

## Ordinary Meeting

**Meeting Date:** Monday, 21 February, 2022

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

## Attachments (Under Separate Cover)

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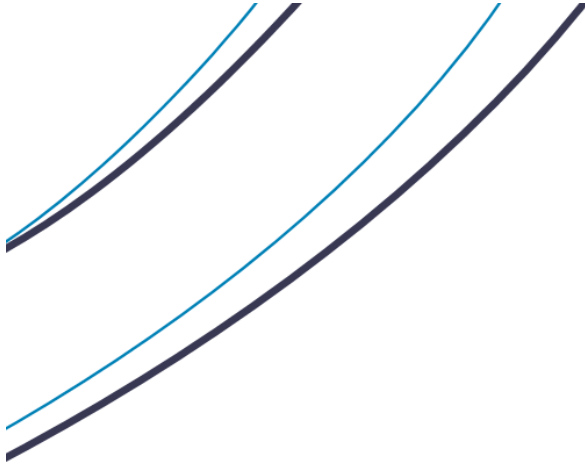
# Audit, Risk & Improvement Committee Annual Report

January 2021 – December 2021



CL22.95 - Attachment 1





## Acknowledgment of country



We acknowledge the traditional owners and custodians of this country and their continuing connection to the land through culture and community. We pay our respects to Elders past, present and future.

CL22.95 - Attachment 1

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# Introduction

**On behalf of the Audit, Risk and Improvement Committee (ARIC or Committee), I would like to present the ARIC report for Shoalhaven City Council covering the period of activity from January 2021 to December 2021.**

It is a pleasure for me to report that the ARIC continues to make progress in discharging its responsibilities as set out in the Committee's Charter.

The Committee has during the year provided independent advice of the adequacy of Council's risk management framework and associated control environment (including internal audit) and has provided robust scrutiny of Council's financial performance.

## Key achievements in this reporting period include:

- Effectively contributing to the governance of the organisation through contribution and consideration of matters presented to the Committee such as internal audit reports, external audit management letter, quarterly budget reviews, enterprise risk management, cybersecurity risks, climate change risks and other reports presented to ARIC.
- Obtaining better understanding of major projects of Council through standing report on projects over \$10 million as they reach significant milestones.
- Obtaining updates on the impact from COVID-19 pandemic.

- Networking with ARIC members in other councils and the wider government sector to enable continuous improvement.

I would like to express my appreciation to the other members of the Committee, Donna Rygate, John Gordon, Cr Patricia White and Cr John Wells for their contributions and support of the committee during the year.

Thank you to the Council staff in the Executive and Governance areas for the work they perform in servicing the Committee and providing input into the Committee's deliberations.

Finally, thank you to the Chief Executive Officer and the Internal Auditor for their support and input into the Committee's work. Their contributions, transparency and willingness to continuously improve is highly valued by the members of the Committee.

The Committee looks forward to actively contributing to the governance and risk processes of Council into the future.

### **Peter McLean**

*Chair, Shoalhaven City Council Audit,  
Risk and Improvement Committee*





CL22.95 - Attachment 1

# Council's Audit, Risk and Improvement Committee

**Shoalhaven City Council (SCC) has established an Audit, Risk and Improvement Committee ("the Committee" or "ARIC") in accordance with the current Local Government Act requirements. The ARIC's objective is to provide independent assurance and assistance to SCC on risk management, control, governance and external accountability responsibilities.**

The ARIC is governed by its Charter.

The Committee appreciates the full cooperation of the Chief Executive Officer and his staff to ensure it can, and will into the future, fully meet its mandate.

## Membership

The Committee membership consists of two Councillors and three appointed independent members with business and/or governance experience.

## Independent Members

### Mr Peter McLean (independent Chairperson)

- is appointed for the period of February 2017 to December 2020. In October 2020, Peter was reappointed by Council for a further term of January 2021 to December 2024. Peter was appointed as the chair of the ARIC in March 2019. Peter is a not-for-profit specialist having led 5 Australian Charities in 4 sectors. He currently is CEO at the Can Too Foundation and originally worked in State and Local Government before moving into the not-for-profit industry. In Peter's time leading charities, he has successfully strengthened organisations' public profiles, community engagement, financial sustainability, social impact and capabilities to reach more people with better services and experiences. Peter holds a degree in Environmental Management, a Masters in Business Administration sub-majoring in Business Law and Public Relations and Certificates in

Bush Regeneration and Business Governance. Peter is passionate about assisting and developing effective organisations to better support the communities they serve. He has experience on 5 Council Audit, Risk and Improvement Committees and has worked with councils on many issues throughout his not-for-profit roles.

### Donna Rygate (independent member) –

Donna Rygate is an experienced Chief Executive, independent director, business leader and skilled problem solver with a solid track record of positive transformation of organisations. Currently Donna is chair of one local government audit committee and one not for profit organisation audit committee, a member of one Commonwealth Government audit committee and two State Government audit committees, as well as a member of six (6) other local government audit, risk and improvement committees.

### John Gordon (independent member) –

is appointed for the period of May 2020 to April 2024. John is a Chartered Accountant and corporate governance specialist. He served as an Audit Assurance Partner with PwC (PricewaterhouseCoopers) for 22 years in the Resources, Services and Government (RSG) Industry Group covering a broad range of audit clients in the private and public sectors. Since retiring from PwC in 2009, John has served as a Chair or Independent Member on over 25 State, Territory and Local Government Audit & Risk Committees.



John currently holds appointments as Chair or Independent Member of 12 Audit & Risk Committees in NSW, including eight (8) NSW Councils and four (4) State Government agencies - NSW Audit Office; NSW Healthcare Complaints Commission; NSW Department of Education; and NSW Education Standards Authority (NESA).

### Councillor Members

**Councillor Patricia White** - Councillor White was elected in September 2016 as a representative of ward 3. She was as an alternate member of the committee on 04 October 2016. She is appointed as a member to the committee from September 2017. She was reappointed as a member of the committee in September 2018 and September 2019.

**Councillor John Wells** - Councillor Wells is appointed as a member to the committee in September 2018. He has been reappointed to the committee in September 2019.










**Councillor Mitchell Pakes** - Councillor Pakes is appointed as an alternate member to the committee from September 2019.

The Chief Executive Officer, Director City Performance, Director City Services, Director City Development, Director City Lifestyles, Director City Futures, Executive Manager – Shoalhaven Water, Chief Financial Officer, Manager Business Assurance & Risk, Lead – Enterprise Risk Management and Internal Auditor attend the ARIC meetings as non-voting members.

# Audit, Risk And Improvement Committee Report Card

## Progress Key

 On Track
  On Hold
  Needs Attention

Aric Charter	Compliance	Status
Composition of ARIC	3 independents 2 councillors with an alternative available	
Committee Meetings	4 formal meetings 2 meetings with the external auditor	
Meeting Quorum	Quorum of 2 independents and 1 Councillor member maintained at each committee meeting.	
Enterprise Risk Management (ERM)	Update on ERM framework and strategic risks were presented at the ARIC meeting.	
Control Framework	Review of controls through the internal audit reports received. Significant governance related matters were reported to ARIC. Updates were received on major projects over \$10m at significant milestones at each meeting. External audit management letter considered in the ARIC meetings.	
External Accountability	External auditor has been a regular attendee of the ARIC meeting. Financial statements and resulting management letter was discussed at the ARIC meetings.	
Legislative Compliance	Legislative updates provided by CEO through his report.	
Internal Audit	Internal audit plan updates and audit reports presented. Progress on IA recommendations communicated quarterly.	
External Audit	Received external audit plan, met the external auditor and considered management letter.	

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# Audit, Risk And Improvement Committee Participation

January 2021 till December 2021 ARIC Participation		ARIC Committee Meetings		Meeting with External Auditor	
Name	Role	Eligible	Attended	Eligible	Attended
<b>Peter McLean</b>	Independent Community Representative (Chair)	4	4	2	2
<b>Donna Rygate</b>	Independent Community Representative	4	4	2	2
<b>John Gordon</b>	Independent Community Representative	4	4	2	2
<b>Clr White</b>	Councillor Representative	4	4	2	2
<b>Clr Wells</b>	Councillor Representative	4	4	2	2
<b>Clr Pakes</b>	Alternate Councillor Representative (from September 2019)	N/A	N/A	1	1

CL22.95 - Attachment 1





Image:  
Artie Smith Oval

CL22.95 - Attachment 1

# Key recommendations to the Mayor, Chief Executive Officer and Councillors

**The ARIC made the following key recommendations to the Chief Executive Officer in 2021:**

ARIC Recommendation	SCC Response
Timely closure of the outstanding audit tasks.	Actioning of audit tasks has remained a priority of the Executive Management Team. A significant number of audit tasks have been completed during the year.
Improve Council's position in regard to Cybersecurity risks.	A presentation on the Cybersecurity risks for SCC was done by ISJO Chief Security Officer. Updates on the progress of the cybersecurity was also provided to the ARIC.
Report on purchase orders raised after the invoice continue to remain a standing item on the ARIC agenda.	An update is provided at each ARIC meeting.
Update on Review of Construction Certificate Audit	Progress of the audit and potential risks are reported at each ARIC meeting.
Review ARIC self-assessment checklist and extend provision of the checklist to Council senior management, senior audit & risk staff, and Audit Office.	Completed. ARIC undertook an assessment in 2021 using the reviewed checklist.
Amend the ARIC charter as necessary following the release of the Office of Local Government's guidelines.	ARIC charter will be reviewed once the final guidelines are received from the OLG.
Recommend Council investigate application of AS/ISO standards on compliance risk systems to its legislation register and policies/ procedures.	This is in progress.
Report back to ARIC on Council's position on the recommendations made in the IPC GIPA Compliance Audit Report.	This was provided in November 2021 ARIC meeting and a further update will be provided in the next ARIC meeting.
Long term financial plan (LTFP) and indicators for Liquidity Contingency Plan	Workshop to be organised for LTFP in 2022 and indicators for Liquidity Contingency Plan to be provided at the next ARIC in 2022.



# Key Issues

ARIC was updated on the following key issues during the reporting period:

## 1. COVID 19 Pandemic – Financial assistance measures and workplace safety and attendance during the pandemic

ARIC has been continuously updated on the impact of COVID 19 pandemic on Council operations as a result of Public Health Orders and the activities of Continuity Management Team especially on the workplace safety and attendance during the pandemic and Covid Safe controls and plans. Updates have also been provided on the financial relief packages provided to residents to support recovery of the region.

## 2. Enterprise risk management (ERM)

Update on the progress of enterprise risk management was provided at each meeting. Extensive work has been done on the ERM framework and risk management methodology documentation. Strategic and operational risk registers have also been reviewed.

## 3. Local government rating system review

The implementation of the Local Government Amendment Act 2021 allows Council to levy special rates above the rate peg for infrastructure jointly funded with other spheres of government without IPART approval.

## 4. Liquidity Contingency plan

Council has developed and implemented a Liquidity Contingency Plan which was prepared to assist in monitoring Council's financial position. Liquidity indicators are reported to Council as part of monthly investment report. Reports are also periodically shared with the Committee.

## 5. Cybersecurity

Council is undertaking a review of its Cyber Security Policy as part of the Illawarra Shoalhaven Join Organisation initiative. This includes review of existing policy and subsequently developing a revised Information Security Policy and Strategy. The ARIC has received updates on the progress at each meeting.

## 6. IT Backup policy & procedure

The External Auditors have been regular attendees to Council's ARIC meetings whereby the progress of the Financial Statement audit and other matters was discussed.

## 7. Communication with External Auditor

The External Auditors have been regular attendees to Council's ARIC meetings whereby the progress of the Financial Statement audit and other matters was discussed.

## 8. Miscellaneous

ARIC was continuously provided with updates on issues that were considered as key risks to Council's operations:

- Update on Project Q
- Review of Construction Certificates
- Purchase order after the invoice dates
- Tender on the Management of Ulladulla Civic Centre
- Family Day Care Operations and Governance Arrangements

## 9. Internal Audits – 2021

ARIC considered the following internal audit reports in 2021:

- Water Regulatory Compliance Audit
- Fraud Health Check
- Compliance & Enforcement Team Audit
- Policies & Procedures Review
- Corruption Prevention Assessment – Operation Dasha
- Implementation Action Plan – Fraud Health Check
- Bereavement Services Audit Report
- Shoalhaven Indoor Sports Centre
- Employment Land Development

Progress on the recommendation tasks arising from the audits is communicated quarterly to the ARIC. The timely actioning of the audit tasks has remained a continual focus of senior management, with a number of recommendation tasks now being actioned.

**10. ARIC Self-Assessment**

The committee conducted a self-assessment of its activities in October 2021 as per its Charter requirements. The self-assessment was extended to the regular attendees of the ARIC meeting to gauge feedback for continual improvement. An average result of 4.3 out of a total of 5 was achieved and an action plan has been formulated to address the feedback received.

## Conclusion

The Audit, Risk and Improvement Committee has been successful in delivering its role in the period January 2021 to December 2021 and looks forward to the year ahead to contribute more effectively through gaining better understanding of Council's risks and improving the performance of Council through an effective audit program in partnership with management.

CL22.95 - Attachment 1



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CL22.95 - Attachment 1



Delivery Program Operational Plan

# Quarterly Performance Report

## 2021-22 (October - December)





## Acknowledgement of Country



We would like to acknowledge the Traditional Custodians of the land in which we gather upon today. We acknowledge their continuing connections to the land, culture and community. We pay respect to Elders past, present and future.



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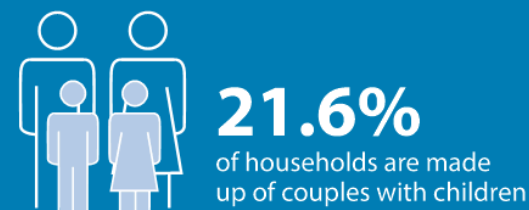
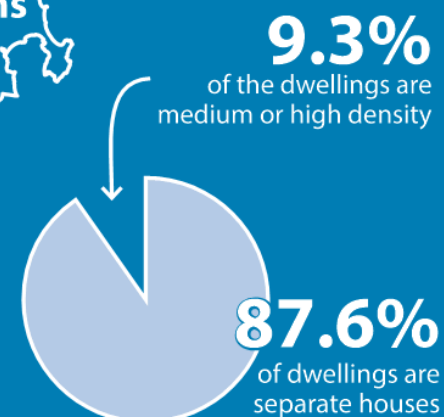
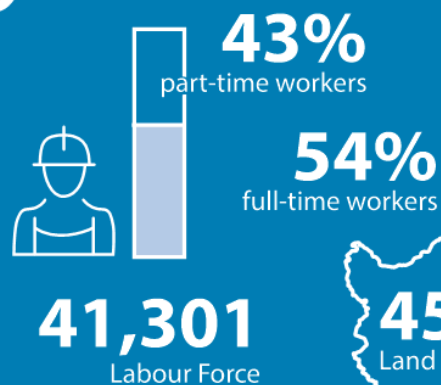
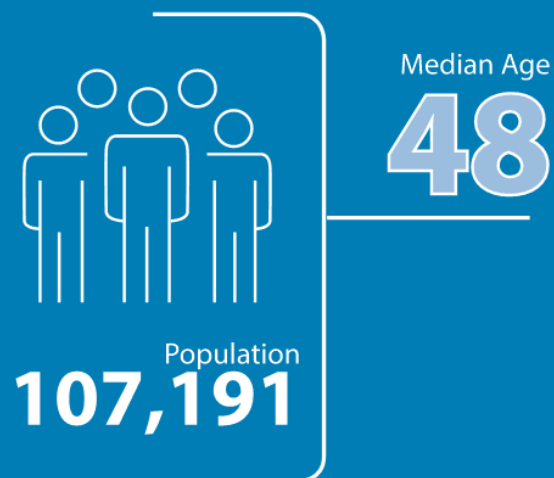
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# Community Vision Statement

We will work together to foster a safe & attractive community for people to live, work, stay & play; where sustainable growth, development & environmental protection are managed to provide a unique & relaxed Shoalhaven lifestyle.



# Our Community Snapshot



# Our Councillors

## Ward 1



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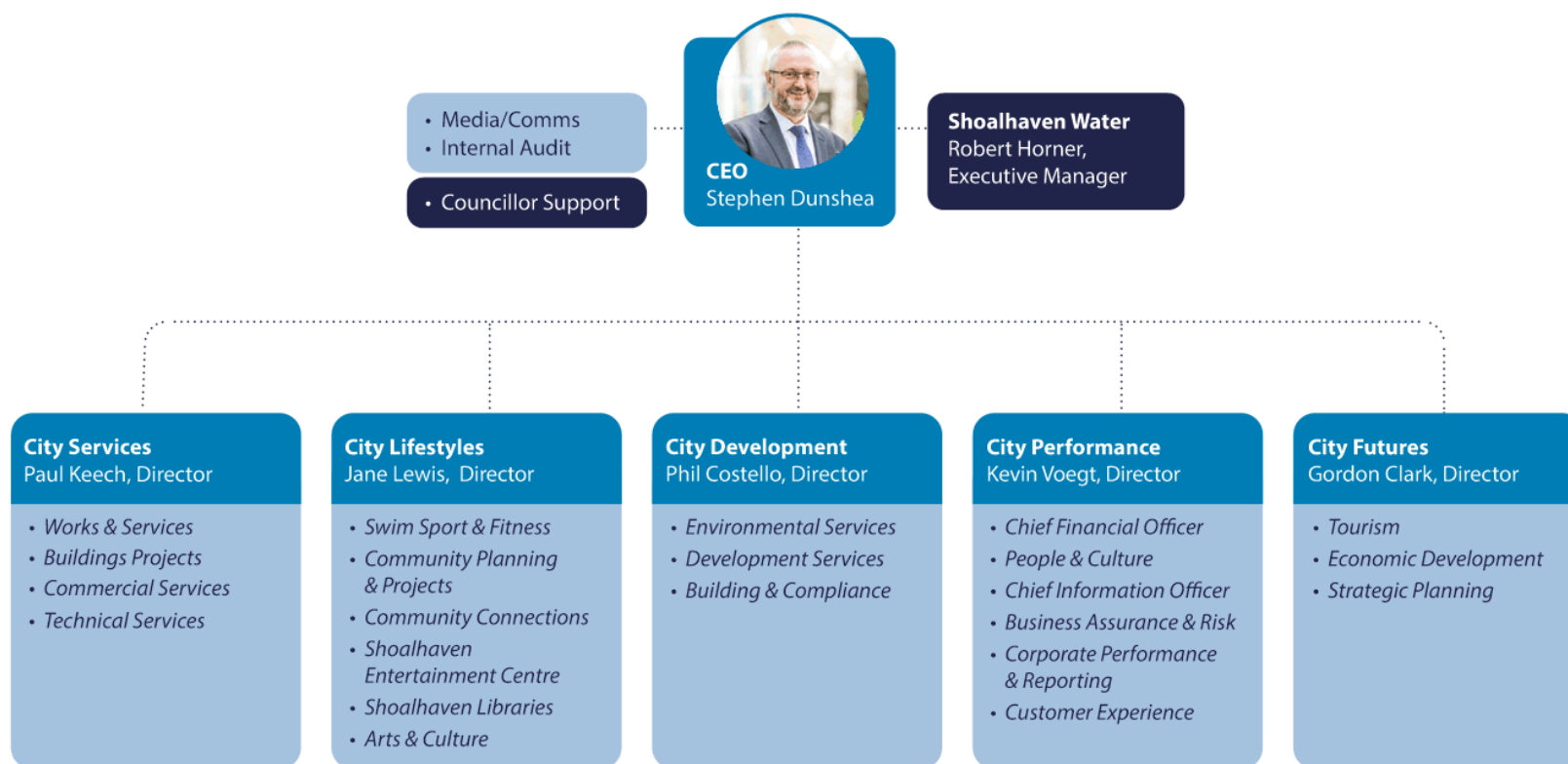


Patricia White  
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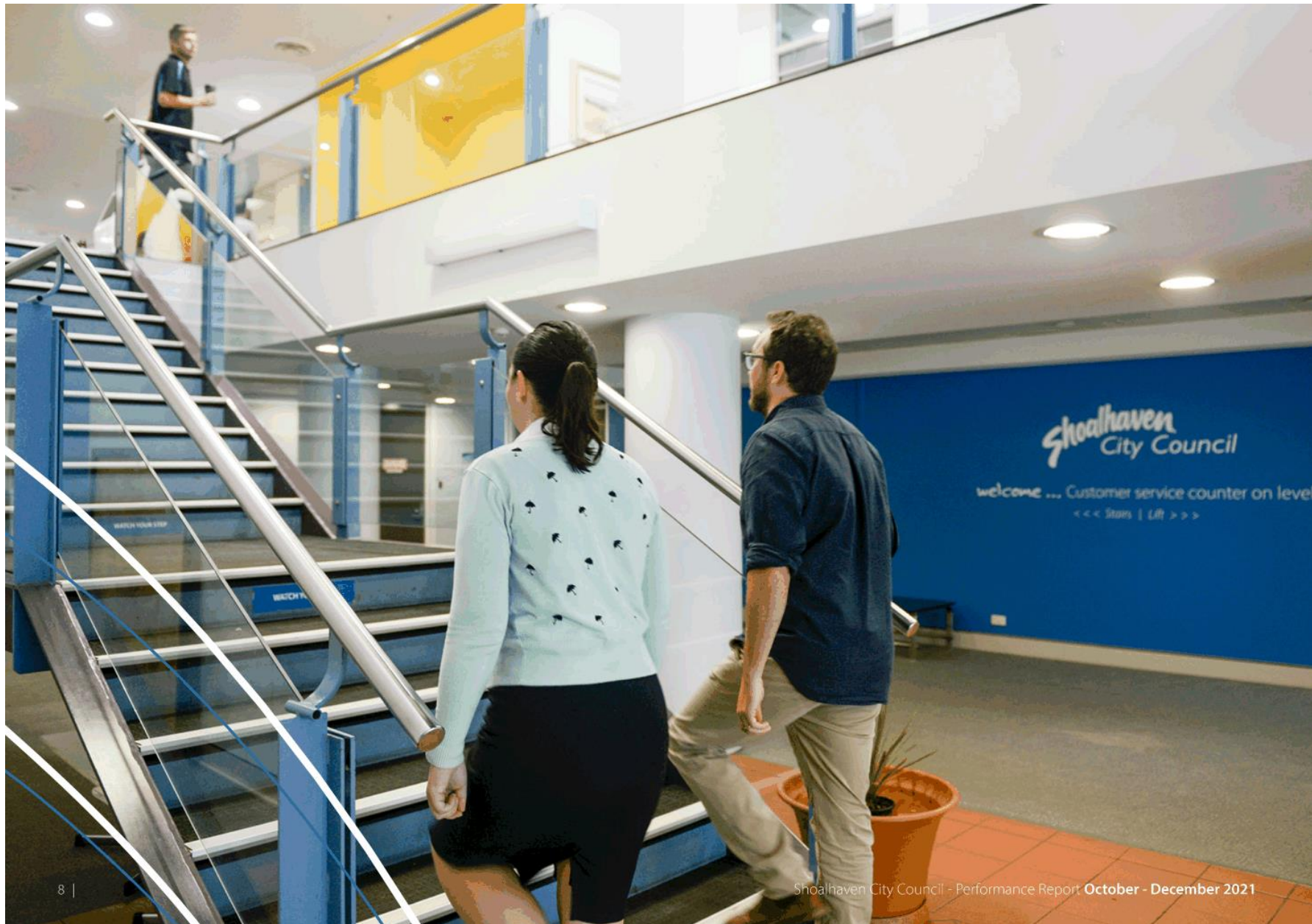


Amanda Findley - *Mayor*  
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findleya  
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# Executive & Organisational Structure







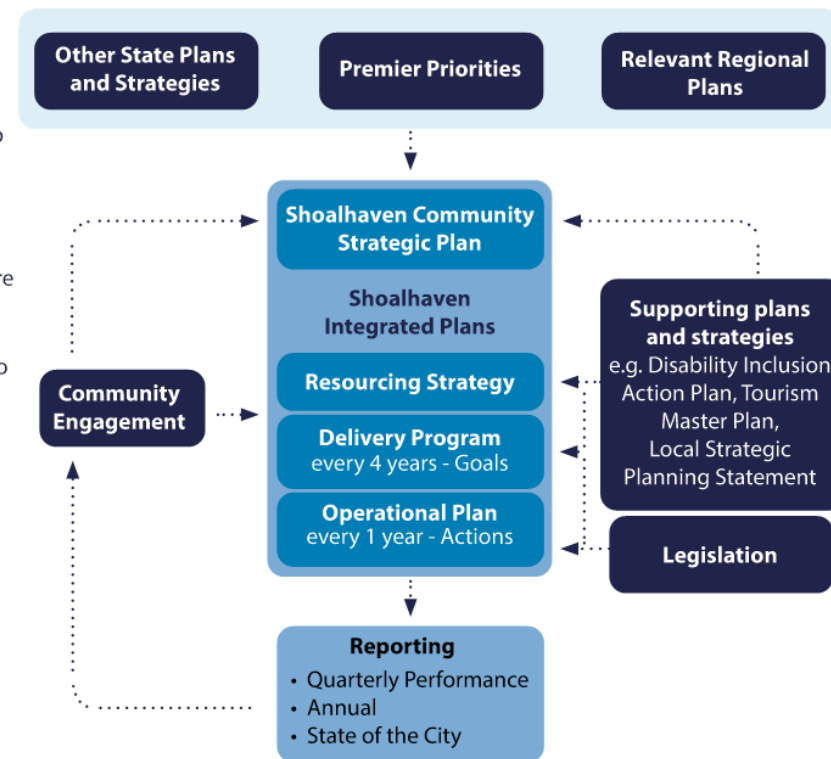
# Shoalhaven's Integrated Plan Structure

**The Integrated Plan is developed in conjunction with State and Regional Plans, the Resourcing Strategy, other supporting plans, Councillors, staff and community.**

The community plan for the Shoalhaven over the next ten years is captured in the Community Strategic Plan (CSP). While Council will use the plan to develop its Goals and Actions, other government and non-government organisations can and will use the CSP to align their activities to meet Shoalhaven's needs.

The Resourcing Strategy is used to address the budget needs through the Long Term Financial Plan, assets required through the Asset Plan and Council's workforce through the workforce plan. The five-year Delivery Program Goals are Council's response to the Community Strategic Plan. The one-year Operational Plan Actions details what will be completed over each 12 month period.

This report provides an overview of Council's performance between October to December in delivering the 2021-22 Delivery Program and Operational Plan.







# Performance Overview

The following section provides an overview of Council's progress with delivering on commitments in our Annual Plan.

This report provides a performance update on the 157 deliverables across the the four key themes and ten priority areas to 31 December 2021.

