and space management. The use of an entrance (i.e. front door) as a passive surveillance technique is well documented and results in activation of the streetscape. For more information on CPTED, refer to Chapter 2: General and Environmental Considerations of Shoalhaven DCP 2014.</p>
		<p>6.3.2 Detached Habitable Rooms and Studios, A27.2</p> <p>A27.2 should be deleted. This control is unnecessary and sets onerous controls on the establishment of detached habitable rooms – particularly on rural properties. Detached habitable rooms are an important element of the land use mix in the Shoalhaven as these structures often provide accommodation for family members who do not wish to live independently</p>	<p>Not supported. This provision requires a detached habitable room to be a maximum of 10m from the principal dwelling. The existing related provision in Chapter G12 required the detached habitable rooms to be "in close proximity to the dwelling".</p> <p>The existing terminology is subjective and raises difficulties in terms of assessment and certainty. The proposed 10m sets a defined standard.</p>

		of their family, however need their own space and privacy. Typical users of detached habitable rooms include young adult children who are unable to afford their own home and / or elderly relatives who need the support of their family.	The variation mechanism built into the DCP provides an opportunity for an application to propose an alternative solution. Importantly, the detached habitable rooms/studios need to be close enough to the main dwelling to so that together they function as a single dwelling occupancy.
		6.3.4 Fences and Walls, A29.4 A29.4 should be amended to remove the term 'classified'. There are plenty of busy roads in the Shoalhaven that warrant the erection of high front fences that are not necessarily classified.	Not supported. The wording of this provision is consistent with recently amended Chapter G13 (Medium Density and Other Residential Development). The variation mechanism built into the DCP provides an opportunity for an application to propose an alternative solution where other roads may benefit from a front fence higher than 1.2m
		7.1 Principal Controls, A32.1 The reason a DA is usually lodged for a secondary dwelling is that Schedule 1 cannot be complied with. It seems onerous to require compliance with Schedule 1 on this basis when a merit-based assessment is required.	Not supported. This provision has been set up to use Schedule 1 as the assessment framework (acceptable solutions in essence), and any departure to a provision in Schedule 1 would be considered as any other variation to the DCP. This is consistent with the note below A32.1 dot point 2 note. Without a reference back to Schedule 1, there would be virtually no controls for this form of development which is likely to result in poor built form and amenity outcomes.
2	Todd Slaughter (Nest Residential Design)	Section 6.2.5 Storage and Laundry Facilities, A23.1 and A23.2 As per the recently passed amendments to chapter G13, storage is being "encouraged" in relation to proposed A23.1. The recently passed amendments to chapter G13 has deleted the 50% storage space provision in relation to A23.2. This should be the same in G12. Single dwellings on residential sites allow adequate room for owners to create plenty of future storage through garden sheds etc and it should not be a requirement within the building.	Supported, as per above submission commentary.
		6.3.5 Universal Design The section is noted as not being a requirement and only applies where an applicant designs a dwelling to be accessible or adaptable. Whilst we acknowledge the need, we do not see why this would be included at all in the DCP unless council is offering to certify any buildings designed as accessible or adaptable.	Not supported. This Section has been included as the standard of accessible/adaptable design is important to the ongoing usability of dwellings by occupants. The inclusion of Universal Design provisions is strongly supported by Council's Inclusion & Access Advisory Group. This is further supported by Council's resolution of 18 December 2018 (MIN18.1009) which considers inclusion of accessibility requirements into the relevant chapters of the DCP.

	<p>Dictionary, Detached Habitable Room</p> <p>In respect to the proposed definition change, we would like to see the definition include that in addition to a bathroom being permitted a 'kitchenette' can also be permitted but not with any fixed cooking facilities.</p> <p>We acknowledge that cooking facilities would undermine the definition by possibly making such building almost self-contained.</p> <p>However these types of buildings are often used for art / hobby studios and games rooms which may desire a kitchenette for tea and coffee facilities and a sink for washing up cups etc or equipment used as part of the hobby.</p>	<p>Not supported. Opening up the definition to include kitchenettes has the potential to lead to conversions to full kitchens. This may result in a structure that is fully self-contained, i.e. a dwelling for which lawful consent has not been obtained. Further, this may have other implications with regards to the Shoalhaven Contributions Plan 2019.</p> <p>The definition is consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (i.e. the Codes SEPP) definition of 'Detached studio' which explicitly excludes any cooking facilities.</p>
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DE19.82 Planning Proposal - Land Use Zones & Building Height Controls - Ulladulla Town Centre

HPERM Ref: D19/261192

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Location Map [↓](#)

Purpose / Summary

Provide an update on the Planning Proposal (PP) that proposes changes to land use zones and building height controls for certain land in the Ulladulla Town Centre.

Endorsement is also sought to take the PP forward and complete the next stage of the PP process, including its exhibition for community feedback.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

Options

1. As recommended

Implications: This option is consistent with Council's earlier decision to proceed with the PP to implement the *Ulladulla Building Height Review (2017)* and an owner-initiated rezoning request over part of the area. It enables the PP to progress through the administrative process for amending local environmental plans, including the required community consultation.

2. Make an alternative resolution.

Implications: Subject to the nature of any alternative, this may delay or prevent the finalisation of the PP.

3. Not proceed with the PP.

Implications: This would be inconsistent with previous Council decisions.

Background

Council has commenced the process to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to:

1. Increase the maximum permissible building height in the southern part of Ulladulla Town Centre in the LEP from 7.5 metres (2 storeys) to 11 metres (3/4 storeys) and, for some selected sites, 14 metres (4/5 storeys). **Note:** the reference to 'storeys' is not part of the LEP and is only provided in this report as an indication of the nature of development that could result.
2. Rezone the nine (9) properties at 116-126 St Vincent Street and 37-41 Deering Street from B5 Business Development to B4 Mixed Use and increase the maximum permissible building height from 7.5 metres to 14 metres.

The proposed general changes to building height implement the recommendations of Council's 2017 *Ulladulla Building Height Review* while the change in zone and building height for the St Vincent–Deering Street site responds to a PP request made by the owners of the St Vincent Street–Deering Street site. The proponent has supported its PP request with additional work, including a visual impact assessment and an analysis of development feasibility.

The proposed changes will assist with the continued development and redevelopment of the southern part of the Town Centre and ensure that planning controls are soundly based. New development will contribute to economic activity, helping to support local businesses. It also provides opportunities to activate local streets and improve the pedestrian environment.

The current PP document (and supporting material, excluding preliminary contamination report) is available at the following weblink:

<http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D19/280751>

The PP applies to approximately ninety (90) properties in the southern part of the Town Centre generally bounded by St Vincent Street, Parson Street, Burrill Street South, Jubilee Avenue, Deering Street and the Princes Highway. **Attachment 1** shows the area covered by this PP. The land is occupied by a range of commercial, industrial, and residential development including dwellings, offices, shops, steel fabrication, and mechanics. The area proposed to be rezoned at 116-126 St Vincent Street and 37-41 Deering Street has been developed with a range of light industrial uses, including some storage premises.

Council considered the changes covered by this PP at several meetings in 2017-18 and resolved to take it forward through the NSW Governments Gateway process for PPs (for amending local environmental plans).

The Gateway determination received for this PP requires:

- Preparation of technical studies to support the rezoning of the St Vincent Street–Deering Street site and proposed increased height in this location beyond the general review outcome – preliminary contamination report, visual assessment, and development feasibility analysis.
- Exhibition of the PP for 28-days.

The required technical studies have now been completed, working with the initiator of the St Vincent Street–Deering Street zoning and height review, and support the proposed changes. They do not identify any site-specific considerations preventing the continued consideration of the proposed rezoning and height changes for this site.

The preliminary land contamination report identifies that the site is suitable for the types of development and uses permitted in the proposed B4 zone, provided detailed investigation and any necessary remediation is undertaken prior to any development.

The visual assessment demonstrates that the increase in permissible building height in this location will have a minimal impact on views towards and within the Town Centre.

The feasibility analysis confirms the proposed B4 zone and height controls will provide the financial stimulus for the redevelopment of the site.

Conclusion

It is recommended that Council now:

1. Progress the PP by seeking the NSW Department of Planning, Infrastructure & Environment's agreement to the findings of the technical studies and their authorisation to proceed to exhibit the proposal (as required by the Gateway determination); and
2. Assuming the response to the above is positive, proceed to formally exhibit the PP for formal community feedback in accordance with the Gateway determination. The outcome of the exhibition will be reported to Council to then enable the PP to possibly proceed to finalisation.

Community Engagement

Detailed community engagement occurred as part of the preparation of the *Ulladulla Building Height Review* work completed in 2017 and informing this PP.

The community will be invited to provide feedback on the PP during the formal 28-day public exhibition period required by the Gateway Determination. The PP exhibition will be advertised in local newspapers and affected landowners and relevant Community Consultative Bodies (CCB's) will be directly advised of the exhibition arrangements.

Policy Implications

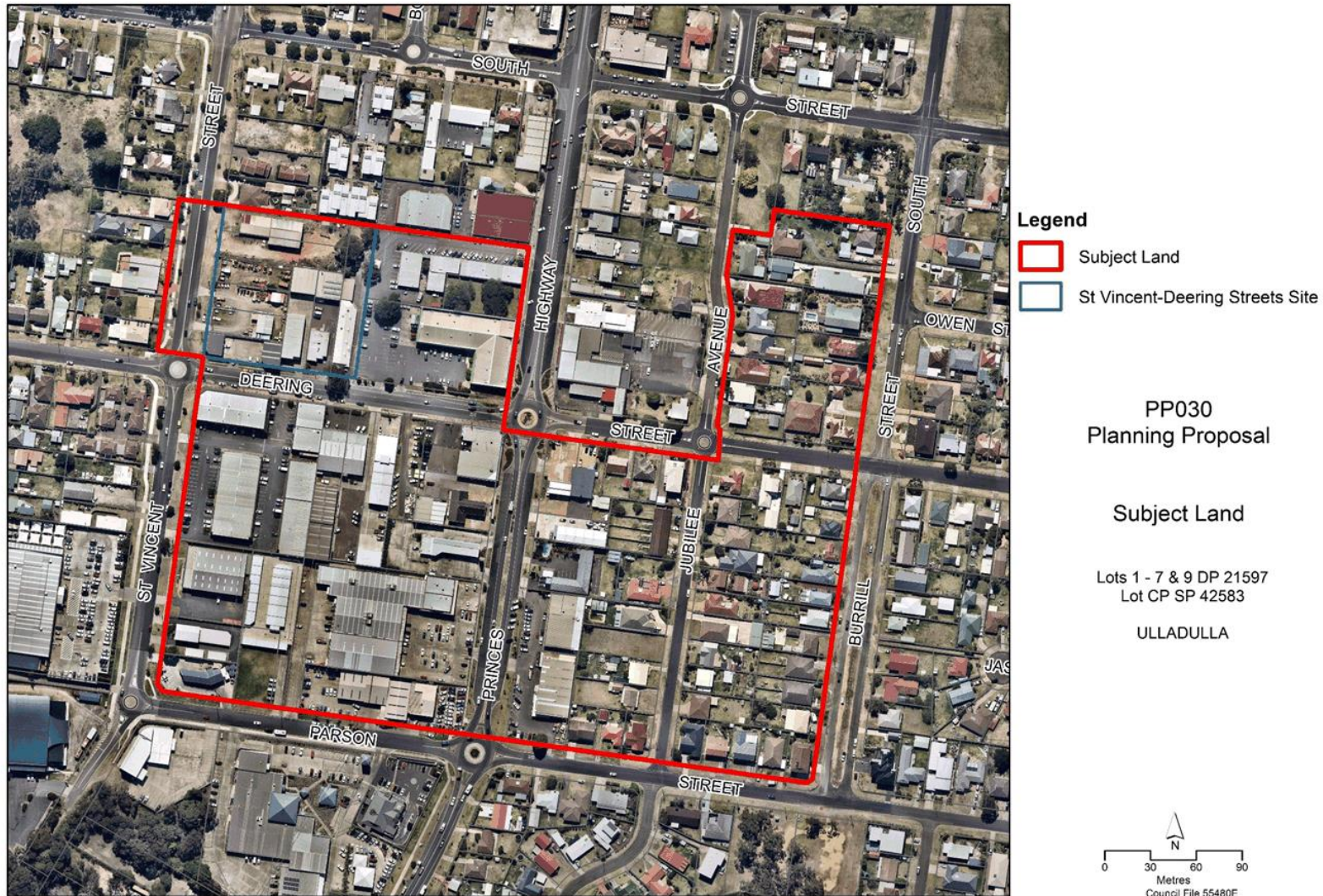
This project is identified on Council's adopted 2019-2020 Strategic Planning Works Program. Its progression will assist with setting the policy direction for the future development of the relevant part of the Ulladulla Town Centre.

Financial Implications

The progression of this PP is being undertaken within the existing Strategic Planning budget.

It is acknowledged the visual assessment and feasibility analyses for the St Vincent Street–Deering Street site was completed by the initiator of the rezoning/building height review request. The adequacy of this work has been reviewed by Council staff and will also be considered by DPIE prior to proceeding further.

Attachment 1: Planning Proposal - Land Use Zones & Building Height Controls - Ulladulla Town Centre



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DE19.83 Update - The Review of Subdivision Provisions Planning Proposal (PP027)

HPERM Ref: D19/262580

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Gateway Determination - 10 July 2019 [↓](#)

Purpose / Summary

Obtain direction from Council regarding the Review of Subdivision Provisions Planning Proposal (PP027).

Note: this matter is being reported back to Council at this point for direction as the Gateway determination is not consistent with the PP that Council resolved to take forward in its April 2019 resolution. Specifically, some settlements have been excluded via the determination.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the continuation of the Review of Subdivision Provisions Planning Proposal (PP027) and proceed to exhibit PP027 (as amended by the Gateway determination) as per the legislative and Gateway determination requirements.
2. Receive a further report following the conclusion of the public exhibition period.
3. Receive a further report on the outcomes of the review being undertaken by Professor Ryan and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North from the Low-Rise Medium Density Housing Code.
4. Advise key stakeholders of this decision and the resultant exhibition arrangements, including relevant Community Consultative Bodies and Development Industry representatives.

Options

1. As recommended.

Implications: This is the preferred option as it will enable Council to progress PP027 and respond to the changing nature of medium density development and subdivision through an amendment to Shoalhaven LEP 2014. The amendment will involve the rezoning 718 lots that are currently zoned R2 Low Density Residential to R5 Large Lot Residential to adequately reflect the prevailing large lot character of the land.

A further report on the outcomes of the review being undertaken by Professor Ryan will enable Council to consider the options available (if any) to progress the exclusion areas from the Low-Rise Medium Density Housing Code (the Code) at that point in time. The exclusion of the six (6) isolated or sensitive localities from the Code can be progressed separately to the proposed Shoalhaven LEP 2014 amendments.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone or stop the proposed amendments to Shoalhaven LEP 2014. If necessary, the exclusion of the six (6) localities from the Code can be progressed separately to the proposed Shoalhaven LEP 2014 amendments.

3. Not adopt the recommendation.

Implications: This option is not preferred as Council would not be able to provide direction regarding the planning proposal following the receipt of the Gateway determination.

Background

On 2 April 2019, Council resolved (MIN19.210) to:

1. *Endorse the Review of Subdivision Provisions Planning Proposal (PP027) (Attachment 1) and submit it to the NSW Department of Planning and Environment for a Gateway determination.*
2. *Following receipt of the Gateway determination, exhibit PP027 as per legislative and Gateway determination requirements.*
3. *Receive a further report following the conclusion of the public exhibition period.*
4. *Advise key stakeholders of this decision, including relevant Community Consultative Bodies and Development Industry representatives.*

The resolution was partial in response to the 'deferral' Council had received from the NSW Government's Low Rise Medium Density Housing Code.

PP027, as endorsed by Council (refer to item DE19.19 – 2 April 2019), sought to amend Shoalhaven Local Environmental Plan (LEP) 2014 as follows:

- Include a new sub clause in clause 4.1 to clarify that for the purpose of calculating the area of a battle-axe lot, an access handle is excluded from the calculation.
- Replace existing clause 4.1A with a minimum lot size for the parent lot prior to the erection of a dual occupancy, manor house, multi dwelling housing, multi dwelling housing (terraces) or residential flat building. The provision also seeks to lift the restriction on Torrens subdivision via clause 4.1 following lawful medium density development.
- Amend clause 4.1C relating to dwellings, attached dwellings and semi-detached dwellings to reduce the minimum lot size for resulting lots to 300m².
- Include term 'battle-axe' in the Dictionary.
- Amend all relevant Lot Size Maps to remove the clause 4.1A layer.
- Rezone certain R2 Low Density Residential land in the following locations to R5 Large Lot Residential: Berry, Bomaderry, Bangalee, Tapitallee, North Nowra, Worworing Heights, Bewong, St Georges Basin, Conjola Park, Milton, Lake Tabourie.

The PP also sought to exclude certain land in the following locations from the Code in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP): Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North.

As per the resolution, PP027 was submitted to the then NSW Department of Planning and Environment (now Department of Planning, Industry and Environment (DPIE)) in April 2019.

Council is now in receipt of a Gateway determination which was issued on 10 July 2019 (**Attachment 1**).

The Gateway determination is favourable in terms of the proposed amendments to Shoalhaven LEP 2014 (listed above). However, additional quantitative analysis is required to further assess the impact of the proposal on future housing supply and diversity. A new savings and transition clause is also required to ensure proposed amendments do not affect any undetermined development applications or appeal processed. Both requirements are consistent with DPIE gateway determinations for similar planning proposals throughout NSW and can be achieved.

The NSW Minister for Planning and Public Spaces (the Minister), however, has chosen not to support the proposed amendments to the Codes SEPP, that is the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach and Durras North. This may be a concern to Council.

The Minister has commenced an independent Review of the Code. The Review is being undertaken by the Professor Roberta Ryan from the University of Technology Sydney and will assess the Code's progress, identify impediments to its delivery in deferred areas (e.g. Shoalhaven – extension granted until 31 October 2019) and make recommendations on the appropriate way forward to finalise the Code's implementation.

DPIE have recommended, subject to the outcomes of the Review, that Council consider applying separately to DPIE to assess and consider the proposed exclusions from the Code. It is unknown when the outcomes of the Review will be made publicly available.

Conclusion

It is recommended that Council continue to progress PP027 as per the requirements of the Gateway determination.

It would be appropriate for Council to also receive a further report on the outcomes of the independent review and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach and Durras North from the Code.

Community Engagement

PP027 would be formally exhibited for comment in accordance with Council's Community Engagement Policy to 'inform' and 'consult', and the relevant legislative requirements. The documentation would be exhibited at the Nowra Administrative Building for a period of at least 28 days in line with the Gateway determination. Documentation would also be available on Council's website and at the Ulladulla Administrative Building.

The Gateway determination also specifies the government agencies with whom Council must consult.

Community Consultative Bodies (CCBs) and Development Industry representatives would also be advised of the future formal exhibition arrangements. This will give the Development Industry (and others) a further opportunity to provide input in this regard before the matter is finalised.

As per the Gateway determination, all affected landowners will be directly notified of the exhibition arrangements and will be provided with an explanation of the proposed amendments to ensure they are well informed of the proposal. DPIE have confirmed that "all affected landowners" means the landowners whose land is proposed to be rezoned as part of the proposal (i.e. 718 lots).

Policy Implications

The proposed new clause 4.1A represents a change in how medium density development and subdivision is considered in Shoalhaven. It is noted that the approach of setting a minimum lot size prior to medium density development is well documented throughout NSW and was generally supported by the Development Industry representatives who attended the 5 November 2018 Forum. The continuation of PP027 will enable the proposed and supported approach to proceed.

Financial Implications

Based on the recommended approach, there are no immediate financial implications for Council as this matter is being resourced within the existing Strategic Planning budget.

Risk Implications

The Gateway determination has not supported Council's request to exclude the six locations across Shoalhaven from the Code (Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North). These locations are subject to significant constraints, including flooding, bushfire, isolation and servicing constraints.

Until the Review by Professor Ryan has been finalised and made publicly available, it may be difficult to manage the associated risks through the complying development process. Unless advised otherwise by DPIE, the Code will come into effect for Shoalhaven on 1 November 2019.

It would be appropriate for Council to receive a further report on the outcomes of the Review and the options available (if any) to progress the exclusion of these locations from the Code so the impacts can be more closely managed via the development assessment process if possible.



Planning,
Industry &
Environment

Your ref: 56071E (D19/111724)
Our ref: PP_2019_SHOAL_003_00/(IRF19/2876)

Mr Stephen Dunshea
Acting General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council
Received

16 JUL 2019

Attention: Ms Jenna Tague

File No. 56071E

Referred to: J. Tague

Rel to: D19/111724

Dear Mr Dunshea

**Planning proposal PP_2019_SHOAL_003_00 to amend Shoalhaven Local
Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to review subdivision provisions for residentially zoned land in the Shoalhaven LGA.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have decided not to support Council's proposal to amend State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the permanent exclusion of land from the Low Rise Medium Density Housing Code. The Minister for Planning and Public Spaces has requested an independent review to assess progress on the code to date, identify impediments to the code's delivery in deferred areas, and make recommendations on the appropriate pathway forward to finalise the code's implementation. It would be inappropriate to prejudge the outcomes of the review.

A Gateway condition has been included requiring this matter to be removed from the planning proposal prior to public consultation. Subject to the outcomes of the independent review Council consider applying separately to the Department to assess and consider the proposed exclusion from the code.

A Gateway condition has also been included requiring Council to write to all affected land owners providing notice of consultation on the proposal and explaining the effects of the proposed amendments to ensure that land owners are well informed of the proposal.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments. Council should ensure this occurs prior to the plan being made.

The amending local environmental plan (LEP) is to be finalised within six months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis, Senior Planner in the Department's Southern Region office, to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely

 10 July 2019
Stephen Murray
Executive Director, Regions

Encl: Gateway determination

DE19.83 - Attachment 1



Planning, Industry & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_SHOAL_003_00): to review subdivision provisions for residentially zoned land in the Shoalhaven local government area and rezone certain land from R2 Low Density Residential to R5 Large Lot Residential.

I, the Executive Director, Regions at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to consultation to:
 - (a) remove the component of the proposal to exclude land at Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach and Durras North from the Low Rise Medium Density Housing Code in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - (b) provide quantitative analysis and assess the impacts of the proposal on future housing supply and diversity as follows but not limited to:
 - i. the total area of land zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village in the local government area (LGA);
 - ii. the number and lot sizes of medium-density housing developments and associated Torrens subdivisions approved in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones in the LGA in the past five years; and
 - (c) include a savings and transition provision to ensure that the proposed amendments do not affect any development applications or appeal processes.
2. Prior to consultation, the planning proposal is to be updated in accordance with condition 1 and submitted to the Department for approval.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning

proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

- (c) Council is to write to all affected land owners providing notice of consultation on the proposal and explaining the effects of the proposed amendments.
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Rural Fire Service;
 - WaterNSW; and
 - Office of Environment and Heritage.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **six months** following the date of the Gateway determination.

Dated 10th day of July 2019.


Stephen Murray
Executive Director, Regions
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

DE19.84 Proposed Housekeeping Amendment - Shoalhaven Development Control Plan 2014 - Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control

HPERM Ref: D19/263024

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Chapter G2 and Dictionary - Draft Amendment Package (under separate cover)

Purpose / Summary

Obtain the required resolution to formally exhibit this Housekeeping Amendment to Chapter G2: - Sustainable Stormwater Management and Erosion/Sediment Control (Chapter G2) and the Dictionary of Shoalhaven Development Control Plan 2014 (DCP).

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the initial draft Housekeeping Amendment to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and the Dictionary of Shoalhaven Development Control Plan 2014 (draft Amendment) at Attachment 1 and support the exhibition of the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Advise key stakeholders, including relevant industry representatives, of this decision and the exhibition arrangements in due course.
3. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received, any necessary adjustments and the finalisation of the amendment.

Options

1. As recommended.

Implications: This is the preferred option as it will enable operational issues and matters that require clarification to be considered and resolved which will improve the function of Chapter G2 and the DCP as a whole.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could delay the implementation of updated and improved DCP provisions relating to stormwater management and erosion/sediment control.

3. Not adopt the recommendation.

Implications: This could stop the implementation of improved, best practice and better structured provisions in the DCP.

Background

The existing [Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control Erosion](#) of the DCP provides guidance to applicants and the industry regarding sustainable stormwater management including water quality, water stability, detention and erosion and sediment control. The Chapter applies to all development in Shoalhaven.

On 12 June 2012, Council resolved to include the “draft Sustainable Stormwater Management” document as a Chapter in the draft Citywide DCP. The draft provisions became DCP Chapter G2 on 22 October 2014. Although a minor housekeeping amendment was undertaken in 2015, the Chapter has remained essentially the same since then.

Through time, it has become evident that the current Chapter G2 requires a thorough housekeeping amendment to improve its function and structure (and supporting documents), address policy gaps and address operational issues or matters requiring clarification that have been identified since the DCP originally commenced on 22 October 2014. There are flow on impacts for the DCP [Dictionary](#) that are also addressed as part of this Amendment.

The proposed changes to Chapter G2 (and supporting documents) and the Dictionary are detailed in the table of changes at the beginning of the Chapter and are as shown in **Attachment 1** and also summarised below in Table 1.

Table 1: Summary of key changes in the draft Amendment

Summary of key changes
Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control
<ul style="list-style-type: none"> Highlight all terms in the DCP Dictionary green and terms in LEP Dictionary blue. Changes to punctuation, spelling, grammar, structure, numbering, formatting and acronyms. Transfer content of certain acceptable solutions to note boxes. Complete Plain English review. Relocate definitions into the DCP Dictionary. Update references to supporting documents and make consistent. Update legislation references. Deleted duplicated and superfluous content (e.g. content already in Council's Engineering Design Specifications, information that is already on Council's form hub, content that relates to requirements at the construction certificate stage, not the DA stage). New requirement to provide a geotechnical report when onsite infiltration/absorption is proposed. Introduction of an additional objective and provisions relating to stormwater disposal from development sites. Amendments to ensure that future development adequately considers on site detention (OSD) requirements, e.g.: <ul style="list-style-type: none"> Subdivisions containing existing dwellings/buildings are not exempt from pre- and post-development peak flow calculations. The impervious percentage for 'low density residential' has been increased from 60% to 80% and has been merged with medium density residential development. A distinction has been made between the subdivision and subsequent DA stage,

<p>and what needs to be constructed and when.</p> <ul style="list-style-type: none"> - New note to expand upon OSD on public land to include details regarding cost effectiveness, maintenance and safety. • Amendments to erosion and sediment control requirements, e.g.: <ul style="list-style-type: none"> - New provisions relating to the retention of existing vegetation and temporary stormwater management measures. - Adapt existing Acceptable Solution A6.1 into a mandatory control. The control requires compliance with Landcom's Blue Book and Supporting Document 2. • Amendments to large-scale development provisions, e.g.: <ul style="list-style-type: none"> - Clarification that proposed Acceptable Solution A10.2, dot point 3, also applies when development discharges to a natural watercourse, not just a tidal area. - The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) modelling program, or an equivalent as approved by Council, is to be used in relation to the modelling of pollutant loads. - The post development average annual load of pollutants has been updated to reflect industry best practice and operational requirements. • Amendments to the design and maintenance of stormwater treatment measures: <ul style="list-style-type: none"> - Clarify that constructed wetlands and ponds are preferred over bio-retention ponds and basins. - Introduction of commentary regarding proprietary gross pollutant traps (GPTs). - Clarify that stormwater treatment measures on private property are not supported. - Clarify what a small/medium and large-scale development is and update/refine content. 	DE19.84
Chapter G2 – Supporting Documents	
<ul style="list-style-type: none"> • Delete existing Supporting Document 1: Checklists and Supporting Document 3: Stormwater Protection on Construction Sites. • Existing Supporting Document 2: Sustainable Stormwater Technical Guidelines becomes draft Supporting Document 1. Draft Supporting Document 1 has been restructured and content has been included/adapted to directly relate to the content in Chapter G2. It meets operational requirements and introduces more industry best practice elements. • New Supporting Document 2 (Planning for Erosion and Sediment Control on Single Residential Allotments Guideline (Landcom 2004)). 	
Dictionary	
<p>Insert the following definitions into the Dictionary, which were previously located in Chapter G2: Core riparian zone, Erosion and sediment control plan, Impervious, Infiltration, Integrated water cycle management, Detention, Overland flow path, Peak flow, Permissible site discharge, Pervious, Potable water, Retention, Roof water, Runoff, Soil and water management plan, Storage depth, Stormwater, Stormwater management plan, Stream forming flow, Trunk drainage.</p>	

Community Engagement

The draft Amendment will be publicly exhibited for at least 28 days in accordance with legislative requirements at the Nowra Administrative Building. Documentation will also be available for viewing on Council's website and at the Ulladulla Administrative Building. Development Industry representatives will be directly notified of the exhibition arrangements.

Policy Implications

The proposed changes are expected to increase the efficiency and improve the operation of the Chapter and the DCP more broadly.

Financial Implications

The draft Amendment will continue to be resourced within the existing Strategic Planning budget.

DE19.85 Biosecurity Act 2015 - Weed Management Plans

HPERM Ref: D19/268306

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments:

1. Weed management plan - Alligator weed (under separate cover)
2. Weed management plan - Blackberry (under separate cover)
3. Weed management plan - Coolatai grass (under separate cover)
4. Weed management plan - Giant Parramatta grass (under separate cover)
5. Weed management plan - Salvinia (under separate cover)
6. Weed management pan - Bitou bush (under separate cover)
7. Weed management plan - Boneseed (under separate cover)
8. Weed management plan- Fireweed (under separate cover)
9. Weed management plan - Lantana (under separate cover)
10. Weed management plan - Water hyacinth (under separate cover)

Purpose / Summary

On 1 July 2017, the *Biosecurity Act 2015* was enacted. This legislation repealed the *Noxious Weeds Act 1993* along with a number of other pieces of NSW legislation.

One of Council's functions under the Act is "to develop, implement, co-ordinate and review weed control programs"

Council's Biosecurity Weed Management Unit has developed a number weed management plans to assist land managers and residents meet their obligations under the Act.

Recommendation (Item to be determined under delegated authority)

That Council endorse the following Weed Management Plans:

1. Alligator weed
2. Blackberry
3. Coolatai Grass
4. Giant Parramatta Grass
5. Salvinia
6. Bitou bush
7. Boneseed
8. Fireweed
9. Lantana
10. Water hyacinth

Options

1. Council endorse the weed management plans

Implications: This will ensure that land managers are able to access practical guidance to assist them in managing their land.

DE19.85

2. Council not endorse the weed management plans

Implications: Land managers will be required to seek the necessary advice from alternative sources. This may lead to substandard outcomes for landholders, their neighbours and the environment.

Background

On 1 July 2017, the *Biosecurity Act 2015* was enacted. This legislation repealed the *Noxious Weeds Act 1993* along with a number of other pieces of NSW legislation.

The primary object of this Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, dealing with biosecurity matter, carriers and potential carriers, and other activities that involve biosecurity matter, carriers or potential carriers. [S.3]

Under s. 370 of the Act, Shoalhaven City Council “is the local control authority for land within that local government area”.

S. 371 sets out the functions of Council as

- “(a) the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- (b) to develop, implement, co-ordinate and review weed control programs,
- (c) to inspect land in connection with its weed control functions,
- (d) to keep records about the exercise of the local control authority’s functions under this Act,
- (e) to report to the Secretary about the exercise of the local control authority’s functions under this Act.”

Council is a member of the South East Regional Weed Committee and had input into the development of South East Regional Strategic Weed Management Plan 2017-2022, by the Local Land Services South East.

This plan is an overarching strategic plan and is a guide for weed management throughout the region.

Council’s Weed Biosecurity team has developed the following weed management plans to assist land managers and residents meet their obligations under the Act. The aim of these plans is to reflect the community’s expectations in relation to weed management.

- Weed Management Plan – Alligator weed
- Weed Management Plan – Blackberry
- Weed Management Plan – Coolatai grass
- Weed Management Plan – Giant Parramatta grass
- Weed Management Plan – Salvinia
- Weed Management Plan – Bitou bush
- Weed Management Plan – Boneseed
- Weed Management Plan – Fireweed
- Weed Management Plan – Lantana
- Weed Management Plan – Water hyacinth

Achievements under the Weed Action Plan 15/20

Council's Weed Biosecurity Team management actions are part funded by the Department of Primary Industries through the regional Weed Action Plan (WAP). Council received \$164,324 in 2018/19. Council's commitment to match the WAP funding was \$120,739, representing a total of \$285,062 in the weed management program.