Overall progress shows:



## Resilient, Safe and Inclusive Communities

- 1.1 Build inclusive, safe and connected communities
- 1.2 Activate communities through arts, culture and events
- 1.3 Support active, healthy liveable communities



## Prosperous Communities

- 3.1 Maintain and grow a robust economy with vibrant towns and villages



## Sustainable, Liveable Environments

- 2.1 Improve and maintain road and transport infrastructure
- 2.2 Plan and manage appropriate and sustainable development
- 2.3 Protect and showcase the natural environment



## Responsible Governance

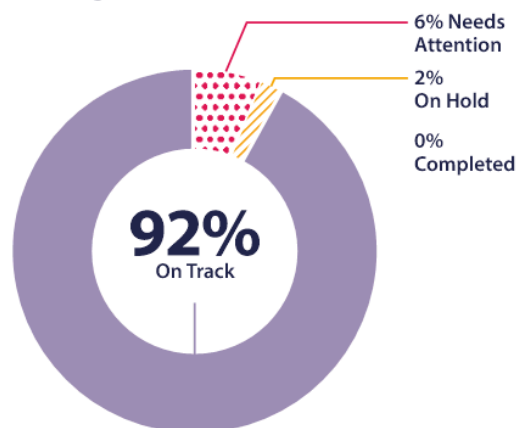
- 4.1 Reliable services that meet daily community needs
- 4.2 Provide advocacy and transparent leadership through effective government and administration
- 4.3 Inform and engage with the community about the decisions that affect their lives





# Resilient, Safe & Inclusive Communities

## Progress Snapshot



## Highlights

- Progression of all Rural Fire Service seed funded projects at Conjola Station Extension, Currarong Station Extension and Manyana Station New Facility
- Community engagement for emergency response via the development of an "All Hazards Information Guide" distributed to all major tourist operators
- Online Health & Fitness programs continued during lockdown and outdoor classes added to schedule on reopening. Learn to swim and fitness programs have returned from the COVID lockdown
- 100% of visitors who completed a survey this quarter were highly likely to recommend the Shoalhaven Regional Gallery. A more prominent ask for donations has resulted in \$828 in 'tap' donations and \$1,057 in cash donations during the period
- Shoalhaven Entertainment Centre survey had 89% of respondents agreed or strongly agreed that the performances made a positive cultural contribution to the cultural life in the Shoalhaven area
- Recovery Newsletters are published on a fortnightly basis with a focus on Health & Wellbeing support. Council's Outreach Team focused on outreach calls to check in with our community to have a conversation and provide support and referrals
- Sports field, Showground and Destination Parks seasonal weed spraying and spring fertiliser program completed. Four cricket wicket concrete slabs and synthetic surfaces repaired or replaced
- Playground replacement works at Blacket Park - St George's Basin, Fire Brigade Park - Erowal Bay and Tilbury Reserve - Culburra

## Our Performance for the last 3 months

A 'good' to 'excellent' safety rating for  
**96%** of 83 food business

Proactive Ranger patrols

**509**



Virtual visits to libraries

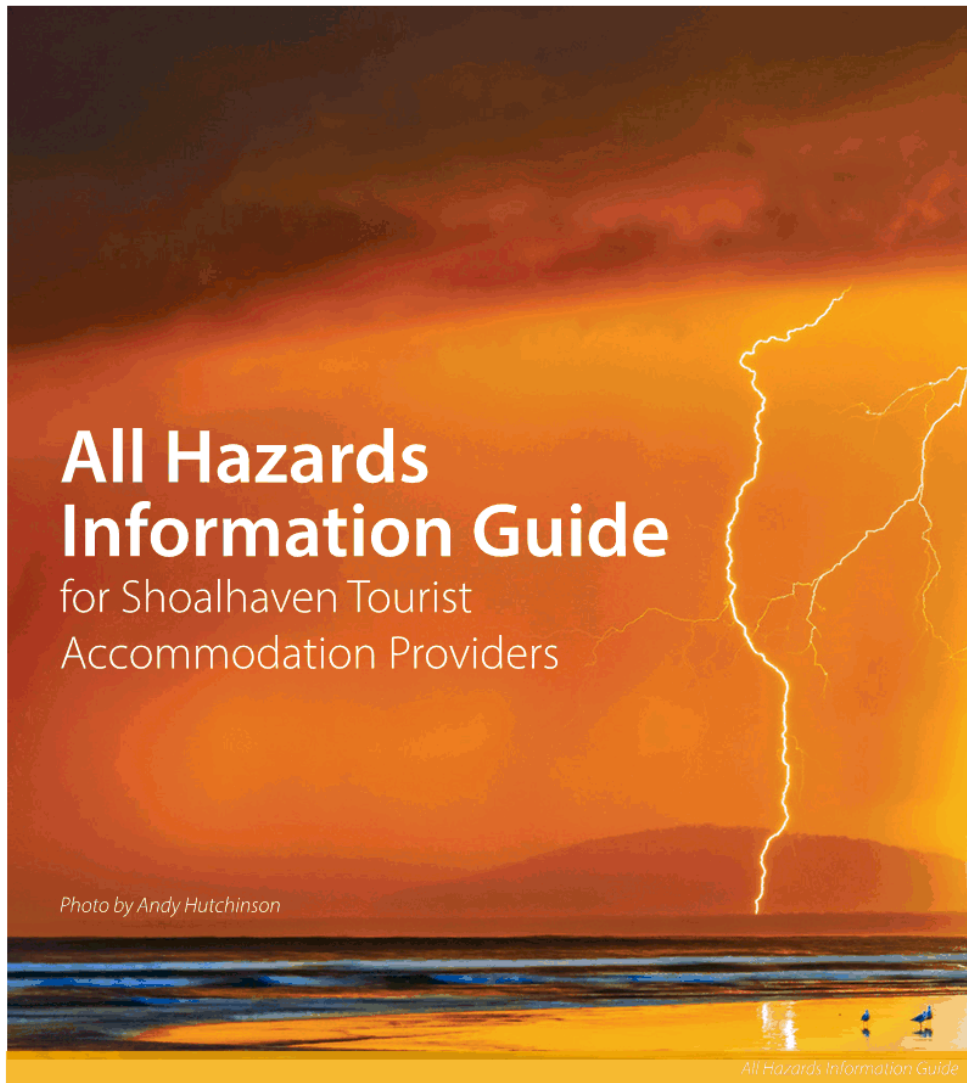
**180,145**














Shoalhaven Regional Gallery attracts

**5,183\***  
guests

\*Affected by lockdown restrictions Aug-Oct






Action Key								 Completed	 On Track	 Behind Schedule	 Not Due to Start	KPI Status	 Critical	 Needs Attention	 On Track
	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment								
	1.1.01.01 Execute the duties of the Local Emergency Management Officer (LEMO)														
	LEMO role active in COVID response and other emergency events as they arise.	Percentage of Shoalhaven Supporting Plans and Consequence Management Guides reviewed	40%	40%		Manager - Technical Services	A number of Consequence Management Guides (e.g. Influenza Pandemic Evacuation) have been reviewed to include allowance for COVID-related practices.								
	1.1.01.02 Inspect Asset Protection Zones (APZ) and fire trails for compliance against bushfire mitigation guidelines														
	Council staff have assessed 92 out of 237 sites in the first half of the year to ensure that the maintenance obligations are being met on Council land.	Percentage of Asset Protection Zones inspected	50%	90%		Manager - Works & Services	Inspection targets achieved and encroachment notices issued.								
		Percentage of Asset Protection Zones maintained	50%	100%		Manager - Works & Services	Two rounds of APZ maintenance across the municipality have been completed from October to December via a combination of Council staff and contractors.								
	1.1.01.03 Annual audit of Council's responsibilities within the Shoalhaven District Bushfire Plan														
	Action yet to commence.	Audit completed, certified bushfire mitigation works assessed and asset custodians notified of rectification works by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services									


	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.04 Advocate for legislative change to allow the implementation of measures to assist protection of Shoalhaven urban areas from future bushfire attack						
	Relevant opportunities taken up. New Bushfire Prone Land Map certified by the RFS and now in place. Planning Proposal to enable rebuilding to follow a natural disaster (including bush fire) has received a favourable Gateway determination from the Department of Planning, Industry and Environment.	Number of advocacy initiatives	Count	7	●	Manager - Strategic Planning	Submission made on the following: <ul style="list-style-type: none"> <li>• DPIE Infrastructure Contributions Reforms</li> <li>• IPART's review of the essential works list, nexus, efficient design and benchmark costs for local infrastructure</li> <li>• State Environmental Planning Policy</li> <li>• Regional Housing Taskforce</li> <li>• Advocacy/Briefing Paper for Ministerial Deputation – Exemption from Biodiversity Conservation Act for Employment Land</li> <li>• Standard Instrument Special Flood Consideration Clause</li> <li>• Submission on Draft Community Housing Industry Strategy</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.05 Undertake community engagement to enhance the understanding of Emergency Management Arrangements within NSW						
	Specific targeted community engagement has been undertaken via the development of an "All Hazards Information Guide" targeting tourist accommodation providers. This hard copy guide was distributed to all major tourist operators within the Shoalhaven the week commencing the 14 December including a QR code to Council's website and the new Disaster Dashboard.	Number of community engagement sessions undertaken to enhance the understanding of NSW Emergency Management Arrangements	2	4	●	Manager - Technical Services	Continue to develop community engagement processes included in Recovery to Resilience Project and development of Pop-Up specialised community engagement sessions to be held in February March focusing on the Information Hubs.
➤	1.1.01.06 Implement high priority actions (0 -2 years) in the certified Coastal Zone Management Plan						
	Coastal Zone Management Plan was extended for a further two-years until December 2023. High priority actions remain on track for completion.	Number of priority actions implemented	Count	42	●	Manager - Environmental Services	Actions are progressing on track.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.07 Develop and implement initiatives to encourage help-seeking and to build community understanding of Mental Health issues and available supports - including newsletters and other publications						
	Recovery Newsletters are published on a fortnightly basis with a focus on Health & Wellbeing support, contact details for Council's Outreach Team, NSW Health Bushfire Clinicians, and reference to recognised resources for additional support such as Red Cross and Live Line. Council's Outreach Team focused on outreach calls to check in with our community to have a conversation and provide support and referrals. With the stress of COVID lock downs these calls were welcomed by community. Monthly Shoalhaven Bushfire Recovery Health & Wellbeing Network Group meetings were held with 20 agencies participating. This is a forum that encourages discussion Health & Wellbeing actions.	Number of initiatives that engage partner organisations	Count	10	●	Manager - Community Connections	<ul style="list-style-type: none"> <li>• Embedding of Salvation Army Chaplains in Conjola to support CCB &amp; CCRA Executive and community</li> <li>• Monthly Health &amp; Wellbeing Networks</li> <li>• Shoalhaven Interagency Group to support Conjola community – weekly meetings</li> <li>• Establishment of Men's Tables at: <ul style="list-style-type: none"> <li>• 1 x Milton</li> <li>• 1 x Kangaroo Valley</li> <li>• 1 x Nowra/Worrigee</li> </ul> </li> <li>• Showground Fortnightly Catchups</li> <li>• Community Grants Program - COVID-19 Response Grants</li> <li>• Disability Expo</li> <li>• Prosperity In The Park</li> <li>• Interagency Network meetings</li> </ul>



Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of events (workshops/ expos/info nights) completed	Count	5		Manager - Community Connections	<p>HUB reopened 28 Oct to 17 December (will reopen 13 January 2022) Thurs/Fri each week.</p> <p>Paused for Council elections.</p> <ul style="list-style-type: none"> <li>• 2 x Creative workshops/community gatherings</li> <li>• 1 x Community Christmas High Tea</li> </ul> <p>Outreach Calls &amp; referrals – snapshot – note each call and follow up takes a considerable amount of time with conversation with community and follow up actions as required.</p> <p>December quarter outreach call activity:</p> <ul style="list-style-type: none"> <li>• Incoming - 282</li> <li>• Outgoing - 458</li> <li>• Referrals - 34</li> </ul> <p>Disability Expo Grants clinics</p>

Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Percentage of partner organisations reporting new help seeking activities	80%	80%		Manager - Community Connections	Through the Ulladulla Recovery Hub and the Community events including Prosperity in the Park, there have been reports of new clients seeking assistance and help. Referrals are ongoing and through our phone call outreach we are finding community who have never come forward previously.




	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.08 Deliver the Shoalhaven Community Recovery Into Resilience Project						
	<p>Stream 1 - Resilience Planning</p> <p>This has been delayed due to COVID but roll out community surveys has enabled feedback from those unable to commit to program of workshops. One webinar has been run to share the survey results.</p> <p>The first face to face workshop has been scheduled for 24 Feb 2022.</p> <p>Stream 2 - Community Readiness</p> <p>Delivered one webinar and four online meetings. Plans for community pop-ups were put on hold due to lockdown and are scheduled for early February. The community checklist has now been developed and delivered and the 'All Hazards Guide' for tourism business has been completed and sent out to providers.</p> <p>Stream 3 - Power and Comms</p> <p>Solar Panels and Batteries, 2-way communications and information screens are being rolled out to community facilities across the LGA. The dashboard is being developed by a local firm to broadcast info to these screens in the 'information hubs'. Stream 3 is on track to deliver by EOFY.</p> <p>Due to COVID restrictions, Stream 1 will be delayed, and the original finish date extended to end of 2022.</p>	Support development of the Long Term Community led Resilience Plan	50%	50%	●	Manager - Community Connections	Improved representation of vulnerable community cohorts by supporting 3 social housing tenants to join the volunteer working group. With partners, developed and promoted survey for young people, to support over 40 young people to be part of community resilience planning.
		Deliver the agreed communications and power infrastructure installations	50%	50%	●	Manager - Community Connections	All sites with the exception of three facilities now have the solar and battery infrastructure installed. The next site for comms upgrades is Huskisson. The tender is expected to be completed by 14 January and then equipment will be purchased to enable installation by end of June 2022.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.02.01 Consult the community on the development and planning of Community facilities						
	Community consultation is considered as part of the project plan for each community facility. Current projects consulting with the community and key stakeholders includes the SISC Basketball Hall refurbishment, several sports field and drainage projects and community led projects at Lake Conjola and Thurgate Oval.	Continue to develop masterplans for Council parks, reserves and sportsgrounds	50%	50%	●	Manager - Community Planning & Projects	Council continues to develop and schedule master planning of open spaces. Master Plans currently underway include: Nowra Showground, Berry Showground, Ulladulla Sports Park, Shoalhaven Heads. Upcoming master plans include Huskisson Foreshore, Mollymook Foreshore, Ulladulla Foreshore and Greenwell Point.
		Review and update the Access Areas for Dogs Policy including signage and guide	50%	50%	●	Manager - Community Planning & Projects	Council has completed the community consultation phase of the review of the Access Areas for Dogs Policy. Councillors will now be briefed on the consultation outcomes and proposed way forward, prior to the preparation of a draft revised policy for public exhibition and Council endorsement.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.02.02 Undertake social mapping to identify community needs						
	Community consultation was completed by Community Capacity Builder, working with community champions, to identify community priorities and assets in Sanctuary Point. This was combined with demographic information to draft the mapping report, to be finalised in the next quarter. The Sanctuary Point mapping report will identify community needs and priorities, underlying causes of hardship, and opportunities to improve social and economic outcomes.	Number of social maps and/or community needs assessments completed for selected communities	1	1	●	Manager - Community Connections	To identify community priorities and assets in Sanctuary Point, community consultation was completed by Community Capacity Builder, working with community champions. With the demographic information, this was used to draft the mapping report, to be finalised in the next quarter.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.1.02.03 Coordinate and support community development programs and events in the Shoalhaven						
	As COVID restrictions have lifted the team have been able to re-engage with the community. Severe weather has impacted a number of events that were due to take place and unfortunately had to be cancelled. The team have been busy this quarter planning initiatives and projects to support social connection and wellbeing for the next quarter as we continue to open up.	Number of community events coordinated and supported including NAIDOC, Youth and Seniors Weeks	1	2	●	Manager - Community Connections	The team have been busy this quarter planning initiatives and projects to support social connection and wellbeing for the next quarter as we continue to open up. • Disability expo • Prosperity in the Park
		Number of Targeted Early Intervention Program initiatives supported and coordinated	Count	2	●	Manager - Community Connections	As COVID restrictions have lifted the team have been able to re-engage with the community. Severe weather has impacted a number of events that were due to take place and unfortunately had to be cancelled.
>	1.1.02.04 Partner with relevant agencies in the response to and recovery from the coronavirus pandemic						
	Reopening of Council offices and facilities from 11 October following advice and guidance from relevant state agencies. Transition of staff back into working from the office, as allowed by the Health Orders. Fees temporarily waived for businesses to expand their outdoor dining services to help the economic recovery from the COVID-19 pandemic.	Number of partnership initiatives in response to coronavirus pandemic	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.02.05 Work with stakeholders to implement child safe standards to support the organisation and put strategy in place to keep children safe						
	The child safe project plan and scope has been developed including deliverables divided into responsible business units.	Child Safe standards implemented by June 2022	50%	30%		Manager - People & Culture	The child safe project plan and scope was developed.
➤	1.1.03.01 Conduct and respond to biennial WHS inspections at public halls and management committee facilities across precincts						
	Councils Facilities Officers and Safety Implementation Officer have worked closely with Management Committees to undertake Work Health & Safety inspections.	Percentage of scheduled facility inspections completed and actioned	50%	60%		Manager - Shoalhaven Swim Sport Fitness	Facilities Officers and the Safety Implementation Officer have worked with Council staff and Management Committees in completing facility inspections.
➤	1.1.03.02 Shoalhaven Regional Gallery to deliver Art Workshops and curriculum education programs across the Shoalhaven						
	The Gallery continue to be impacted by Public Health orders and limitations on gatherings. Our public programming and schools programming has been severely reduced as a result. We were able to deliver a 4-week class in print making for adult artists, had one school visit in gallery and had educators travel to a pre-school in Ulladulla for a program.	Number of Pop Up Art workshops delivered to outlying areas	Count	0		Manager - Arts & Culture	No offsite workshops delivered due to COVID related Public Health Orders - the Gallery continued to deliver a range of online activities including exhibition viewings, talks with artists and art activities.

Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of Students participating in curriculum based programs	100	52	<span style="color: red;">●</span>	Manager - Arts & Culture	We were able to deliver one off-site education program and one in-gallery learning program during this period. The public health orders and restrictions on activities allowable on and off campus have significantly impacted our ability to support schools through face-to-face programs.
➤ 1.1.04.01 Provide recycling and waste management services to the community						
Services continue to be provided efficiently despite the threat of COVID impacts on staff numbers.	Reduce total waste to landfill per person	Q4	Due June 2022	N/A	Manager - Commercial Services	
	Percentage increase recovery of waste year on year	Q4	Due June 2022	N/A	Manager - Commercial Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.1.04.02 Deliver recycling and waste capital projects						
	55% of budget committed to projects through purchase orders.	Materials Recovery Facility (MRF) developed, constructed, and commissioned by 30 June 2022	40%	40%	●	Manager - Commercial Services	Access road constructed, retaining wall in progress and two separate contracts have been awarded for the construction of the building and for the design, manufacture and installation of the sorting equipment. Programmed for completion in March 2023 due to approvals, COVID and weather delays.
		Bioelektra Processing Facility Development Approval and EPA licence obtained and construction commenced by 30 June 2022	50%	55%	●	Manager - Commercial Services	Development consent issued on 24 December 2021. Site works to commence in January 2022, with an 18-month program for completion in June 2023.
		Landfill extension preparatory works 30 June 2022	50%	50%	●	Manager - Commercial Services	Vegetation cleared and mulched and fencing installed.
>	1.1.05.01 Undertake projects in the Strategic Planning Works Program to meet community needs regarding housing and the built environment including Affordable Housing Strategy, Ulladulla Settlement Strategy and review of Shoalhaven economy						
	Range of relevant projects underway or advancing well.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due June 2022	N/A	Manager - Strategic Planning	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
!	1.1.06.01 Perform the duties required to ensure the satisfactory operation of on-site sewage management systems						
	A focus on completing inspections from mid-November has led to an increase in the number of inspections being completed compared to the previous quarter. However, the program is still behind due to only essential inspections being completed while under covid-19 stay at home orders.	Percentage of planned on-site sewage management systems inspections completed	100%	68%	●	Manager - Environmental Services	352 inspections, or 78 % of the planned number of inspections for Quarter 2, were completed (68 % for the year-to-date). This is attributed to only completing essential inspections during stay-at-home public health orders. However, a focus on resuming inspections from mid-November has resulted in 43 % more inspections being completed in Quarter 2, compared to Quarter 1.
		Percentage of follow up regulatory action commenced in response to failed on-site sewage management system inspections	100%	99%	●	Manager - Environmental Services	Follow up regulatory action was not commenced on five non-compliant systems identified from inspections completed in the 2021/22 FY-to-date. All five fails were low risk and were either completed in the 3 days before Christmas and there was insufficient time to follow-up or required further investigation before being actioned.







	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
1	1.1.06.02 Undertake environmental health regulatory inspections to ensure compliance with legislative standards						
	On the 13 August Public Health (Stay at Home) Orders were introduced and stayed in place until the 23rd of October 2021. Routine public health inspections were suspended.	Percentage of planned environmental health inspections completed	100%	0%		Manager - Environmental Services	On the 13 Aug 2021 Public Health (Stay at Home) Orders were introduced and stayed in place until the 23 Oct 2021. Routine public health inspections were suspended. 0/84 public swimming pool premises were inspected. It is expected that these inspections will resume in quarter 3 with efforts to ensure high risk venues are targeted first.
		Percentage of follow up regulatory action commenced in response to failed environmental health inspections	100%	0%		Manager - Environmental Services	On the 13 Aug 2021 Public Health (Stay at Home) Orders were introduced and stayed in place until 23 Oct 2021. Routine public health inspections were suspended. 0/84 public swimming pools premises were inspected. It is expected that these inspections will resume in quarter 3 with efforts to ensure high risk venues are targeted first.




	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.1.06.03 Undertake swimming pool inspections in accordance with the adopted program						
	A total of 15 merits were created relating to swimming pool barriers. These include referrals from private certifiers and unauthorised pools. Council sent notifications to 8 tourist and visitor accommodation premises listed on Council's tourist and visitor database. All 8 pools were inspected in this period and directions were issued where necessary. All pools issued with directions have been reinspected and they are now satisfactory.	Percentage of planned swimming pool inspections completed	95%	100%	●	Manager - Certification & Compliance	A total of 15 merits were received in the period and all were inspected. The merits included unauthorised pools and referrals from private certifiers.
>	1.1.06.04 Ranger Services undertake proactive patrols in order to meet the needs of the community and Council						
	Rangers have reported a total of 509 proactive patrols for the period. These include 467 beach patrols, 23 general patrols other than beaches (Showgrounds, Council Assets, Illegal Dumping and Camping Hot Spots, Boat Ramps and Inland Reserves), daily proactive parking patrols and 19 school zone patrols. Ranger Services has actioned a total of 1031 incidents in the period. Of these, 449 related to animal management complaints and 582 related to illegal dumping, parking, abandoned vehicles, camping, tree vandalism, and a range of unauthorised activities on public land.	Number of proactive ranger patrols	1,500	1,326	●	Manager - Certification & Compliance	Rangers have reported a total of 509 proactive patrols for the reporting period. These include 467 beach patrols, 23 general patrols other than beaches (Showgrounds, Council Assets, Illegal Dumping and Camping Hot Spots, Boat Ramps and Inland Reserves), daily proactive parking patrols and 19 school zone patrols.





	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.06.05 Undertake retail food regulatory inspections to ensure compliance with legislative standards						
	Due to the NSW Public Health (Stay at Home) Orders introduced between 13th August and 23 October 2021, all routine environmental health inspections were put on hold. Council will still aim to meet our statutory obligations under the partnership agreement with the NSW Food Authority. That being to inspect all Medium & High-risk food premises at least once over the reporting year.	Percentage of businesses achieving 'good' or 'excellent' food safety star rating	80%	96%	●	Manager - Environmental Services	Due to the Public Health (Stay at Home) Orders commencing 13 August and in place until 23 October 2021 84 food hygiene inspections out of 175 scheduled were completed in quarter 2. Scores on doors statistics for 83 inspections: <ul style="list-style-type: none"> <li>• 53 premises had 5-star rating (63%)</li> <li>• 19 Premises had 4 Star rating (23%)</li> <li>• 9 Premises had 3 Star rating (10%)</li> <li>• 3 premises given 0 Star rating</li> </ul>
		Percentage of follow up regulatory action commenced in response to failed food hygiene inspections	100%	100%	●	Manager - Environmental Services	Enforcement Statistics: <ul style="list-style-type: none"> <li>• 84 Assessment Reports issued</li> <li>• 4 Warnings letter issued</li> <li>• 3 Improvement notices issued</li> <li>• 0 Penalty notices issued</li> <li>• 0 Prohibition Orders (Closures)</li> <li>• 0 Prosecutions</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.07.01 Liaise with the Rural Fire Service Strategic Planning Committee to deliver assigned and future projects for emergency service facilities						
	<p>RFS Strategic Planning Committee meeting and Shoalhaven District Liaison meeting held on 11 Nov 2021 with minutes provided 4 Jan 2022.</p> <p>Monthly Capital works update meetings were conducted on 5 Oct, 3 Nov and 14 Dec 2021, attended by RFS and Council officers. The capital projects priority listing has been amended during this period, returning Lake Tabourie RFS Brigade Station to the list.</p> <p>All RFS seed funded projects have progressed during the period including:</p> <ul style="list-style-type: none"> <li>Compressed Air Breathing Apparatus (CABA) – Complete</li> <li>Conjola Station - Extensions - Design &amp; Approval Complete</li> <li>Currarong Station - Extensions - Design Complete, Awaiting Land Owners Consent</li> <li>Manyana Station - New Facility - Design Development in progress</li> </ul> <p>Bushfire Local Emergency Recovery (BLER) funding deed received for Manyana Station, awaiting funding deed for Conjola Station.</p>	Number of RFS Strategic Planning Committee meetings held	1	1	●	Manager - Building Services	<p>Period Meeting for the RFS Strategic Planning Committee held on 11 November 2021.</p> <p>Agenda pack prepared and issued prior to meeting consisting of Previous Meeting Minutes, Financial Report and Priority projects update.</p> <p>Minutes of meeting held on the 11 November 2021, were prepared and circulated to attendees on 4 January 2022.</p>


	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>1.2.07.02 Review and update State Emergency Service and Rural Fire Service Building Services agreement</b>						
	Council Staff have met with both SES and RFS representatives to encourage all correspondence to be sent through the nominated contacts within the relevant emergency service. This is proving successful in prioritising work. A Memorandum of Understanding (MOU) is currently being drafted to establish clear facility and operations guidelines.	Agreement reviewed and updated by June 2022	Q4	Due June 2022		Manager - Building Services	
	<b>1.2.01.01 Undertake strategic investigations to support Arts &amp; Culture in the Shoalhaven</b>						
	During the Oct-Dec period work to progress a range of partnerships that support Arts and Culture across the Shoalhaven have been undertaken. These include working with Stocklands Nowra, Bundanon Trust, Sydney Living Museums, several individual artists and other departments across Council. The grant funded projects for museum digitisation and public art continue to progress and funding has been secured to undertake critical work on the Dingle Hughes Bequest collection.	Investigate opportunities for a Regional Art Development Officer in conjunction with Create NSW	50%	50%		Manager - Arts & Culture	The Manager - Arts and Culture attended the information session held by Create NSW on the 25 November and continues to support the local project team as much as possible. Create NSW have called for EOIs for Board Member positions and continue to progress the establishment of the South Coast RADO.




Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Complete investigation into a Shoalhaven Children's Festival in conjunction with Shoalhaven Entertainment Centre and Shoalhaven Regional Gallery	50%	50%		Manager - Arts & Culture	Planning is continuing for a Shoalhaven Children's Festival in July this year.
 1.2.01.02 Shoalhaven Regional Gallery to deliver a diverse program of arts and cultural activities that cater for audiences across the Shoalhaven						
<p>During this quarter Shoalhaven Regional Gallery delivered a diverse range of exhibitions and activities to a wide audience across the Shoalhaven.</p> <p>The AGNSW touring exhibition 'Archibald Prize 2020' and accompanying 'Shoalhaven Young Archie Competition' attracted high audience numbers and very positive feedback. Over Summer the Gallery celebrated Surfing through photography by Ashley Jones-Evans and a video performance by the Australian Chamber Orchestra.</p> <p>COVID restrictions limited the number of in person activities the Gallery could hold, but they hosted a term-based printmaking classes for adults and continued to provide a digital engagement program, including artwork deep dives, children's activities, and digital walkthroughs of the Archibald Prize 2020. This program was very well received by a wide audience across the Shoalhaven and beyond.</p>	Number of people paying to attend public programs	250	45		Manager - Arts & Culture	<p>Public Health Orders and the regional closure of cultural venues significantly impacted our ability to run public programs over this period.</p> <p>A half term (4 weeks) of adult classes was run in December with 9 participants signing up for the 4 sessions.</p> <p>We successfully delivered a small, COVID safe event to congratulate the winners of the Young Archies Competition with 15 attendees. This free event was our major outreach activity for the period.</p>




Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of visitors to Shoalhaven Regional Gallery	16,000	8,036		Manager - Arts & Culture	Visitor numbers have been affected by COVID 19- Lockdown restrictions from August to October 2021. Visitor numbers have started to reestablish normalcy since October reopening.
	Percentage of visitors 'likely or very likely' to recommend the gallery	50%	100%		Manager - Arts & Culture	100% of visitors who completed a survey this quarter were highly likely to recommend the Gallery. This is an excellent result.
 1.2.01.03 Shoalhaven Entertainment Centre will curate and deliver an inclusive Annual Season of shows, events and public programs for 2021-22 reflective of our diverse community						
SEC's 6-show 2022 Morning Matinee Season was launched in early December and is selling well. SEC's 14-production 2022 Season, theme Love it Live, was launched on December 9 and early sales are very strong. Both Seasons represent a diverse variety of genres in response to our community's tastes and aspirations.	Percentage of audience members' positive perception of the Centre's contribution to cultural life in the Shoalhaven	85%	89%		Manager - Shoalhaven Entertainment Centre	In response to our Culture Counts survey, 89% of the respondents agreed or strongly agreed that the performances made a positive cultural contribution to the cultural life in the Shoalhaven area.
	Rebuild attendance at ticketed performances at the Shoalhaven Entertainment Centre	Q4	Due June 2022	N/A	Manager - Shoalhaven Entertainment Centre	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.04 Deliver Live and Local Shoalhaven to engage with the sector and increase live music performance opportunities						
	Live & Local Shoalhaven - City of Gigs - is now progressing following COVID interruptions. Gigs are being programmed three times per week at Stocklands Nowra for February and March. The professional development sessions for registered Live and Local musicians and venues are proceeding, in partnership with Songmakers, Music NSW and the Live Music Office on February 21. Microfestival sites will be scoped in January.	Number of Live and Local microfestivals featuring Shoalhaven musicians	1	1	●	Manager - Shoalhaven Entertainment Centre	The project plan for the micro-festivals is complete and the working group has met to progress activities. The program will proceed across Q3 and Q4.
➤	1.2.01.05 Prepare Shoalhaven Live Music Action Plan						
	The intended schedule for the Live Music Action Plan has been interrupted by COVID public health orders. It will now be completed in Q3.	Live Music Action Plan prepared for Council adoption by June 2022	50%	50%	●	Manager - Shoalhaven Entertainment Centre	Work continues on the Live Music Action Plan, with regular meetings of the working party and the Live Music census being actioned by staff.  The next phase will happen in Q3 with the Professional Development Program and first live performance events scheduled.


	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.01.06 Enhance the Shoalhaven Regional Gallery forecourt to improve the entrance and provide a community meeting place						
	The forecourt project is substantially completed with the new gardens and planting. Delivery of the seats and planter boxes is awaited, delayed due to global shortages. Delivery is expected in February at which time the project will be completed.  Positive feedback has been received from many visitors and the final installation will encourage greater engagement and interaction in this public space.	Complete landscaping and associated Gallery forecourt improvements by March 2022	33%	85%		Manager - Arts & Culture	All planting has been complete and the order for furniture has been placed. Positive feedback on the gardens has been received from many members of the public and the first exhibition in the art boxes was favorably commented on by the artists and visitors.
>	1.2.01.07 Increase diversification of income streams to support the activities of the Shoalhaven Regional Gallery						
	The Arts and Culture staff have changed their approach to donations, with a more prominent ask resulting in \$828 in 'tap' donation and \$1,057 in cash donations banked for the period.  The implementation of fundraising software continues to be progressed with several meetings with possible suppliers taking place and applications for project grants from Create NSW opened in this period with 2 applications being prepared.	Number of grant applications prepared and submitted	Q4	Due June 2022	N/A	Manager - Arts & Culture	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.01.08 Continue to progress development of the Shoalhaven Arts Foundation						
	Legal brief has been prepared to enable quotes from suitable legal firms for the finalisation of the constitution and establishment of the foundation. Once this information is received staff will investigate suitable avenues to secure funding for the commissioning of the work.	Funding allocated to facilitate drafting of Shoalhaven Arts Foundation Constitution	50%	50%		Manager - Arts & Culture	Information has been supplied to Council's legal officer and a brief with request for quote is being submitted to appropriate legal firms. This information is due to be provided in time for an operational budget submission to facilitate the commissioning of legal services to prepare the relevant governance and other document required to establish a Foundation as a legal entity. Other appropriate action to assist in securing funding for project continues to be investigated and reviewed.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.02.01 Shoalhaven Libraries will create opportunities for diverse communities to be welcomed and celebrated in appropriate ways through a range of events						
	Despite the impact of COVID Shoalhaven Libraries has continued to provide opportunities and resources to patrons. The digital library has remained open 24/7 and branches have now reopened for customers to access physical resources and services.	Number Library Programs Delivered	250	11		Manager - Library Services	Shoalhaven Libraries was operating at reduced opening hours and service levels due to impact of COVID. As many programs and activities as possible were delivered either remotely or in a COVID safe manner.
		Number Library Visits	210,000	43,184		Manager - Library Services	All Shoalhaven Libraries branches were closed until 11 October and reopened at reduced operating hours until 15 December, when branches reopened fully. COVID has continued to impact visitation at all libraries, with many services continuing to be offered digitally.
		Number of Virtual Visits at Council's Libraries	187,000	180,145		Manager - Library Services	There has been a slight reduction in the number of virtual visits at Council's Libraries, however usage of eBooks, eAudiobooks and eMagazines remains strong.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.02.02 Progress design and construction of a new Library at Sanctuary Point						
	The Sanctuary Point Library project continues to progress and is on track. The Project Control Group meets regularly to advance all aspects of the design.	Completed tender for construction and commenced build for new Sanctuary Point Library	50%	50%	●	Manager - Library Services	The Sanctuary Point Library Project Control Group continues to meet regularly and progress the necessary documentation for tender. The project is on track.
		Detailed design completed for the new Sanctuary Point Library by June 2022	50%	50%	●	Manager - Library Services	Detailed design work is ongoing and progressing within the expected timeframe.
>	1.2.02.03 Develop new Shoalhaven Libraries Strategic Plan 2021-2024						
	A literature review has been conducted and senior Library staff are compiling a first draft of the Strategic Plan. Information received from the Customer Survey is being used to develop actions.	Number of actions implemented from the Shoalhaven Libraries Strategic Plan 2021 - 2024	6	6	●	Manager - Library Services	Staff are currently finalising a first draft of the new Shoalhaven Libraries Strategic Plan and creating actions to be included.
>	1.2.02.04 Investigate library service delivery options for the Sussex Inlet community						
	Council's Strategic Property Manager is liaising with two suitable site owners in regard to a possible location for a new library. This project is progressing.	Complete investigation into the library service delivery options for the Sussex Inlet community	50%	50%	●	Manager - Library Services	This project is ongoing. Several locations are being investigated and Council's Strategic Property Manager is liaising with two potential site owners. Feedback is expected from these sites within the next few months.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.02.05 Implement the Strategic Business & Marketing Plan to support the future growth and development of the Shoalhaven Entertainment Centre						
	The 2022-27 Strategic Business & Marketing Plan is now ready for a final proof-read and graphic design before a Councillor Briefing and being placed on public exhibition in February.	Percentage increase of food and beverage income stream at Encore Cafe and Dining	5%	5%		Manager - Shoalhaven Entertainment Centre	The Encore Café reopened in mid-October (Q2) but with no performances in the venue to end of November business remained quiet. December was busier with performances, events and catering bookings, including the Shoalhaven Business Awards. The venue upgrades and new Encore Cafe have been well received by patrons.
		Increase the number of Season Memberships to build audience engagement	Q4	Due June 2022	N/A	Manager - Shoalhaven Entertainment Centre	
>	1.2.03.01 Undertake projects in the Strategic Planning Works Program to maintain and enhance Shoalhaven's cultural heritage, including continuing to run Council's annual local Heritage Assistance Grants						
	Range of relevant projects in train or well advanced.	Number of Heritage Assistance grants issued	Q4	Due June 2022	N/A	Manager - Strategic Planning	
		Value of Heritage Assistance grants issued	Q4	Due June 2022	N/A	Manager - Strategic Planning	



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.3.01.01 Undertake scheduled park servicing as listed in the Maintenance Management System at the commencement of the financial year						
	Park maintenance crews have performed well in Quarter 2. The weather has been conducive for slow growing and there have been low visitors as a result of the Public Health Orders.	Percentage of the Parks and Reserves' services completed against scheduled services	80%	80%	●	Manager - Works & Services	Park maintenance crews have performed well in Quarter 2.
➤	1.3.01.02 Support Parkcare Group Volunteers to improve local parks and reserves						
	<ul style="list-style-type: none"> <li>2 new Parkcare Groups had their plans adopted by Council</li> <li>1 established group had their updated action plan adopted by Council</li> <li>2 new groups are currently in the planning/consultation stage</li> <li>2 established groups are currently in the planning/consultation stage</li> <li>Current Parkcare figures: 52 Groups, 454 volunteers, 1112 hours for Oct/Nov/Dec 2021</li> </ul>	Maintain Annual Parkcare volunteer hours	Q4	Due June 2022	N/A	Manager - Works & Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>1.3.01.03 Deliver improved playing surfaces in precincts and Destination Parks in the Shoalhaven</b>						
	Improved turf quality across the Shoalhaven sporting precincts through increased fertiliser application frequency, top dressing, soil aeration and compaction relief, preventative pesticide applications, turf growth regulators, over sewing rye seed on selected ovals for winter sport. Program ongoing. Top dressing scheduled for applications in the New Year.	Undertake annual sportsfield improvement program	50%	50%	●	Manager - Shoalhaven Swim Sport Fitness	Sports field, Showground and Destination Parks seasonal weed spraying completed. Sports field spring fertiliser program completed. Four cricket wicket concrete slabs and synthetic surfaces repaired or replaced. Additional programmed maintenance and turf renovation practices to continue throughout the year to improve surfaces.
➤	<b>1.3.01.04 Develop a framework for the implementation of Asset Management Plans across Shoalhaven Swim Sport Fitness including destination parks, sporting precincts and showgrounds</b>						
	Asset Officers have developed a framework to implement Asset Management Plans for Destination Parks, Showgrounds and Sporting Precincts throughout the Shoalhaven. A specialised asset management organisation has been engaged to audit assets for Council's four showgrounds and produce associated Asset Management Plans.	Asset management plan framework completed and 25 percent populated	Q4	Due June 2022	N/A	Manager - Shoalhaven Swim Sport Fitness	




	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	1.3.02.01 Provide a range of programs and services to cater for community demand for aquatics, health and fitness programs						
	<p>Extensive range of services and programs provided for Aquatics, Health &amp; Fitness. This includes:</p> <ul style="list-style-type: none"> <li>• Learn to Swim and Squad programs</li> <li>• Gymnasium</li> <li>• Group Fitness classes (including aqua aerobics)</li> <li>• Personal Training sessions</li> <li>• Teen Gym and other school aged fitness programs</li> <li>• Healthmoves</li> <li>• 10 week 'Transformed For Me' fitness program</li> </ul> <p>Online programs continued during lockdown and outdoor classes added to schedule on reopening.</p>	Maintain the number of attendances at Council's aquatic and leisure centres	235,000	116,732		Manager - Shoalhaven Swim Sport Fitness	<p>Learn to swim and fitness programs have returned from the COVID lockdown, experiencing pre-COVID attendance in some facilities.</p> <p>General patronage has declined compared to previous years as a result of ongoing COVID restrictions following lockdown, particularly up until mid-December 2021.</p>

1.3.02.02 Collaborate across City Lifestyles departments to provide a range of programs to activate Destination Parks and showgrounds						
<p>With the lifting of COVID restrictions, programs aimed at the activation of Destination Parks, Showgrounds and Sporting Facilities across the City Lifestyles Departments have been introduced. These programs include:</p> <ul style="list-style-type: none"> <li>• Fitness based Group Exercise Classes</li> <li>• Family Movie nights</li> <li>• Arts classes</li> <li>• Story Time / Rhythm Time, including visits by the Mobile Library</li> <li>• Community Connection Fairs</li> <li>• Pop up Community Engagement Sessions</li> </ul> <p>These programs will be facilitated by staff from Shoalhaven Libraries, Shoalhaven Regional Galleries, Shoalhaven Swim Sport Fitness, Shoalhaven Entertainment Centre and Community Connections teams.</p> <p>Regular updates on this programming will be distributed through Councils social media and Shoalhaven City Councils "get involved" page which can be found here: <a href="http://getinvolved.shoalhaven.nsw.gov.au">getinvolved.shoalhaven.nsw.gov.au</a></p>	Implement programs at each destination park - Northern Precinct	2	4	●	Manager - Shoalhaven Swim Sport Fitness	Memorial Rose Garden at Marriott Park was re-established with the intention of furthering the project to create a community garden. Entry sandstone wall to be refurbished with landscaping works undertaken with a range of colorful native plants by end of February 2022.
	Implement programs at each destination park - Central Precinct	2	2	●	Manager - Shoalhaven Swim Sport Fitness	Planning for the introduction of programs aimed at the activation of Destination Parks, Showgrounds and Sporting Facilities across the City Lifestyles Departments is completed.
	Implement programs at each destination park - Southern Precinct	2	2	●	Manager - Shoalhaven Swim Sport Fitness	<p>These programs include:</p> <ul style="list-style-type: none"> <li>• Fitness based Group Exercise Classes</li> <li>• Family Movie nights</li> <li>• Arts classes</li> <li>• Story Time / Rhythm Time including visits by the Mobile Library</li> <li>• Community Connection Fairs</li> <li>• Pop up Community Engagement Sessions</li> </ul>

➤	1.3.03.01 Liaise with Management Committees within precincts to meet their financial reporting requirements						
	Council's Finance team will conduct workshops early 2022 for Management Committees, to assist them to use the annual Financial Statements templates.	Percentage of Management Committees within precincts that meet financial reporting requirements	Q4	Due June 2022	N/A	Manager - Shoalhaven Swim Sport Fitness	
➤	1.3.03.02 Continue to deliver priorities in the Community Infrastructure Strategic Plan						
	Council continues to deliver priority projects identified in the Community Infrastructure Strategic Plan (CISP), including delivery of major projects, master planning for open spaces, playground upgrades, and open space embellishments. A review of the CISP will occur in 2022.	Commence construction of Skate Park at Bay & Basin by September 2021	50%	35%		Manager - Community Planning & Projects	The detailed design for the Bay and Basin Skate Park is completed. The Tender process is being considered within the overall development of the whole Precinct redevelopment.
		Commence construction of pump track and skate park at Boongaree by January 2022	50%	50%		Manager - Community Planning & Projects	The Tender evaluation for stages 2 and 3 of Boongaree has been completed and the preferred tenderer has been endorsed by Council.  Convic have now been engaged to complete the works. Construction is scheduled to commence in May 2022.

	Commence construction of southern section of SCARP (Artie Smith Oval) by October 2021	50%	50%	●	Manager - Community Planning & Projects	Council has engaged Joss Group Pty Ltd to undertake the construction of Artie Smith Oval redevelopment. The site will be fenced off in January 2022 when physical works will commence.
	Finalise detailed design and commence construction of Francis Ryan amenities, Sanctuary Point by December 2021			●	Manager - Community Planning & Projects	The concept design of the Bob Proudfoot Pavilion has been publicly exhibited and endorsed by Council. Council has commenced detailed design of the facility, with construction likely to commence in the second half of 2022.
<div>➤</div> <b>1.3.03.03 Review and update the Community Infrastructure Strategic Plan</b>						
The framework and methodology for the review of the Community Infrastructure Strategic Plan (CISP) is being developed and will be presented to EMT. A working group will define a scope for the CISP it is anticipated the time frame for the project completion will need to be adjusted.	Community Infrastructure Strategic Plan updated by June 2022	50%	10%	●	Manager - Community Planning & Projects	Relevant internal stakeholders are being consulted regarding the preparation of a project plan and methodology which will be reported to EMT. This significant process will require a review of the current time frame.

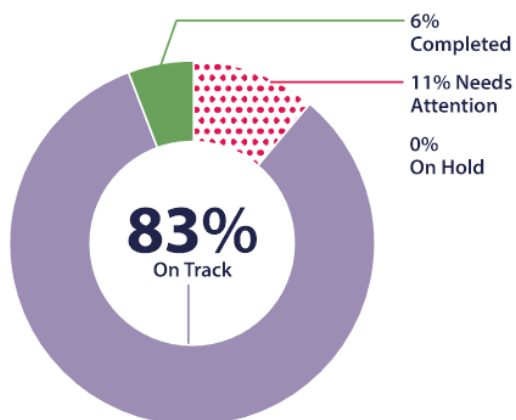
1.3.03.04 Review and update the Playspace Strategy and renewals program						
The Playspace Strategy will be completed as part of the Community Infrastructure Strategic Plan (CISP) review. It is anticipated that the time frame for completion will need to be extended.	Playspace strategy updated by June 2022	50%	10%		Manager - Community Planning & Projects	The Playspace strategy will be updated as part of the Community Infrastructure Strategy Policy (CISP) review and will form part of the specification of works when the request for quotation / tender goes to market.





## Sustainable, Liveable Environment

### Progress Snapshot



### Highlights

- The Flood Mitigation Asset Management Plan is currently being finalised by City Services
- Draft Flood Study completed for the Lower Shoalhaven River and St Georges Basin catchments ready for public exhibition and community consultation in early 2022
- Rangers have completed 3 proactive Illegal Dumping Prevention programs including training on usage of covert cameras, surveillance of known dump sites and proactive patrols of both known hot spot locations and vacant bush land areas to detect further offences. Clean Up Australia Day undertaken by South Coast United Mountain Bikers with over one tonne of waste was removed
- Stormwater Drainage Program is progressing well with projects scoped and some projects moving into construction phase. 38 projects in total with 9 complete and 10 projects underway
- Further grant funding for waterways infrastructure has been sought through Better Boating Now, Recreational fishing grants and Local Land Services
- The Bushwalks Asset Management Plan and 10-year Action Plan has been created
- Working with Shoalhaven Water, the University of Wollongong Engineering student has completed his Honours project on Greenhouse Gas Emissions from Nowra Wastewater Treatment Plant with Distinction.

### Our Performance for the last 3 months

**90%** of defects on sealed roads were repaired within 10 days



**309**

Invasive Weed Inspections



**100%**

Subdivision Certificates resolved within 14 days

**55%** of Development Applications processed within 40 days





Millards Creek and Currarong Creek Flood Studies Completed and Adopted by Council



Clean Up Australia Day Undertaken by South Coast United Mountain Bikers



Bushwalks Asset Management Plan and 10-year Action Plan Created



<div> <div>Action Key</div> <div> <div>✓ Completed</div> <div>➤ On Track</div> <div>⌚ Behind Schedule</div> <div>⏸ Not Due to Start</div> </div> <div> <div>KPI Status</div> <div>● Critical</div> <div>● Needs Attention</div> <div>● On Track</div> </div> </div>							
	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.01.01 Work with all levels of government, public transport providers/ operators and private organisations to advocate for improvements to public transport and improve transport links						
	Improvements to the road network continues for freight and commuters. Council continues to participate in Transport's 16 cities Program for the greater Nowra area. Rail upgrades are now higher on the agenda with the transfer to Transport for NSW but still CapEx is slow to activate.	Number of South East Australian Transport Strategy Inc. meetings attended	Q4	Due June 2022	N/A	Manager - Economic Development	
		Number of submissions made to Transport for NSW advocating on improvements to transport planning, infrastructure and services	Count	2	●	Manager - Economic Development	Contributed to the response to TfNSW's consultation about the proposed Jervis Bay Road to Hawken Road Upgrade Project. Contributed to input on TfNSW's Burrill Lake Co-Design Committee (examining the scope and scale of the highway upgrade in this location).

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	2.1.02.02 Support the organisation to review and update Asset Management Plans						
	Assistance provided to Asset Custodians during review and updating of Asset Management Plans to ensure they are interrelated with the DPOP and the Long Term Financial Plan.	Number of workshops and training sessions held to support Asset custodians	4	20	●	Manager – Technical Services	Regular weekly meetings with Asset Custodian representatives to progress asset configuration reviews. Regular meetings with Asset Management Working Groups and individual training to improve asset management and use of asset management software.
>	2.1.02.03 Advocate and apply for funding to deliver waterways infrastructure						
	Grant funding has been sought through Better Boating Now, Recreational fishing grants and Local Land Services.	Annual grant application program developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	<b>2.1.02.04 Review of Community and Public Buildings for fire compliance</b>						
	<p>The Fire Compliance Action Plan encompasses the following key tasks.</p> <p>Maintaining existing fire safety schedules on all Building Services buildings.</p> <p>i.e. Annual Fire Safety Statement for Shoalhaven Entertainment Centre is complete, amongst others</p> <p>Working towards fire compliance on non-compliant buildings. Works due for completion by March 2022 include the following:</p> <ul style="list-style-type: none"> <li>• Cambewarra RFS Satellite Station</li> <li>• Nowra Library</li> <li>• Shoalhaven Regional Gallery</li> <li>• Jumbunna Child Care Centre</li> <li>• Milton Multicultural Centre</li> <li>• 100 St Vincent St Ulladulla</li> <li>• Callala Beach Community Hall</li> <li>• South Nowra Integrated Emergency Manag. Centre</li> <li>• West Nowra RFS</li> <li>• Shoalhaven City Admin Building</li> </ul> <p>Action Plan tasks are being prioritised and implemented for Higher Risk buildings as above.</p>	Building Fire Compliance Action Plan completed by June 2022	Q4	Due June 2022	N/A	Manager - Building Services	
>	<b>2.1.03.01 Complete the Stormwater Drainage Program as listed in the 2021-22 adopted capital works program</b>						
	The Stormwater Drainage Program is progressing well with the majority of projects designed, some projects completed (24%) and others in the construction phase (26%). Budget is 60% committed.	Percentage of planned stormwater drainage projects completed	25%	50%		Manager - Works & Services	38 projects in total with 9 complete and 10 projects underway. The remaining jobs are in design or scheduled for completion in Q3 and Q4.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
ⓘ	2.1.03.02 Complete the Waterways Infrastructure Program as listed in the 2021-22 adopted capital works program						
	Fisheries projects – around St Georges Basin including jetty replacement at Island Point Road Major Projects are currently with Council's design team including Callala Bay Boat ramp, Myola boat ramp, Regional boat ramp design options for Orient Point	Percentage of planned waterways infrastructure projects completed	25%	25%	●	Manager - Works & Services	Comerong levee restoration works have been completed during the reporting period and all projects are on track.
➤	2.1.03.03 Complete the Local Road Repair Program as listed in the 2021-22 adopted capital works program						
	Program delivery is progressing well. Major projects completed in Quarter 1 were BTU Rd rehabilitation (\$660,000), Orient Point Rd (Flora to Raglan St) Rehabilitation (\$500,000), Riversdale Rd reconstruction (\$450,000) and preparations were made for the second stage of Coonemia Rd rehabilitation (\$2.3M) commenced in Q2 but has been delayed due to weather. Will resume works early January 2022.	Percentage of planned road rehabilitation projects completed - All	20%	30%	●	Manager - Works & Services	21/22 FY Projects completed/commenced include Riversdale Rd, Orient Point Rd, BTU Rd, Currowar Ln, Coonemia Rd, District Reseal, Callala Beach Road. Thirty projects have been completed in 21/22 FY to date.
➤	2.1.03.04 Implement Council's Road Risk Management Procedure by ensuring reportable defects are repaired						
	Council utilises an inspection and maintenance management software program which captures and reports on road conditions and monitors defects. Inspection of arterial roads are undertaken on a monthly basis and the collector roads are inspected biannually. Council also monitors defect reports on a weekly basis.	Percentage of reportable defects addressed within timeframes in the procedure	90%	90%	●	Manager - Works & Services	On target.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.03.05 Prioritise inclusions of sealing of Budgong Road/Mt Scanzi Road in the 10-year indicative capital works program						
	Council in negotiations with landowner adjacent to the site in order to relocate physical road within the road reserve. Additional sections of Mt Scanzi road have been listed in 10-year CAPEX for consideration.	Priority road sealing projects included in the 10 year indicative capital works program	20%	20%	●	Manager - Works & Services	Initial listings have been generated through the pavement survey data in preparation for future works programs.
➤	2.1.04.01 Provide a safe and efficient active transport network of pathways for cycling, walking and various travel needs						
	The broader review of the PAMP-Bike Plan strategies is currently a work in progress, a new PAMP/ Bike Plan webpage was launched in May 2021, and a review of the PAMP/Bike Plan citywide maps, scoring criteria and ranking spreadsheet is also being worked on. The revised target for the staff review is now end February 2022.  The budget adopted by Council for 21/22 will then enable engagement of a consultant to manage the PAMP review process with the community and Council and prepare updated strategy documents (still proposed to be completed by end June 2022 subject to a timely completion of the staff review).	Renewal of the Pedestrian and Mobility Action Plan by June 2022	Q4	Due June 2022	N/A	Director - City Futures	
➤	2.1.04.02 Create the annual maintenance program for the renewal of pathways and cycleways						
	Works are identified through inspections along with correspondence from the general public. Work has also been undertaken to review strategic documents in order to further identify locations for maintenance projects.	Annual maintenance program for pathways and cycleways developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.05.01 Apply for available funding to improve road safety, efficiency and active transport solutions						
	All available funding opportunities have been identified and are being pursued with submissions having been submitted for two rounds of Fixing Local Roads, Safer roads submissions have also been made with results pending.	Percentage of successful grant applications	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	2.1.05.02 Create the annual maintenance program for the renewal of roads, bridges and drainage						
	Asset staff are currently conducting network analysis in order to determine the priorities for 2022/2023 financial year.	Annual maintenance and replacement program for roads, bridges and drainage developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	2.2.01.01 Prepare and maintain strategies and plans outlined in the Strategic Planning Works Program to support appropriate population growth or development, and environmental conservation in Shoalhaven						
	Range of relevant projects on going or well advanced. Milton-Ulladulla Structure Plan review progressing well.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due June 2022	N/A	Manager - Strategic Planning	
ⓘ	2.2.02.01 Assess and determine development applications within legislative timeframes and community expectations						
	Continue to improve processing times through recruitment, continual review of the DA assessment process, and working with the Department of Planning, Industry and Environment to ensure agency referrals are received in a timely fashion.	Percentage of Development Applications processed within 40 days (DAs & S4.55s)	65%	55%	●	Manager - Development Services	This is a work in progress with a number of factors leading to the low performance this quarter.

Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
2.2.02.02 Resolve Subdivision and Subdivision Works Certificates to meet applicant and community expectations						
<p>100% of Subdivision Certificats (SCs) were resolved within both the 14 day and 21-day target.</p> <p>64.29% of Subdivision Works Certificates (SWCs) were determined within the 28-day target. This is just short of the 65% KPI target. This is a good result noting that the team focused on a number of legacy applications whilst having a number of large construction projects coming to final completion.</p>	Percentage of Subdivision Certificates resolved within 14 days	75%	100%	●	Manager - Development Services	
	Percentage of Subdivision Works certificates completed in 28 days	65%	64%	●	Manager - Development Services	Results only just missed target for this quarter. The team were focusing on completing some older CC/SWC applications within the system, this is concluded to be the reason why the results achieved were not on target but should improve next quarter.
2.2.02.03 Continue implementation of recommendations from Development Services independent review to improve development and approval outcomes						
All items have been actioned and are ongoing. A new Council will need to consider a report on use of DA tracker and associated notification policy.	Number of recommendations implemented	Count	3	●	Director - City Development	All items have been actioned and are ongoing. A new Council will need to consider a report on use of DA tracker and associated notification policy.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
①	2.2.03.01 Provide development compliance services to the community						
	<p>Council has received 103 complaints and actioned 155 complaints in the last 3-month period.</p> <p>At the end of this reporting period, there were 1080 outstanding complaint investigations on the system (Merits). Each Compliance Officer is currently carrying approximately 154 merits each.</p> <p>All complaints older than 2 years with no further issue will continued to be reviewed and finalised wherever possible.</p>	Number of development non-compliance matters received	Count	103	N/A	Manager - Certification & Compliance	<p>A total of 103 development compliance matters were received during the period. Of these, 38 related to unauthorised development, 14 for not in accordance with development consent, 14 swimming pool barrier issues, 8 stormwater run-off, 4 sediment and erosion control issues, 1 asbestos matter, 3 defected building works, 2 earthworks without consent, 11 land use without consent and 8 sewerage management facility complaints.</p>



Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of development non-compliance actions completed	Count	155	●	Manager - Certification & Compliance	A total of 155 development non-compliance matters were completed during the period. Of these, 68 related to unauthorised development, 39 for not in accordance with development consent, 22 storm water runoff, 5 swimming pool barrier inspections, 1 asbestos matter, 2 sedimentation and erosion issues, 10 defected building works inspections, 1 public health complaint, 2 pollution incidents on private land, 4 sewer manhole adjustments and 1 sewerage management facility complaint.
<div> 2.2.04.01 Provide graphics and cartography support to the organisation and issue Zoning (10.7) and dwelling entitlement certificates to the community </div>						
1542 10.7 Certificates which is over 100 higher than previous quarter. 11 Dwelling Entitlement Certificates issued in the quarter which is slightly down on the number issued in the previous quarter. Staff continued to provide a high level of graphics support to Council staff and for projects on the Strategic Planning Works Program.	Number of 10.7 dwelling entitlement certificates issued	Count	1,542	●	Manager - Strategic Planning	1542 s10.7 Certificates which is over 100 higher than previous quarter. 11 Dwelling Entitlement Certificates issued in the quarter which is slightly down on the number issued in the previous quarter (16).