The Team's results against targets set by the WAP were as follows

- Inspections of private properties – 109% of annual target
- Inspection of public properties – 106% of annual target
- Urban area inspections – 103% of annual target
- Compliance reinspection – 106% of annual target
- Contravention of biosecurity direction – 100% of annual target

In 2016/2017 financial year, the Weed Management Unit, under Goal 2 Eradicate or contain new incursions inspected 1305 properties. These inspections found 46 new incursions, including:

- 11 Boneseed sites
- 1 Alligator weed site
- 14 Salvinia sites
- 11 Water hyacinth sites
- 2 Giant Devil's Fig sites

With the exception of Alligator weed, all other incursions mentioned are considered eradicated.

In 2017/2018, the team inspected 1234 properties. These inspections found 14 new incursions, including:

- 1 Boneseed sites
- 6 Salvinia sites
- 7 Water hyacinth sites

Council issued 12 Individual Biosecurity Directions during this period and achieved compliance in each case.

In 2018/2019 the team inspected 1646 properties. These inspections found 20 new incursions, including:

- 6 Alligator weed sites
- 3 Chilean Needlegrass sites
- 1 Gorse site
- 6 Salvinia sites,
- 3 Water hyacinth sites
- 1 Frogbit site

Council issued 12 Individual Biosecurity Directions during this period and achieved compliance in each case.

Grant funding from other sources

Council has also received the following amounts in grant funding under the regional Weeds Action Plan and from other sources:

• Alligator Weed Grant Southern	\$ 5,000
• Alligator Weed Grant Berry	\$27,780
• Frogbit Grant	\$10,869
• Boneseed Grant	<u>\$33,715</u>
	\$77,344

Community Engagement

The community was briefed at a number of public meetings and events. Feedback received from residents and land managers has been considered and incorporated into the plans.

Policy Implications

If these plans are not endorsed by Council, regulatory officers will be required to rely on broad interpretation of the legislation.

Financial Implications

Council risks accruing substantial legal costs if court action required to enforce the provisions of the Act are unsuccessful.

Risk Implications

If these plans are not endorsed by Council, regulatory officers will be required to rely on broad interpretation of the legislation and generic statements contained in the South East Regional Strategic Weed Management Plan 2017-2022.

This may impede enforcement of the legislation in a court of law, as the specific management requirements contained in each plan, address the community's wants and needs in relation to weed management in the Shoalhaven.

DE19.86 Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra

HPERM Ref: D19/271794

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Submission Summary Table - Preliminary Community Engagement [↓](#)
2. Submission Summary Table - Internal Consultation [↓](#)

Purpose / Summary

Present a proponent initiated Planning Proposal (PP) for consideration, including the outcome of preliminary community engagement, internal Council consultation and preliminary assessment.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the proponent initiated Planning Proposal for land within Lot 1 DP 949932, Taylors Lane, Cambewarra as a possible 'major' Planning Proposal that Council will take forward dependent of the outcome of Part (2) of this resolution.
2. Undertake an independent Riparian Lands Study for the subject land, at the proponent's expense, that includes rigorous assessment of the riparian land function and watercourse classification.
3. If the outcome of the Riparian Lands Study shows the PP has merit to proceed, develop a Planning Proposal in Council's format, for submission to the NSW Department of Planning, Industry and Environment (DPIE) for initial Gateway determination, and report back to Council when a response is received.
4. Receive a further report to determine how to proceed, if the Riparian Lands Study does not provide clear justification for the Planning Proposal.

Options

1. Proceed as Recommended

Implications: This is preferred as it is a balanced approach that minimises risk – the PP can proceed but only with an appropriate level of justification. This option is perhaps contrary to preliminary community feedback but involves an independent review of the riparian area prior to proceeding further if appropriate.

2. Proceed as Recommended, without requiring a Riparian Lands Study to be undertaken prior to submission of the PP document for Gateway determination.

Implications: This option is not preferred as there is significant risk – there is currently insufficient evidence to show that the intent of the PP is justified. This option is contrary to preliminary community feedback.

3. Reject the planning proposal.

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Implications: This option is consistent with preliminary community feedback. It may be appropriate to review the appropriateness of the riparian area and whether its extent/significance is overstated. Lost opportunity to provide additional housing adjoining an identified growth area.

Background

The Moss Vale Road South Urban Release Area (MVRS URA) is a regionally significant release area. It was first identified as a 'New Living Area' in the Nowra-Bomaderry Structure Plan that was adopted by Council in 2006 and endorsed by the NSW Government in 2008. The land was zoned through the Shoalhaven LEP 2014 process and the detailed planning requirements to 'release' MVRS URA for development have been completed (late 2018).

Council has received some subdivision Development Applications for land within the MVRS URA, including one for Lot 1 DP 949932 (SF10632), which is also the land the subject of this PP.

The subject land, Lot 1 DP 949932, traverses the current boundary of the MVRS URA. Consultants associated with the preparation of SF10632 have identified that a watercourse on the subject land, that is outside the current MVRS URA boundary, is potentially incorrectly classified/zoned and propose it to be removed so the land can be rezoned to allow residential uses.

The following dialogue has since occurred in regard to the PP:

- Informal meeting and communication between Council's Strategic Planning staff and proponent, including advice to proponent on minimum PP submission requirements (October-November 2018)
- PP lodged with Council – 28 March 2019
- Additional information requested – 5 April 2019
- Additional information provided – 17 May 2019
- Preliminary Community Engagement and Internal Council Consultation – 3 June 2019 – 1 July 2019
- Preliminary assessment undertaken by Council staff and provided in this Report

SF10632 is a subdivision application for approximately 51 lots and it is currently still under detailed assessment. Council staff are working with the applicant in regard to a range of matters and the application may ultimately be reported to Council in due course.

Subject Land

The subject land is located at Taylors Lane, Cambewarra and is known as Lot 1 DP 949932. It traverses the irregular north eastern boundary of the MVRS URA. The portion of the land within the MVRS URA boundary is zoned R1 General Residential. The land outside the URA boundary is currently predominantly characterised as 'Riparian Lands' and is zoned E2 Environmental Conservation accordingly. There is also portion of E3 Environmental Management zoned land that acts as a buffer between the URA and Moss Vale Road. The subject land (south-eastern corner) is also affected by the 'Western By-Pass Corridor', which is currently zoned RU1 Primary Production.

Note: the PP that has been submitted only applies to a portion of the land that is within Zone E2 Environmental Conservation.

Figure 1 shows the subject land and Figure 2 identifies the specific land to which the PP applies and includes the current zoning overlay.

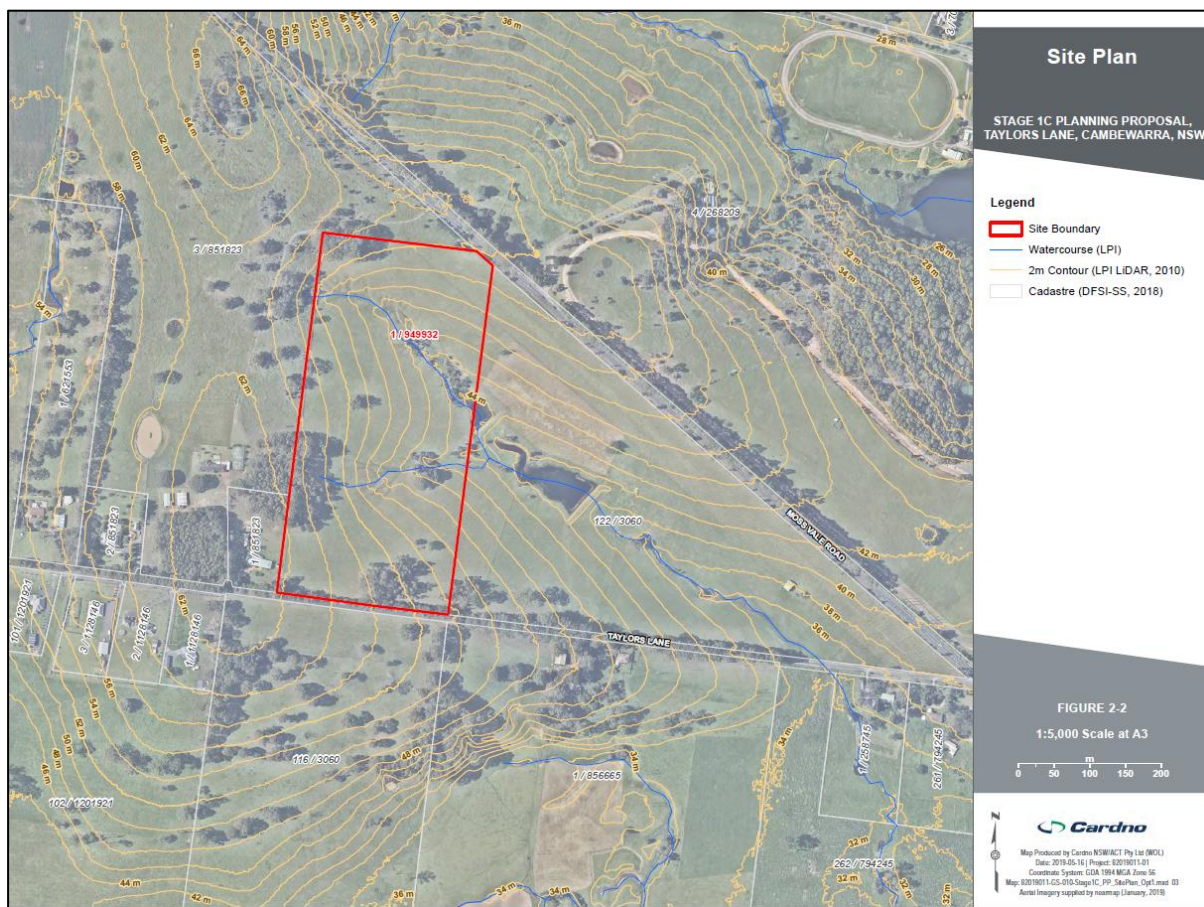


Figure 1: Site Location (source: Cardno, 2019)

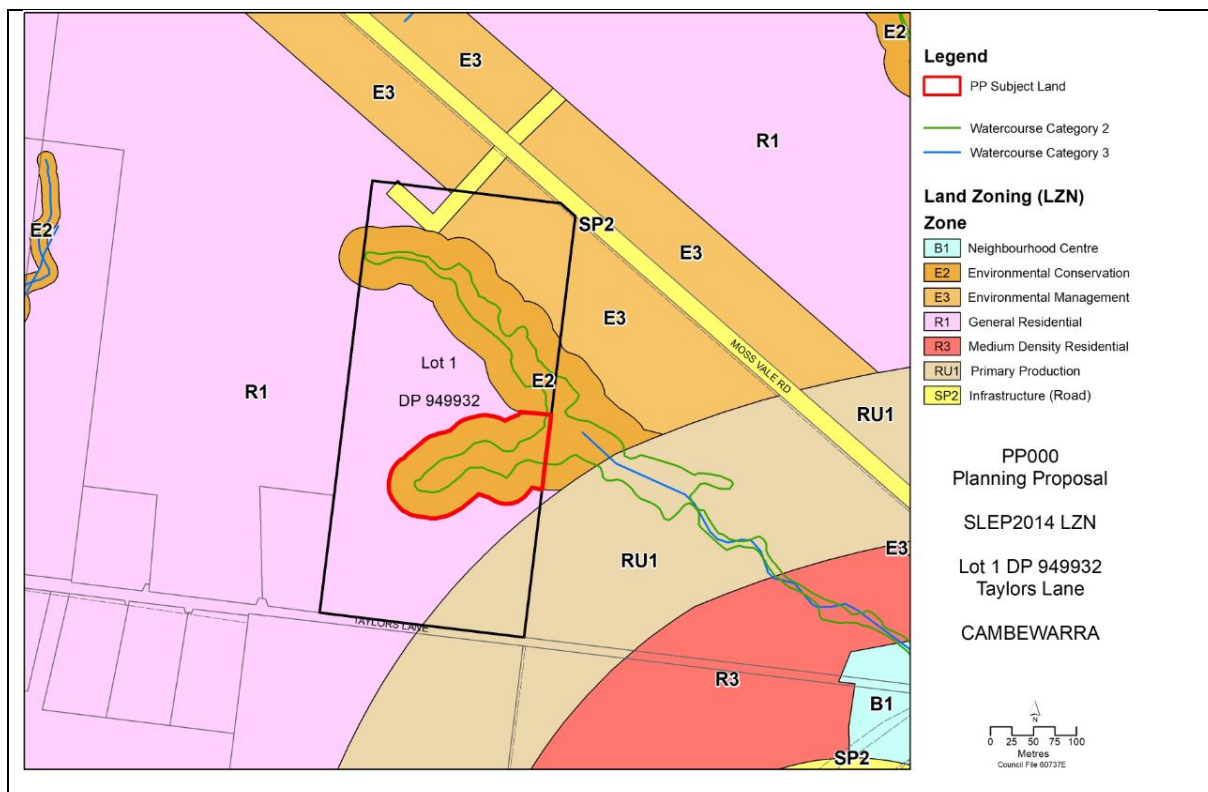


Figure 2: PP land and zoning overlay
Proponent's Planning Proposal

Note: area covered by the PP request is outlined in 'red'

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The PP states that a watercourse is incorrectly classified and therefore it should be removed and its associated Riparian Land rezoned. The PP proposes the following.

- Remove classification of a watercourse
- Rezone land associated with the watercourse from Zone E2 Environmental Conservation to Zone R1 General Residential
- Extend the MVRs URA boundary to include the land
- Reduce the minimum lot size of the land (currently 40ha in the E2 zone) to allow subdivision from 500sqm and potential to enact Clause 4.1H of SLEP 2014 in appropriate circumstances to allow minimum lot sizes of ≥ 300 sqm.

The proponent's submitted PP document can be viewed at the following link:

<http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D19/180134>

2008 GHD Mapping of Riparian Lands Report

As part of the step between the Structure Plan and LEP, Council carried out additional detailed work to try to ensure that riparian areas associated with the new URAs were identified correctly and appropriately zoned in the new LEP.

Council engaged GHD to prepare a riparian verification study. The resulting 'Mapping of Riparian Lands Report' was provided to Council in April 2008 and informed the mapping/zoning of riparian lands in the development of Shoalhaven LEP 2014. The 2008 GHD report states:

This report provides Council with verified mapping of specific riparian corridor boundaries within the study area to form the basis for riparian corridor zoning boundaries

It is important to note that the 2008 GHD report changed the categorisation of the subject watercourse from Category 3 to Category 2 (increasing its significance). This was the only watercourse in the vicinity of MVR URAs. The following was provided as justification:

This reclassification was based on the importance of this particular watercourse to provide basic habitat and preserve or emulate as much as possible a naturally functioning stream.

The outcomes of this report were used as the basis for zones within the Shoalhaven LEP2014 and associated consultation with Government Departments and the community as part of the development and finalisation of the plan.

The proponent's PP document provides an assessment of the watercourse that is contrary to the 2008 GHD Report. An independent review of this riparian area possibly needs to be undertaken to definitively support the claim (or otherwise) of the proponent's PP document that the watercourse does not warrant its classification (and as a result zoning), especially considering it is directly contrary to the 2008 GHD Report.

Preliminary Community Engagement

Preliminary Community Engagement was undertaken in accordance with Council's Planning Proposal (Rezoning) Guidelines between 3 June and 1 July 2019. A notification letter was sent to affected/adjoining landowners and Cambewarra Residents and Ratepayers Association. The matter was also advertised on Council's 'Get Involved' webpage – 'Planning for Growth in Nowra-Bomaderry', and an e-newsletter was sent to the subscribers to that page.

Nine (9) submissions were received as a result – their contents are contained in the summary table at **Attachment 1**. All the submissions did not support the PP request. The issues raised in them can be grouped into three categories/themes: negative amenity impacts, negative environmental impacts, and inconsistent with Council policy. Table 1 below expands on these themes.