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	2.3.01.01 Maintain environmental assessments to ensure protection of natural and cultural roadside assets						
	All CAPEX projects undertaken are subjected to environmental due diligence to varying degrees dependent on the issues identified during the scoping of works.	Environmental assessments completed for roadside projects	100%	100%	●	Manager - Works & Services	40 Review of Environmental Factors (works assessments) have been completed with a further 37 to be completed for road projects that are to be constructed in Q3 & Q4.
>	2.3.02.01 Coordinate implementation of the Shoalhaven Adaptation Plan 2030						
	Climate change Risk Assessment report presented to EMT on 9 November and Audit, Risk and Improvement Committee on 22 November. Workshops underway with EMT to re-evaluate risks for inclusion in Council's Corporate Risk Register. Adaptation Plan to be updated once risks and adaptation initiatives are finalised. Final Adaptation Plan anticipated prior to 30 June 2022.	Number of initiatives implemented	Count	0	●	Manager - Technical Services	Draft adaptation initiatives and related controls/tasks are being presented to EMT on 17 January. Once finalised, these controls and tasks will be included in corporate risk register. Delivery of adaptation initiatives to commence following finalisation of Adaptation Plan, anticipated by 30 June 2022.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.02.02 Review and update Sustainability Action Plan 2030						
	Workshop proposed with staff representatives from across council to form sustainability working group/reference group and provide input and feedback on Draft Sustainability Policy. New Action Plan to be developed following Policy endorsement, expected by June 30,2022 pending community engagement requirements.	Draft Sustainability Action Plan completed by 30 November 2021	Q4	Due June 2022	N/A	Manager - Technical Services	On Track, target to be reset. Precursor work is underway to enable drafting of Sustainability Action Plan. No actions currently delivered as Sustainability Action Plan is to be developed following endorsement of Sustainability Policy. Sustainability working group will provide input and feedback into development of Policy and Action Plan.
➤	2.3.02.03 Conduct energy audits at Nowra and Bomaderry Wastewater Treatment Plants to identify energy efficiency and greenhouse gas emissions reduction opportunities						
	Solar PV systems were installed and commissioned at both Nowra and Bomaderry Wastewater Treatment Plants in the past quarter. Additional energy efficiency opportunities will be explored in 2022.	Number of energy audits conducted	Q4	Due June 2022	N/A	Manager - Water Asset Planning & Development	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.02.04 Commence implementation of Council's Sustainable Energy Strategy 2020-25 to reduce carbon emissions and increase the up-take of renewable energy to achieve Sustainable Energy Policy targets						
	A variety of sustainable energy projects continued during Q2 2021/22 including secondary power installations at community halls as part of the Recovery into Resilience project, solar PV installs at Nowra/ Bomaderry/Culburra Sewage Treatment Plants, opening of the Flow Power Solar Farm at South Nowra, and a business case developed for a renewable Power Purchase Agreement for future electricity supply. This work culminated in Mayor Amanda Findley winning the 2021 national Cities Power Partnership Climate Ambassador award on behalf of Council. The 2020/21 Annual Energy Review report, titled 'Towards Net Zero Emissions', will be presented to the new Council in early 2022.	Number of initiatives implemented			●	Manager - Technical Services	22 of the 30 energy initiatives in the 2020-2025 Sustainable Energy Strategy were actively worked on during Q2. Some initiatives are a 'work in progress' such as 100% LED street lighting and renewable Power Purchase Agreement. Councillor Briefing to be arranged in coming months to present on key sustainability initiatives.
		Value of projects funded through the Revolving Energy Fund	Q4	Due June 2022	N/A	Manager - Technical Services	
✓	2.3.02.05 Supervise University of Wollongong Engineering Honours student as they investigate greenhouse gas emissions from Shoalhaven water and wastewater treatment plants						
	Completed. Student successfully completed thesis.	Honours thesis on greenhouse gas emissions from Shoalhaven water and wastewater treatment plants completed	50%	100%	●	Manager - Water Asset Planning & Development	Engineering student completed his Engineering Honours project on Greenhouse Gas Emissions from Nowra Wastewater Treatment Plant with Distinction.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.01 Implement Council's policies, plans and strategies for natural area reserves						
	<p>Works in Council managed Natural Area reserves include bush regeneration weed control works with prioritisation to improve ecological resilience of endangered ecological communities.</p> <p>Native plant propagation with volunteers at Community Nursery for revegetation purposes.</p> <p>Coordination with Council rangers in response to environmental vandalism including sign and vehicle barrier installations in reserves.</p> <p>Community environmental education with community members on environmental concerns and inquiries.</p> <p>Liaise with agencies including Greening Australia, Dept Planning, Industry &amp; Environment, CSIRO and NSW NPWS on joint projects.</p> <p>Manage grant funds targeting threatened species conservation including Milton Subtropical Rainforest, Bitou Bush control and endangered ecological community bush regeneration project that involves abseiling works to target cliff line weeds.</p>	Number of natural area reserves with works completed	Count	21	●	Manager - Environmental Services	Works were undertaken to protect and enhance the ecological integrity of the natural environment across various reserves within the LGA. Reserve types included estuary and beach foreshores, wetlands, bushland and coastal cliff lines.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.02 Develop and implement strategies that reduce illegal dumping in the Shoalhaven						
	<p>During the last quarter, there were 127 incidents registered for Shoalhaven on the RID Online Database. Of this figure, 33 incidents remain open pending further investigation and the remainder have been closed.</p> <p>The COVID Public Health Orders, staffing and public safety has impacted on the ability of Rangers to conduct further inquiries and progress open investigations. This has resulted in a higher than usual number of remaining open investigations.</p> <p>Strategies to reduce further illegal dumping reports include the education of Ranger staff in the deployment and usage of covert cameras for the period at known “hot spot” locations to identify Illegal Dumping offences.</p>	Number of proactive illegal dumping enforcement programs	1	3	●	Manager - Certification & Compliance	<p>Rangers have completed 3 proactive programs for the reporting period. These programs included training to staff on the deployment and usage of covert cameras, covert surveillance of known dump sites and proactive patrols of both known hot spot locations and vacant bush land areas to detect further offences.</p> <p>Clean Up Australia Day undertaken by South Coast United Mountain Bikers (SCUMB) in areas utilized by them. Over one tonne of waste was removed by this group.</p> <p>Social Media and Radio campaign promoting the usage of RID online by the public. This was undertaken with RID grant funding. These proactive programs have seen an increase in reportable offences through the Regional Illegal Dumping reporting portal.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.03 Implement Council's Walking Track Asset Management Plan						
	Bushwalks AMP 10-year Action Plan created. List of works generated for 2021-22 to improve the standard/condition of assets of most concern. Works will be costed and scheduled for completion prior to July 2022, budget, resources and weather permitting.	Percentage of reported walking track asset defects repaired	100%	100%	●	Manager - Works & Services	100% of Bushwalks inspected for overall condition assessment, with approximately 50% of all reported defects repaired in the first two quarters. The remainder will be completed in Q3 & Q4.
✓	2.3.03.04 Progress a solution for a sustainable entrance opening for Lake Conjola						
	Shoalhaven City Council received a licence to open Lake Conjola from DPIE - Lands using a variety of triggers. This action will be captured within the Lake Conjola Coastal Management Plan, as such is marked as completed for action required this financial year.	Complete entrance opening works subject to Crown Land licence being received and Council funding the program	100%	100%	●	Manager - Environmental Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.05 Undertake water quality monitoring program of the Shoalhaven's estuaries, lakes, rivers and beaches						
	<p>Twenty-three (23) Environmental water sampling events were undertaken this quarter, fourteen (14) of these events were related to bushfire affected waterways recovery grants.</p> <p>Sampling occurred across the following catchments:</p> <ul style="list-style-type: none"> <li>• Lake Conjola &amp; surrounding Bores</li> <li>• Lake Wollumboola + Currarong Creek</li> <li>• Clyde River, Willinga, Termeil &amp; Meroo Lakes</li> <li>• Shoalhaven River</li> <li>• St Georges Basin</li> <li>• Conjola &amp; Swan Lake</li> <li>• Burrill Lake, Lake Tabourie, Narrawallee and Millards Creeks</li> </ul>	Percentage of planned water quality monitoring program completed	50%	50%	●	Manager - Environmental Services	<p>Seven (7) catchments sampled routinely this quarter plus eight (8) additional sampling events required for Bushfire Recovery Grants.</p> <p>Monthly sampling conducted on Council buildings with non-reticulated water supplies was also carried out to comply with NSW Health Quality Assurance Program and Sewer Outfalls.</p> <p>Weekly Beachwatch sampling commenced in December at 11 Beaches.</p>
		Percentage of follow up investigations commenced in response to irregular water quality results	100%	100%	●	Manager - Environmental Services	<p>All failed sites were followed up by Environmental Health Officers. Metrics are being developed to quantify this KPI and provide the actual number of sites requiring investigation.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	2.3.03.06 Develop Coastal Management Programs as per the requirements of the NSW Coastal Management Act 2016 and the Coastal Manual						
	Four highest priority CMPs have commenced and are on track according to the project schedules.	Percentage complete for the Shoalhaven River Estuary Coastal Management Program	Q4 – 50%	Due June 2022	N/A	Manager - Environmental Services	
		Percentage complete for Lake Conjola Estuary	Q4 – 90%	Due June 2022	N/A	Manager - Environmental Services	
		Percentage complete for the Shoalhaven Open Coast and Jervis Bay	Q4 – 50%	Due June 2022	N/A	Manager - Environmental Services	
>	2.3.03.07 Undertake Flood Studies and develop Flood Risk Management Plans						
	The Millards Creek and Currarong Creek Flood Studies have been completed and adopted by Council. A draft Flood Study has been completed for the Lower Shoalhaven River and St Georges Basin catchments ready for public exhibition and community consultation in early 2022. Afterwards the Floodplain Risk Management Study and Plan will be progressed for the Lower Shoalhaven River and St Georges Basin. Grant funding applications have been submitted to DPIE for Broughton Creek and NRAR for a package of flood risk management investigations.	Millards Creek & Currarong Creek Flood Study adopted by Council by October 2021	Q4	Due June 2022	N/A	Manager - Environmental Services	
		Lower Shoalhaven River and St Georges Basin Flood Risk Management Study and Plan adopted by Council by June 2022	Q4	Due June 2022	N/A	Manager - Environmental Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	2.3.03.08 Review and implement the asset management plan for flood mitigation						
	The Asset Management Plan for flood mitigation assets is currently being finalised and is due for completion in Q4.	Length of flood mitigation assets inspected	Q4	Due June 2022	N/A	Manager - Works & Services	
		Percentage of reported flood mitigation asset defects repaired	100%	100%	●	Manager - Works & Services	The Comerong Island (P11L1) flood levee damage project has been completed. The repairs to the Terara (P1L2) and O'Keefe's Point (P5L1) flood levees are scheduled for completion in Q4.
!	2.3.03.09 Prepare, review and implement Bushcare Group Action Plans in consultation with community						
	No further progress was made on the completion of Bushcare group action plans as the Bushcare Coordinator role was vacant from mid-July through to the end of November 2021. Co-ordination of bushcare groups day to day activities continued and the vacant position has now been filled.	Number of Bushcare Group Action Plans reviewed	Q4	Due June 2022	N/A	Manager - Environmental Services	



Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
2.3.03.10 Undertake compliance actions associated with priority weeds and biosecurity in accordance with the Regional Plan						
Carried out 309 inspections for priority weeds in accordance with the regional plan. No failures were identified, as such no compliance action was required.	Number of priority weed inspections	Q4	Due June 2022	N/A	Manager - Environmental Services	
	Percentage of follow up action commenced in response to failed priority weed inspections	100%	100%	●	Manager - Environmental Services	Land Management has carried out 309 inspections for priority weeds with no failed inspections
2.3.03.11 Support organisational requirements for environmental planning and assessment						
32 environmental referrals were completed from 1 October to 31 December. An additional two fixed term Bushfire relief funded staff have assisted greatly in completing referrals on time. Additional assessments have included review and advice to strategic planning for Warra Road Planning Proposal at Bangalee and Callala Bay Planning Proposal during quarter 2. A feasibility study into Danjera Dam Stewardship Site was completed as well as a Management Plan for Danjera Campground works for Shoalwater.	Number of Environmental Assessments complete	Count	32	●	Manager - Environmental Services	32 internal referrals from the Development Assessment Officers completed in the quarter.



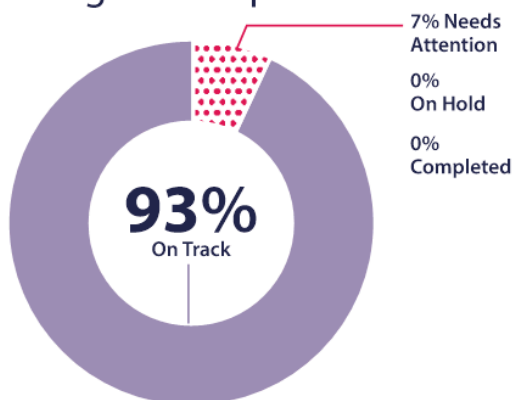
Shoalhaven City Council - Performance Report **October - December 2021**

CL22.96 - Attachment 1



## Prosperous Communities

### Progress Snapshot



### Highlights

- Economic Development Office co-ordinated a series of business training sessions specifically aimed at assisting businesses following the natural disaster setbacks and COVID impacts. 14 sessions were held with 116 participants from 55 different businesses
- Stage 10 Flinders Industrial Estate bulk earthworks progressing with the target of having new lots for sale in the second half of 2022
- \$9,800 was awarded to Chambers and Precincts for marketing activities including \$4,800 for Red Head Villages Association for an Historic Pictorial Book and \$5,000 for Berry Chamber of Commerce towards a Berry Campaign including creation of video and content
- Ulladulla Harbour Berthing Facility design aspects have concluded with two tenders currently open. Tenders should be determined in February 2022 with a 4-8 month construction period
- The Shoalhaven has received the highest proportion of Regional Events funding across Regional NSW, this is a tremendous success and testament to the adaptability of the industry
- 31 events were held on Council owned or managed land throughout the quarter with 21 occurring in December. Given restrictions were in place until November this is an outstanding result

### Our Performance for the last 3 months

↑ **9%** increase  
in 'Our Tourism' newsletter  
subscribers year-on-year

subscribe

↑ **7,373**  
Calls to the Visitor Centre

↑ **4** blocks  
of employment  
land available

↑ **4.3 stars**  
Shoalhaven Visitor  
Centre Rating


















31 Events Held on Council Owned or Managed Land







Ulladulla Harbour Berthing Facility Design Aspects Concluded





Stage 10 Flinders Industrial Estate Bulk Earthworks Progressing




<div> <div>Action Key</div> <div>  Completed            On Track            Behind Schedule            Not Due to Start         </div> <div> <div>KPI Status</div> <div>  Critical            Needs Attention            On Track         </div> </div> </div>							
	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>3.1.01.01 Develop, maintain and/or enhance industry and government networks and relationships</b>						
	Meetings continued on virtual platforms due to COVID For the quarter 76 meetings involved the EDO and other parties. Many were project related working groups involving parties within and outside of Council including representatives from Australian and NSW Governments. Meetings around business development liaison and training were also held.	Number of government and industry meetings attended	150	193		Manager - Economic Development	The Economic Development Office is operating on virtual platforms for all of its business and government liaison. Various classes of meetings held: <ul style="list-style-type: none"> <li>Govt Liaison</li> <li>Business Liaison</li> <li>Business direct</li> <li>Project meetings</li> </ul>
	<b>3.1.01.02 Maintain stocks of employment land in line with Council's employment land strategy</b>						
	Subdivisional works proceeding: <ul style="list-style-type: none"> <li>Woollamia - Stage 5A is 95% complete</li> <li>Flinders - Stage 10 is 30% complete</li> <li>Flinders - Stage 11 is 10% complete</li> <li>AATP - Stage 5 is 40% complete</li> </ul>	Number of blocks of employment land available	6	4		Manager - Economic Development	Demand is strong with little industrial land available in northern Shoalhaven. Three subdivision projects well advanced with release of 143,600 sq m by mid-2022.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	3.1.01.03 Deliver key outcomes in the Economic Development Strategy 2017-26 which focus on transport infrastructure; liveability and lifestyle; labour force capability and future economic vision for a Productive Shoalhaven						
	<p>Additional employment lands being developed by Council.</p> <p>Funding being sought/rolled out for a range of Strategic Infrastructure projects:</p> <ul style="list-style-type: none"> <li>• Ulladulla Berthing Facilities</li> <li>• Ulladulla Harbourside</li> <li>• Ulladulla Boardwalk</li> <li>• Tourism infrastructure</li> <li>• Business precinct redevelopment</li> <li>• Export development</li> <li>• Defence support development</li> </ul> <p>Additionally, business support programs have been instigated, marketed and rolled out to support business during the pandemic.</p>	Develop Stage 10 at Flinders Industrial Estate	30%	35%		Manager - Economic Development	Progress involving bulk earthworks proceeding well. Aiming to have lots for sale in second half of 2022.
		Develop Stage 5 at Albatross Aviation Technology Park	40%	30%		Manager - Economic Development	Bulk earthworks completed, Progressing with utility reticulation. Firefighting water storage and reticulation. Design completed; tender documents being prepared for release in Jan 2022.
		Redevelop Vincentia's Burton Street Mall	80%	15%		Manager - Economic Development	Tender report to Council in October 2021 seeking to negotiate a reduced price with contractor. Issue not resolved.
		Develop a berthing facility within Ulladulla Harbour	40%	25%		Manager - Economic Development	Design aspects concluded. Two tenders are currently open which should be determined in Feb 2022 with 4-8 mth construction period.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>3.1.01.04 Facilitate business training and enhance labour force capabilities in parallel with bushfires and pandemic recovery</b>						
	<p>The EDO coordinated a series of business training sessions specifically aimed at assisting businesses following the natural disaster setbacks and COVID. 14 sessions were held across Oct &amp; Nov covering topics of:</p> <ul style="list-style-type: none"> <li>• Emotional intelligence</li> <li>• Building resilience</li> <li>• Leadership</li> <li>• Creative thinking</li> <li>• Greater customer skills</li> <li>• Social media</li> <li>• HR Essentials</li> </ul> <p>A total of 116 participants attended from across 55 different businesses</p>	Number of business training sessions facilitated	8	14	●	Manager - Economic Development	<p>Aimed at recovering businesses.</p> <ul style="list-style-type: none"> <li>• 14 sessions</li> <li>• 116 attendees</li> <li>• 55 businesses</li> </ul>
➤	<b>3.1.02.01 Investigate, facilitate and develop economic development and infrastructure projects that meet the objectives of relevant federal and state government grants</b>						
	<p>Continual upgrading of Princes Hwy - a range of projects sth of Nowra are being worked up utilising joint State and Federal funding. Separate project teams are working on various components with Council providing technical input.</p> <p>Following opening of additional bridge across Shoalhaven River in 2024, improvements and upgrades to the local road network to accommodate HML PBS trucks will be required as part of the first/last mile improvements required by industry. These issues are highlighted in the I-S Regional Transport Plan</p> <p>Council's employment land developments are related to this work.</p>	Increase in grant funds secured	Q4	Due June 2022	N/A	Manager - Economic Development	
		Number of grant applications submitted	Q4	Due June 2022	N/A	Manager - Economic Development	



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>3.1.03.01 Advocate for strategic Destination Management Planning to effectively manage and drive visitation and tourism expenditure goals for the region</b>						
	The Tourism Destination Management Plan is due to be updated in 2022. The team have worked with industry stakeholders to create an interim recovery plan for the next 12 months. This work was completed in the last quarter of 2021 and will be reported to the Shoalhaven Tourism Advisory Group in early 2022.	Maintain strong relationships with the tourism industry through regular meetings with the Shoalhaven Tourism Advisory Group	2	5		Manager - Tourism	5 meetings held in 2021 to ensure ongoing partnerships with the tourism industry.
➤	<b>3.1.03.02 Deliver effective Destination Marketing to promote the Shoalhaven as a diverse region, drive off-season visitation and encourage visitor dispersal in peak periods</b>						
	With lockdown easing on 1 November, visitors were welcomed back, and the traditional peak summer season was very busy. The 100 Beach Challenge campaign was activated to assist in dispersing visitors across our beaches away from hot spots including specific communications around Hyams Beach. The new Visitor Guide and shoalhaven.com were promoted to upsell experiences to people in region, alongside Conscious Traveller messaging for behavioural shifts. Although research shows a strong total expenditure of \$955 million, industry is still recovering and requires our support with strong autumn and winter campaigns to sustain offseason visitation.	Number of Shoalhaven Tourism Advisory Group endorsed flagship marketing campaigns delivered	2	2		Manager - Tourism	100 Beach Challenge and Visitor Guide promotion and distribution was the focus of marketing during this period alongside Conscious Traveller messaging. Strategies in place were to educate, disperse and upsell visitors during one of the busiest periods of the year.
		Total economic impact of expenditure by all visitors to the Shoalhaven	Q4	Due June 2022	N/A	Manager - Tourism	



Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Increase in total subscribers to the direct marketing consumer database	5%	9%		Manager - Tourism	The visitor email newsletter list is at 10,064 which is an increase of 3% compared to the previous quarter, and 9% year on year. Visitor Guide campaigns and new sign-up forms on the website contribute to this consistent growth.
<div>  <b>3.1.03.03 Deliver an event support program to drive off season visitation to reduce seasonality of tourism employment opportunities</b> </div>						
<p>As restrictions eased from November onwards, the Shoalhaven welcomed three supported events. Due to the uncertainty around travel, many events postponed by 6-12 months.</p> <p>The Event Support Program will reopen in late January and looking ahead the calendar for March–May is filled with a diverse range of events.</p> <p>Over this period, the team assisted with various letters of support and connected organisers with grant opportunities such as the Regional Events Acceleration Fund (REAF).</p> <p>The Shoalhaven has received the highest proportion of Regional Events funding across Regional NSW, this is a tremendous success and testament to the adaptability of the industry.</p>	Maintain or increase number of supported events	9	3		Manager - Tourism	Due to COVID-19 restrictions and uncertainty around travel only three supported events occurred in this quarter. Given event restrictions only eased in November and 0 supported events occurred in Q1, The Team are happy with this result.






Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Increase total return on investment for supported events	5%	0	<span style="color: red;">●</span>	Manager - Tourism	Three events with an ROI of \$5,581,000 were supported. In the same quarter last year, five events with an ROI of \$888,000 went ahead. While less events were supported, the events that went ahead had higher visitor numbers and therefore ROI.
<span style="color: white;">➤</span> 3.1.03.04 Facilitate and support the delivery of community and tourism events striving to achieve engaged, activated and liveable communities						
<p>In the wake of COVID-19 the Team has collaborated with community organisers and business chambers to activate the region in several ways.</p> <p>A partnership between the Shoalhaven Food Network and the Nowra CBD Committee will see a monthly street food market occur as part of the Nowra CBD Action Plan, and the Team were successful with two grant applications which will see the launch of three new community events across the region this fiscal year.</p> <p>Two events will activate public spaces with the aim of engaging and uniting community, and the third is business forum designed to upskill local businesses.</p>	Number of approved events on Council owned or managed land	30	31	<span style="color: green;">●</span>	Manager - Tourism	<p>Given restrictions were in place until November this is an outstanding result and a considerable increase from Q1 where only two events were approved. Out of the 31 events, 21 occurred in December.</p>



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.05 Support local tourism businesses and industry with regular communications and funding for cooperative precinct marketing projects						
	Eight emails were sent to tourism industry to keep them up to date with many opportunities, recruitment for STAG, and changes to travel due to COVID impacts. Bespoke meetings were coordinated with business chamber presidents, tourism experts, and local police were held online to assist with the understanding of compliance for business due to changing COVID regulations. Support, consultation and FAQs were provided for new short-term rental accommodation and Alfresco dining initiatives.	Number of regular email communications to the tourism operator database	6	8	●	Manager - Tourism	Eight emails were sent to the Tourism Operator email list with three being regular monthly emails and the others being bespoke communications sharing changes to the re-opening roadmap and recruitment for STAG members.
	Shared research and insights from the Localis accommodation and mobility dashboard to assist businesses and granted \$9,800 in Precinct Marketing Grants to organisations to assist with projects during the period.	Deliver financial assistance for precinct marketing programs	\$10,000	\$9,800	●	Manager - Tourism	A total of \$9,800 was awarded to Chambers and Precincts for marketing activities: <ul style="list-style-type: none"> <li>• \$4,800 for Red Head Villages Association for an Historic Pictorial Book</li> <li>• \$5,000 for Berry Chamber of Commerce Work from Berry Campaign including creation of video and content</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>3.1.03.06 Provide product development, marketing and trade support to Aboriginal Tourism Operators</b>						
	5 Aboriginal products remain on ATDW. During this quarter several businesses were supported to get marketing ready: one becoming bookable online via rezdy, and another two engaged in development discussions, and others advised and support regarding funding and information. A number of operators were running cultural tours over the summer period, and we continue to facilitate mentoring with NATOC.	Number of additional Australian Tourism Data Warehouse listings for Aboriginal Tourism Operators	Count	1		Manager - Tourism	5 Aboriginal products remain on ATDW. During this quarter several businesses were supported to get marketing ready: and others advised and support regarding funding and information. Many were running cultural tours over the summer period, and we continue to facilitate mentoring with NATOC.
➤	<b>3.1.04.01 Annual review and delivery of a strategic plan for visitors' services including growing ambassadors, delivery of operational visitors centres and mobile tourism services</b>						
	Nowra Visitor Centre is operating from the admin building whilst the Entertainment Centre is undergoing maintenance. Lessening COVID-19 restrictions have enabled mobile pop-up services to return to Huskisson over the holiday period. Telephone, email and live chat inquiries remain constant.	Maintain a high quality of service and achieve Google business reviews equal to or above 4 stars for the Shoalhaven Visitor Centre	4	4.3		Manager - Tourism	During the period Nowra and Ulladulla achieved an average Google rating of 4.3 out of a possible 5 from relevant reviews. This result is acceptable during this unprecedented time. It should be noted that in recent months only 5-star reviews have been received which reflects the customer service levels staff strive to achieve.

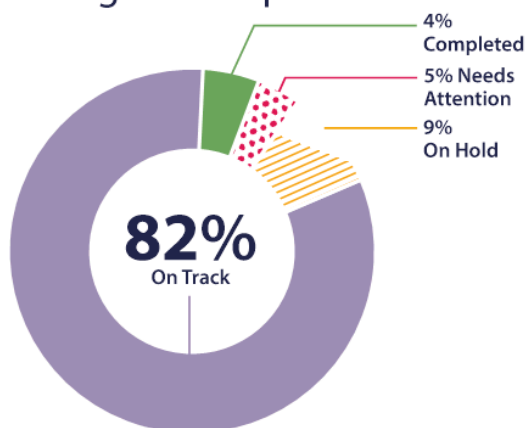
Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Grow the number of tourism ambassador volunteers	5	3		Manager - Tourism	As COVID-19 restrictions were lessened it was decided to slowly reintroduce volunteer services back into our operations. Contacting our established Shoalhaven Ambassadors resulted in 3 volunteers returning to rostered shifts commencing in late November. The decision was made however to postpone the engagement of new volunteers until Visitor Services are back operating in the Entertainment Centre building.
	Maintain Customer Service enquiry numbers at Visitor Centres	14,000	13,908		Manager - Tourism	Due to COVID-19 the number of visitors to the counter has been affected due to centre closures. Telephone inquiries and email inquiries remain constant. The team have seen a noticeable increase in Live Chat inquiries in the recent months.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>3.1.05.01 Maintain Holiday Haven Revenue at record 2020-21 level</b>						
	COVID lockdowns and ongoing community infections have and continue to affect the park revenue.	Holiday Haven Revenue compared to same period in 2020-21	Number	See comment		Manager - Commercial Services	Periods outside of lockdown have seen greater revenue than comparison to prior year. Oct - majority month lockdown resulting in shortfall Nov - \$42k greater than prior year Dec - \$136k greater than prior year
	<b>3.1.05.02 Review each Holiday Haven Park Contractor service level agreement every six months</b>						
	Reviewed monthly.	Six monthly review and performance feedback provided to Contractors	50	50		Manager - Commercial Services	On track meetings held per schedule.
	<b>3.1.06.01 Undertake projects in the Strategic Planning Works Program to activate and strengthen Shoalhaven's CBD's and town centres including progressing the activation of the Shoalhaven River-Front Precinct and the Nowra CBD revitalisation.</b>						
	Work on the Shoalhaven River-Front Precinct is progressing well.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due Dec 2021	N/A	Manager - Strategic Planning	



## Responsible Governance

### Progress Snapshot



### Highlights

- Shoalhaven Water's Reclaimed Water Management Scheme Stage 1B awarded winner in the Local Government NSW - Excellence In The Environment Awards, under the Water Management Category
- Council's community engagement platform Get Involved had 32,300 visits and 988 engaged in a Council project by providing feedback or completing surveys
- Water supply work for Southern Moss Vale Urban Release Areas now complete and ready for developer connection. Wastewater construction now underway for two sewer pumping stations, rising mains and gravity mains. First stage due for completion August 2022 in time for initial subdivisions release
- Increasing registration numbers for the electronic delivery of rate notices up to 21%
- Updated tender for the Far North Collector Road issued in November with a recommendation report planned to go to Council in February 2022
- Coordination of election arrangement with NSWEC and results declared on 23 December 2021. Declaration of Poll report to be considered at Ordinary Meeting on 25 January 2022
- Environmental engagement activities undertaken including on Coastal Management Programs, South East Catchments Bushfire Recovery Action Plan, mail outs on dune health, emergency response actions at Shoalhaven Heads SLSC and Lake Tabourie

### Our Performance for the last 3 months



**20.8%**  
electronic  
delivery of  
rate notices



**92%**  
of IT service desk requests  
completed within SLAs

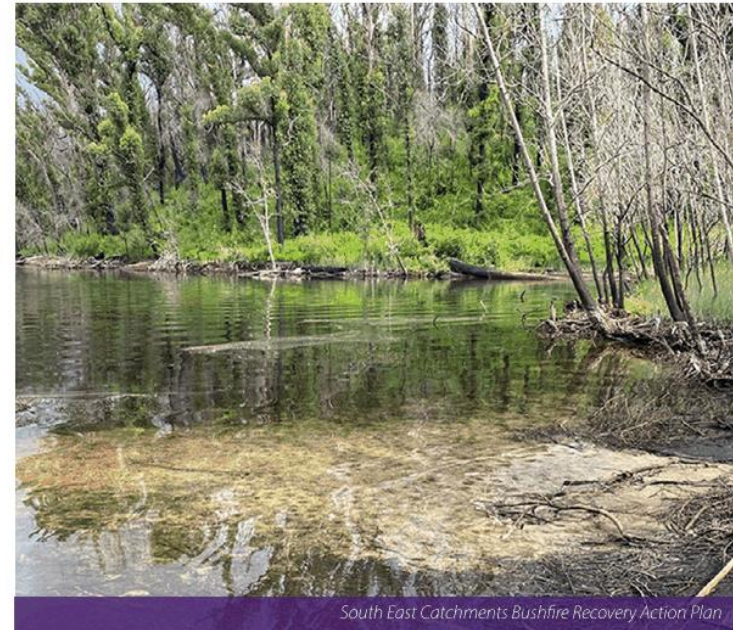












**24,257**  
Facebook followers





**460** register  
registrations on  
Council's Get  
Involved website











Action Key	 Completed	 On Track	 Behind Schedule	 Not Due to Start	KPI Status	 Critical	 Needs Attention	 On Track
	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment	
	4.1.01.01 Provide an excellent customer experience through resolving customer enquiries at first contact							
	The Contact Centre has now expanded operations to include the handling of Ulladulla general enquiries, Shoalhaven Water reactive maintenance and 603 updates for Rates and Water. This has increased call volumes by approximately 350 calls per week. The Contact Centre is continuing to resolve 70% of customer enquiries at first contact. There have been performance improvements in some areas like Water and Rates, however this is offset by a 1570% increase in calls to Holiday Haven which require direct transfer to that business.	Percentage of calls to Contact Centre answered within 30 seconds	90%	60%		Manager - Customer Experience	From September - December 2021, the Contact Centre answered 60% of calls within SLA of 30 seconds. The average call answer time was 44 seconds. The reduced performance this quarter was caused by a 13% increase in call volumes in November and December.	
		Average wait time at the Customer Service Counter	< 5 minutes	1 minute		Manager - Customer Experience	Average wait time at the Customer Service Counter was under 1 min from October - December. The customer numbers visiting the front counter at Nowra were reduced due to the ongoing impact of COVID-19.	





	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.1.01.02 Ensure Council's website provides accurate and actionable customer service information and utilise the digital platform to improve service delivery						
	Council continues to provide accurate and actionable customer service information on its website with planning under way for a self-service request management system to be introduced in Quarter 3 and 4 of this financial year which should improve visibility and customer satisfaction.	Number of customer service digital initiatives implemented	1	2		Chief Information Officer	Held our first Digital Services workshop with Customer Experience and Comms/Marketing with a view to improve: <ul style="list-style-type: none"> <li>Public forms</li> <li>Site structure</li> <li>Digital channels</li> </ul> Also progressed the transition from the legacy Bereavement website to the new OpenCities Content Management System.
>	4.1.01.03 Establish and grow Council's new Contact Centre						
	Council's Contact Centre continues to embed and grow, with additional functions being handed to the Contact Centre, and a focus on cross training the team to improve quality and consistency of customer service. In the period of October - December 2021, the Contact Centre averaged 625 calls per day, an increase of 7% from the last quarter.	New Customer Experience team trained and new phone software operating by August 2021	100%	100%		Manager - Customer Experience	The Contact Centre launched successfully in late July, with the Customer Experience team trained and the new phone system operational.



Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Customer Quality Assurance plan developed by September 2021	100%	25%	●	Manager - Customer Experience	The development of the customer quality assurance plan is in progress but is not completed. The revised date to complete this plan is end June 2022.
	Service levels agreed and calls transitioned to the new Contact Centre by December 2021	50%	50%	●	Manager - Customer Experience	Contact Centre scripting for the agreed scope is complete and will be maintained regularly in business as usual. We will continue to look for other opportunities to transition other Council customer service functions into the Contact Centre to improve our ability to answer customer enquiries at first contact.
<div>➤</div> 4.1.02.01 Coordinate the delivery of a high quality Family Day Care service						
FDC continues to deliver high quality care and education. FDC has adhered to all covid rules and restrictions relating to our industry. All FDC staff and educators have been supported. There have been no issues of non-compliance. There have been no complaints received. SFDC has received several positive feedback reports.	Increase the number of Family Day Care Educators	Q4	Due June 2022	N/A	Manager - Community Connections	


Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Percentage of scheduled Family Day Care inspections undertaken	100%	100%		Manager - Community Connections	Every home safety check has been completed, either face to face or by virtual face time visits (during covid) for 2021 annual checks. All home safety visits were completed within the month they were due.
 4.1.03.01 Maintain cemeteries to meet community standards						
Scheduled maintenance completed for active cemeteries and currently assessing recently assigned historic cemeteries.	Maintain or improve satisfaction levels with services	99%	99%		Manager - Commercial Services	1,981 services delivered in the Qtr.
 4.1.03.02 Maintain and enhance Bereavement industry connections and involvement in policy and legislation development and implementation						
Attendance at all scheduled meetings of CCANSW and CCNSW. Contribution provided to industry position on framework for incoming Interment Industry Scheme and COVID-19 management.	Contribution to Industry Associations and Statutory Authorities through meeting attendance	50%	50%		Manager - Commercial Services	Attendance at all scheduled CCANSW and CCNSW meetings. Contribution to development of Interment Industry Scheme.
 4.1.04.01 Create the annual Capital Works Program which outlines new roads, bridges and drainage infrastructure						
Infrastructure assessments have been carried out throughout the year and the results of these inspections will form the development of the 2022/23 DPOP.	Annual new capital works program for roads, bridges and drainage developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>4.1.04.02 Far-North Collector Road</b>						
	<p>New updated tender for the FNCR including the Moss Vale Road roundabout was issued on 19 November 2021. Due to numerous tenderers requests the closing date has been extended from 16 December 2021 to 18 January 2022 with a view to achieving better value for money as a result. The tender report and recommendation to Council is planned for February 2022.</p> <p>TfNSW has issued the Works Authorisation Deed to Council, and it is currently being reviewed by Council legal department. The Early works are continuing however, the above average rainfall has significantly slowed progress and demobilisation is now due for end of January. The update to the Taylors Lane report is ongoing. Tenders for the Construction Superintendent have been received and are currently being assessed. Project completion remains on track for mid-late 2023.</p>	Present a financial and works program to Council before 31 August 2021	100%	100%		Manager - Technical Services	Council briefing completed June 2021.
	<b>4.1.04.03 East Nowra Sub Arterial Road</b>						
	Project feasibility work completed by Council staff and presented to Councillor Briefing (September 2021) and TfNSW (October 2021). Additional information provided to TfNSW in the past month to assist them with their project development activities.	Present an option report to Council before 31 August 2021, having regard to the latest geotechnical information received	100%	100%		Manager - Technical Services	<p>Council briefing completed 2 September 2021.</p> <p>TfNSW briefed 6 October 2021.</p> <p>Shoalhaven Chamber of Commerce briefed 3 November 2021.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.1.05.01 Provide customer support services and full range of Council functions at Ulladulla Service Centre						
	A restructure has been completed to facilitate ePortal implementation, full range of services maintained.	Percentage of the full range of Council services that can be accessed via the Ulladulla Service Centre	100%	100%	●	Manager - Ulladulla Service Centre	The restructure has been completed with full range of services maintained at Ulladulla Centre being line managed within the Organisational structure.
➤	4.1.06.01 Construct Sewer & Water infrastructure to support Moss Vale Road Urban Release Areas						
	Water supply work for Southern URA now complete and ready for developer connection. Wastewater construction now under way for two sewer pumping stations, rising mains and gravity mains for connection to developer works. First stage due for completion August 22 in time for initial release of subdivisions.	Percentage of annual capital works completed that support Moss Vale Road Urban Release Areas	50%	50%	●	Manager - Water Asset Planning & Development	Lead in water main completed. Design and tenders awarded for wastewater. Remaining water designs well advanced and ahead of program.
➤	4.2.01.01 Manage the organisational corporate planning and reporting needs and continue to provide improvements in business planning and reporting						
	<ul style="list-style-type: none"> <li>July - Sept Q1 Delivery Program Operational Plan Performance report completed and reported to 2 November Ordinary Meeting</li> <li>End of Term Report finalised and uploaded to the website following the elections</li> <li>Annual Report endorsed on 23 November Council meeting alongside the Annual Financial Statements</li> </ul>	Produce the Annual Community Report by November 2021	100%	100%	N/A	Manager - Corporate Performance & Reporting	2020-2021 Annual report endorsed by Council, uploaded to Council's website and advice sent to the Office of Local Government
		Develop new Delivery Program Operational Plan by June 2022	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	


	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.01.02 Support collaboration through Illawarra Shoalhaven Joint Organisation (ISJO) to advance Council and regional strategic objectives						
	<ul style="list-style-type: none"> <li>Preparation for changes to the ISJO Board following local government elections, including development of a new Statement of Strategic Regional priorities within 12 months</li> <li>Joint letter of thanks issued from member Council Mayors to all Illawarra Shoalhaven Local Health District staff for their tireless work during the COVID-19 pandemic</li> <li>Significant contribution to development of the regional Water Sensitive Cities framework and related tools to guide implementation</li> </ul>	Number of partnership initiatives for mutual benefit of ISJO stakeholders	2	2	●	Manager - Corporate Performance & Reporting	Joint submission on DPIE Infrastructure Contributions system. Review of funding methodology of Weeds Management Programs under the South East Weed Action Program.
➤	4.2.02.01 Coordinate Audit, Risk and Improvement Committee functions & responsibilities and deliver the planned internal audits						
	The Audit, Risk and Improvement Committee planned activities as per their Charter and annual work plan has occurred. The internal audit plan is also on track for planned activities.	Audit, Risk and Improvement Committee meetings delivered as per the Charter requirements	2	2	●	Internal Audit Program Coordinator	ARIC meetings have occurred as per the Charter requirements.
➤	4.2.02.02 Provide legal services and support to the organisation including management of the external legal services panel						
	Legal Counsel continues to provide service and support to the organisation. Litigation matters remain high with 7 class 1 appeals being managed in this quarter.	Quarterly reporting to Executive Management Team on use of Panel and Legal issues facing Council	2	0	●	Manager - Business Assurance & Risk	Report has not been provided to EMT on use of legal panel and legal issues. The reporting process is still be developed for this area.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.2.02.03 Increase knowledge and awareness of current legal issues impacting the organisation						
	Legal Counsel continues to distribute updates and notices on legal related issues as provided by Legal Services Panel or other sources. Online seminars have also been available to staff to participate in during COVID-19 restrictions.	Number of legal education sessions delivered for Councillors and Council staff	Count	2		Manager - Business Assurance & Risk	Panel firm, Lindsay Taylor Lawyers offered lunchtime webinars relating to the Companion Animals Act and Biodiversity Conservation Act in November and December respectively. These seminars were attended by members of the development assessment, environment, legal and compliance.
>	4.2.02.04 Provide organisational support for the corporate planning and audit reporting software						
	<ul style="list-style-type: none"> <li>Ongoing quality support provided to the Reporting and Audit software users including training for new users</li> <li>Investigated improvements to the end user dashboard to be implemented in 2022</li> </ul>	Percentage management satisfaction with the planning and reporting tool	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.2.03.01 Implement Council's Branding Guidelines across the organisation						
	Ongoing development and implementation of Council's brand. Council's Graphic Designers have been updating internal and external corporate documents with new Council phone numbers and contact details. Work this quarter has included, onboarding of New Councillors, Council's Annual Report, Quarterly report, City Signage Guidelines, Staff Newsletters, Aboriginal Protocol, CSP, Staff Newsletters and Bushfire Recovery Newsletters as well as others. The Graphics team have also spent more than 80 hours updating content on our website this quarter.	Key templates with corporate branding identified and available for business	Q4	Due June 2022	N/A	Manager - Media & Communications	
>	4.2.03.02 Review and implement Council's Media and Social Media Policy						
	The Executive Management Team endorsed adopting the Office of Local Government's draft social media model finalised policy. Council is awaiting the OLG's public consultation on the draft media policy. Once available the Communications and Media team will prepare a report to the EMT for endorsement. This consultation is still ongoing with OLG.	Deliver Media improvement training for key staff and media spokespeople	Q4	Due June 2022	N/A	Manager - Media & Communications	
>	4.2.04.01 Annual review and update of Council's Workforce Plan to ensure strategies are updated and implemented						
	Development of HR Business Plan in progress. A review of the current workforce plan was completed. An update of the workforce plan to commence in the next quarter.	Updated Workforce Plan completed by June 2022	Q4	Due June 2022	N/A	Manager - People & Culture	





Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of Equal Opportunity Plan initiatives implemented	Count	1	●	Manager - People & Culture	Equal Opportunity Management Plan is awaiting approval.
	Leadership Development Program implemented by June 2022	50%	50%	●	Manager - People & Culture	The Shoalhaven Leadership Team took part in a full day Leadership Program Workshop which was facilitated online.
➤ 4.2.05.01 Implement initiatives identified in the Work Health Safety & Injury Management Strategic Business Plan						
Implementation of the plan continues to track well. Task-specific hazardous manual handling training has commenced with higher risk areas and has been very well received by workers. Safety Audits are on schedule in addition to 11 investigations that have been completed.  The end-of-year Safety Pat on the Back Presentation provided an opportunity to celebrate and acknowledge the 5 individual workers and 14 teams for their outstanding safety achievements.	Number of Strategic WHS Plan initiatives implemented	4	4	●	Chief Safety Officer	The Strategic WHS Plan remains on track with the key focus areas on high-risk items including trailer and plant safety and hazardous manual tasks. Improvement is required to the Safety Management System on the implementation and understanding of requirements for site-specific safe work method statements.
➤ 4.2.05.02 Ensure Safety Performance improvement compared to previous 3 year period						
Action yet to commence.	Percentage improvement in Lost time Injury Frequency Rate	Q4	Due June 2022	N/A	Chief Safety Officer	








	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.05.03 Process application requests for access to public information						
	The majority of Informal Applications are being processed within relevant time frames. The period leading up to the end of the year is usually one of the busiest periods and a casual staff member was engaged to assist with the increased workload to maintain timeliness in delivery of the service.	Percentage of formal GIPA requests met within statutory requirements	Q4	Due June 2022	N/A	Information Officer	
➤	4.2.05.04 Review and update Council's Business Continuity Planning Documents						
	The Business Continuity Planning (BCP) program has been active during the COVID-19 period, with the Continuity Management Team meeting regularly to manage the response. As COVID-19 restrictions ease, the BCP documentation will be reviewed and updated, to be finalised by the end of February 2022.	Staff provided training on revised Business Continuity Plans	50%	0%		Manager - Business Assurance & Risk	Staff training due to occur post February following completion of revised plans.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	4.2.05.05 Support the 2021 Shoalhaven City Council Local Government Elections						
	Election held by NSWEC and results declared on 23 December 2021 - there have been no outstanding issues or matters requiring action of the Council notified. Declaration of Poll report to be considered at Ordinary Meeting on 25 January 2022.	Elections delivered as required by NSW Election Commissions	75%	100%		Manager - Business Assurance & Risk	<p>Election finalised and Mayor and New Councillors announced. Have established onboarding calendar with both in person and teams' capability for the sessions.</p> <p><b>Mayor:</b> Amanda Findley</p> <p><b>Ward 1:</b></p> <ul style="list-style-type: none"> <li>• John Wells</li> <li>• Tonia Gray</li> <li>• Matthew Norris</li> <li>• Serena Copley</li> </ul> <p><b>Ward 2:</b></p> <ul style="list-style-type: none"> <li>• Greg Watson</li> <li>• Evan Christen</li> <li>• John Kotlash</li> <li>• Paul Ell</li> </ul> <p><b>Ward 3:</b></p> <ul style="list-style-type: none"> <li>• Mark Kitchener</li> <li>• Moo D'A'th</li> <li>• Liza Butler</li> <li>• Patricia White</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.05.06 Review and Implement Risk Management Framework						
	<p>The supporting ERM framework documents have been presented to both EMT and ARIC on the 9th and 22nd of November 2021.</p> <p>1.ERM framework document 2.Risk Assessment procedure 3.Risk Register overview was provided</p> <p>The Risk Appetite Statement workshop was held on the 1st and 2nd of December with managers and EMT. The final statement will be presented to EMT and at the next ARIC meeting for endorsement.</p> <p>The Risk Management Policy was finalised in at the Strategy and Assets meeting on the 14 September 2021.</p>	Risk Register reported to Executive Management Team and Audit Committee	2	2	●	Manager - Business Assurance & Risk	<p>Risk Register reported to EMT on the 9 November 2021. Presented to ARIC on 21 November 2021. Meetings held with individual Directors in December and January to review their operational risk registers.</p> <p>Risk register previously reported in August in 2021 to ARIC and EMT.</p>
➤	4.2.05.07 Manage Workers Compensation Self-Insurers Licence						
	The actuary assessment was completed 15 July 2021. The wage declaration was submitted on the 30 August 2021. The self-insurance case management audit was completed across the 24 and 25 November. The successful audit was submitted to SIRA on the 17 December 2021.	Achieve SIRA Auditing requirements for Workers Compensation Insurers Licencees	Q4	Due June 2022	N/A	Manager - Business Assurance & Risk	
➤	4.2.05.08 Provide effective, proactive and strategic support to the organisation for Human Resources						
	A system for tracking all HR matters by Directorate was established giving HR staff an oversight of all work being undertaken within the organisation. Monthly turnover reports have been developed by Directorate in order for the HR business partners to work with the relevant managers to address any concerns.	Number of workplace change initiatives implemented	Count	2	●	Manager - People & Culture	The Water Business Services workplace change was presented to the Consultative Committee in October and the Pay Office workplace change in December.





Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Recruitment and onboarding process reviewed and updated by June 2022	50%	35%		Manager - People & Culture	The system module for the onboarding process has been purchased and customisation and implementation has commenced with an initial focus on the offboarding process.
	Develop the talent attraction strategy by June 2022	50%	50%		Manager - People & Culture	In addition to the analysis of the 2021 staff survey results, a review of the exit data has commenced with a view to identify trends to assist with recommendations for change.
 4.2.06.01 Provide spatial services including Council's cadastre and land information maintenance, online GIS, mapping systems integration, road and place naming and property addressing						
The GIS unit continues to provide timely update of cadastral layers and allocation of street numbering and road naming.	Percentage of Addressing and Road Naming applications processed within 7 days	100%	100%		Chief Information Officer	The statistics indicates that in Dec 2021 96.9% of the Property Addressing application have been processed in less than 7 days. Only 3.1% of requests have taken more than 7 days to be processed. No road naming application received within this period.

Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Percentage of registered plans processed within 2 days of Land Registry Services notification	100%	100%		Chief Information Officer	Plans are generally registered in Council's cadastre and TechOne same day - 27 x plans registered for the month of December.
 4.2.06.02 Maintain and improve Council's corporate business systems to ensure legislative compliance, effective operation and security						
Continuing to develop and support Council's corporate systems as well as renewing any software licensing within appropriate time frames.	Council software licence compliance maintained	100%	100%		Chief Information Officer	All licensing Information Services manages has been renewed. No compliance breaches.
 4.2.06.03 Provide effective, secure and efficient record keeping frameworks and services to meet strategic, legislative and operational requirements of the organisation						
Council continues to meet its record keeping obligations in an increasingly challenging environment. Information integration is being developed to ensure enterprise information access is timely and accurate.	Percentage of strategic Information Management Service Review recommendations implemented	25%	24%		Chief Information Officer	The Service Review recommendations have yet to be officially presented to EMT. Nevertheless, a number of review recommendations have been implemented including - Number of Runs, draft strategic documents creation & Council Inbox management solution pursued.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.06.04 Provide efficient and secure Information Technology Support Services and Systems						
	Efficient and secure IT systems continue to be provided allowing staff to continue to work successfully and safely from home during COVID.	Critical Systems Up Time	100%	100%	●	Chief Information Officer	No significant outages or downtime occurred to critical systems or infrastructure.
		Percentage of service desk requests completed within service level agreements	80%	92%	●	Chief Information Officer	Completed service desk requests within SLA remain consistent in comparison to previous quarters.
⏸	4.2.06.05 Commence planning for consolidation of Council's name and address register						
	Currently on hold pending the identification of name and address data sources and implementation of TechOne/OneCouncil Request Management.	Strategic direction adopted and implementation strategy endorsed by June 2022	50%	0%	●	Chief Information Officer	Further work required to identify sources or name and address data as well as approach/solution for consolidation.
➤	4.2.07.01 Continue to improve operating efficiencies in Revenue Unit						
	We are continuing to see increasing registration numbers for the electronic delivery of rate notices. 20.8% of our rate notices are now being delivered electronically.	Percentage of electronic rate notice distribution	17%	21%	●	Manager - Revenue	We are continuing to see increasing registration numbers for the electronic delivery of rate notices. 20.8% of our rate notices are now being delivered electronically.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.07.02 Manage Council's liquidity						
	The balance outstanding represents 47.9% of the 2021/22 Rates and Charges levied. This is a good result considering that 50% of the Rates and Charges are not yet due for payment.	Rates and annual charges outstanding	Q4	Due June 2022	N/A	Manager - Revenue	
➤	4.2.07.03 Continue to improve operating efficiencies in Payroll Unit						
	The Pay Office workplace change was presented to the Consultative Committee in December 2021. The new structure was created to increase efficiencies and the customer experience.	Number of timesheet employees transitioned to electronic time and attendance system	Q4	Due June 2022	N/A	Manager - People & Culture	
➤	4.2.07.04 Manage Council's Investment Portfolio to maximise returns with due consideration for risk, liquidity and security						
	The overall portfolio returned a positive 2.31% p.a. for the month of December 2021, dominated by a 1.26% absolute gain from the growth fund.	Investment portfolio performance above AusBond Bank Bill Index	Count	1.06	●	Chief Financial Officer	The investment returns excluding growth fund were a stable 1.11% p.a. exceeding the benchmark Ausbond Bank Bill Index (+0.04%) by +106bp.
➤	4.2.07.05 Ensure procurement probity controls are in place and non-compliance is regularly reported to the Executive Management Team						
	Purchase requisitions are reviewed by the Procurement Unit for compliance with the adopted procurement procedures. Requisitions identified that do not meet Council's adopted compliance requirements are investigated by Procurement. The level of non-compliance and results of investigations are reported to the Executive Management Team for action.	Quarterly Non-compliance report provided to the Executive Management Team	2	2	●	Chief Financial Officer	There has been some delay in the reporting frequency due to long-term leave of Procurement Manager and further development of data compilation process.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	4.2.07.06 Comply with the engagement timetable for the 2020/21 financial statements						
	<p>Auditor General of NSW have audited the general-purpose financial statements (GPFS) and Special Purpose Financial Statements (SPFS) of the Shoalhaven City Council (the Council) for the year ended 30 June 2021 as required by section 415 of the Local Government Act 1993 (the Act).</p> <p>Auditor General of NSW expressed an unmodified opinion on the Council's GPFS and SPFS.</p> <p>Auditor General NSW have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Shoalhaven City Council (the Council) for the year ending 30 June 2021.</p> <p>The Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting – update number 28 (LG Code) and is in accordance with the books and records of the Council.</p>	Annual audited statement adopted without qualified comments by October 2021	100%	100%		Chief Financial Officer	Unmodified audit opinion by 30 November 2021.
	4.2.07.07 Approval of 2021-22 Budget assumptions by Council						
	2022-23 Budget Assumptions will be reported to Council in February 2022.	2021-22 Budget assumptions approved by 31 December 2021	100%	0%		Chief Financial Officer	Not able to complete this action by 31 December due to the newly elected Council. The assumptions for the 2022/23 Budget will be reported to Council in February 2022.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.2.07.08 Continue OneCouncil business improvement initiatives to achieve efficiencies and improve levels of service provided by Finance Department						
	Management continues implementing OneCouncil system and enhancing its reporting capabilities. Sourcing and Contracts module are two modules that will be implemented this financial year by Finance Department.	Number of improvement initiatives implemented	Count	0	●	Chief Financial Officer	
II	4.2.07.09 Improve integration of Council's resourcing strategies with the Long Term Financial Plan to provide more accurate long term forecasting						
	This will occur during the formulation of the 2022/23 Budget and LTFP.	Updated Long Term Financial Plan endorsed by 30 June 2022	Q4	Due June 2022	N/A	Chief Financial Officer	
I	4.2.08.01 Provide Corporate Systems transformation through the implementation of TechnologyOne's OneCouncil system						
	Project Q continues and is on track to deliver Phase 4 staged modules between now and mid 2022 including Development Applications live in March 2022.	Phase 4 - Regulatory DA Management - System live by November 2021	50%	45%	●	Chief Information Officer	Testing in Round 3 uncovered further changes to process and the need for an internal round of Testing before a final Round 4 of Testing January. Training still planned for February completion and Go live in March.
		Reporting, Dashboarding and Data Strategy established across OneCouncil System by Feb 2022	35%	35%	●	Chief Information Officer	Dashboards for DA Management are planned for release in March 2022, along with Request Management Dashboards in June 2022

Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Phase 4 - CRM, System Live by May 2022	50%	45%	●	Chief Information Officer	Technical Training has been complete. Slower progress on process documentation across the Business due to competing requirements at end of year.
	WorxOnline Implementation Complete by June 2022	50%	45%	●	Chief Information Officer	New enhancements are live. Swim, Sport and Fitness Precincts and Park crews now planned for February 2022. Roads have not committed to moving to WorxOnline and have provided no requirements yet.
➤ 4.2.09.01 Deliver mechanical services to the organisation						
Scheduled and reactive maintenance performed for Council and RFS assets.	Deliver plant and vehicles in accordance with the approved Replacement Program	40%	40%	●	Manager - Commercial Services	Vehicles and plant ordered; completion of annual delivery program may be at risk due to COVID global supply chain delays.
	Scheduled maintenance of plant and vehicles including Rural Fire Service Fleet	50%	50%	●	Manager - Commercial Services	Council vehicles services completed as scheduled. RFS Winter services completed.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.10.01 Identify a number of potential future tenants for Council's properties to improve the timely letting of Council's properties						
	<p>Building Services maintain a list of interested parties who have enquired about occupying Council properties. This list is adjusted when EOI's for leasing occurs e.g. 100 St Vincent Street and 177 Illaroo Road North Nowra.</p> <p>Integrity Real Estate are currently marketing two Council properties for lease. Any interested parties are referred to Council for consideration, in case there are other suitable properties within the portfolio.</p> <p>Demand for leasing in the current market is being impacted due to the effects of COVID within the community.</p>	Vacancy rate (across all categories) of Council tenanted buildings	5%	2.3%	●	Manager - Building Services	<p>Premises currently vacant and suitable for lease include:</p> <ul style="list-style-type: none"> <li>•100 St Vincent Street, Ulladulla; EOI for lease completed, Council approval required at next meeting</li> <li>•1/3 Stewart Place, Nowra. Approval is currently being requested for a short-term lease from mid-Jan 2022</li> <li>•37/43 Kinghorne Street, Nowra. Premises vacated 30 Nov 2021</li> </ul> <p>Premises are being marketed for lease however market is slow.</p> <p>Premises vacant and not suitable for lease include:</p> <ul style="list-style-type: none"> <li>•16 Berry Street, Nowra; Extensive remediation works required due to the presence of hazardous materials</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
II	4.2.10.02 Update the Shoalhaven City Council Property Strategy						
	It is intended to pursue a new Property Strategy, that takes a different strategic approach and direction to the previous 2016/2017 Property Strategy. Early works is continuing ahead of internal dialogue and discussion with Council.	Property Strategy reviewed and updated by June 2022	50%	10%	<span style="color: red;">●</span>	Strategic Property Manger	Preliminary work started to review the 2016/2017 Property Strategy. Has been determined that a new Strategy that takes a different approach and direction would be preferable, rather than a review. This requires internal dialogue and then discussion with the new Council. Has also been impacted by competing priorities and staffing changes.
>	4.2.11.01 Ensure water is affordable for our customers						
	After the \$0.05/kL increase in water usage charge and a \$2.00 per annum increase in water availability charges that came into effect on 01 July 2021, our water charges are expected to remain one of the most affordable in the nation. The National Performance Report for 2020-21 will be published in March 2022, after which a Report will be presented to Council on Shoalhaven's ranking for water affordability.	Maintain ranking in the top 10% of the most affordable water price in utility category	Q4	Due June 2022	N/A	Manager - Water Business Services	



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.2.11.02 Undertake regulatory and business performance reporting and report results annually to Council						
	Auditor engaged to complete Best Practice Management Guidelines compliance audit. Audit is scheduled to commence at the end of January 2022, anticipated completion end of February 2022. Audit of the overhead allocation was completed late December 2021.	Provide data for the annual Water Industry National Performance Report and report results to Council	100%	100%	●	Manager - Water Business Services	All Performance report data submitted as required.
		Participate in the annual Best Practice Management for Water Supply and Sewerage Systems Audit and report results to Council	Q4	Due June 2022	N/A	Manager - Water Business Services	
!	4.2.12.01 Improve Shoalhaven Water's levels of service for Development & Regulatory function						
	Development and Regulatory Levels of Service have improved over the previous quarter due to staff recruitment, training and process improvements. Still experiencing high demand with development referrals and COVID continues to impact consistent staffing levels.	Percentage of Development Application and subdivision referrals completed within 21 days	80%	70%	●	Manager - Water Asset Planning & Development	Year to date stats have seen significant improvement with backlog reducing to manageable levels.
		Percentage of all approved Tradewaste discharge locations inspected	45%	32%	●	Manager - Water Asset Planning & Development	COVID restrictions and shutdowns are still impacting on inspection programs.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
II	4.2.12.02 Implement initiatives to reduce the number of dry weather sewage overflow events						
	Product delivery delays due to COVID, has created an equipment shortage for the IOT float alarms. Investigations are currently underway to source alternative parts.	Percentage of sewer relining program completed	50%	10%	<span style="color: red;">●</span>	Manager - Water Operations & Maintenance	Prioritisation underway and project handed over to Capital Program team to progress to tender.
		Number of monitoring sensors installed and monitored using "Internet of Things" technology	50	40	<span style="color: green;">●</span>	Manager - Water Operations & Maintenance	Product delivery delays due to COVID, has created an equipment shortage for the IOT float alarms. Investigations are currently underway to source alternative parts.
>	4.2.12.03 Provide potable water supply in accordance with Australian Drinking Water Guidelines						
	Council continues to provide water to quality compliant with Australian Drinking Water Guidelines.	Number of E-Coli incidents encountered through testing program	Count	0	<span style="color: green;">●</span>	Manager - Water Asset Planning & Development	No E-coli incidents reported.
>	4.2.13.01 Investigate asset resilience and security of water supply opportunities						
	Concept option report completed for North/South Transfer Pipeline. Funding opportunities being investigated through Safe & Secure Program.	Options Report completed and Concept adopted for improved transfer of water from Northern to Southern Shoalhaven	50%	50%	<span style="color: green;">●</span>	Manager - Water Asset Planning & Development	Options report now completed and accepted.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.3.01.01 Provide opportunities to connect with Council's civic events, major projects, key policies and future direction						
	Number of projects with engagement activities delivered: 19 Get Involved Engagement Platform Summary: <ul style="list-style-type: none"> <li>• Total Get Involved page visitors: 32.3K</li> <li>• Total engaged visitors: 988</li> </ul>	Provide face to face opportunities for the community to connect	Count	3	●	Manager - Media & Communications	COVID-19 restrictions impacted this period in providing face to face opportunities and therefore all events were provided virtually. Face to face opportunities has been limited this quarter because of Council elections and the caretaker period.
		Increase number of registrations on Council's Get Involved Platform	Count	460	●	Manager - Media & Communications	Note: this is not indicative of engaged visitors as many participants are not required to register. Also, only one measure - participants can be engaged in a wide variety of ways.



	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.3.02.01 Provide opportunities for the community to engage with Council consultations, projects and information						
	Council's community engagement platform Get Involved published 17 consultations/projects during the October to December 2021 quarter. During this period 32,300 people visited the site and 988 engaged in a Council project by providing feedback/completing surveys.	Increase the publication of positive media releases through media outlets	5	47	●	Manager - Media & Communications	During the period 47 media releases published resulting in 380 external news articles. The team have been promoting positive Council new stories with video content improving our media reach.
		Increase the engagement of Council's digital communications platforms	Count	See comment	●	Manager - Media & Communications	The period saw an increase in followers and engagement across all 4 targeted social media platforms. Facebook engagement grew with 24,257, with 1,400 new followers, Instagram grew by 210 to 3,512 followers, Twitter increased by 125 followers with a total of 3,512, LinkedIn grew by 389 followers to 3,587 in the period. Council weekly e-newsletter increased its subscription level of 4,098 during the period with an average 39 per cent click through rate to find out more in the newsletter. Total reach grew by 4,415 to 36,606.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.3.03.01 Engage with the community about maintaining and enhancing the natural environment						
	<p>Coastal Management Program (CMP) Advisory Committees exist for the following:</p> <ul style="list-style-type: none"> <li>• Lake Conjola CMP</li> <li>• Open Coast &amp; Jervis Bay CMP</li> <li>• Lower Shoalhaven River CMP</li> <li>• St. Georges Basin and Sussex Inlet, Swan Lake and Berrara Creek</li> </ul> <p>Floodplain Risk Management Committees also exist for Northern Central and Southern.</p> <p>Shoalhaven Heads Estuary Taskforce (SHET).</p> <p>Community engagement occurs on a daily basis in response to community concerns and to provide education to reduce environmental harm.</p>	Number of community engagement activities conducted	Count	10		Manager - Environmental Services	Activities included Coastal Management Programs, South East Catchments Bushfire Recovery Action Plan, mail outs on dune health, emergency response actions at Shoalheads SLSC, Lake Tabourie, and licence granting and grant applications for Shoalhaven Heads and Lake Conjola, advisory committees and Floodplain Risk Management Committee meetings.
>	4.3.04.01 Inform and consult with the community in accordance with the community consultation policy for development applications						
	All Development Applications (DAs) and Modification Applications (Mods) are notified in accordance with the Community Consultation Policy and legislative requirements. Additionally, all applications are uploaded onto the DA tracking website.	Compliance with consultation policy for all development applications	100%	100%		Manager - Development Services	Development Applications and Modification Applications are notified in accordance with the Community Consultation Policy and legislation requirements. Furthermore, all applications are uploaded onto the DA tracking website.

	Action Comment	Reporting Measure	Target / Timeframe	Q2 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.3.04.02 Inform and consult with the community about strategic planning in accordance with legislative requirements						
	3 formal exhibitions during the quarter - Housekeeping PP, Coastal PP, Coastal DCP	Number of formal exhibitions or consultations	Count	3	●	Manager - Strategic Planning	Three formal exhibitions during the period - Housekeeping PP, Coastal PP and Coastal DCP.



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# Quarterly Budget Review

31 December 2021





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## Quarterly Review Headlines

### General Fund

Council adopted a balanced budget, September QR adjustments decreased unrestricted cash by \$50K (unfavourable) and the December QR adjustments will decrease it further by \$163K to \$213K (unfavourable). Savings are required to be identified in future quarterly reviews to fund this deficit.

General Fund is forecasting an operating result deficit excluding capital grants and contributions of \$8.8M in December.

Operating Revenue (excluding capital grants and contributions) has increased by \$6.5M (favourable); and December QR budget adjustments have increased Operating Expenses by \$14.6M (unfavourable) this quarter.

Capital Revenue has decreased by \$7.9M due to timing of capital grants. Capital Expenditures have decreased by \$66M, with the majority of the balance being carried forward into the 2022/23 financial year. The carry forward projects include Mundamia Urban Release Area - \$5.7M, Materials Recovery Facility - \$12M, Bioelektra \$9M, SCARP – \$14.3M. There is sufficient budget remaining in this financial to deliver planned works.

### Water Fund

Water Fund is forecasting a deficit before capital grants and contributions of \$1M, an improvement from the current adopted budget deficit by \$143K.

Operating Revenue has increased by \$177K (favourable); and Operating Expenses have increased by \$33K (unfavourable) this quarter.

Capital Revenue forecast has increased by \$992K, Capital Expenditure forecast has decreased by \$690K.

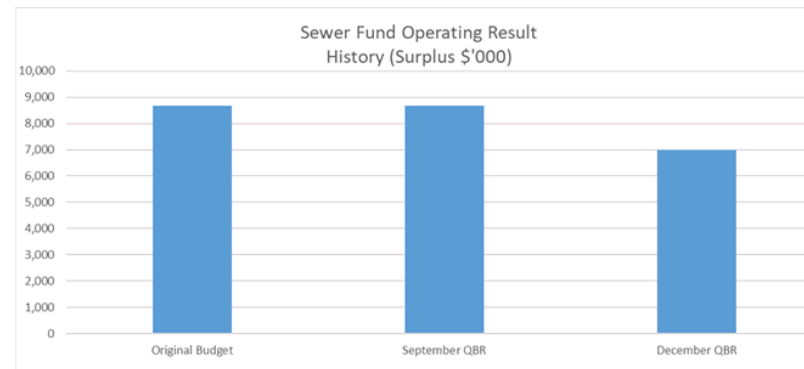
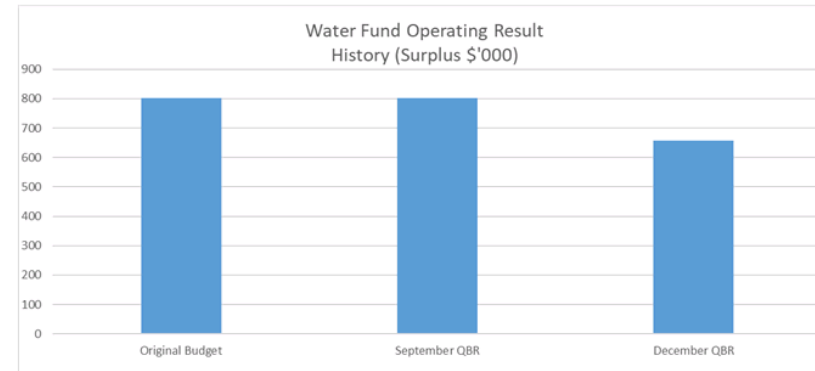
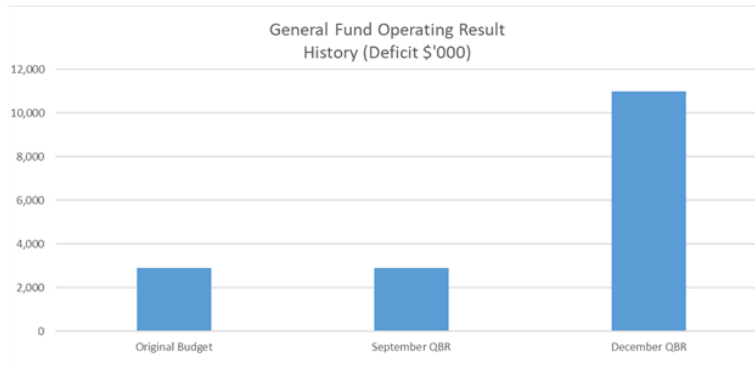
### Sewer Fund

Sewer Fund is forecasting a surplus before capital grants and contributions of \$7M, a decrease in surplus of \$1.7M (unfavourable) from the current adopted budget.

Operating Revenue has increased by \$921K (favourable); and Operating Expenses increased by \$2.6M (unfavourable) this quarter.

Capital Revenue forecast increased by \$300K; Capital Expenditures have decreased by \$25K.

The following charts show the forecast movement of net operating results excluding capital grants and contributions from the original budget over the second quarter of the financial year by Fund.



## Summary of Movements and Projected Budget by Council Funds

### General Fund

#### Financial Position Overview

The Shoalhaven City Council General Fund Financial Position is presented in the table below.

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	108,669	108,681	(13)	110,181	110,281	2	110,283	99%
User Charges and Fees	23,458	27,664	(4,206)	56,494	56,838	40	56,878	41%
Interest and Investment Revenue	1,275	855	421	3,358	3,358	100	3,458	38%
Other Revenues	1,916	1,820	96	3,885	3,937	149	4,086	49%
Internal Revenue	25,778	26,143	(364)	55,262	55,793	1,131	56,924	46%
Grants and Contributions provided for Operating Purposes	9,277	8,721	556	20,702	28,473	5,118	33,592	33%
Grants and Contributions provided for Capital Purposes	18,067	16,274	1,793	58,464	96,533	(7,932)	88,601	19%
<b>Total Income</b>	<b>188,441</b>	<b>190,158</b>	<b>(1,717)</b>	<b>308,346</b>	<b>355,213</b>	<b>(1,392)</b>	<b>353,821</b>	<b>53%</b>
Employee Benefits and On-Costs	39,847	38,560	(1,287)	74,052	79,327	1,472	80,798	50%
Borrowing Costs	1,075	1,029	(46)	1,974	1,974	105	2,079	54%
Materials and Services	35,260	34,012	(1,248)	68,091	72,737	9,552	82,289	48%
Depreciation and Amortisation	24,799	22,517	(2,282)	45,034	45,034	3,081	48,115	55%
Other Expenses	6,560	7,715	1,155	15,520	15,792	20	15,812	42%
Internal Expenses	21,779	21,180	(599)	46,547	44,525	401	44,926	49%
<b>Total Expenses</b>	<b>129,320</b>	<b>125,013</b>	<b>(4,307)</b>	<b>251,218</b>	<b>259,389</b>	<b>14,631</b>	<b>274,020</b>	<b>50%</b>

<b>Net Operating Results</b>	<b>59,121</b>	<b>65,146</b>	<b>(6,024)</b>	<b>57,129</b>	<b>95,825</b>	<b>(16,023)</b>	<b>79,802</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>41,054</b>	<b>48,871</b>	<b>(7,817)</b>	<b>(1,335)</b>	<b>(709)</b>	<b>(8,091)</b>	<b>(8,799)</b>	

<b>Other Cash Adjustments</b>								
Capital Expenditure	(43,479)	(63,701)	20,222	(199,267)	(266,971)	66,228	(200,743)	16%
New Borrowings	2,556	2,610	(54)	32,714	41,078	(14)	41,065	6%
Loan Principal Repayments	(5,451)	(5,164)	(287)	(10,375)	(10,375)	(491)	(10,867)	53%
Disposal of Assets	3,007	1,131	1,876	5,296	6,636	0	6,636	45%
Depreciation Adjustment	24,799	22,517	2,282	45,034	45,034	3,081	48,115	55%
Debtor / Credit Movement	(54,570)	(55,090)	521	0	0	0	0	0
<b>Net Cash Movement</b>	<b>(14,016)</b>	<b>(32,552)</b>	<b>18,536</b>	<b>(69,470)</b>	<b>(88,773)</b>	<b>52,781</b>	<b>(35,992)</b>	
<b>Reserve Movements</b>								
Transfers from Reserves	67,128	93,597	(26,469)	267,579	333,561	(55,818)	277,743	20%
Transfers to Reserves	(69,677)	(74,060)	4,384	(198,109)	(252,426)	2,874	(249,552)	28%
<b>Net Transfers from Reserves</b>	<b>(2,548)</b>	<b>19,537</b>	<b>(22,085)</b>	<b>69,470</b>	<b>81,135</b>	<b>(52,944)</b>	<b>28,191</b>	
General Fund carried forward from previous year			0		7,588		7,588	0%
<b>General Fund Net Cash Movement</b>	<b>(16,564)</b>	<b>(13,014)</b>	<b>(3,550)</b>	<b>0</b>	<b>(50)</b>	<b>(163)</b>	<b>(213)</b>	

The net operating result before capital revenue is \$7.8M lower (unfavourable) than the year-to-date adopted budget of \$48.9M at the December Quarterly Review.

## Current Operating Revenue Position and Budget Adjustments

A table below summarises the key movements by revenue category.

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	108,669	108,681	(13)	110,181	110,281	2	110,283	99%
User Charges and Fees	23,458	27,664	(4,206)	56,494	56,838	40	56,878	41%
Interest and Investment Revenue	1,275	855	421	3,358	3,358	100	3,458	38%
Other Revenues	1,916	1,820	96	3,885	3,937	149	4,086	49%
Internal Revenue	25,778	26,143	(364)	55,262	55,793	1,131	56,924	46%
Grants and Contributions provided for Operating Purposes	9,277	8,721	556	20,702	28,473	5,118	33,592	33%
<b>Total Operating Income</b>	<b>170,374</b>	<b>173,884</b>	<b>(3,510)</b>	<b>249,883</b>	<b>258,680</b>	<b>6,540</b>	<b>265,220</b>	<b>66%</b>

As at 31 December 2021, General Fund operating revenue (excluding capital revenue) has achieved 66% of the adopted budget, excluding rates and annual charges 41%.

Comments on major year to date variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	(13)	+101K additional domestic waste charges -116K pensioner subsidy for ordinary rates
User Charges and Fees	(4,206)	+799K increase waste depot activity - 3.3M reduced tourist park income due to COVID closures -715K reduced swim, sport and fitness income due to COVID closures -618K reduced Shoalhaven Entertainment Centre income due to COVID closures -239K reduced bereavement income due to COVID closures -133K Family Day Care income lower than budget due to reduced patronage
Interest and Investment Revenue	421	+846K favourable movement in long-term growth fund -425K reduction in investment received for term deposits and floating rate notes



Category	Variance (\$'000)	Comment
Other Revenues	96	+175K financial services income higher than budget +137K domestic recycling waste income exceeded budget +35K tourism marketing income higher than budget -252K rangers and building compliances fine income received less than budget
Internal Revenue	(364)	+384K Fleet Operations additional internal plant and Motor Vehicle charges received +224 Building Services additional Internal Income Cleaning received +177 Holiday Haven additional caravan lease charges received +77K funding from Water to fund new position in HR Restructure +75K increase in internal charges for workers compensation +32K Shoalhaven Entertainment Centre catering -1M waste depot internal fees between West Nowra and other depots -146K Mechanical Services (Mechanical Workshop) change in the method of job costing -100K timing of contract internal invoicing roads unit -83K Holiday Haven internal fee charge
Grants and Contributions provided for Operating Purposes	556	+320K library grant received +112K March 2021 Storm Event disaster recovery funding received higher than budget +87K EPA funding received higher than budget +83K Create NSW COVID Relief funding received +41K flood mitigation funding received +38K tourism marketing income received -60K RFS contribution lower than original budget -55K Family Day Care income lower than budget due to reduced patronage

The December Quarterly Budget Review recommends an increase in operating revenue of \$6.5M.

Proposed budget adjustments are summarised in the table below:

Category	Amount (\$'000)	Reason
Rates & Annual Charges	2	Recognised additional storm water rate income
User Charges and Fees	40	+34K to recognise electricity fees received for advertising signs +33K proponent funding received for planning projects +31K to recognise COVID subsidy received at the Shoalhaven Entertainment Centre +23K additional leaseback income expected to be received -90K reduction in family day care fees
Interest and Investment Revenue	100	Recognised part of long term investment return
Other Revenues	149	+163K recognise financial services income not in original budget +33K recognise Disaster Recovery funds received -46K reduce Strategic Planning income that won't be received
Internal Revenue	1,131	+600K additional plant hire to offset increase in fuel costs +462 consolidation of building management employee costs charged to other areas of Council +218 additional contributions from Shoalhaven Water to fund positions in customer experience and human resources +150K additional monthly charges for workers compensation +44 payments to be received from Revolving Energy Fund (REFund) Projects +10K internal training course to be charged back to areas with attendees -291K correction in cost recovery for staff now recovering through job costing -61K reduction in rental income
Grants and Contributions provided for Operating Purposes	5,118	+5M to recognise Transport for NSW funding received +143K coastal and flood plain grants received +87K to recognise EPA funding received +83K to recognise Create NSW COVID funding received +46K to recognise higher than expected Library grant income -284K adjust RFS funding according the allocation from NSW RFS

## Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	39,847	38,560	(1,287)	74,052	79,327	1,472	80,798	50%
Borrowing Costs	1,075	1,029	(46)	1,974	1,974	105	2,079	54%
Materials and Contracts	35,260	34,012	(1,248)	68,091	72,737	9,552	82,289	48%
Depreciation and Amortisation	24,799	22,517	(2,282)	45,034	45,034	3,081	48,115	55%
Other Expenses	6,560	7,715	1,155	15,520	15,792	20	15,812	42%
Internal Expenses	21,779	21,180	(599)	46,547	44,525	401	44,926	49%
<b>Total Expenses</b>	<b>129,320</b>	<b>125,013</b>	<b>(4,307)</b>	<b>251,218</b>	<b>259,389</b>	<b>14,631</b>	<b>274,020</b>	<b>50%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Employee Benefits and On-Costs	(1,287)	<ul style="list-style-type: none"> <li>-300K parks spend is higher than budget over peak period due to increasing service levels and weather impacts</li> <li>-398K roads and transport spend due to increased activity</li> <li>-172K corporate support costs above budget offset by increased revenue</li> <li>-161K COVID staff redeployment costs</li> <li>-151K tree management costs due to risk mitigation</li> <li>-104K Environmental regulation salaries higher than budget, partially grant funded</li> </ul>
Borrowing Costs	(46)	Shortfall due to additional successful Low Cost Loan Initiative loans and higher interest rate than budgeted for new loans
Materials and Services	(1,248)	<ul style="list-style-type: none"> <li>+1M timing and reduction of park manager payments due to COVID</li> <li>+236K timing of waste contract payments</li> <li>-753K parks maintenance due to increased activity</li> <li>-586K S7.11 COVID-19 contributions discount provided</li> <li>-458K additional fuel costs for Council's plant and vehicles</li> <li>-405K roads maintenance due to increased activity</li> <li>-264K tree management program is ahead of schedule</li> <li>-106K IT projects expenditure, budget to be transferred from capital expenditure</li> </ul>
Depreciation and Amortisation	(2,282)	Additional depreciation due to revaluation of assets that was completed in October 2021

Category	Variance (\$'000)	Comment
Other Expenses	1,155	+1.4M Waste Levy charges incurred lower than budget +130K change to accounting treatment for donations and community assistance -424K Development and Planning levies payable higher than budget
Internal Expenses	(599)	+383K saving in waste depot internal fees between West Nowra and other depots -332K overspend in roads due to increased activity -174K overspend in parks, reserves & recreation due to increased maintenance from weather impacts -147K waste disposal at Holiday Haven Tourist Parks -96K increase in internal insurance premium and timing of rates & water charges for Residential, Commercial and Corporate Buildings -54K in timing of one-off or quarterly property charges in Community Buildings (Rates & Water) -47K internal plant hire due to increased activity on roads maintenance -48K additional cleaning to Libraries due to COVID-19 -45K overspend in tree management due to increased activity -37K increase in internal insurance premiums for Community Buildings

The December Quarterly Budget Review recommends an increase in operating expenditure of \$14.6M. Proposed major budget adjustments to operating expenditure are summarised in the table below:

Category	Amount (\$'000)	Reason
Employee Benefits and On-Costs	1,472	+439K increase for expected workers compensation claims, funded from self insurance reserve +402K increase to building management service through internal budget allocation +240K increase to roads maintenance budget sourced from savings +171K to fund COVID staff redeployment costs incurred +114K transfer from Water due to restructure of role +70K to fund new position created
Borrowing Costs	105	To reflect the increase in new loan interest

Category	Amount (\$'000)	Reason
Materials and Services	9,552	+5M natural disaster funding approved for road reserve clearing +2.3M transfer of Bioelectra budget from capital to operating +600K increase in fuel expenditure +572K S7.11 COVID-19 contributions discount provided +400K expenditure for the additional bushfire recovery assistance grant received +301K transfer from savings on capital works to fund expenditure on roads maintenance +137K increase in future workers compensation claims, funded from self insurance reserve +86K expenditure budget for a waste grant received +56K transfer from savings on capital works to fund expenditure on parks maintenance
Depreciation and Amortisation	3,081	Increase in depreciation due to revaluation of assets that was completed in October 2021
Other Expenses	20	+20K correction to community planning budget
Internal Expenses	401	+255K services performed by building management services offset by internal revenue +133K transfer from savings on capital works to fund expenditure on roads maintenance +21K adjustment to plant charges for new leaseback vehicles -4K internal transfer to fund shortfall on other project

## Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	15,804	14,136	1,668	54,186	92,256	(7,932)	84,324	19%
Capital Contributions	2,263	2,139	124	4,277	4,277	0	4,277	53%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>18,067</b>	<b>16,274</b>	<b>1,793</b>	<b>58,464</b>	<b>96,533</b>	<b>(7,932)</b>	<b>88,601</b>	<b>19%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Capital Grants	1,668	+958K Bushfire Local Economic Recovery Funding (Showground Resilience) +400K Local Roads and Blackspot funding received +267K Bushfire Generate Green Waste Clean Up Funding +274K City Lifestyles grants and external contributions higher than budget +150K Nowra Riverfront funding received +37K Woollamia Boat Lift Facility funding received -420K Waste Services grant funding not received
Capital Contributions	124	+124K Developer contributions received during the quarter

Proposed budget adjustments to capital revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
Capital Grants	(7,932)	-5,857K Community Planning grant income rephased into next financial year -659K RFS capital income adjustment -500K unsuccessful Nowra multi-storey car park grant -193K net reduction to Roads grant to recognise unsuccessful and successful grant receipts +164K recognise Strategic Planning grants received



## Capital Expenditures Position and Budget Adjustments

Capital expenditures by Directorate are summarised in the table below:

Directorate	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	December Actuals	Favourable / (Unfavourable) Variance	Actual % of QR Proposed Budget
CEO Group	2,627	0	0	0	10	(10)	0
City Performance	870	1,634	(233)	1,401	913	488	65%
City Services	123,916	175,390	(26,107)	149,282	31,539	117,744	21%
City Development	2,351	2,040	130	2,170	184	1,985	8%
City Lifestyle	32,562	54,596	(25,090)	29,506	7,647	21,859	26%
City Futures	36,931	33,255	(14,927)	18,328	3,142	15,186	17%
Shoalhaven Water	9	56	0	56	47	9	84%
<b>General Fund Total</b>	<b>199,267</b>	<b>266,971</b>	<b>(66,228)</b>	<b>200,743</b>	<b>43,482</b>	<b>157,261</b>	<b>22%</b>

### Comments

Capital Expenditure as at 31 December 2021 is 22% of the proposed budget (excluding commitments). Including commitments, capital expenditures are at 51%.

The December Quarterly Budget Review recommends a budget decrease of \$66M. The majority of these adjustments are reforecasting the budget into the 2022/23 financial year such as Mundamia Urban Release Area - \$5.7M, Materials Recovery Facility - \$12M, Bioelektra \$9M, SCARP – \$14.3M.

Commentary on the progress on major capital works is provided in a separate attachment to the Report to Council.

As a result of the December budget review, the following major adjustments, greater than \$100k, were made to the capital projects:

Project Description			December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
Coastal and Estuary Management	Coastal Programme	Callala Bay Foreshore Protection	0	0	120,000	120,000	120,000	Funding to recognise successful grant application (project 50% grant funded and 50% matching council contribution).
		Coastal Erosion Works	0	517,100	(129,750)	387,350	387,350	Funds transferred from project to provide matching grant contributions.
	Estuary Programme	Comerong Island Rd - Flood Levee - P11L1 - Natural Disaster	0	174,222	(151,615)	22,607	22,607	Reduction to correct budget per grant funding deed.
Community, Residential and Commercial Buildings	Depot Improvements	Ulladulla Depot Emulsion Tank Renewal	168	0	110,000	110,000	109,832	Funding transferred from projects completed under budget for this project with immediate start.
	Public Amenities	Sanctuary Point - Francis Ryan Reserve - New Amenities	1,988	1,092,105	(1,040,000)	52,105	50,117	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Public Buildings	Berry Showground Resilience BLERF-0111	0	1,175,965	(600,483)	575,482	575,482	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		K'Valley Showground Resilience BLERF-0111	0	905,290	(465,145)	440,145	440,145	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Milton Showground Resilience BLERF-0111	0	738,268	(381,454)	356,814	356,814	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.

Project Description			December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
		Nowra Showground Resilience BLERF-0111	0	1,115,484	(570,242)	545,242	545,242	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Sanctuary Point Library	208,838	1,785,550	(785,550)	1,000,000	791,162	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		SSF - Milton Showground - Internal Roads Upgrade	19,450	400,000	300,651	700,651	681,201	Adjustment to combine funding from related project.
Economic Development	Economic Development Area Projects	Ulladulla Maritime - Berthing Facility	88,272	3,238,715	(1,000,000)	2,238,715	2,150,443	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		EDO - Ulladulla Boardwalk	58,119	3,000,000	(2,500,000)	500,000	441,881	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		EDO - Ulladulla Harbourside	3,200	2,048,514	(1,000,000)	1,048,514	1,045,314	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		EDO - Huskisson Mangrove Boardwalk	3,215	2,443,605	(2,000,000)	443,605	440,390	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Industrial Land Development	Industrial Land Development	80	6,343,000	(3,000,000)	3,343,000	3,342,920	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
Financial Planning and Management	Corporate Strategy & Compliance Unit	Ratepayer Advances	0	109,786	(109,786)	0	0	Allocation of Kerb and Gutter rate payer advance loans to relevant areas of work
Fire Protection and Emergency Services	Rural Fire Service Buildings	Fire Stations Unallocated	0	649,000	(649,000)	0	0	Adjustment to reflect that no funding will be received for fire stations in current financial year allocation from RFS.

Project Description			December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
Information Technology	IT Capital Projects	Intranet Build	0	140,000	(140,000)	0	0	Transferred to operating due to changes in accounting treatment for SaaS (Software as a Service)
Mechanical Services	Fleet & Mechanical Services Capital	Plant Purchase - Bushfire Generated Green Waste Clean Up Pro	0	0	445,725	445,725	445,725	Recognise new grant received from NSW Environmental Protection Agency.
	Mechanical Services Equipment	Comerong Ferry Overhaul	1,601,781	1,488,163	600,000	2,088,163	486,381	Additional funding identified and transferred in from projects finished under budget to allow for project completion.
Parks, Reserves, Sport and Recreation Areas	Active Recreation	Drainage and Irrigation	9,523	282,045	(269,023)	13,022	3,500	Reduction to correct budget per grant funding deed.
		Original Bomaderry Basketball Stadium Construction	0	900,000	(900,000)	0	0	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Original Bomaderry Basketball Stadium Redesign	37,370	350,000	(150,000)	200,000	162,630	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		SCARP Croquet	0	2,532,500	(1,532,500)	1,000,000	1,000,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Southern SCARP - Artie Smith	478,373	13,834,393	(12,834,393)	1,000,000	521,627	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		SSF - Sports Capital Works Partnership Program	18,005	164,500	124,601	289,101	271,097	Adjustment to recognise external contributions received and provide additional funding to complete projects.
		Ulladulla Skate Park	50,695	1,350,000	(100,000)	1,250,000	1,199,305	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Ulladulla Sports Complex	0	350,000	(200,000)	150,000	150,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.

Project Description			December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
		Ulladulla Tennis Lighting Upgrade	30,478	707,495	117,685	825,180	794,703	Funding transferred from other grant funded projects completed under budget to provide funds necessary for project completion. Transfer approved by grant body prior to adjustment.
	Passive Recreation	Boongaree - Stage 1 - (BBRF, ECF, ECP)	1,419,448	(121,253)	2,250,000	2,128,747	709,299	Transfer from related Boongaree project.
		Boongaree - Stage 2 to 7	33,338	7,948,893	(5,750,000)	2,198,893	2,165,555	Transfer to related Boongaree project and project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Moss Vale Road South URA Open Space Embellishment - Construct	0	600,000	(600,000)	0	0	Project identified as on hold, funding returned to general fund until project schedule has been determined.
		Moss Vale Road South URA Open Space Embellishment - Inv & Des	26	346,765	(346,765)	0	(26)	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Nowra - Marriott Park	3,135	800,000	(705,000)	95,000	91,865	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Paringa Park Detailed Design	0	300,000	(300,000)	0	0	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
		Ray Brooks Reserve Boardwalk	8,891	228,126	150,000	378,126	369,235	Additional funding identified and transferred in from projects finished under budget to allow for project completion.
		Regional Skate Park Area 3 - Bay & Basin	0	595,612	(495,612)	100,000	100,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
Pedestrian Facilities	Pedestrian Facilities	Thomson St, Sussex Inlet - Raised Median, Cyclist Treatment	128	0	500,000	500,000	499,873	Recognise new grant received from Federal Stimulus Road Safety Program - Pedestrian School Safety Zone.

Project Description			December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
Roads	Bridge Program	Tumblebar Ck Bridge Replacement	15,343	520,752	(119,266)	401,486	386,143	Transfer residual council funds in budget to another capital project with shortfall.
	Local Road Repair Program	Abernathys Rd, Bugong - Restoration Works - Natural Disaster	1,119	0	135,270	135,270	134,151	Recognise new Natural Disasters Grant Funding received.
		Bomaderry - Meroo Rd - Road Rehabilitation (D&C)	3,993	1,100,000	(1,025,000)	75,000	71,007	Grant application was unsuccessful. Adjustment to remove potential grant funding and transfer council funds to another project.
		Kinghorne Street Rehabilitation - LRCI	29,949	234,019	(234,019)	0	(29,949)	Funding transferred to other grant funded projects to provide funds necessary for project completion. Transfer approved by grant body prior to adjustment.
		Milton Showground Rd (SRV2019)	0	300,651	(300,651)	0	0	Funds combined with related project.
	Roads Strategy Projects	Mundamia Urban Release Area - Roads LCLI	2,999	5,739,650	(5,689,650)	50,000	47,001	Transfer \$140K to roundabouts and intersection upgrades on Yalwal Road, remainder carried forward into 2022/23 financial year
	Carparking	Nowra-Multistorey Carp Park Berry/Worrigee	0	500,000	(500,000)	0	0	Unsuccessful fully funded grant project
Streetscapes	Other Streetscape Program	Junction Court Revitalisation	492,471	738,373	187,085	925,458	432,986	Recognise grant received from Department of Planning Industry and Environment.
Tourism and Events	Other Tourism Projects	Aboriginal Cup - Sports ground improvement works	2,170	0	300,000	300,000	297,830	Funding added in support of grant application and to fund necessary works before event.
	Tourism Equipment/Projects	Project Management / Design (Sus Tour Infr Grant)	32,962	1,248,350	(274,241)	974,109	941,148	Reallocation of funding within approved projects under Sustainable Tourism Infrastructure Grant program.
Waste Management	Waste Management	Landfill Extension - West Nowra	100,959	3,540,434	(2,962,434)	578,000	477,041	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.