Table 1: Comment Themes

THEME	DETAIL
Amenity	<ul style="list-style-type: none"> • Visual impact • Reduced open space • Increased density • Loss of rural character • Loss of natural buffer to URA • Traffic impacts • Impacts on existing infrastructure
Environmental	<ul style="list-style-type: none"> • Pollutants • Impacts to Bomaderry Creek • Erosion • Sediment • Loss of potential habitat • Loss of permeability
Inconsistent with Council Policy	<ul style="list-style-type: none"> • Objectives of E2 Zone • Nowra- Bomaderry Structure Plan • Riparian Land Management

Internal Council Consultation

Internal Council consultation was also undertaken. Comments were received from Council's Environmental Services Section advising that the proposal is generally not supported and requiring further justification. However, from an environmental health viewpoint, no major issues or concerns were raised. The feedback is presented in at **Attachment 2**. The main issues raised are presented in Table 2 below.

Table 2: Environmental Services - Issues

ISSUE	Inconsistent with ESD principles
	Erosion potential
	Council site inspection contrary to PP document – riparian corridor function and watercourse classification is considered appropriate
	Threatened species identified
	Inconsistent with Objectives of E2 Zone – should be rehabilitated
	Inadequate justification
	Decreased permeability – increased pollutants – potential waterlogging
	Cumulative impact – loss of riparian corridor existing and potential linkages

Preliminary Assessment

Strategic Planning staff have undertaken a preliminary assessment of the proponents PP as detailed in Table 3 below.

Table 3: PP Preliminary Assessment

PP Component	Staff Comment	Additional Information Required?
Remove Watercourse Classification	<p><i>Further investigation and consideration of the watercourse and its classification is necessary.</i></p> <ul style="list-style-type: none"> The NSW Natural Resource Access Regulator (NRAR) has suggested investigation may be warranted, particularly upstream of the vegetation. This is based on a desktop review and “advice” from the proponent only. The OEH has contrary advice and suggests it should be revegetated and returned to health. The Integrated Water Cycle Assessment (IWCA) for the URA identifies the watercourse as a ‘discharge point’ for the MVRs URA – investigation required. The slope on which it is located is a constraint – potential erosion and run-off issues may be exacerbated – erosion is a key concern of the 2008 GHD Mapping of Riparian Lands Report. Justification such as ‘degraded due to past land use’ ‘mainly exotic species’ is not justification for reclassification of watercourse – the 2008 GHD report and earlier 2004 NSW Government report clearly state that revegetation, remediation etc. are important functions of riparian corridors. The 2008 GHD report specifically reclassified from Category 3 to Category 2 The Aboriginal Cultural Heritage Assessment (ACHA) is not conclusive. Due Diligence practices suggest further investigation required. <p>(Note: The watercourse the subject of the PP is only a portion of the watercourse identified in the 2008 GHD Riparian Lands Mapping Report).</p>	<p>Independent Riparian Land Study required</p> <p>ACHA needs to be updated to specifically include the area proposed for rezoning (if it proceeds)</p>
Rezone E2 land to R1 + extend URA boundary	<p><i>Further investigation required into the extent of the E2 zoned land in conjunction with the watercourse classification investigation.</i></p> <p>(In addition to the points above):</p> <ul style="list-style-type: none"> E2 Zone extent is greater than the minimum requirement (but consistent with the 2008 GHD Report). In direct conflict with 2008 GHD Report and E2 Zone objectives (revegetate and rehabilitate) No proposed off-set - Inconsistent with Ministerial Direction 2.1 and OEH advice (Net loss of 	<p>Independent Riparian Lands Study required to confirm.</p> <p>Need to consider the impact of the PP on the IWCA principles</p>

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	<p>Environmental Protection areas)</p> <ul style="list-style-type: none"> The Healthy Rivers Commission – Independent Inquiry of the Shoalhaven River (1994): <i>this Inquiry suggests that the protection and maintenance, or the rehabilitation, of a suitable native vegetation cover in the riparian zone is more important to river health than the provision of flows or enhancement of water quality</i> The Illawarra Shoalhaven Regional Plan ‘Priority Action for 2017-2019’ calls for a <i>consistent approach to protect important riparian areas</i>. A ‘Riparian Lands Management Review’ was undertaken in 2018 by the then NSW Department of Planning and Environment. It recommends a consistent approach for the relevant Riparian Land LEP/DCP clause wording and implementation across all LEPs in the region but does not provide guidance on watercourse/riparian land classification. 	<p>for the MVRs URA.</p> <p>ACHA needs to be updated to specifically include the area proposed for rezoning (if it proceeds)</p>
<p>Reduce minimum subdivision lot size to 500sqm (&300sqm)</p>	<p>500sqm generally supported pending outcome of watercourse investigations. 300sqm supported in principle – additional detail required</p> <p>500sqm is the standard minimum lot size for residential zones.</p> <p>Additional information is required to determine specifically how/where Clause 4.1H of SLEP 2014 is to apply. The ‘Development Area’ Map only provides limited opportunity at the subject site.</p>	<p>YES</p> <p>Statement required – to support the specifics of proposed 300sqm lot size.</p>

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Conclusion

Based on the above comments it is considered that additional work is required in regard to the riparian area that is the subject of the proposed PP before it can be taken forward. As such it is recommended that an Independent Riparian Lands Study be undertaken to assist in this regard.

Policy Implications

If accepted by Council, the proponent’s PP document will form the basis of a PP that Council will take forward, to be submitted to the DPIE for initial Gateway determination, if the outcome of the Riparian Lands Study confirms the PP has merit.

If a rezoning ultimately proceeds, in addition to relevant amendments to the LEP, updates will be required to Shoalhaven DCP 2014 – Chapter NB3 Moss Vale Road South URA, the Integrated Water Cycle Assessment for MVRs, and the Shoalhaven Contributions Plan 2019, the extent of which will be realised as the PP develops further.

Financial Implications

In accordance with Council's Planning Proposal (rezoning) Guidelines this PP request is considered to be 'major' and the following fees are applicable:

- Major PP - \$23,000, which includes up to 80 hours of staff time.
- Staff time exceeding 80 hours is charged at \$165/hr
- Full cost recovery on the above basis for staff time for preparation of any associated amendments to SDCP 2014, SCP 2019 and the IWCA for MVRs URA.
- Additional studies/reports at the expense of the proponent but managed by Council.

Risk Implications

There is significant potential risk as follows:

If the rezoning proceeds:

- Absence of rigorous assessment may result in detrimental environmental impacts on site and down stream
- Negative community perception if assessment and communication is not adequate
- Precedent to remove riparian lands and E2 zoned land (cumulative negative impact)

If the rezoning does not proceed:

- If the PP does not proceed without due consideration, it may be a missed opportunity to provide housing in an appropriate location to meet the needs of a growing population. It may also provide an opportunity for a 'pre-gateway' review. It should be noted that this is a potential risk – irrespective if the rezoning is not 'supported' as submitted.

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
1. Community Member	<i>Does not comply with the Goals and Design Principles of the Bomaderry Structure Plan</i>	Noted. However, if it is determined that the watercourse has been incorrectly categorised, the extent of the E2 land may be redundant and identified sections (of the NBSP) may not be practically applicable (and should not have been initially)
	Does Not Comply with the Desired Future Character of the Bomaderry Structure Plan	Noted and agreed. However, if it is determined that the watercourse has been incorrectly categorised, the extent of the E2 land may be redundant and identified sections (of the NBSP) may no longer be practically applicable. Additionally - it should be noted that the photo's provided identify 'two water storage areas' that are not proposed to be reclassified or rezoned and therefore unclear if the submission comments accurately consider the proposal documentation.
	It is inconsistent with LEP objectives for Zone (E)2 and (E)3 zones. ... These areas should have been protected managed and restored... Current degradation should not be an excuse to step away from this	Noted and agreed – However, if it is determined that the watercourse has been incorrectly categorised, the extent of the E2 land may be redundant and zone objectives may no longer be practically applicable at the current extent.
	Reduced lot sizes = perception developer \$ over the environment	Acknowledged - this is not the intent – investigation into the categorisation of watercourse is warranted
	Perception: More lots = more rates \$	No staff comment
	Increased lots should result in more open space but the PP proposes to reduce (informal) areas of open space	The PP does not deal with the development proposal in detail – any future DA Assessment will consider appropriateness.
2. Community Member	It is important to maintain watercourse – restore don't delete	This point is consistent with the objectives of the E2 zone
	Was the lack of significant rain considered when stating – no observed water flow?	This point is also raised by Council staff – further advice should be sought
	Reducing lot sizes to 500sqm and point. 300sqm is not sustainable growth. Its for someone's financial benefit not that of future generations	It is countered that the reduced lots may be a more sustainable outcome when considering housing growth for the wider Shoalhaven–ie increased densities is more efficient than sprawl. Smaller lots allowed for via DCP.
3. Community	Increased density out of character (visual impact)	Noted. There will be opportunity to required future DAs to consider visual impact

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
<i>Member</i>		
	Direct impact on Cambewarra Village, including primary school	The validity of this statement is not rejected however there are no specifics provided to appropriately respond (i.e. the 'impacts' referred to have not been specified). The URA is already zoned.
	Dramatic impacts on traffic to school	Traffic modelling would suggest the PP will have a negligible impact on total traffic flows. Notwithstanding this is not discounted and is valid (however the comment makes reference to the total north and south URA figures)– new school planning needs real consideration (but it is not the subject of this PP).
	Cambewarra residents and ratepayers have ongoing issues with traffic flow and speeding – Council has not helped with this issue	Traffic modelling would suggest the PP will have a negligible impact on total traffic flows. The existing alleged issues are not the subject of this PP
	The round-a-bout to Moss Vale Road proposed will create traffic issues	This is not the subject of this PP and general positioning of the round-a-bout has previously been endorsed. The detailed design of the round-a-bout is being undertaken by Council as part of the HAF process.
	The Bomaderry Princes HWG roundabout will be the main access to 2550 allotments – traffic flow already increased by developments east and south of Nowra – congestion will result. Reduction in lot sizes will exacerbate this.	Traffic modelling would suggest the PP will have a negligible impact on total traffic flows. These comments do not accurately consider the future road network – Eg FNC and potential future bypass.
	development need not proceed in haste! There is already increased pressure on services and infrastructure	The Gateway process (if this PP enters) will include sufficient rigour ensuring nothing occurs in haste. Infrastructure upgrades are being designed to accommodate future development, noting that the URA is already zoned.
4. <i>Community Member</i>	Concern re: proposed removal of watercourse – degraded state and need for future housing is not sufficient justification	Noted.

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
	Not consistent with NBSP "natural values of the district and the best ways to protect these values in line with principles of ecologically sustainable development". Leaving the E2 and designing development with this included would go towards achieving this	Noted
	Successful riparian restoration is possible as evidenced nearby Tapitallee Creek.	Noted
	Successful riparian restoration = correct classification of watercourse	Noted. Additional study required to consider this implication.
	It will result in increased yield at the expense of the environment and community	Noted. Additional studies needed to accurately determine the validity.
5. Community Member	E2 zoning should be impetus to improve the land	Noted.
	Appropriate restoration – as evidenced in other nearby locations – has positive impact on flora/fauna and improved environmental values	Noted.
	Restoration of the E2 Land is consistent with the NBSP. This has positive impacts on environment but also social and community well being	This statement is generally agreed. BUT this is not to say rezoning to R1 will result in the opposite – i.e. negative impact on well-being and environment – additional information in this regard may be appropriate.
	Tapitallee Ck Landcare happy to work with developer and staff on riparian management plan and facilitation of a landcare group for the area	This approach should be given consideration.
6. Community Group	We affirm the findings of the GHD report	Noted.
	E2 zoning should be impetus to improve the land	Noted.
	Appropriate restoration – as evidenced in other nearby locations – has positive impact on flora/fauna and improved environmental values	Noted.
	Restoration of the E2 Land is consistent with the NBSP. This has positive impacts on environment but also social and community well being	Noted. Noted.

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
	There is opportunity to design a development incorporating the riparian land – this has community well being impacts	
7. Community Member	Not supported – rural amenity should be maintained. Minimum Lot size of 1200sqm with maximum 25% coverage so be required.	This proposal is inconsistent with adjoining MVRs URA.
	Small lots irresponsible in terms of global heating – impermeable site coverage to great	Increased density and less sprawl may actually have less impact – the cumulative total coverage will be less.
	Heating and cooling costs will be too high as buildings wont be able to be designed to respond to environment. Associated negative health issues.	Opinion noted but good design can still be achieved on small lots
	Watercourse should be maintained so natural flows are maintained. Cost of reticulation should not be passed onto consumer.	Noted and generally agreed regarding natural flows, whenever possible.
	Don't develop the land – subdivisions to date haven't resulted in better employment opportunities so the land is better left to agricultural uses	Noted.
8. Community Member	<ul style="list-style-type: none"> - the site forms the eastern edge of a much larger urban proposal - the whole notion of master planning is to set out a vision for future development - this DA does not follow the overall master plan and I would suggest is an over development of this site as the master plan proposes small lot development further west - the DA is for a small lot development that does not conform with the Indicative Layout Plan Figure 3-4 in the report - the small lots I would suggest are an unsuitable use of this (and the master plan area) land well away from transport and amenities - no reasonable justification has been given for such small sites on the edge of the development in the middle of nowhere - Stage 1c is within a riparian zone and should not proceed - the existing character of this site is far from that which is proposed 	<p>This is all generally agreed with the following notes:</p> <ul style="list-style-type: none"> • Masterplan can be amended if required • Higher densities preferred in the adjoining location due to irregular shape of land • The riparian zone is associated with a watercourse that may be incorrectly classified, therefore the extent of the zone may need to be reconsidered
	Potential loss of trees negative	Noted.

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
	Require additional urban design detail regarding fencing, plantings, habitat and wildlife corridors. There is little way in the masterplan for landscaping and wildlife corridor	Chapter NB3 of SDCP 2014 would be extended to include the subject site if the land is rezoned. It is noted that the watercourse/riparian land may be important to maintain with consideration of the future development of the MVR URAs.
9. Community Group	<p>Opposed to this proposed rezoning as it fails to adequately argue any real benefits for the environment or social benefits for the community.</p> <p>It is sad to note that such a very poor case can be made to obliterate one of the upper two branches of an E2 zoned tributary of Bomaderry Creek for the purposes of gaining a financial benefit.</p> <p>It would seem much more appropriate to proceed with the developments planned and provided for so many years ago, before attempting to move beyond those bounds into yet another commercial land development endeavour. In fact, the E2 zoned creek-line proposed for rezoning would provide much open space benefit for the future residents in the currently approved priority 1a and 1b subdivisions.</p> <p>The developer, in arguing that the land in question lacks environmental values because it contains very little native vegetation cover, ignores the opportunity that the E2 zoning provides for restoration of the original forested landscape for environmental and social benefits.</p>	Agreed – further justification required.
	ACF does see one benefit in the full area of Lot 1 being incorporated within the boundary of the Moss Vale Road South Urban Release Area. The developer has intimated the willingness to undertake "vegetation planting" in the northern riparian corridor (page 20, subsection 3.1). Admittedly, this appears to be a trade-off for the	Noted and agreed. Greater detail required.

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

Summary of Submissions – Preliminary Community Engagement

Number/ submitter	Submission	Comments
	<p>proposed rezoning, but it does suggest that the developer has some awareness of the benefits that the community sees in taking measures to improve the environment.</p> <p>Unfortunately, the developer does not appear to have gone into any detail about the nature of this "vegetation planting".</p> <p>It is recommended that this planting proposal not be accepted as a trade-off for the proposed rezoning and that any agreement to such a restoration project be subject to prior completion of a Council approved vegetation restoration plan.</p>	

Proponent Initiated Planning Proposal, Lot 1 DP 949932, Taylors Lane, Cambewarra

INTERNAL CONSULTATION SUBMISSION SUMMARY

Section	Submission	Strategic Planning Comment
Environmental Health	GENERAL STATEMENT At this stage Environmental Health does not have any major issues or concerns.	Noted
	Removal of riparian corridor – Removing = more pollutants + <permeability - implication for waterlogging Retaining watercourse may be beneficial as WSUD systems currently in existence (elsewhere) are evidenced to be problematic. Does Council have capacity for appropriate maintenance?	Noted
	Contamination – Only minor potential for contamination and can be dealt with at DA	Noted
	Acid Sulfate Soils - Class 5 – low likelihood. Risk to be considered at later date.	Agreed.
	Lot sizing – Prefer larger lot sizing – EH issues resulting from smaller lots isolated from key infrastructure	This is a very general comment and does not necessarily consider the ultimate development scenario – MVR URAs will include key infrastructure

INTERNAL CONSULTATION SUBMISSION SUMMARY

Environmental Planning & Assessment	<p>NOT SUPPORTED.</p> <p>The “guiding principles for councils for decision making” in the LG Act 1993, ie principles of ESD and ‘the long term and cumulative effects of actions on future generations”, are implemented to protect and rehabilitate the water quality down stream.</p> <p>The advice from NRAR was: <i>“is not unreasonable to reassess the extent of the E2 zoning and the development footprint particularly upstream of the existing vegetation”</i>. This advice came form “a quick desktop review” and “advice” from the applicant.</p> <p>Another Agency response (OEH) is contrary – applicant was directed to demonstrate that the loss of E2 zone would not reduce the environment protection standards applying to the land and that any inconsistency is justified or minor significance.</p> <p>It is clear, based on a site inspection, that the areas proposed for rezoning are first order water course gullies that are highly modified but still contain native vegetation. The applicant’s proposed changes do not incorporate the advice of the NSW Office of Water in that areas of native vegetation within the E2 zoned portion / watercourse are proposed to be removed.</p> <p>5 threatened microbats have been recorded in the area so retaining and rehabilitating the E2 areas will provide additional habitat for species threatened by habitat loss. Whilst the area has been highly modified the E2 zoning provides an opportunity to reinstate native vegetation in the locality for the benefit of wildlife and people living in the proposed URA in the future. The E2 zoning is appropriate given the riparian watercourse area will provide a link to the bushland of Bomaderry Creek Reserve.</p> <p>The Riparian Corridor width is larger than the minimum required for the steam type but this may be appropriate subject to the erosion potential of the surrounding soils, proposed housing density and increased non-permeable surfaces.</p>	<p>These principles should be given practical consideration.</p> <p>Adequate consideration of down stream impacts has not been provided.</p> <p>The proponent has overstated the significance of this advice and detailed Riparian investigation is required.</p> <p>Detailed riparian study and (possibly) management plan required.</p> <p>Noted</p> <p>Noted.</p>
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Proponent Initiated Planning Proposal – Lot 1 DP 949932, Taylors Lane Cambewarra

INTERNAL CONSULTATION SUBMISSION SUMMARY

Natural Resources and Floodplain	Verbal Comment from Unit Manager: flood study/impact assessment required	Noted
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Proponent Initiated Planning Proposal – Lot 1 DP 949932, Taylors Lane Cambewarra

DE19.87 **Novation Request - Voluntary Planning Agreement - Seaspray Close - Narrawallee**

HPERM Ref: D19/279715

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Amended Draft Deed of Novation - Narrawallee VPA [↓](#)

Purpose / Summary

Council adopted and signed a [Voluntary Planning Agreement](#) (VPA) that relates to two parcels of land at Narrawallee in 2011. This report provides background in this regard and details a request that has been made to novate the VPA.

Note: Novation in this instance is basically a deed that transfers the rights and responsibilities of one party in a given agreement to another party

One of the land parcels is currently listed for sale and this has attracted community attention.

Recommendation (Item to be determined under delegated authority)

That Council agree to the amended Deed of Novation, presented as Attachment 1 to this report, related to the Voluntary Planning Agreement that is in place for land at Narrawallee owned by Hanson South Coast Pty Ltd.

Options

1. Agree to the amended Deed of Novation presented at **Attachment 1**.

Implications: This is the recommended approach given that the current VPA includes a process to enable the novation to occur.

2. Not agree to proceed with the Deed of Novation.

Implications: This option is not recommended as the current VPA provides for this adjustment to be made.

Background

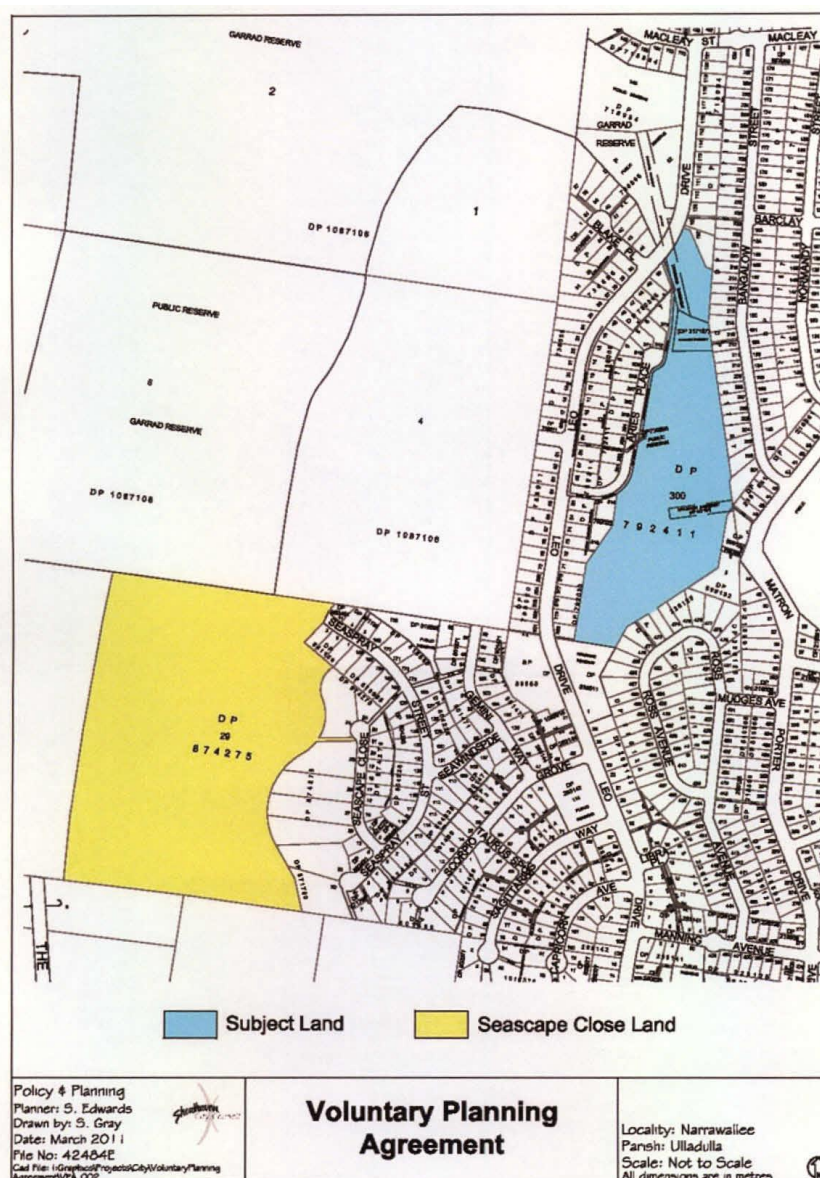
The current VPA was finalised/signed in 2011 and relates to two parcels of land owned by Hanson South Coast Pty Ltd, namely:

Lot 300 DP792411, Ross Avenue, Narrawallee (6.5 ha) – zoned mainly E2 Environment Conservation and small part R2 Low Density Residential. The land is also identified on the 'terrestrial biodiversity' overlays in the LEP as containing significant vegetation and being part of a habitat corridor. This lot contains Garrads Lagoon.

Lot 29 DP874275, Seaspray Close, Narrawallee (14 ha) – zoned part E2 Environmental Conservation, part R2 Low Density Residential and part R1 General Residential. Part of the E2 land is also identified on the 'scenic protection' and 'terrestrial biodiversity' (part of a habitat corridor) overlays in the LEP.

The following map shows these two land parcels and to which the VPA relates.

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Both lots were the subject of detailed planning work that also concluded in 2011 when the lots were rezoned to assist facilitate an outcome, whereby Lot 300 would eventually come into public ownership when Lot 29 is developed. The LEP contains a detailed clause related to the development of Lot 29 that requires consideration of visual impact, vegetation retention and bushfire impacts in any subdivision application.

The VPA supports the rezoning that occurred, links both properties to facilitate the eventual transfer of the Garrads Lagoon area into public ownership. This is triggered when the residential subdivision of the Seascape Close land occurs.

The VPA between Council and Hanson South Coast Pty Ltd (current owners of both properties) encompasses the following:

- Surrendering the development consent over Lot 300 and dedicating the land (Lot 300) to Council once the LEP is amended (partially occurred) and subdivision consent is issued for Lot 29 (has not occurred).
- The inclusion of a restriction on Lot 29 that it will not be subdivided until Lot 300 is transferred (occurred).

It is noted that a subdivision application (45 lots) was lodged in July 2013 over Lot 29 and withdrawn in October 2017. Given that subdivision consent has not been issued over Lot 29, the related transfer has not occurred and both parcels are still in a common ownership.

VPA Novation

It came to Council's attention that Lot 29 has been listed for sale. As a result, contact was made with the landowner requesting confirmation on:

- Intentions in regard to the VPA and the commitments in it that relate to the subject land.
- Assurance that prospective purchasers are made aware of the existence of the VPA and also the related restriction that was placed on the property in regard to future subdivision.

The landowner's solicitors (Paine Ross & Co) have advised that:

- The contract of sale includes both lots and contains a copy of the current restriction on Lot 29 and a complete copy of the VPA.
- The contact will be provided to interested purchasers so they are aware of the constraints arising from the VPA and associated restriction.
- The sale can only be completed once the VPA is novated to the new owner of both lots. The VPA sets out a process for novation and both the landowner and Council's obligations as a party to that procedure. The contract and a draft deed of novation have been prepared on this basis.

As such, should the land sell, the novation of the VPA is required and Council has also received a draft Deed of Novation for review and approval.

Clause 15 of the VPA provides that a Deed of Novation is required in the event Hanson intends on having Dealings with respect to the Seascope Close and Ross Avenue Land. Dealings include the sale of the land. Clause 15 states:

Hanson must not have any Dealings with the Seascope Close Land or the Ross Avenue Land unless Hanson:

- a) *First informs the proposed assignee, purchaser or other party (the Incoming Party) of this Agreement;*
- b) *Provides the Incoming Party with a copy of this Agreement;*
- c) *Enters into a novation deed with the Incoming Party and the Council, whereby the incoming party agrees to perform the obligations of Hanson under this Agreement;*
- d) *Remedies any default by Hanson, unless such default has been waived by the Council; and*
- e) *Pays the Council's reasonable costs in relation to the assignment and novation.*

Council staff have reviewed the draft Deed of Novation and propose some inclusions/changes – a tracked changes copy of the draft Deed is provided as **Attachment 1** with the proposed inclusions/changes shown in red.

The changes include a requirement that Hanson pay Council reasonable costs and expenses as required by the VPA and deal with any liabilities that may exist.

Conclusion

It is recommended that Council sign the requested Deed of Novation in this regard.

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Community Engagement

There is no requirement that Council undertake community engagement in regard to this request as it is essentially an administrative step under an existing VPA.

Policy Implications

The existing VPA is in place and there are currently no proposals to amend its overall intent.

Financial Implications

Council's reasonable expenses will be met in this regard.

Deed of Novation

HANSON SOUTH COAST PTY LTD, ACN 001 079 385
(Retiring Party)

and

(Substitute Party)

and

THE COUNCIL OF THE CITY OF SHOALHAVEN
(Continuing Party)

DE19.87 - Attachment 1

This Novation Deed

is made between the following parties:

1. **HANSON SOUTH COAST PTY LTD, ACN 001 079 385** of
(Retiring Party)
2.
(Substitute Party)
3. **THE COUNCIL OF THE CITY OF SHOALHAVEN** of Bridge Road,
Nowra 2541 in the State of New South Wales
(Continuing Party)

Recitals

- A. The Retiring Party and the Continuing Party are parties to the Voluntary Planning Agreement.
- B. The Retiring Party and the Substitute Party have entered into the Contract for the sale of the Property.
- C. Under the Voluntary Planning Agreement, the Retiring Party is required to have the Substitute Party enter into a deed of novation with the Continuing Party before the Retiring Party can sell the Property.
- D. The parties agree to novate the Voluntary Planning Agreement on the covenants and conditions of this Deed.

The parties agree

In consideration of, among other things, the mutual promises contained in this Deed:

1 Definitions and Interpretation**1.1 Definitions**

In this Deed words and phrases defined or referred to in the Voluntary Planning Agreement have the same meanings when used in this Deed and in addition:

- (a) **Voluntary Planning Agreement** means the Voluntary Planning Agreement affecting the Property between the Retiring Party (as landowner) and the Continuing Party (as consent authority) in respect of the development of the Property, a copy of which is annexed to this Deed;
- (b) **Business Day** means a day on which banks are open for business in New South Wales and which is not a Saturday, Sunday or public holiday;
- (c) **Contract** means the contract for sale between the Retiring Party (as vendor) and the Substitute Party (as purchaser) for the sale of the Property.

- (d) **Deed** means this Deed and all its schedules and attachments;
- (e) **Effective Date** means the completion date of the Contract.
- (f) **Governmental Agency** means any government or governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity;
- (g) **GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth);
- (h) **Property** means the two properties comprised in folio identifiers 29/872475 and 300/792411

1.2 Interpretation

In this Deed, headings are for convenience only and do not affect the interpretation of this Deed and, unless the context otherwise requires:

- (a) words importing a gender include any gender;
- (b) words importing the singular include the plural and vice versa;
- (c) headings and clause headings have been inserted for guidance only and shall not be deemed to form any part of the context of this Deed;
- (d) all references to clauses, schedules, annexures and attachments are to clauses, schedules, annexures and attachments to this Deed and include such clauses, schedules, annexures and attachments as amended or replaced from time to time pursuant to this Deed;
- (e) where any word or phrase has been given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning; and
- (f) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate and any Governmental Agency.

2 Novation

2.1 Novation

On and from the Effective Date, the parties novate the Voluntary Planning Agreement so that:

- (a) the Substitute Party replaces the Retiring Party under the Voluntary Planning Agreement and will be bound by the Voluntary Planning Agreement as if it was an original party to the Voluntary Planning Agreement; and
- (b) a reference in the Voluntary Planning Agreement to the Retiring Party must be read as a reference to the Substitute Party.

2.2 Assumptions of Rights and Obligations

- (a) On and from the Effective Date, the Substitute Party:
 - (1) must comply with the Voluntary Planning Agreement; and

- | (2) obtains the rights and assumes the obligations and liabilities of the Retiring Party under the Voluntary Planning Agreement.
- (b) On and from the Effective Date, the Continuing Party must comply with the Voluntary Planning Agreement on the basis that the Substitute Party has replaced the Retiring Party under it in accordance with this Deed.

2.3 Release by Continuing Party

- (a) The Continuing Party, on the Effective Date, releases the Retiring Party from:
 - (1) any obligation and liability under or in respect of the Voluntary Planning Agreement; and
 - (2) any action, claim and demand it has, or but for this clause 2.3 would have had, against the Retiring Party under or in respect of the Voluntary Planning Agreement.
- (b) The Continuing Party gives this release regardless of:
 - (1) when the obligation, liability, action, claim or demand arises; and
 - (2) whether or not it is now or in the future aware of the facts and circumstances relevant to any obligation, liability, action, claim or demand.

2.4 Release by Retiring Party

- (a) The Retiring Party, on the Effective Date, releases the Continuing Party from:
 - (1) any obligation and liability under or in respect of the Voluntary Planning Agreement; and
 - (2) any action, claim and demand it has, or but for this clause 2.4 would have had, against the Continuing Party under or in respect of the Voluntary Planning Agreement.
- (b) The Retiring Party gives this release regardless of:
 - (1) when the obligation, liability, action, claim or demand arises; and
 - (2) whether or not it is now or in the future aware of the facts and circumstances relevant to any obligation, liability, action, claim or demand.

2.5 Acknowledgement

The Substitute Party and the Continuing Party acknowledge that the Voluntary Planning Agreement continues in full force and effect on and from the Effective Date in accordance with its terms as novated by this Deed.

3 Duties, Costs and Expenses

3.1 Duties

- (a) The Substitute Party must pay all stamp, transaction, registration, and other duties and taxes including but not limited to any fines, interest and penalties which may be payable in relation to the execution, delivery, performance or enforcement of this Deed.
- (b) The Substitute Party indemnifies each other party against any amount payable under clause 3.1(a).