Project Description		December YTD Actuals	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
	Waste Education Centre	665	500,000	(400,000)	100,000	99,335	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Materials Recovery Facility	863,609	28,000,000	(11,860,000)	16,140,000	15,276,391	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Bioelektra Resource Recovery Facility RRF	0	8,998,487	(8,998,487)	0	0	Transfer \$2.3M to operating expenditure, remaining \$6.7M carried forward into 2022/23 financial year to reflect delivery schedule.
	Waste Plant Purchases Landfill Compactor	0	1,000,000	(105,000)	895,000	895,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Relocation and Refurbish Offices Huskisson Depot	0	150,000	(115,000)	35,000	35,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Waste Hardstands and Roads	25,758	285,000	(435,000)	(150,000)	(175,758)	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.
	Shoalhaven MICROfactorie	0	1,083,000	(422,000)	661,000	661,000	Project funds carried forward into 2022/23 financial year to reflect delivery schedule.

## Capital Projects Reforecast into 2022/23

The projects reforecast during the December Quarterly Budget Review are listed below.

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
Berry Showground Resilience BLERF-0111	625,483	50,000	0	575,483
Boongaree - Stage 2 to 7	3,500,000	0	0	3,500,000
K'Valley Showground Resilience BLERF-0111	490,145	50,000	0	440,145
Milton Showground Resilience BLERF-0111	406,814	50,000	0	356,814
Moss Vale Road South URA Open Space Embelishment - Inv & Des	346,765	0	346,765	0
Mundamia Urban Release Area - Roads LCLI	5,549,650	0	0	5,549,650
Nowra - Marriott Park	505,000	0	300,000	205,000
Nowra Showground Resilience BLERF-0111	595,242	50,000	0	545,242
Original Bomaderry Basketball Stadium Construction	900,000	0	0	900,000
Original Bomaderry Basketball Stadium Redesign	200,000	0	0	200,000
Paringa Park Detailed Design	300,000	50,000	0	250,000
Regional Skate Park Area 3 - Bay & Basin	495,612	0	464,168	31,444

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
Sanctuary Point - Francis Ryan Reserve - New Amenities	1,040,000	0	0	1,040,000
Sanctuary Point Library	785,550	0	329,204	456,346
Southern SCARP - Artie Smith	12,834,393	0	834,393	12,000,000
Ulladulla Skate Park	1,250,000	0	0	1,250,000
Ulladulla Sports Complex	200,000	0	200,000	0
Landfill Extension - West Nowra	2,962,434	0	0	2,962,434
Waste Education Centre	400,000	0	0	400,000
Materials Recovery Facility	11,860,000	0	0	11,860,000
Bioelektra Resource Recovery Facility RRF	6,700,000	0	0	6,700,000
Waste Plant Purchases Landfill Compactor	105,000	0	0	105,000
Relocation and Refurbish Offices Huskisson Depot	115,000	0	0	115,000
Waste Hardstands and Roads	435,000	0	0	435,000
Shoalhaven MICROfactorie	422,000	0	0	422,000
Ulladulla Maritime - Berthing Facility	1,000,000	0	338,715	661,285

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
EDO - Ulladulla Broadwalk	2,500,000	0	34,140	2,465,860
EDO - Ulladulla Harbourside	1,000,000	0	0	1,000,000
EDO - Huskisson Mangrove Broadwalk	2,000,000	0	0	2,000,000
Industrial Land Development	3,000,000	0	1,343,000	1,657,000
<b>Total</b>	<b>62,524,087</b>	<b>250,000</b>	<b>4,190,384</b>	<b>58,083,703</b>

## Water Fund

### Financial Position Overview

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	2,396	2,275	121	4,438	4,438	0	4,438	54%
User Charges and Fees	9,920	10,352	(432)	21,140	21,695	(361)	21,334	46%
Interest and Investment Revenue	277	285	(7)	831	831	0	831	33%
Other Revenues	4	4	0	6	6	0	6	71%
Internal Revenue	1,220	931	289	1,943	1,943	480	2,423	63%
Grants and Contributions provided for Operating Purposes	35	0	35	0	0	58	58	0
Grants and Contributions provided for Capital Purposes	1,421	577	844	850	3,803	992	4,795	37%
<b>Total Income</b>	<b>15,273</b>	<b>14,423</b>	<b>850</b>	<b>29,207</b>	<b>32,716</b>	<b>1,168</b>	<b>33,884</b>	<b>47%</b>
Employee Benefits and On-Costs	2,877	2,903	25	5,486	5,971	(103)	5,867	48%
Materials and Services	3,154	3,178	24	7,389	7,536	89	7,625	42%
Depreciation and Amortisation	5,370	5,377	6	10,754	10,754	(297)	10,456	50%
Other Expenses	3	3	0	18	18	0	18	14%
Internal Expenses	3,259	2,903	(355)	5,512	5,852	345	6,197	56%
<b>Total Expenses</b>	<b>14,663</b>	<b>14,363</b>	<b>(300)</b>	<b>29,159</b>	<b>30,130</b>	<b>33</b>	<b>30,163</b>	<b>49%</b>
<b>Net Operating Results</b>	<b>610</b>	<b>60</b>	<b>550</b>	<b>49</b>	<b>2,586</b>	<b>1,135</b>	<b>3,721</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>(810)</b>	<b>(516)</b>	<b>(294)</b>	<b>(801)</b>	<b>(1,217)</b>	<b>143</b>	<b>(1,074)</b>	
<b>Other Cash Adjustments</b>								
Capital Expenditure	(5,860)	(6,072)	212	(27,995)	(28,273)	690	(27,582)	21%
Disposal of Assets	111	110	1	120	120	0	120	92%
Depreciation Adjustment	5,370	5,377	(6)	10,754	10,754	(297)	10,456	50%
Dividend to General Fund	0	0	0	(170)	(170)	0	(170)	0%
Debtor / Credit Movement	(1,079)	518	(1,597)	1,052	1,052	0	1,052	-103%
<b>Net Cash Movement</b>	<b>(848)</b>	<b>(7)</b>	<b>(841)</b>	<b>(16,191)</b>	<b>(13,932)</b>	<b>1,528</b>	<b>(12,404)</b>	

The net operating result before capital revenue is 294K lower (unfavourable) when comparing to the year to date adopted budgeted deficit of \$516K as at the December quarter. Operating income is \$6K higher (favourable) than year to date budget, while expenditures are \$300K higher (unfavourable) as at the December quarter.

The net cash movement is \$841K lower (unfavourable) than the year-to-date adopted budget deficit of \$7K as at December 2021.

### Current Operating Revenue Position and Budget Adjustments

A table below summarises the key movements by revenue category.

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Revised Budget
Rates & Annual Charges	2,396	2,275	121	4,438	4,438	0	4,438	54%
User Charges and Fees	9,920	10,352	(432)	21,140	21,695	(361)	21,334	46%
Interest and Investment Revenue	277	285	(7)	831	831	0	831	33%
Other Revenues	4	4	0	6	6	0	6	71%
Internal Revenue	1,220	931	289	1,943	1,943	480	2,423	63%
Grants and Contributions provided for Operating Purposes	35	0	35	0	0	58	58	0
<b>Total Operating Income</b>	<b>13,852</b>	<b>13,847</b>	<b>6</b>	<b>28,357</b>	<b>28,913</b>	<b>177</b>	<b>29,089</b>	<b>48%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	121	+121k additional water access received
User Charges and Fees	(432)	-469k water usage income for non residents is down due to COVID lockdowns +30k new compliance fee this year
Interest and Investment Revenue	(7)	Investment interest down



Internal Revenue	289	Plant hire income higher than budget
Grants and Contributions provided for Operating Purposes	35	Additional grant received

The December Quarterly Budget Review recommends an increase in operating revenue of \$177K. Proposed major budget adjustments to operating revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
User Charges and Fees	(361)	-400k non residential water usage charges are down due to COVID +39k recognise additional income from compliance fee
Internal Revenue	480	Recognise additional internal plant hire income
Grants and Contributions provided for Operating Purposes	58	New grant funds received

## Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	2,877	2,903	25	5,486	5,971	(103)	5,867	48%
Materials and Contracts	3,154	3,178	24	7,389	7,536	89	7,625	42%
Depreciation and Amortisation	5,370	5,377	6	10,754	10,754	(297)	10,456	50%
Other Expenses	3	3	0	18	18	0	18	14%
Internal Expenses	3,259	2,903	(355)	5,512	5,852	345	6,197	56%
<b>Total Expenses</b>	<b>14,663</b>	<b>14,363</b>	<b>(300)</b>	<b>29,159</b>	<b>30,130</b>	<b>33</b>	<b>30,163</b>	<b>49%</b>

As at 31 December 2021, Water Fund operating expenditure (excluding capital) has achieved 49% of the adopted budget.

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Employee Benefits and On-Costs	25	Employee costs tracking slightly under budget
Materials and Contracts	24	Timing of contractor payments
Depreciation and Amortisation	6	Adjustment for prior periods
Internal Expenses	(355)	-166k internal capital costs transferred to operational -58k additional insurance premium -48k additional internal overhead costs -73k plant hire charges offset by increase in income

The December Quarterly Budget Review recommends a budget increase in operating expenditure of \$33K. Proposed major budget adjustments to operating expenditure are summarised in the table below:

Category	Amount (\$'000)	Reason
Employee Benefits and On-Costs	(103)	Transfer of 2 positions to customer experience team
Materials and Contracts	89	+58k expenditure budget for grant received +25k minor equipment purchases +6k property insurance
Depreciation and Amortisation	(297)	Recognise a depreciation adjustment for prior periods
Internal Expenses	345	+103k transfer from employee costs +155k internal capital costs transferred to operational +55k additional insurance premium +32k bulk fuel costs for generator

### Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	712	120	592	0	2,953	592	3,545	20%
Capital Contributions	709	457	252	850	850	400	1,250	57%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>1,421</b>	<b>577</b>	<b>844</b>	<b>850</b>	<b>3,803</b>	<b>992</b>	<b>4,795</b>	<b>37%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Capital Grants	592	New capital grants received (BLERF: \$396K for Bendeela Reservoir and \$196k for upgrade of telecommunications)
Capital Contributions	252	Additional developer contributions received

The December Quarterly Budget Review recommends a budget increase in capital revenue of \$992K. Proposed major budget adjustments to capital revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
Capital Grants	592	Additional capital grants received
Capital Contributions	400	Recognise increase in developer contributions

## Capital Expenditures Position and Budget Adjustments

Capital expenditure as at 31 December is 21% of the current adopted budget (excluding commitments). Including commitments, capital expenditure is at 56%.

A reduction of \$690K is recommended. As a result of the December budget review, the following major adjustments, greater than \$100k, were made to the capital projects:

Project Description	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Full Year Variance	Comments
Bendeela Reservoir	336,800	345,402	396,000	741,402	396,000	New project. Grant funding recently received.
Brundee WPS 33kv substation	730,000	973,484	(400,000)	573,484	(400,000)	Project delayed and funds transferred to 2022-23
Burrier WPS 33 kv Substation	1,298,867	1,511,735	(600,000)	911,735	(600,000)	Project delayed and funds transferred to 2022-23
Upgrade Telecommunications Sites BLERF-0263	0	0	195,600	195,600	195,600	New project. Grant funding recently received.
Water Solar Initiatives	400,000	356,763	(256,763)	100,000	(256,763)	Project nearing completion.

Commentary on the progress on major capital works is provided in a separate attachment to the Report to Council.

### Capital Projects Reforecast into 2022/23

The December Quarterly Budget Review is recommending the following capital projects be rephased into the 2022/23 Financial Year.

Project	Reforecast Amount
Brundee WPS 33kv substation	400,000
Burrier WPS 33kv substation	600,000
<b>Total</b>	<b>1,000,000</b>



## Sewer Fund

### Financial Position Overview

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	24,268	23,266	1,002	46,734	46,754	1,200	47,954	52%
User Charges and Fees	1,609	1,813	(204)	3,965	3,970	(200)	3,770	41%
Interest and Investment Revenue	164	164	(0)	360	360	0	360	45%
Other Revenues	1	0	1	0	0	1	1	0
Internal Revenue	791	833	(42)	95	195	(80)	115	407%
Grants and Contributions provided for Capital Purposes	1,791	1,607	184	3,350	2,498	300	2,798	72%
<b>Total Income</b>	<b>28,624</b>	<b>27,683</b>	<b>941</b>	<b>54,503</b>	<b>53,776</b>	<b>1,221</b>	<b>54,997</b>	<b>53%</b>
Employee Benefits and On-Costs	4,466	4,593	127	9,769	10,276	0	10,276	43%
Borrowing Costs	1,884	1,884	0	3,680	3,680	0	3,680	51%
Materials and Services	4,065	4,079	14	11,135	10,648	25	10,673	38%
Depreciation and Amortisation	7,414	5,995	(1,419)	11,989	11,989	2,592	14,581	62%
Other Expenses	35	35	0	0	35	0	35	100%
Internal Expenses	2,722	2,739	16	5,909	5,974	0	5,974	46%
<b>Total Expenses</b>	<b>20,586</b>	<b>19,325</b>	<b>(1,262)</b>	<b>42,482</b>	<b>42,602</b>	<b>2,617</b>	<b>45,220</b>	<b>48%</b>
<b>Net Operating Results</b>	<b>8,038</b>	<b>8,358</b>	<b>(320)</b>	<b>12,021</b>	<b>11,174</b>	<b>(1,396)</b>	<b>9,778</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>6,247</b>	<b>6,752</b>	<b>(505)</b>	<b>8,671</b>	<b>8,676</b>	<b>(1,696)</b>	<b>6,980</b>	
<b>Other Cash Adjustments</b>								
Capital Expenditure	(6,757)	(6,996)	239	(33,164)	(32,945)	25	(32,920)	21%
Loan Principal Repayments	(3,811)	(3,811)	0	(7,562)	(7,562)	0	(7,562)	50%
Disposal of Assets	0	0	0	100	100	0	100	0%
Depreciation Adjustment	7,414	5,995	1,419	11,989	11,989	2,592	14,581	62%
Dividend to General Fund	0	0	0	(1,479)	(1,479)	0	(1,479)	0%
Debtor / Credit Movement	549	0	549	0	0	0	0	0
<b>Net Cash Movement</b>	<b>5,433</b>	<b>3,546</b>	<b>1,886</b>	<b>(18,095)</b>	<b>(18,723)</b>	<b>1,221</b>	<b>(17,502)</b>	

The net operating result before capital revenue is \$505K lower (unfavourable) comparing to the year to date adopted budget surplus of \$6.7M. Operating income is \$757K higher (favourable) than year to date budget, while expenditures are \$1.3M higher (unfavourable) as at the December quarter.

The net cash movement is \$1.9M higher than the projected movement as at December 2021.

### Current Operating Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Revised Budget
Rates & Annual Charges	24,268	23,266	1,002	46,734	46,754	1,200	47,954	52%
User Charges and Fees	1,609	1,813	(204)	3,965	3,970	(200)	3,770	41%
Interest and Investment Revenue	164	164	(0)	360	360	0	360	45%
Other Revenues	1	0	1	0	0	1	1	0
Internal Revenue	791	833	(42)	95	195	(80)	115	407%
<b>Total Operating Income</b>	<b>26,833</b>	<b>26,076</b>	<b>757</b>	<b>51,153</b>	<b>51,278</b>	<b>921</b>	<b>52,199</b>	<b>52%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	1,002	Availability charges higher than original budget partly due to increase in number of connections
User Charges and Fees	(204)	Usage charges down due to COVID
Internal Revenue	(42)	Reduced plant hire income

The December Quarterly Budget Review recommends a budget adjustment in operating revenue of \$921K. This increase is largely due to income received from availability charges.

Category	Amount (\$'000)	Reason
Rates & Annual Charges	1,200	Recognise additional income from availability charges
User Charges and Fees	(200)	Recognise reduced usage charges due to COVID
Internal Revenue	(80)	Recognise reduced plant hire charges

### Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	4,466	4,593	127	9,769	10,276	0	10,276	43%
Borrowing Costs	1,884	1,884	0	3,680	3,680	0	3,680	51%
Materials and Contracts	4,065	4,079	14	11,135	10,648	25	10,673	38%
Depreciation and Amortisation	7,414	5,995	(1,419)	11,989	11,989	2,592	14,581	62%
Other Expenses	35	35	0	0	35	0	35	100%
Internal Expenses	2,722	2,739	16	5,909	5,974	0	5,974	46%
<b>Total Expenses</b>	<b>20,586</b>	<b>19,325</b>	<b>(1,262)</b>	<b>42,482</b>	<b>42,602</b>	<b>2,617</b>	<b>45,220</b>	<b>48%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Employee Benefits and On-Costs	127	Employee costs down due to vacancies
Materials and Contracts	14	Timing of contractor payments
Depreciation and Amortisation	(1,419)	Increase in depreciation due to new assets capitalised and increase in value due to annual indexation of assets.
Internal Expenses	16	Reduced plant charges

The December Quarterly Budget Review recommends a budget increase in operating expenditure of \$2.6M. . Proposed major budget adjustments to operating expenditure are summarised in the table below

Category	Amount (\$'000)	Reason
Materials and Contracts	25	Recognise minor plant purchases
Depreciation and Amortisation	2,592	Adjustment to reflect annual indexation of assets.

### Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	December Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	December QR Adjustments	December QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	850	850	(0)	2,500	1,098	0	1,098	77%
Capital Contributions	941	757	184	850	1,400	300	1,700	55%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>1,791</b>	<b>1,607</b>	<b>184</b>	<b>3,350</b>	<b>2,498</b>	<b>300</b>	<b>2,798</b>	<b>72%</b>

Capital contributions achieved 72% of its adopted budget. The positive variance is due to \$64 contributions received. The December Quarterly Budget Review recommends a budget increase in capital revenue of \$300K.

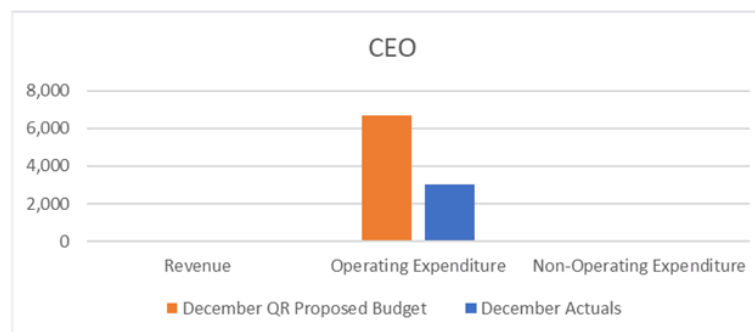
### Capital Expenditures Position and Budget Adjustments

Capital Expenditure as at 31 December is 21% of the adopted budget. Including commitments, capital expenditure is at 88%.

No major budget adjustments or reforecasting are recommended in this December budget review. A transfer of \$25K to minor equipment is recommended.

## Summary of General Fund Movements and Projected Budget by Directorate

### Chief Executive Officer Directorate



The recommended budget changes, revised budget and result to date for the CEO Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	25	6	27	33	45	134.16%
Operating Expenditure	2,467	5,961	738	6,699	3,011	44.95%
Non-Operating Expenditure	2,627	0	0	0	10	NA

#### Comments:

##### Chief Executive Officer Group

The CEO group finished over budget for the quarter due to the ongoing impact of COVID-related and disaster recovery costs being captured in this area. A portion of the costs were offset by disaster recovery payments, the balance of the costs will be funded from savings across Council.

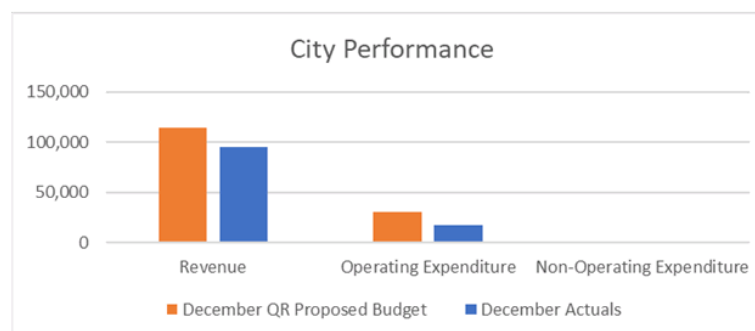


Business-as-usual operational expenditure for the group was in line with budget for the quarter.

### Business Improvement

The Enterprise software projects continued to be delivered through the quarter and are tracking on budget. The focus this quarter was on the Regulatory functions for Property and Rating and Request Management modules, whilst also continuing to work on the work management mobility solution.

## City Performance Directorate



The recommended budget changes, revised budget, and result to date for the City Performance Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	112,911	113,437	686	114,123	95,097	83.33%
Operating Expenditure	28,442	29,370	790	30,160	17,146	56.85%
Non-Operating Expenditure	870	1,634	(233)	1,401	913	65.18%

### Comments:

Overall, the Directorate is performing to budget with some minor cost over runs. These will be monitored for the remainder of the year to ensure the Directorate finishes within budget.

Major budget adjustments across City Performance Directorate are explained below.

#### City Performance Director

An additional \$46K has been allocated to cover the second quarter management consulting costs, funded by savings in contracts budget across Council.

#### Financial Services

A total budget of \$163K has been added to recognise accounting services income from ISJO (\$30K) and membership reward credit on corporate Amex card (\$33K) and \$100K of return from long-term investment. In conjunction with the above, this has offset additional expenditures within the Directorate.

#### Information Services

\$140K has been transferred from capital to operational budget due to changes in accounting treatment for SaaS (Software as a Service).

\$70K has been withdrawn from General Fund to fund an additional fixed term position in GIS as part of the ADAC (Asset Design As Constructed) implementation.

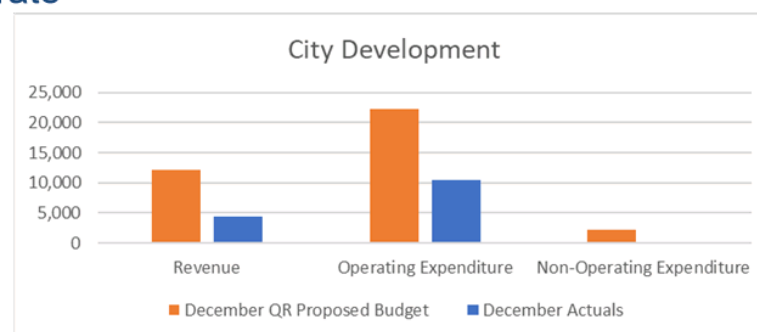
#### Business Assurance & Risk

An additional \$576K has been taken from Self Insurance reserve due to the projected increase in Workers Compensation claims for the rest of the year.

#### Customer Experience and People & Culture

Budget for HR and Customer Experience employee costs has been increased by \$117K and \$103K respectively, to reflect funding from Water for recent workplace restructures.

## City Development Directorate



The recommended budget changes, revised budget and result to date for the City Development Directorate are summarised below:

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	11,004	12,039	143	12,182	4,424	36.32%
Operating Expenditure	20,162	22,236	35	22,271	10,423	46.80%
Non-Operating Expenditure	2,351	2,040	130	2,170	184	8.49%

**Comments:**

**Development Services**

Development Services Revenue is higher than forecast due to the high number of development applications lodged this financial year. The benefit of the increased revenue has been eroded by higher than forecast legal costs and the timing of government levies payable.

**Environmental Services**

Revenue has been adjusted this quarter to recognise successful grant funding. This includes \$60K for Callala Bay Foreshore Protection, \$39K to Implement Beach Scraping at High Priority Beaches, \$20K for Community Engagement on Foreshore Protection and Preservation and \$18K for Managing and Stabilising Dune Systems. Actual operational revenue continues to perform lower than anticipated due to the reduction in public health and food premises inspections as the result of COVID closure.

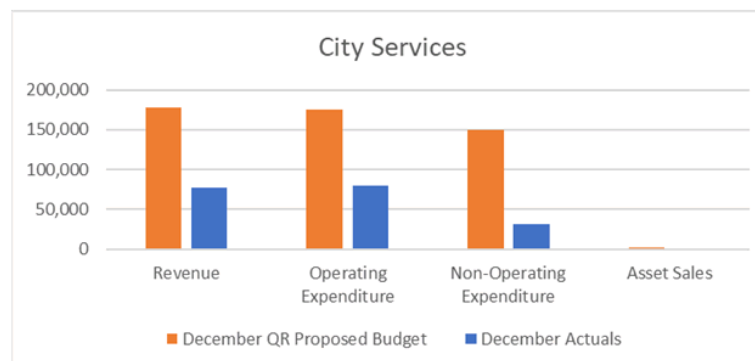
Operating expenditure has been adjusted to reflect the expectant grant funding and currently appears underspent due to the timing of the spend of the grant funded projects. Expenditure is expected to catch up to budget as the grant projects are delivered.

**Certification and Compliance Services**

Overall, revenue ended the quarter slightly lower than originally forecast due to the reduction in fines received by Rangers and Building Compliance. This was partially offset by an increase in revenue received by RID grants, companion animal charges and certification diagrams.

Operating expenditure exceeded forecast mainly due to additional employee costs in Rangers which is expected to be offset with additional income and the purchase of non-capital assets for the Department.

## City Services Directorate



The recommended budget changes, revised budget and result to date for the City Services Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	138,150	173,855	4,227	178,082	77,082	43.28%
Operating Expenditure	164,583	163,463	11,891	175,354	79,546	45.36%
Non-Operating Expenditure	123,916	175,390	(26,107)	149,282	31,539	21.13%
Asset Sales	2,096	2,096	0	2,096	748	35.69%

### Comments:

#### Overall

Overall there is a shortfall of \$2.5M in operational revenue budget due to a reduction in user fees and charges, the capital revenue budget is slightly over forecast and operating expenditure is \$3.2M overspent. Commentary on significant items is detailed below:

#### Roads and Transport

Revenue is on track and capital income is higher than forecasted with additional grant funding of \$187K being received for the Junction Court Revitalisation project, \$600K in natural disaster grant funding, and \$500K for the federal stimulus road safety program, and minor reductions for grant applications that were not successful.

Operating expenditure is over budget largely due to the increased activity in maintenance of roads.

The capital works program is progressing with of 33% of the 2021/22 budget being either spent or committed, the Special Local Repair Program is progressing with 36% either spent or committed.

### **Building and Property**

Operating income is slightly higher than budget due to the receipt of Building Management income, the budget has been adjusted to move this from job cost recovery to internal income. Capital revenue is on track.

Operating expenditure is over budget due to the continued programmed building maintenance and additional cleaning required with the continued impacts from the COVID-19 pandemic, increased insurance premiums and newly rateable properties. There are some savings in property management.

Capital works are progressing well with 54% of the 2021/22 budget spent or committed.

### **Parks and Reserves**

Operating revenue is on track. Operating expenditure for routine maintenance, urban landscapes and tree management are over budget due to the increased activity.

### **Tourist Parks**

Tourist Park income has been significantly impacted by COVID-19, caravan lease charges have resumed from November and are now ahead of the previously adjusted budget, however Tourist park income is significantly lower resulting from reduced bookings due to capacity limits and COVID-19 Vaccination requirements.

This has been partially offset by the reduction in operational expenditure including cleaning, electricity and gas, communications, water/sewer, and park manager contractor payments.

Capital works are progressing with 30% of the 2021/22 budget spent.

### **Waste Services**

Overall operational income budget is ahead with domestic waste charges and pensioner subsidies, and recycling scheme. Capital revenue is ahead of budget due to additional grant funding of \$267K being received from NSW EPA Bushfire Green Waste Clean Up Program. The budget has been increased to reflect the additional grant funding to be received. Operational expenditure is under budget largely due to the reduction the waste levy and internal waste management charges.

Capital Works are progressing with 63% of the proposed 2021/22 budget spent or committed.

**Bereavement Services**

Bereavement Services operational revenue is behind budget. This is a result of COVID-19 restrictions and new crematoria competitors to the market. We have seen a decrease in cremations and fewer chapel services.

Operating expenditure is slightly over budget largely a result of additional staffing requirements to ensure that COVID-19 procedures are adhered to.

Capital Works are progressing with 21% of the 2021/22 budget spent or committed.

**Fleet and Mechanical Services**

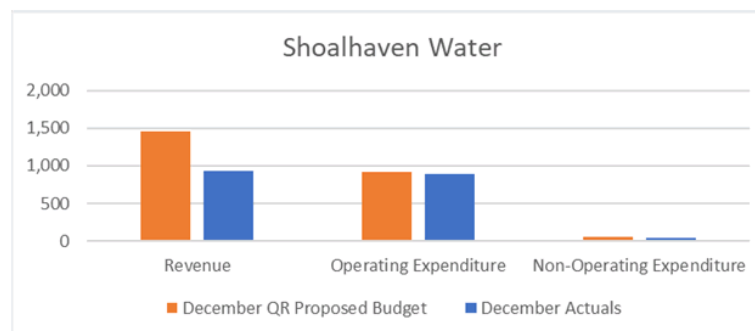
Overall Operational Revenue for fleet and mechanical services is ahead of budget. With an increase in fleet internal income resulting from additional vehicle/plant hire, and a reduction in internal income in mechanical services. There has been an adjustment to increase the internal fleet income.

Operational expenditure for fleet and mechanical services is over budget largely due to Comerong Ferry maintenance and increased fuels costs, with some additional expenditure on motor vehicle and machinery parts, gas and insurance costs. An adjustment for increased fuel costs has been made.

Capital Works are progressing with 68% of the 2021/22 proposed budget either spent or committed. The ferry overhaul project has been increased through using \$600K loan from the deferred Bomaderry basketball stadium capital project.