3.2 Costs and Expenses

- (a) The Retiring Party and the Substitute party must pay their own costs and expenses in relation to:
 - (1) the negotiation, preparation, execution, delivery, stamping, registration, completion, variation and discharge of this Deed;
 - (2) the enforcement, protection or waiver, or attempted enforcement or protection or waiver, of any rights under this Deed; and
 - (3) the giving or obtaining of consent or approval under or in relation to this Deed.
- (b) The Retiring Party must pay the Continuing Party's reasonable costs in relation to:
 - (1) the negotiation, preparation, execution, delivery, stamping, registration, completion, variation and discharge of this Deed;
 - (2) the enforcement, protection or waiver, or attempted enforcement or protection or waiver, of any rights under this Deed; and
 - (3) the giving or obtaining of consent or approval under or in relation to this Deed.

3.3 GST

In this clause 3.3, **GST Law** has the meaning given in the A New Tax System (Goods and Services Tax) Act 1999 (Cth), and terms used which are not defined in this Deed, but which are defined in the GST Law, have the meanings given in the GST Law. Unless stated otherwise, all consideration provided under this Deed is exclusive of GST. If GST is payable by the supplier, the recipient must, upon receipt of a tax invoice from the supplier, pay the supplier an amount equal to the GST payable on that supply.

3.4 Continuing Party's Costs

The Retiring Party and the Substitute Party must each pay half of the Continuing Party's costs and expenses in relation to the negotiation, preparation, execution, delivery, stamping, registration, completion, variation and discharge of this Deed.

4 Notices**4.1 Notices**

- (a) Any notice or other communication including but not limited to any request, demand, consent or approval, to or by a party to this Deed or the Voluntary Planning Agreement must be served on a party or its solicitor at the party's or its solicitor's address specified in this Deed or the Voluntary Planning Agreement.
- (b) Any such notice, request or other communication shall be delivered by hand or sent by prepaid post or transmitted electronically or by facsimile, to the address of the party, or the party's solicitor, to which it is sent.
- (c) A notice, request or other communication will be deemed to be received:
 - (1) if delivered by hand, upon delivery;
 - (2) if sent by pre-paid ordinary post within Australia, upon the expiration of 2 Business Days after the date on which it was sent; and
 - (3) if transmitted electronically or by facsimile, upon receipt by the sender of an electronic or facsimile acknowledgment that the communication has been properly transmitted to the recipient.
- (d) A party may change the address for service of notices by giving written notice of that change to all other parties.

5 General**5.1 Governing Law and Jurisdiction**

- (a) This Deed is governed by the laws of New South Wales.
- (b) Each party irrevocably submits to the exclusive jurisdiction of the courts of New South Wales.

5.2 Prohibition and Enforceability

- (a) Any provision of, or the application of any provision of, this Deed or any Power which is prohibited in any jurisdiction is, in that jurisdiction, ineffective only to the extent of that prohibition.
- (b) Any provision of, or the application of any provision of, this Deed which is void, illegal or unenforceable in any jurisdiction does not affect the validity, legality or enforceability of that provision in any other jurisdiction or of the remaining provisions in that or any other jurisdiction.

5.3 Waiver

Waiver of any right arising from a breach of this Deed must be in writing and signed by the party granting the waiver.

5.4 Variation

A variation of any term of this Deed must be in writing and signed by the parties.

5.5 Assignment

The rights created by this Deed are personal to the parties and must not be dealt with at law or in equity.

5.6 Further Assurances

Each party must do all things and execute all further documents necessary to give full effect to this Deed.

5.7 Counterparts

- (a) This Deed may be executed in any number of counterparts.
- (b) All counterparts, taken together, constitute one instrument.
- (c) A party may execute this Deed by signing any counterpart.

Executed as a Deed

Date of Deed:

Signed sealed and delivered
by **HANSON SOUTH COAST PTY LTD,**
ACN 001 079 385 in the presence of:

Witness

Signatory

Name (please print)

Name (please print)

Signed sealed and delivered
by
in the presence of:

Witness

Signatory

Name (please print)

Name (please print)

Signed sealed and delivered
by **THE COUNCIL OF THE CITY OF
SHOALHAVEN** in the presence of:

Witness

Signatory

Name (please print)

Name (please print)

DE19.87 - Attachment 1

DE19.88 Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight

HPERM Ref: D19/289312

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments: 1. Wilderness Society Campaign Brief [↓](#)
2. 19 Other Councils' Resolutions [↓](#)

Purpose / Summary

To report to Council the public petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight.

Recommendation (Item to be determined under delegated authority)

That having considered the petition and background information presented in the report, Council determine its position on the matter.

Options

1. Should Council be of a mind to support the passing of a motion to support the opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight, then a suggested Recommendation is as follows:

“That Council

1. *Join other Councils to protect the Great Australian Bight and oppose all exploratory drilling and mining for fossil fuels in the Great Australian Bight; and*
2. *Write to relevant State and Federal Members of Parliament”*

Implications: Support those that signed the petition by joining other Councils to protect the Great Australian Bight and oppose all exploratory drilling and mining for fossil fuels in the Great Australian Bight.

2. That Council resolve to:

“Receive and note the report for information.”

Implications: Not join other Councils that are opposing all exploratory drilling and mining for fossil fuels in the Great Australian Bight.

Background

At the Ordinary meeting on 25 June 2019, Councillor John Wells presented a petition containing 937 signatures, which states:

As a resident/rate payer/visitor of Shoalhaven Council, I support the passing of a motion to join other councils to protect the Great Australian Bight and oppose all exploratory drilling and mining for fossil fuels in the Great Australian Bight.

The following supporting information, including a copy of the Wilderness Society Campaign Brief (attachment 1) and the Equinor Environmental Plan in brief (<https://www.equinor.com/en/where-we-are/gabproject.html>), was provided by Monica Mudge, Take 2 SLSC project Manager, with the petition:

“Norwegian oil company, Equinor, plan to carry out exploratory oil drilling in the Great Australian Bight. The deepest drill proposed in the bight to date, in one of the most wildest part of our oceans. It may be far away from us, but an accidental oil spill in this part of our oceans may have grave effects on our local beaches and waterways, and I believe it is important for this matter to be raised in council.

Here in the Shoalhaven, many local residents oppose this proposed drilling for many reasons and we are seeking the opportunity to raise our concerns with Shoalhaven City Council at your next special meeting. As a representative of ocean conservation in our area, I, along with so many of our rate payers and visitors alike, have grave concerns for what this drill could potentially mean for our beaches, our industries, our tourism and our wildlife. So much so that a petition proposing the Shoalhaven City Council consider opposing the drill, has now attracted over 1,000 signatures in writing and 873 online signatures to date, with those numbers rising every day.

As you may know, we are not the only community to be concerned, Peaceful protests and communities have been coming together across the country, some led by nationally acclaimed surfers and celebrities. At this stage the final call needs to be made by NOPSEMA (National Offshore Petroleum Safety and Environmental Management Authority), and that is expected to happen sometime soon. We would like Shoalhaven City Council to formally support the banning of exploratory drilling in the Great Australian Bight before they make their decision.

There is substantial evidence to support our concerns and I have attached a brief outline for you. I have also read from cover to cover the draft Environmental Plan and final Environmental Plan provided by Equinor (also attached). As you will see, by their own admission, this drill is not 100% safe and should there be a spill, the catastrophic effects may see oil ending up here on our local beaches, not to mention what it will do in The Great Australian Bight, the main highway for wildlife (whales, sharks, dolphins, plus many more) found nowhere else in the world, some already endangered. I cannot imagine how this will affect us and cannot sit back to just wait and see.

There are 19 councils so far across the country that have made motion against the drilling”.

Attachment 2 contains copies of the resolutions from these 19 Councils.

Community Engagement

The petition was signed by 937 people.

Two peaceful protests were also held supported by over 600 people across the Shoalhaven. One a paddle out where over 300 local surfers came together at Mollymook Beach, and a Hands Across the Sand event at South Mollymook, that was held due to so many people wanting to do something and was attended again by over 300 people.

Great Australian Bight Campaign Brief



August 2018 Key Updates:

- BP & Chevron have abandoned their drilling programs, but Chevron still retains its lease.
- Equinor (formally Statoil) is the remaining 'Big Oil' company that has active drilling plans.
- A total of six companies currently hold leases in the Bight.
- No stages of oil & gas development, including seismic surveys have been approved by NOPSEMA for several years.
- Already more than 10 councils in SA have passed motions that express concern or oppose drilling in the Bight¹: Kangaroo Island, Yankalilla, Yorke Peninsula, Victor Harbor, Holdfast Bay, Elliston, Alexandrina, Onkaparinga, Port Adelaide Enfield, Marion and West Torrens and Port Lincoln. This represents over 550,000 people in SA.
- Moynes Shire Council in Victoria is the first Victorian council to pass a motion acknowledging concern about drilling plans and requesting to be consulted in the environmental approval process.

Environmental Statistics

- **Over 85% of known species in the Great Australian Bight region are found nowhere else in the world².**
- **275 species new to science and 887 species found in the Bight for the first time** in a research study in 2017³.
- A haven for 36 species of whales and dolphins and the world's most important nursery for the endangered southern right whale.
- New research from Tasmania shows seismic testing can kill large swathes of zooplankton, the basis of the marine food chain, up to 1.2km from each blast site, leaving the ocean dotted with plankton holes⁴.

Tourism statistics for SA

- In 2016-17, the tourism activity in SA is worth a combined total of \$6.3 billion to the state's economy⁵.
- 32,100 tourism industry jobs, 24,500 indirect jobs and total employment impact of 56,600 people in 2013 -14⁶
- In 2013-14, Limestone Coast, Kangaroo Island, Fleurieu and Eyre Peninsula's combined total tourism output was over \$2 billion with a total employment impact of over 11,000 people⁷.

Fisheries statistics for SA

- In 2017, our fishing and aquaculture sectors were estimated at being worth \$900 million, one of the largest primary production sectors in South Australia⁸.
- SA fishing and aquaculture industry supports more than 3,000 full time jobs, mainly in regional areas⁹.

Campaign Context

Equinor (formerly Statoil) and other companies remain eager to open up a **new oil precinct in the pristine and rough waters of the Great Australian Bight**, an open oceanic bay stretching along 2000 kilometres of Australia's southern coast. Equinor has plans for exploration wells in the Great Australian Bight Commonwealth Marine Reserve. This is the Norwegian company's **southern hemisphere equivalent of attempts to drill for oil in the Arctic**.

Independent financial analyst Carbon Tracker says it is likely to be a high cost field: "Allocating capital to high cost, high risk projects in the Australian Bight appears unwarranted in a low demand, low carbon future – shareholders should challenge whether this is the best strategy for the companies to create value."¹⁰

The world's biggest oil spill accident, BP's Deepwater Horizon tragedy, occurred in 2010, when 800 million litres of oil spewed into the Gulf of Mexico (GoM) for 87 days after attempting to drill an exploration well. **The Great Australian Bight waters are deeper, more treacherous and more remote** than the GoM. The Deepwater Horizon was drilling in 1500m of water 70 kms off the coast when it exploded. In the Bight, oil companies plan to drill in waters down to 2250m depth and up to 300km offshore from Ceduna.

¹ <http://www.norwaynews.com/10-south-australian-councils-now-oppose-oil-drilling-in-great-australian-bight-after-marion-council-vote/>

² http://www.misa.net.au/research/collaborative_research_science_program_-_the_gab

³ http://www.misa.net.au/_data/assets/pdf_file/0012/295995/Great_Australian_Bight_Research_Program_Highlights_2013_2017.pdf

⁴ New Scientist Journal, 2017: <https://www.newscientist.com/article/2138326-oil-exploration-airguns-punch-2-kilometre-wide-holes-in-plankton/>

⁵ [http://www.pir.sa.gov.au/documents/CORP/documentMedia.ashx?A=\[53EAC575-AE5A-4E76-ATD2-534ACA41AEA7\]&B=False](http://www.pir.sa.gov.au/documents/CORP/documentMedia.ashx?A=[53EAC575-AE5A-4E76-ATD2-534ACA41AEA7]&B=False) (page 17)

⁶ [http://tourism.sa.gov.au/documents/CORP/documentMedia.ashx?A=\[54340688-F71C-4A4C-914E-9919C9A9A914\]&B=False](http://tourism.sa.gov.au/documents/CORP/documentMedia.ashx?A=[54340688-F71C-4A4C-914E-9919C9A9A914]&B=False) (page 5)

⁷ <http://tourism.sa.gov.au/research-and-statistics/regions/regional-tourism-profiles>

⁸ http://www.pir.sa.gov.au/_data/assets/pdf_file/0008/221993/Aquaculture_IndustryBooklet.pdf

⁹ <https://www.premier.sa.gov.au/index.php/leon-bignell-news-releases/8336-celebrate-the-start-of-south-australia-s-seafood-season>

¹⁰ <http://reneweconomy.com.au/2016/senate-to-probe-bp-great-australian-bight-oil-plans-a-2-6bn-carbon-bomb-79026>

In BP's emergency plan, the oil-well containment response system was to be located on the other side of the world in Houston¹¹ with other capping stack options potentially coming from Norway or Singapore. There is no established offshore oil and gas industry in South Australia to deal with a disaster. More than 6800 boats were involved in the Gulf cleanup but the South Australian Oyster Growers Association says that SA and neighbouring states don't have that many vessels and probably only 20 could operate safely in the waters where BP plans to drill.¹²

Oil spill modelling

BP's own modelling¹³ revealed that a "worst-case" oil spill from an uncontained blowout from its proposed Stromlo-1 well is guaranteed to impact the South Australian coast. Furthermore, anywhere across all of southern Australia's coast could be impacted, from Western Australia across to Tasmania and NSW. The NSW coast has a 41 per cent chance of getting hit by a spill if it occurred in winter, while Apollo Bay and Wilsons Promontory in Victoria would have a 91 per cent chance of being hit by a spill in April-May. BP modelled a 149-day spill (the time it would take to drill a relief well to permanently stop a blowout), but even if it could cap a well in the 35 days it claimed it would still have a high chance of impacting Adelaide, Port Lincoln and Kangaroo Island. BP's spill modelling shows:

- 97% chance of spill hitting Adelaide in April-May, 86% chance in winter, 58% in summer
- 100% chance of hitting Port Lincoln in April-May, 98% chance in winter, 91% in summer
- 100% chance of hitting Kangaroo Island in April-May, 95% chance in summer, 94% winter
- 97% chance whales getting hit in Great Australian Bight Marine National Park in winter

The modelling considers relatively high concentrations of oil (at levels that it will directly impact wildlife onshore) but does not model the more far reaching impacts on fisheries, which could be closed if affected by much lower concentrations of oil. The results are for concentrations that will harm coastline wildlife such as seals (100 grams per square metre), which is 10 times the concentration that will impact marine life in the sea (10g/m²). It's also 10,000 times the concentration requiring the closure of fisheries (US standard 0.01 g/m²). Impacts forcing the closures of fisheries will spread further and faster.

INDEPENDENT OIL SPILL MODELLING

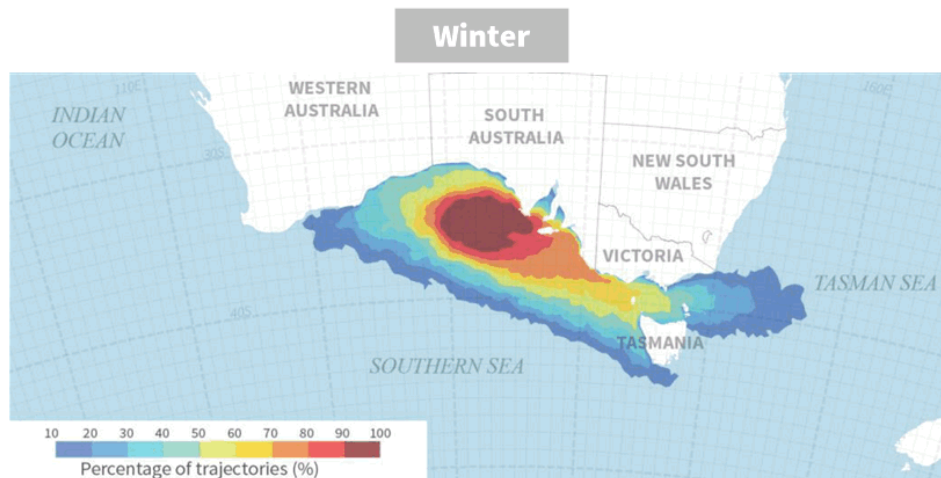


Image: Socioeconomic impact analysis for winter after 4 months (scenario 2A with oiling threshold of 0.01 g/m²)¹⁴

¹¹ <https://www.theguardian.com/business/2015/may/25/bp-would-need-to-bring-equipment-from-texas-to-contain-south-australia-oil-spill>

¹² <http://www.aph.gov.au/DocumentStore.ashx?id=8c6910e1-6143-4282-a8c8-cb89681eda11&subid=412275>

¹³ https://www.bp.com/content/dam/bp-country/en_au/about-us/what-we-do/exploring-great-australian-bight/fate-effects-oil-spill-modelling-assumptions-parameters-results.pdf

¹⁴ "Stochastic analysis of deep sea oil spill trajectories in the Great Australian Bight" by Laurent C.M. Lebreton, MSc - 2015 - Page 34, Available to download at: www.fightforthebight.org.au/oil-spill-modelling

Kangaroo Island Council	
Motion	The Kangaroo Island Council has publicly opposed further oil and gas drilling in the Great Australian Bight, as it is not convinced that the social, economic and environmental risks of this project are acceptable to community of Kangaroo Island. (No specific motion has been passed, but there are multiple motions regarding transparency of approvals process which amount to opposition).
Source	Series of progressive hearings: 9 February 2011; 9 March 2011; 11 May 2011; 8 June 2011; 13 July 2011; 16 May 2012; 13 June 2012; 11 July 2012; 8 August 2012; 12 Sept 2012; 17 Oct 2012; - - - 9 Aug 2016
Population	4700
Barunga West	
Motion	RECOMMENDATION: That Council provides in-principle support to the Kangaroo Island Council in its efforts to oppose further oil and gas exploration in the Great Australian Bight.
Source	August 9th, 2016 https://www.barungawest.sa.gov.au/webdata/resources/minutesAgendas/08.%20August%20Council%20Agenda-%20Public.pdf
Population	2400
Yankalilla	
Motion	That the Chief Executive writes to the National Offshore petroleum Safety and Environmental Management Authority (NOPSEMA) objecting to an Oil Industry in the Great Australian Bight. That the Chief Executive advises the Councils of Kangaroo Island and Victor Harbor of the support of District Council of Yankalilla's against the drilling program planned by British Petroleum (BP) for the Great Australian Bight.
Source	16 August 2016 C16101 Moved Cr. Rowlands Seconded Cr. O'Neil CARRIED https://www.yankalilla.sa.gov.au/webdata/resources/minutesAgendas/Council%20Minutes%2016%20August%202016.pdf
Population	5100

Victor Harbour	
Motion	The Victor Harbor Council formally express its concerns to both BP and the Minister for the Environment in regard to oil exploration and drilling in the Great Australian Bight. Although we respect that BP has indicated that the risk of an oil spill in the Bight is low, if this were to occur, it could have a catastrophic impact on our fishing industry, tourism industry, coast and marine environment, and the economy of the South Coast which is dependent on these industries. It is because of this, we believe the risk posed by oil exploration and drilling in the Great Australian Bight is unacceptable. (District Council of Victor Harbor has also supported the position of the Kangaroo Island Council).
Source	22 August 2016 https://www.victor.sa.gov.au/webdata/resources/files/20160822%20-%20Public.pdf
Population	15100

Yorke Peninsula	
Motion	That council authorise the Chief Executive Office to make a submission to NOPSEMA seeking assurances that a full and transparent process will be follow prior to BP being granted permission to conduct test drilling in the Great Australian Bight.
Source	14 September 2016 Please find attached the Council Report presented in relation to concerns about Drilling Exploration in GAB, this link to the Council Minutes see resolution 184/2016 from 14 September 2016 meeting for Council's decision in relation to this matter. We have 485km of Coastline surrounding our Yorke Peninsula Council region so have great concerns about any impacts this type of activity potentially presents. Jackie Reddaway Executive Assistant to the Chief Executive Officer and Mayor Yorke Peninsula Council Principal Office - Maitland Ph: 08 – 8832 0000 E: jackie.reddaway@yorke.sa.gov.au W: www.yorke.sa.gov.au
Population	11000

Holdfast Bay	
Motion	Council will request a moratorium on oil and gas exploration in the Great Australian Bight from the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

Source	<p>11 July 2017</p> <p>In the 11 2017 July Council meeting, Cr Lynda Yates raised concerns about the potential devastating impacts of an oil spill along the city's coastline.</p> <p>Cr Lynda Yates stated an oil spill would impact tourism, fishing and associated businesses in the City of Holdfast Bay. The City of Holdfast Bay joins Kangaroo Island, Victor Harbor, Yankalilla and Yorke Peninsula councils in communicating their concerns directly with NOPSEMA.</p> <p>https://www.adelaidenow.com.au/messenger/west-beaches/holdfast-bay-council-joins-the-fight-against-oil-and-gas-exploration-in-the-great-australian-bight/news-story/b993ddfe29c34519792137d136a96545</p>
Population	35360

Elliston

Motion	That Elliston Council supports a moratorium on deep water oil and gas exploration and drilling in the Great Australian Bight to protect the fishing and tourism industries and pristine environment. That Council writes to NOPSEMA (National Offshore Petroleum Safety and Environmental Management Authority) officially requesting such a moratorium.
Source	<p>16 January 2018</p> <p>http://www.elliston.sa.gov.au/webdata/resources/minutesAgendas/Minutes%20January%2016%202018.pdf</p>
Population	300

Alexandrina

Motion	That Council advocate to oppose oil drilling in the Great Australian Bight and endorse the Mayor or Chief Executive Officer to participate in opportunities to communicate this position as they arise.
Source	<p>7 May 2018</p> <p>https://www.alexandrina.sa.gov.au/webdata/resources/minutesAgendas/Council%20Minutes%207%20May%202018.pdf</p> <p>https://www.alexandrina.sa.gov.au/webdata/resources/files/Council%20Briefing%20-%202012%20February%20-%20Oil%20and%20Gas%20exploration%20in%20the%20Great%20Australian%20Bight-1.pdf</p>
Population	26800

Onkaparinga	
Motion	That the Mayor, Lorraine Rosenberg, representing the Onkaparinga Council, write to the State and Federal Governments and the Senate Standing Committee on Environment and Communications opposing the seismic testing and all future offshore petroleum activities in the Great Australian Bight, due to the risk of damage to our coastal environment.
Source	<p>15 May 2018 Notice of Motion – Cr Wainwright re Seismic testing in the Great Australian Bight. MOVED Cr Wainwright. Seconded by Cr Kilby. CARRIED http://onkaparingacity.com/onka/council/meetings_agendas/council_meetings.jsp#top</p> <p>Minutes of the Council meeting held on 15 May 2018, that relates to the notice of motion that was carried (item 12.2) The full Agenda for that meeting and Minutes are both available to view and download from our website www.onkaparingacity.com contact Tracy Fulton <Tracy.Fulton@onkaparinga.sa.gov.au></p>
Population	167000

Port Adelaide	
Motion	<p>Cr. McCluskey moved that Council resolves:</p> <ul style="list-style-type: none"> • That the Mayor, on behalf of City of Port Adelaide Enfield writes to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to formally oppose oil and gas drilling in the Great Australian Bight. • Council administration to undertake a desktop investigation for the potential impacts of drilling in the Great Australian Bight on the ecosystems of Port Adelaide and the local economy and also including the status of social licence for drilling in the Great Australian Bight. • Council to monitor investigative reports and modelling of drilling proposals for the Great Australian Bight and report back to Elected Members. • The City of Port Adelaide Enfield stands strongly in solidarity with other coastal council regions such as Kangaroo Island, Elliston, Alexandrina and Holdfast Bay who have already formally sought a moratorium on drilling in the Great Australian Bight.

	<p>Cr. Jamieson seconded - - Cr Lammarrone then moved an Amendment</p> <ul style="list-style-type: none"> • That the Mayor, on behalf of City of Port Adelaide Enfield writes to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) seeking a response at Council's concern at the potential of oil and gas drilling in the Great Australian Bight. That this response is brought back to a subsequent ordinary Council meeting. • Council administration to undertake a desktop investigation for the potential impacts of drilling in the Great Australian Bight on the ecosystems of Port Adelaide and the local economy and also including the status of social licence for drilling in the Great Australian Bight. • Council to monitor investigative reports and modelling of drilling proposals for the Great Australian Bight and report back to Elected Members. • The City of Port Adelaide Enfield stands strongly in solidarity with other coastal council regions such as Kangaroo Island, Elliston, Alexandrina and Holdfast Bay who have already formally sought a moratorium on drilling in the Great Australian Bight. <p>Cr Russell seconded LOST.</p>
Source	<p>12 June 2018 CL - 1447 (Public)</p> <p>https://www.cityofpae.sa.gov.au/webdata/resources/minutesAgendas/Public%20Minutes%20-%2012%20June%202018.pdf</p> <p>The MOTION was then put and CARRIED. Cr. Hubycz called for a DIVISION. Mayor Johanson declared the vote set aside. The following voted in the affirmative: Cr. McCluskey, Cr. Jamieson, Cr. Wright, Cr. Boan, Cr. Martin, Cr. McKay, Cr. Basham, Cr. Hubycz, Cr. Osborn The following voted in the negative: Cr. Croci, Cr. Lammarrone, Cr. Barca, Cr. Russell</p>
Population	121230

City of Marion	
Motion	The City of Marion writes a letter to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) requesting a moratorium on oil and gas exploration in the Great Australian Bight because of the minimal benefits to the City and its residents compared with the potential devastating impacts of an oil spill.
Source	<p>Considered at General Council Meeting on 26 June 2018. (Oil and Gas Exploration in the Great Australian Bight (Report Reference: GC120618M06)</p> <p>Moved Councillor Veliskou, Seconded Councillor Hull - Carried</p> <p>Link to the Agendas and Minutes: https://www.marion.sa.gov.au/about-council/council-meetings/general-council https://cdn.marion.sa.gov.au/meetings/minutes/GC180626-Final-Minutes.pdf?mtime=20180629135101 The report reference for this item is Oil and Gas Exploration in the Great Australian Bight (Report Reference: GC260618M04. You will find the report to this item in the Agenda document.</p> <p>Contact: Victoria Moritz Governance Officer City of Marion 245 Sturt Road Sturt SA 5047 P 08 8375 6601 E Victoria.Moritz@marion.sa.gov.au W www.marion.sa.gov.au</p>
Population	91446

West Torrens	
Motion	The Mayor and Chief Executive Officer representing the City of West Torrens, write to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) opposing the oil and gas exploration drilling in the Great Australian Bight.
Source	<p>3 July 2018</p> <p>Council considered this matter at its meeting on 3 July 2018. The Minutes from this meeting can be found at: https://www.westtorrens.sa.gov.au/CWT/content/Council/Meetings/Agendas_and_Minutes and clicking on the Minutes tab.</p> <p>Kathleen Allen - Executive Coordinator - Office of the Mayor and Chief Executive - City of West Torrens P: 8416 6208 (direct) 8416 6333 (service centre) E: kallen@wtcc.sa.gov.au</p>
Population	57901

Moyne (Victoria)	
Motion	<p>That Moyne Shire Council acknowledges concerns regarding deep sea oil drilling in the Great Australian Bight and commits to writing to "Equinor" and the relevant Federal minister to request full consultation from "Equinor" in relation to the development of its proposed Environmental Plan.</p> <p>That Moyne Shire Council seek regular updates from Fight for the Bight Port Fairy Group, "Equinor" and the National Offshore Petroleum Safety and Environment Management Authority (NOPSEMA) in relation to the application, with particular emphasis on oil spill risk and risk mitigation strategies.</p> <p>This was later (27/2/19) strengthened to:</p> <ol style="list-style-type: none"> 1. Determines that it opposes Equinor's plans to drill for oil in the Great Australian Bight. 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant State and Federal ministers, local State and Federal members of Parliament, and councils along the Victorian coast. 3. Use the period of public submission to voice strong community opposition to this project with Equinor.
Source	<p>Monday, July 23 2018,</p> <p>http://www.moyne.vic.gov.au/files/assets/public/documents/minutes-and-agendas/unconfirmed-minutes/2018-07-24-unconfirmed-minutes-ordinary-council-meeting.pdf</p> <p>http://www.moyne.vic.gov.au/files/assets/public/documents/minutes-and-agendas/unconfirmed-minutes/2019-02-26-unconfirmed-minutes-ordinary-council-meeting.pdf</p> <p>See minutes for detail.</p>
Population	16000

Port Lincoln City Council	
Motion	The Port Lincoln Council motion states: “That the Council of the City of Port Lincoln stands with our local industries of fishing, aquaculture and tourism in expressing concern about the observed effects of seismic testing and the devastating consequences of a possible major oil spill, and we therefore declare our opposition to exploration and drilling for oil and gas in the Great Australian Bight.”
Source	MONDAY 3 SEPTEMBER 2018 https://www.portlincoln.sa.gov.au/webdata/resources/minutesAgendas/9.24.1.2%20MIN201834%2020180903%20PUBLIC.pdf
Population	14000

Surfcoast (Victoria)	
Motion	Council Resolution That Council: 1. Determines that it opposes plans to drill for oil in the Great Australian Bight. 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant state and federal ministers, local state and federal members of parliament, and Councils along the Victorian coast. 3. Receives a further report once Equinor’s draft environment plan is released. 4. Notes that a further 180 signatures to the petition have been added since it was presented to Council. 5. Advises the author of the petition of this resolution.
Source	11 DECEMBER 2018 MOVED Cr Margot Smith, Seconded Cr Martin Duke CARRIED 4:1 https://www.surfcoast.vic.gov.au/files/assets/public/01-about-us/council/council-meetings-and-minutes/council-agendas-amp-minutes/2018/11-december-2018/council-meeting-minutes-11-december-2018.pdf
Population	40000

Corangamite Shire (Victoria)	
Motion	<p>MOTION That Council:</p> <ol style="list-style-type: none"> 1. Determines that it opposes plans to drill for oil in the Great Australian Bight. 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant State and Federal ministers, local State and Federal members of Parliament, and councils along the Victorian coast. <p>Carried 6 to 1</p>
Source	<p>MOTION That Council:</p> <ol style="list-style-type: none"> 1. Determines that it opposes plans to drill for oil in the Great Australian Bight. 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant State and Federal ministers, local State and Federal members of Parliament, and councils along the Victorian coast. <p>Carried 6 to 1</p>
Population	16200

Warrnambool City Council	
Motion	<ol style="list-style-type: none"> 1. That Warrnambool City Council condemns the exploration of oil and gas in the Great Australian Bight. 2. That the Mayor, on behalf of the City of Warrnambool writes: <ol style="list-style-type: none"> a. To Equinor and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to formally advise them of our opposition to the exploration for oil and gas in the Great Australian Bight; and b. To State and Federal Ministers, members of Parliament and other Victorian councils along the coast advising them of Council's opposition and urging them to do all they can to support a ban on oil and gas exploration in the Great Australian Bight given its importance for fisheries, tourism, internationally significant ecosystems and some of Australia's most threatened marine life.
Source	https://www.warrnambool.vic.gov.au/council-meeting-agendas-and-minutes
Population	34618

DE19.89 Grant application - Grey Headed Flying Fox Berry Camp

HPERM Ref: D19/259892

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To report to Council that staff are applying for a grant of maximum \$50,000 from Local Government NSW in relation to managing a Grey-headed Flying-fox (GHFF) colony located on private property between Sabal Close and Kentia Crescent, Berry.

Recommendation

That Council

1. Accept the maximum grant of \$50,000 from Local Government NSW, if the application is successful.
2. Provide an in-kind contribution from existing operational budgets, a maximum of \$50,000, of Environmental Services officers time; and
3. Write to Local Government NSW thanking them for the grant funding, if the application is successful.

Options

1. As recommended above.

Implications: The grant offered by Local Government NSW (LGNSW) is subject to Council providing a matching or greater in-kind contribution of maximum \$50,000 for managing and implementing the grant. The full amount for managing the GHFF colony and community expectations is estimated at a maximum total of \$100,000 (including grant money).

2. Not apply for the LGNSW grant.

Implications: As a result of ongoing community complaints regarding the impacts presented by the GHFF colony at Berry, Council officers are in the process of applying for the emergency grant in order to provide mitigation measures to local residents in order to alleviate the pressure of living in close proximity to a GHFF colony. Regular door knocks have been undertaken with staff from the Department of Planning, Industry and Environment (DPIE) to impacted local residents to ascertain their concerns and needs. It is community expectation that Council provide some sort of assistance or solutions if local residents are impacted by living in close proximity to a GHFF colony. Not applying for the grant will be a missed opportunity to assist local residents managing the impacts of the colony.

Background

Grey-headed Flying-fox is a threatened species listed as vulnerable to extinction under both the *NSW Biodiversity Conservation Act 2016* (BC Act) and Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act). Actions related to the species, such as removal of roosting trees, requires a licence from the Department of Planning, Industry and Environment (DPIE) and potentially approval from the Federal Environment Minister.

A relatively small number of GHFF were known to be present at Berry from time to time as advised by residents. In the past, Council did not receive any complaints about GHFF in this area as the animals were most likely contained within the lower parts of the backyards along the naturally occurring gully. However, the number of GHFF dramatically increased in June and July 2019.

During an initial inspection undertaken by Council officers and DPIE in mid-June 2019, the GHFF camp was found to be mainly restricted to the backyard of 5 Kentia Crescent, Berry. The property owners are currently residing overseas, and the property has been vacant for some time. An estimated count of the GHFF population at the time was approximately 500 individuals.

It is unknown whether the GHFF camp at the subject site is made up of a local population from an existing camp formerly located next to the Princes Highway in Berry or from the Bomaderry Camp located approximately 12 km south-west of Berry.

Council's Environmental Services Section received several telephone calls and a visit to the Council's administration centre from residents located at 4 Kentia Close. The GHFF were initially restricted to the backyard of 5 Kentia Close during the initial site visit. However, during a subsequent site visit, the GHFF numbers had greatly increased to approximately 2025 individuals and were occupying the complainant's backyard within close proximity to the house and sleeping room (see Figure 1).

Some residents were upset and expressed concern to Council officers that other residents were waking them in the early hours of the morning because of air horns and banging of pots in an effort to dissuade the GHFF from roosting in certain trees/backyards in Kentia Close. It should also be noted that a number of residents that DPIE and Council officers have spoken to were in favour of the GHFF and appreciative of the natural phenomenon.

A total of 48 hours of Council staff time over several days has been dedicated to door knocking, addressing complaints and completing the application for emergency grant funding.

Documented attempts to disperse GHFF camps at various locations in Queensland, Northern Territory and New South Wales between the years 1990 and 2013 show that in most cases the flying-foxes did not leave the local area and the local population size is not reduced. The cost of dispersal and the amount of resources required is high and success rate low. A licence from DPIE would also be required. Therefore, dispersal is considered a last resort response.

LGNSW has available "emergency grant funding" which can include funding of:

- possible removal of native and non-native trees to create a buffer between the camp and the residents' houses;
- community consultation and education around the perceived risks of disease from GHFF;
- items such as air conditioners, double glazed windows, high pressure cleaning systems, clothesline covers, tennis court covers, and car covers etc for protection from GHFF faeces; and

- Additional education material to highlight the benefits of GHFF and the important role the species plays in the healthy functioning of the South Coast's forests.



DE19.89

Figure 1 – Location of the Grey-headed Flying-fox Camp, Berry

Community Engagement

Since June 2019, Council's Environmental Services officers have responded to complaints in relation to GHFF roosting (camped) in trees in close proximity to homes and have been in regular contact with the most affected residents (four households). There were reports of residents using air horns and banging pots to dissuade GHFF from roosting in trees nearby homes. Council reported the colony and the complaints from residents to DPIE.

Council's Environmental Services officers and DPIE visited the area and door knocked residences surrounding the colony, with a total of 5 site visits undertaken to date. Information about GHFF and the perceived disease risk was left with residents or in letter boxes along with contact details for an Environmental Services Staff member. Council has advised residents a grant application for an emergency funding grant is being prepared in order to provide alleviation measures and direct measures such as habitat modification (subject to the DPIE licence) was also provided.

It should be noted that a DPIE licence comes with strict conditions in relation to the timing of actions around habitat modifications with no actions permitted if the GHFF will be unduly disturbed.

Council officers continue to contact and listen to affected residents as well as residents in support of the GHFF colony. Council continues to liaise with DPIE about possible management actions. DPIE do not support attempting to relocate the GHFF colony as this is not considered a viable option as it was unlikely to work, very expensive and that the number of persons affected was relatively small.

Policy Implications

Lessons learned from in relation to the impacts of the GHFF on residents and the benefits of GHFF are useful for future management plans. Council is currently working with DPIE to review the management plan to include camps located in Berry and Kangaroo Valley area and any other new camp formations in the LGA.

Financial Implications

Council Staff time since June 2019 has come from existing operations budgets. The grants offered provide financial assistance to Council for additional staff time in managing the camp and community expectations. If the grants are not accepted, Council will be burdened with the full cost of managing the impacts of the GHFF colony.

Risk Implications

Shoalhaven City Council may be viewed as ignoring the pleas of a number of its residents directly affected by the GHFF colony at Berry, should the grants not be applied for and accepted.

DE19.90 West Culburra Development Proposal - NSW Land & Environment Court Matter

HPERM Ref: D19/292580

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

Report the matter back consistent with Part (3) of the Council resolution from March 2019 to enable a decision to be made on Councils involvement.

In accordance Section 10A(2)(g) of the NSW Local Government Act 1993, advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Recommendation (Item to be determined under delegated authority)

That Council consider the separate confidential report on this matter in accordance with Section 10A(2)(g) of the NSW Local Government Act 1993

Options

1. As recommended

Implications: Consider a separate confidential report on the matter.

2. An alternate recommendation as determined.

Implications: This is not recommended given the nature of this matter.

Background

Following a Notice of Motion, Council resolved during March 2019 to:

1. *Further to Council's earlier action in resolving to support the West Culburra Concept Plan as a matter of policy Council once again reaffirm its decision.*
2. *Council become a third party to the appeal in the Land and Environment Court against the NSW Independent Planning Commission's refusal of the West Culburra Concept Plan DA.*
3. *That Council request that a report come to the D&E Committee once the Statement of Facts and Contentions has been considered.*

At the Council meeting in April 2019 a petition was also presented containing 322 signatures in support of the proposed West Culburra Development based on additional housing, jobs and local business growth.

Community Engagement

No formal community engagement is required at this point.

It is however acknowledged that Council received a petition in support of the application at its April 2019 meeting.

Financial Implications

This matter is currently being managed within existing budgets.

DE19.90

DE19.91 Drought Impact on Shoalhaven Water Supplies

HPERM Ref: D19/277621

Group: Shoalhaven Water Group

Purpose / Summary

This report provides Council with an update on the status of the Shoalhaven water supply system. It provides the current status of storage within Shoalhaven's Dams and current flows in the Shoalhaven River, which may lead to the implementation of Level 1 Water Restrictions in the near future.

Recommendation (Item to be determined under delegated authority)

That Council note:

1. The current water supply situation with Shoalhaven storages and Shoalhaven River flows.
2. The proposed strategy to implement Level 1 water restrictions on 23 September 2019, in accordance with Council's Drought Management Plan, should no significant rainfall be experienced and the outlook for rain remains low.

Options

1. Council can request further information on any of the matters raised in this Report.

Implications: Dependent upon any request.

Background

Shoalhaven Water manages and operates three separate water supply schemes:

- Northern Shoalhaven Water Supply (NSWS)
- Southern Shoalhaven Water Supply (SSWSS)
- Kangaroo Valley Water Supply Scheme

It should be noted that the NSWS and SSWSS are interconnected and water can be supplied from the north to south under certain conditions. The Kangaroo Valley Scheme is a separate scheme supplied from Bendeela Pondage.

Under non-drought flow conditions, water from the Shoalhaven River at Burrier is pumped to Bamarang Dam (a 3,800 megalitre off-river storage dam). The water is then transferred from the dam to Water Treatment Plants at Bamarang and Flat Rock. When inflow to Tallowa Dam drops below 90 million litres per day (ML/day), pumping from the river must cease under our licence conditions.

A 7,660 megalitre storage dam at Danjera (Yalwal) acts as a backup supply feed for the Shoalhaven River in times of drought. Raw water from Danjera Dam is released via Yalwal Creek to Shoalhaven River and pumped to Bamarang Dam during times of drought. 30% of the capacity of the dam is to be left in the dam for fish survival. The relative locations of the dams are shown in the diagram below.

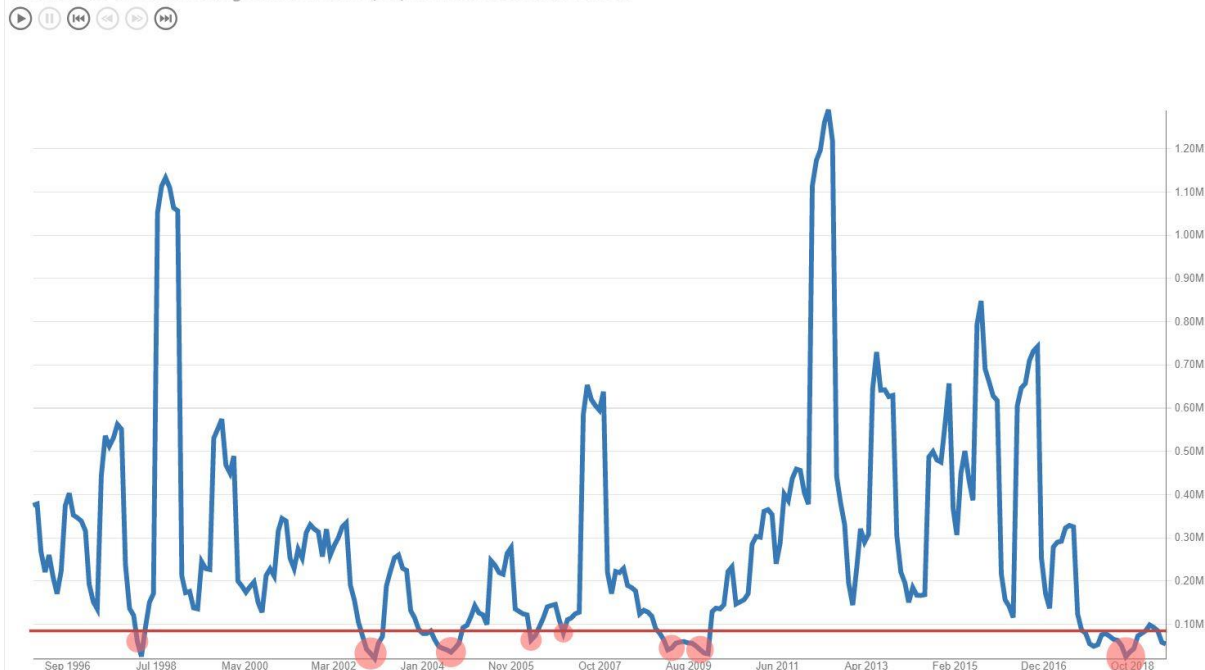
DE19.91



In the case of a persisting drought where water in Council's emergency storage at Danjera Dam is drawn down to its Low Limit, Council may request WaterNSW to release water from Tallowa Dam. The volume and rate of water released from Tallowa Dam shall be determined weekly by Council in accordance with the Bulk Water Supply Protocols and Council's Water Licence.

The last time water restrictions were in force in the Shoalhaven was in 2018 (and prior to that, 2009/10). Level 1 restrictions were in place from October 2018 to December 2018. This, along with other periods of water restrictions since 1996, is shown in the graph below.

Tallowa Dam 6 Month Rolling Sum of Inflows (ML) vs Water Restriction Periods



Current Situation

Shoalhaven's combined storages are currently (at 26 August 2019) at 81% of capacity. Individually they are as follows:

- Bamarang Dam – 80%
- Danjera Dam – 84%

DE19.91

- Porters Creek Dam – 70%

The inflows to Tallowa dam dropped below 90 ML/day on 4 August 2019. Due to the fact that Porters Creek dam is at 70% capacity, all areas of the Shoalhaven (other than the stand-alone system in Kangaroo Valley) are being served from the north – i.e. from Bamarang Dam.

A simplified sequence of events under Council's current drought management protocols are summarised as follows:

1. Bamarang Dam drawn down to 60% - Level 1 Restrictions + Release from Danjera Dam
2. Bamarang Dam refilled from the Danjera release.
3. Bamarang Dam drawn down to 60% for the second time - Level 2 Restrictions + Release from Danjera Dam
4. Bamarang Dam drawn down to 60% for third time and final time – Level 3 Restrictions
5. Resume releases from Tallowa Dam.

The current daily usage in Shoalhaven is approximately 40 ML/day.

Planning is underway to implement Level 1 restrictions on Monday 23 September 2019, in the scenario that no significant rainfall is experienced in that period and the outlook for rain remains low. The CEO, under delegation from Council (Council Minute 98.184) has authority to impose and lift water restrictions.

Water restrictions are advertised using media, social media and public notices. Some media interviews concerning the local water supply have commenced and daily updates are provided on the Shoalhaven Water website.

In addition, a general awareness campaign is being provided with "inserts" contained with water accounts. Inserts have been issued progressively since summer and encourages customers to stay up to date on the latest water situation. Inserts similar to that below will be issued with the next accounts.



Water restrictions

The Shoalhaven has been experiencing unusually dry weather and the long-term forecast suggests that it's set to continue.



Stay up to date on the latest water situation and whether water restrictions have commenced.


Shoalhaven Water undertakes a media campaign before any restrictions are imposed but customers are encouraged to check our website regularly or call **1300 662 246** for more information.

What can I do right now?

We'd like to encourage all our customers to conserve water and reduce usage where possible. You can find some excellent water-saving tips on our website.

What will happen if restrictions start?

Everyone will have to observe the Level 1 restrictions. However, if water shortages become more severe over time we may increase the level of restrictions.




Here's a reminder of what Level 1 restrictions include:

Garden & lawn watering
Sprinklers & un-attended hoses
Water on paved areas or hard surfaces
Drip irrigation systems
Washing of vehicles & boats
Topping up existing swimming pools

You'll find more information on Level 1 restrictions at www.shoalwater.nsw.gov.au

The Restriction Level requirements are shown below, and these apply to all customers across the Shoalhaven.

<div style="display: flex; justify-content: space-between; align-items: center;">  <div> Water Restriction Levels for Shoalhaven <small>(Excluding Standard Variations Applicable for Commercial & Community Users and Approved Special Variations)</small> For further information contact Shoalhaven Water on 1300 662 246 </div> </div>					
RESTRICTION LEVEL	GARDEN & LAWN WATERING <small>Includes laying of new turf</small>	USE OF SPRINKLERS & DRIP IRRIGATION <small>Includes laying of new turf</small>	WASHING DOWN HARD SURFACES SUCH AS PATHS AND DRIVEWAYS	WASHING VEHICLES AND BOATS	TOPPING UP EXISTING SWIMMING POOLS
ONE	Hand held hose may be used at anytime	Anytime but fixed to a timer	BANNED	Hand held hose may be used at anytime	Anytime but fixed to a timer
TWO	Hand held hose may be used between 6am-8am and 6pm-8pm	6am-8am and 6pm-8pm but fixed to a timer	BANNED	Hand held hose may be used between 6am-8am and 6pm-8pm	6am-8am and 6pm-8pm but fixed to a timer
THREE	Restricted hours and days when advertised	BANNED	BANNED	Restricted hours and days when advertised	Restricted hours and days when advertised
FOUR	BANNED	BANNED	BANNED	BANNED	BANNED

DE19.91

During Level 1 and 2 restrictions, some specified customers have a Standard Variation to the general water restriction levels shown above. This recognises commercial operations, WH&S, public health and community needs in their day to day water supply activities. This is a relaxed restriction on the use of water and requires no application. This approach has been very successful in previous instances of water restrictions.

For customers that cannot meet the Water Restriction Levels or Standard Variations, a separate application is required.

REMS Update

The volume of REMS 1A water (from St Georges Basin, Callala, Culburra and Vincentia treatment plants) currently being used is approximately 7ML/day, mostly for irrigation. It is highly unusual for farms to irrigate in winter. Normally the coastal irrigation season starts in September/October.

It should also be noted that 2018 was the first winter in the history of REMS (18 years) that there were no releases to the ocean. At the time of writing this Report the bulk storage was at 90% capacity.

The successful completion of REMS 1B will double the daily reclaimed water available for beneficial reuse from approximately 6ML to 12ML. The current program indicates the additional reclaimed water could be available by the end of 2019.

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.