## Shoalhaven Water Directorate



The recommended budget changes, revised budget and result to date for the Shoalhaven Water Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	1,188	1,459	0	1,459	924	63.36%
Operating Expenditure	1,170	1,187	(265)	921	886	96.20%
Non-Operating Expenditure	9	56	0	56	47	84.34%

There are no major capital works (>\$100k) in the Shoalhaven Water Directorate (General Fund).

### Comments:

#### Communication Towers GF

Communications income from external sources is generally invoiced at the beginning of the financial year. This revenue is trending with the year to date budget. No adjustment has been recommended in this review.

Operating expenditure is tracking below the year to date budget. An adjustment to depreciation is requested in this review.

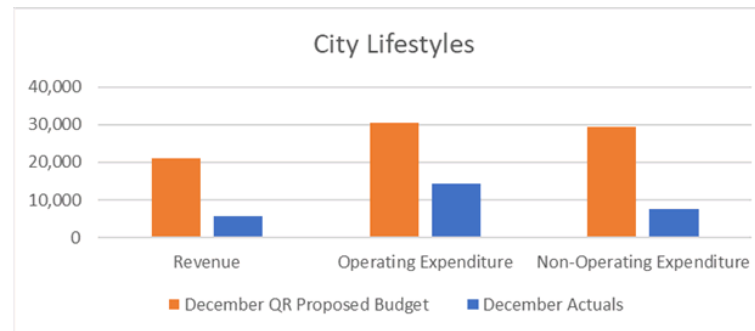
Non-Operating expenditure is 100% spent with Red Rocks Tower now complete.

#### Shoaltech

Revenue is lower than the year to date budget largely due to reduced private works income. No adjustment has been recommended in this review

Operating expenditure is tracking ahead of budget, largely due to the recovery of costs.

### City Lifestyles Directorate



The recommended budget changes, revised budget and result to date for the City Lifestyles Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	13,367	27,649	(6,665)	20,984	5,691	27.12%
Operating Expenditure	27,251	29,321	1,022	30,343	14,414	47.50%
Non-Operating Expenditure	32,562	54,596	(25,090)	29,506	7,647	25.92%

**Comments:****Shoalhaven Entertainment Centre (SEC)**

SEC income was significantly reduced again in quarter two with the cancellation or postponement of shows due to COVID and Public Health Order (PHO) requirements. The SEC has worked hard to maintain a high retention rate rebooking shows in the future.

The SEC has been successful in applying for additional Create NSW and related Arts support payments which will assist in recovering some of the lost income during this period.

The café has also operated at a diminished capacity since lockdown in July, with demand slowing due to the lack of activity in the building for show and visitor services along with reduced staff numbers in the Council administration buildings during the week. Additional costs were incurred due to the increased requirement for COVID concierges, additional cleaning, and the use of labour hire staff due to staff shortages – particularly in the hospitality operations.

Though all resourcing has been carefully managed, the reduced income has not been able to fully offset the ongoing fixed costs of running a large facility this quarter.

**Swim, Sport, Fitness (SSSF)**

Revenue across the Pools and Sports Centres was significantly impacted due to COVID-related cancellations and closures at all sites and the outdoor pools were heavily impacted by ongoing unseasonal / inclement weather.

Many of the fixed costs related to the running the leisure facilities remained unchanged due to the ongoing need to maintain electrical services, heating, and pool filtration and chemical dosing systems.

A large majority of casual staff were able to be redeployed to other areas of Council operations during the closure and reopening has increased the demand for casual staff at the leisure facilities to ensure the Public Health Orders in place at that time were being met. This included staff to check QR coding and vaccination status and the increased cleaning regimes.

The rebound in Learn to Swim and general visitation has varied between the centres, with the outdoor pools experiencing a stronger uptake than the indoor centres.

The Community has continued to enjoy the outdoor sporting and parks facilities across the precincts. Higher service levels, increased usage, higher than average rainfall with increased grass growth and COVID cleaning requirements have resulted in a need to increase the resourcing to meet the demand.

Community Building and Showgrounds capital costs incurred were slightly below budget with some work being delayed through COVID closures, the change in market conditions and supply issues. The change in market conditions have led to difficulty securing construction workers, an increase in associated costs and supply chain delays which have been reflected in the increase in tender prices.

**Libraries**

Libraries experienced a reduction in income again this quarter due to COVID closures resulting in limited user fees received and the cancellation of meeting room bookings.

The reduction was fully offset by salary savings and reduced resourcing requirements. There continues to be a strong uptake in the library's digital services and patron visits are increasing again. The Libraries finished the quarter in a sound position.

#### **Shoalhaven Regional Gallery**

The Art Centre income continues to be impacted by COVID closures and the resulting loss of sales from public programmes and the art shop. These losses were mostly able to be offset through close attention to resourcing.

The Regional Gallery continues to deliver a number of grant and Council funded capital programs, in particular Streets as Shared Spaces, Digital Buzz (Digitalisation Project) and an upgrade to the gallery meeting room.

The overall result for the Shoalhaven Regional Gallery for quarter 2 is close to the original budget.

#### **Community Planning and Projects**

Work continued on the delivery of a number of large capital projects this quarter. Notably, Boongaree reached a milestone completion and was opened to the public. A lot of work was undertaken at the Horse and Cattle Precinct at the Nowra Showground and a number of sportsground floodlight and drainage upgrades were completed across the region.

There continues to be COVID related delays in the supply chain and labour shortages that continue to be managed through strong project management and governance.

Operational areas performed close to budget.

#### **Community Connections**

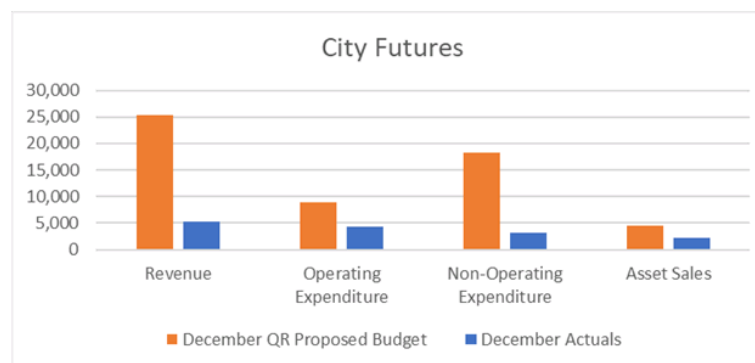
Community Connections ended the quarter under budget due to COVID causing the cancellation or delay of several community capacity building programs and health and wellbeing strategies once again.

Full year expenditure is expected to be close to budget in 2022 with the reopening and relaxation of many restrictions.

Grant funded programs such as Recovery Into Resilience and Bushfire Community Resilience and Recovery continue to progress and expenditure is scheduled to increase later in the year with the delivery of major capital components.

Family Day Care revenue was lower than budget again this quarter due to demand declining for In-home childcare due to COVID and many parents choosing to keep children at home. The reduction in revenue was fully offset by savings in expenditure.

## City Futures Directorate



The recommended budget changes, revised budget and result to date for the City Futures Directorate are summarised below.

\$'000	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	December Actuals	%
Revenue	30,052	25,119	189	25,308	5,188	20.50%
Operating Expenditure	7,063	8,247	575	8,822	4,298	48.72%
Non-Operating Expenditure	36,931	33,255	(14,927)	18,328	3,142	17.14%
Asset Sales	3,200	4,541	0	4,541	2,258	49.73%

### Comments:

#### Economic Development

Revenue for Economic Development is on track for the quarter while operating expenses ended slightly over budget, mainly due to additional costs incurred in Wondalga Farm. This will be monitored for the remainder of the year to ensure Economic Development tracks closely to the budget.

A review of capital expenditure has identified \$9.5M of projects that will be completed in 2022/23, the budget has been adjusted to reflect this.

**Strategic Land Use Planning**

Both operating revenue and expenses for Strategic Land Use Planning have ended up above budget. Developer Contributions were higher than anticipated, however this was offset by the COVID Contributions Discount Subsidy. Budget has been adjusted to factor the actual COVID Subsidy provided in the past quarters and to recognise grants received for Nowra Riverfront Precinct. No adjustments to Developer Contributions income are recommended at this quarter review.

A review of capital expenditure has identified \$5.5M of Mundamia and Moss Vale roadworks projects that will be completed in 2022/23.

**Tourism and Events**

Overall, revenue for Tourism and Events has slightly exceeded the budget. This is mainly due to the increase in advertising income in Shoalhaven Visitor Guide as well as extra Regional Tourism Bushfire Recovery grants and Tourism Recovery Marketing grants received. This has been offset with a reduction in commission income and sale of merchandise within the Visitor Information Centre due to the impacts of COVID.



## Cash and Investments

### Cash & Investments – Estimated Balance at Year Ending 30 June 2022

	Estimated Balance 30 June 2022				December 2021 Actual Balance
	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Externally Restricted</b>					
Specific Purpose Unexpended Grants	0	0	11,395	11,395	12,567
Specific Purpose Unexpended Loans	0	0	40,162	40,162	31,458
Developer Contributions - General Fund	16,922	15,050	255	15,305	16,365
Developer Contributions - Water Fund	15,633	25,518	400	25,918	25,125
Self Insurance Claims	1,725	2,880	(576)	2,304	3,126
Special Rates Variation	0	0	0	0	2,983
Stormwater Levy	0	0	2	2	592
Domestic Waste Management	5,488	4,639	5,663	10,302	15,085
Water Supplies	24,359	24,950	1,366	26,316	33,116
Sewer Services	14,755	11,111	1,221	12,332	35,791
Trust - Mayors Relief Fund	0	0	0	0	162
Trust - General Trust	3,018	2,873	0	2,873	2,990
<b>Total Externally Restricted</b>	<b>81,900</b>	<b>87,021</b>	<b>59,888</b>	<b>146,909</b>	<b>179,360</b>
<b>Internally Restricted</b>					
Arts Collection	41	70	0	70	70
Cemeteries	211	157	0	157	157
Coastal Management	0	0	0	0	436
Committed Capital Works	0	0	0	0	2,838
Communication Towers	265	183	0	183	310
Critical Asset Compliance	397	0	0	0	733
Dog-Off leash	20	20	0	20	99
Economic Development Projects	985	397	339	736	889
Employee Leave Entitlement	7,924	7,050	0	7,050	7,050
General Insurance	578	0	9	9	0

	Estimated Balance 30 June 2022				December 2021 Actual Balance
	Original Budget	Current Adopted Budget	December Review Adjustment Recommended	December QR Proposed Budget	
Industrial Land Development	11	3,732	1,354	5,086	5,018
Jervis Bay Territory Contract	0	0	0	0	0
Jetty Licensing	19	19	0	19	19
Plant Replacement	318	0	0	0	1,046
REFund Reserve	0	272	44	316	280
S7.11 Matching Funds	247	247	64	311	311
S7.11 Recoupment	2,804	5,446	1,303	6,750	11,868
Shoalhaven Foreshore Development	1,171	1,131	0	1,131	1,165
Sporting Facilities	2	0	0	0	22
Strategic Projects	0	536	(536)	0	732
Strategic Property Reserve	886	386	0	386	0
<b>Total Internally Restricted</b>	<b>15,879</b>	<b>19,646</b>	<b>2,577</b>	<b>22,224</b>	<b>33,043</b>
<b>Total Restricted</b>	<b>97,779</b>	<b>106,666</b>	<b>62,468</b>	<b>169,134</b>	<b>212,403</b>
<b>Total Cash and Investments</b>	<b>101,363</b>	<b>108,353</b>	<b>62,305</b>	<b>170,658</b>	<b>213,325</b>
<b>Available Unrestricted Cash</b>	<b>3,584</b>	<b>1,687</b>	<b>(163)</b>	<b>1,524</b>	<b>922</b>

**Notes:**

The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific future purpose.

ORIGINAL Budget +/- approved budget changes in previous quarters = REVISED Budget

REVISED Budget +/- recommended changes this quarter = PROJECTED year end result

## Cash and Investments

### Statements

#### Investments

The restricted funds are invested in accordance with Council's investment policy

#### Cash

Cash was last reconciled with the bank statement for this quarterly budget review on the 31 December 2021

#### Reconciliation

##### Cash Reconciliation 31/12/2021

Bank Balance per statement	8,760,521
Unpresented cheques / Deposits	-72,617
Cash on hand	21,080
<b>Total Cash on Hand Balance</b>	<b>8,708,984</b>
Term Deposits	129,911,000
AMP At Call Account	687
AMP Notice Account	4,162,772
CBA Business Saver	16,195,076
Managed Funds	20,917,039
Bonds	5,000,000
FRN	28,100,000
Restrict Invest - Trust	161,428
Fair Value adjustment	167,523
<b>Total Investments</b>	<b>204,615,524</b>
<b>Total Cash &amp; Investments balance</b>	<b>213,324,508</b>
<b>Total Cash &amp; Investments per Ledger</b>	<b>213,324,508</b>

## Contracts and Other Expenses

### Consultancy and Legal Expenses

Expense	Expenditure YTD	Budgeted Y/N
Consultancies	520,397	Yes
Legal Fees	845,841	Yes

**Definition of Consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendation or high-level specialist or professional advice to assist decision-making by management. Generally, it is the advisory nature of the work that differentiates a consultant from their contractors.

## Responsible Accounting Officers Report

### Responsible Accounting Officer's Statement Quarterly Budget Review

*For the period 1 October 2021 to 31 December 2021*

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review for Shoalhaven City Council for the quarter ended December 2021 indicates that Council's projected financial position at 31 December 2021 will be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Olena Tulubinska

Responsible Accounting Officer



Address all correspondence to:  
**The Chief Executive Officer**  
PO Box 42, Nowra NSW 2541  
[shoalhaven.nsw.gov.au/contact](http://shoalhaven.nsw.gov.au/contact)  
1300 293 111

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)     





# Monthly Report

## Shoalhaven City Council

CL22.97 - Attachment 1

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January 2022



## Market and Economic News

### Global Leaders

Stocks pulled back on fears that even relatively mild omicron will overwhelm medical systems and force crippling lockdowns. Markets fretted as a Russian invasion of Ukraine was said to be imminent. The US Dow Jones, S&P500 and NASDAQ slid -3.2%, -5.2% and -9.0% respectively. MSCI World ex-AUS fell -4.9% in local terms. Emerging Markets fell a modest -1.9% in \$US China and Russia underperforming against strong gains in many countries. Frontier fell -3.5%.

US 10-year bonds weakened to 1.79% (+27bp). High yield weakened to 363bp spread (+53bp).

COVID19 deaths approach 5.7m (+230k) from over 378m cases (+80m, triple the highest prior wave). The world reached 53% 2<sup>nd</sup> vaccination (+4%, slowing as they are diverted to boosters). Daily global deaths ticked higher, mostly from USA. The US Supreme Court blocked some mandates.

US unemployment dived to 3.9% (-0.3%) in December, despite poor Non-farm Payrolls of +199k vs November's +249k. Participation was steady at 61.9%. Youth unemployment fell to 8.2% (-0.2%). Inflation jumped to +7% YoY (+0.2%) after a +0.5% month; core inflation soared to +5.5%, both 40+ year highs. Retail sales fell -1.9%. Supply chain failures worsened.

Eurozone unemployment eased to 7.2% (-0.1%) in December. Prices rose +0.3% in December and are a record +5.1% YoY – with some countries twice that.

China's GDP eased to 4% in 2021. Unemployment was 5.1% (+0.1%). Prices are +1.5% YoY.

### Domestic News

After month end, the RBA's February meeting ended quantitative easing, with the last bond to be bought on the 10<sup>th</sup>. There was no change in rates guidance, with the RBA uncertain about when supply chains will normalise. Election campaigning has begun, with polls suggesting a landslide.

Australia reached 93.4% 16+ / 78.4% population vaccination and has moved to define "vaccinated" as 3-shots. The omicron wave of COVID19 cases eased slightly, with deaths peaking at multiples of previous records. Hospitalisations appear to have stabilised.

2-year yields soared to 90bp, from 60bp. 10-year bonds closed 1.89% (+21bp). The ASX200 slumped -6.4% and the Small Ordinaries -9% underperforming global peers. CoreLogic reported +0.8% property gains in January, +21% YoY. Home loan commitments rose +6.3% in November and dwelling approvals rose +3.6%. Prices rose +1.3% in Q4 to be +3.5% YoY. Core inflation was 2.6%.

December unemployment fell to 4.2% (-0.4%) on flat 66.1% participation. Employment rose +65k (fulltime +4.2k) to a record 13.2m. Underemployment fell -0.8% to 6.6%. Youth unemployment fell to 9.4% (-1.5%). 396k vacancies in November was +18.5% QoQ. The November trade surplus was \$9.4bn (-13%) after a 6% increase in imports. Retail sales were +7.3% on November's reopening, to a new highwater mark 5.8% above a year earlier.

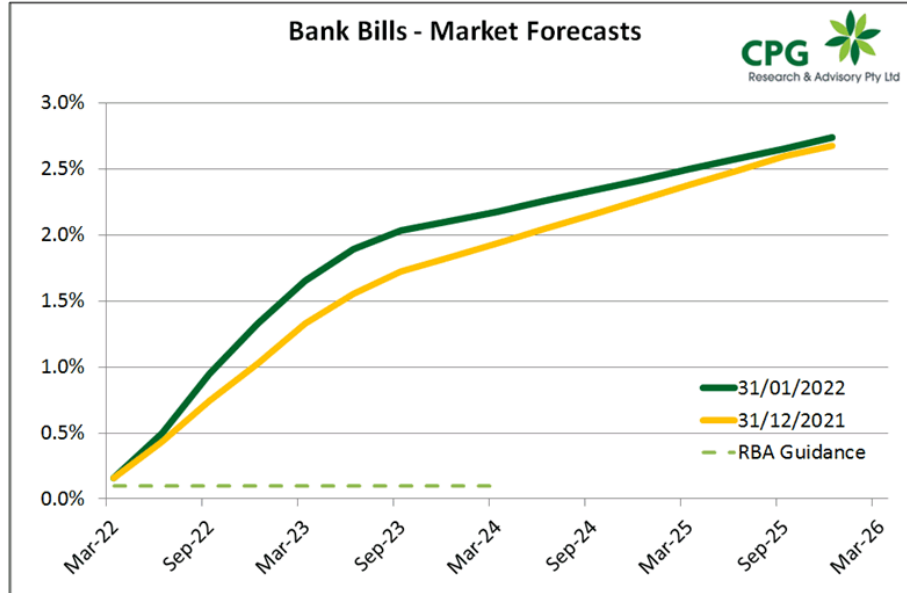
### Other Markets

WTI oil jumped to a 7-year high \$US88/bbl (+17%) on fears that Russian sales would be interrupted by war. Gold fell to \$1798/oz (-2%). Iron ore jumped to \$138/t (+15%).

Base metals mostly firmed, with Nickel (+9%), Zinc (+1%), Tin (+7%), and Aluminium (+10%) up but Copper (-1%) down. The \$A hit a post-COVID low US70c (-3.4%).



*Expected short-end rates generally rose ahead of the RBA's first 2022 meeting:*



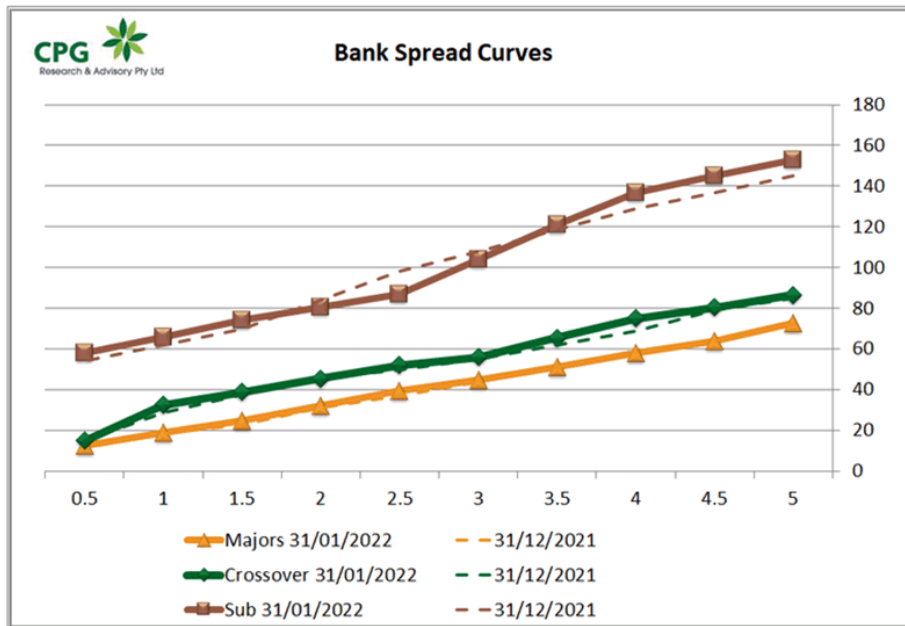
#### Fixed Interest Markets

*The omicron COVID variant brought a vast wave of cases and deaths ticked higher. Credit derivatives sold off as stocks plunged and the VIX "fear index" doubled to over 30.*

Credit Indices	31 Jan 22	31 Dec 21	31 Dec 19
iTraxx Australia 5 Yr CDS	74bp	63bp	47bp
iTraxx European 5 Yr CDS	59bp	48bp	44bp
CDX IG North American 5 Yr CDS	60bp	49bp	45bp
CDX HY North American 5 Yr CDS	339bp	292bp	280bp

These well off their late 2021 levels, which were approaching pre-COVID levels.

**Bank senior paper was little changed, and we have adjusted Bloomberg marks in line with the rest of the curves. Bank paper held up well:**



Physical high yield **also sold off**, closing at +363bp vs +310bp in December (BoAMLHY Index, option-adjusted). **We regard HY bonds as reasonable around +400bp.** We retain a *Neutral* view on loans – again steady around ~425bp spread with positive returns in a weak month.

**Global bonds lost ground again in January, with Australia suffering slightly less than the inflation-ravaged US bond market.** It is unusual for bonds to weaken during a full stockmarket correction in many markets. **US bond values dived as yields hit 1.79% (+27bp).** **Australian 10-year bonds weakened to 1.91% (+24bp), and they have continued to weaken.** 2-year bond yields soared again to 0.9% (vs 0.6% in December). 5-year bonds traded to **1.64% (+30bp).** **3m BBSW was steady (+8bp).**

There were many reasons for the risk asset sell-off. More US inflation data, plunging bond prices, fear that Russia would invade Ukraine and drag NATO into the conflict. Some of COVID's tech winners saw earnings fall.

**After month end, the RBA's February meeting ended quantitative easing, with the last bond to be bought on the 10th.** There was no change in rates guidance, with the RBA uncertain about when supply chains will normalise.

The RBA acknowledged reality and did accelerate the end of QE (which, as an emergency response, was inevitably going to end soon anyhow) but with no change in guidance and relying on a below-consensus view of 2022 inflation.

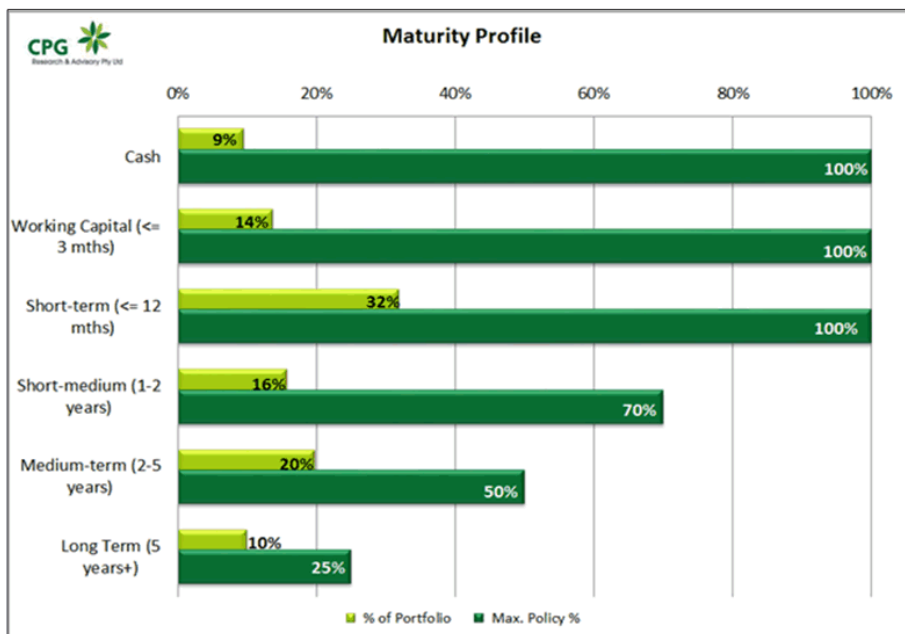


## Council's Portfolio

The portfolio has a 9% of investments available at-call. A further 14% of assets mature within 3 months, with an additional 32% of assets maturing within 3-12 months. The yield curve looks for policy rates to turn higher through FY23, despite the RBA's reluctance to update guidance. They quietly dropped yield curve targeting, but without taking the opportunity for more radical change.

There is a longer-term allocation has increased to 20% in 2-5 years maturity FRNs plus the TCorpIM Long-Term Growth Fund. With FRN spreads back around pre-COVID levels, FRNs are now good relative value against deposits.

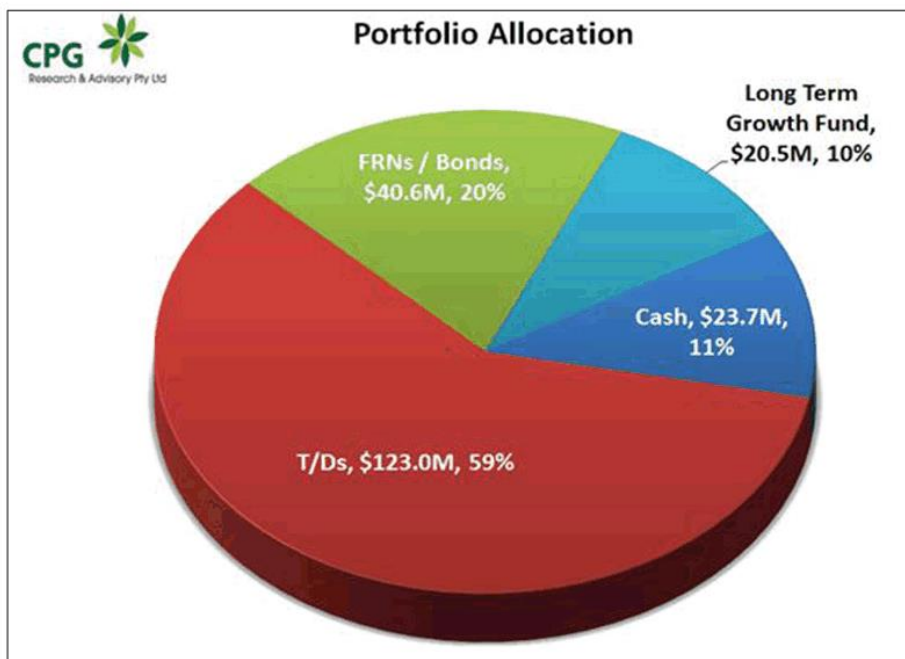
All investments are within the current Minister's Order, having closed out legacy fund positions at their peak. Council now holds \$20m+ in LTGF, coincident with securing loans from TCorp and adopting TCorpIM policy rules.



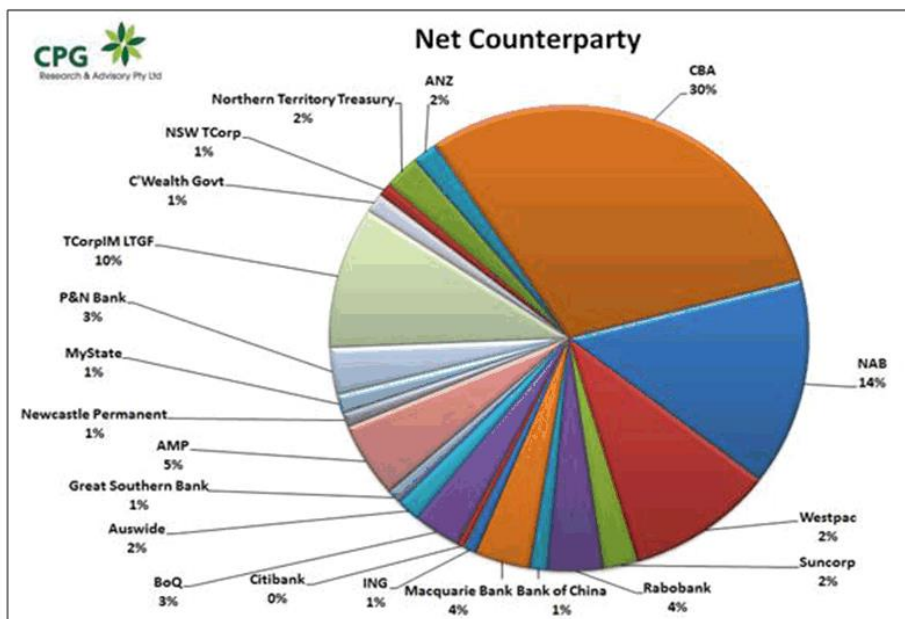
Council's investments are well spread across maturities and diversified across the highly rated part of the eligible fixed interest universe. **Capacity is effective unconstrained at all durations.**

Council's portfolio is primarily in deposits (at 59%) along with a substantial liquid portfolio. Of the FRNs, market liquidity is very strong with demand for all bank securities. A more diverse range of banks have come to market as FY21 progressed.

Cash was reduced to 11% (including AMP 31-day Notice Account) through purchase of FRNs.



The investment portfolio is well diversified in complying assets across the entire credit spectrum, with **major banks the largest exposures**.





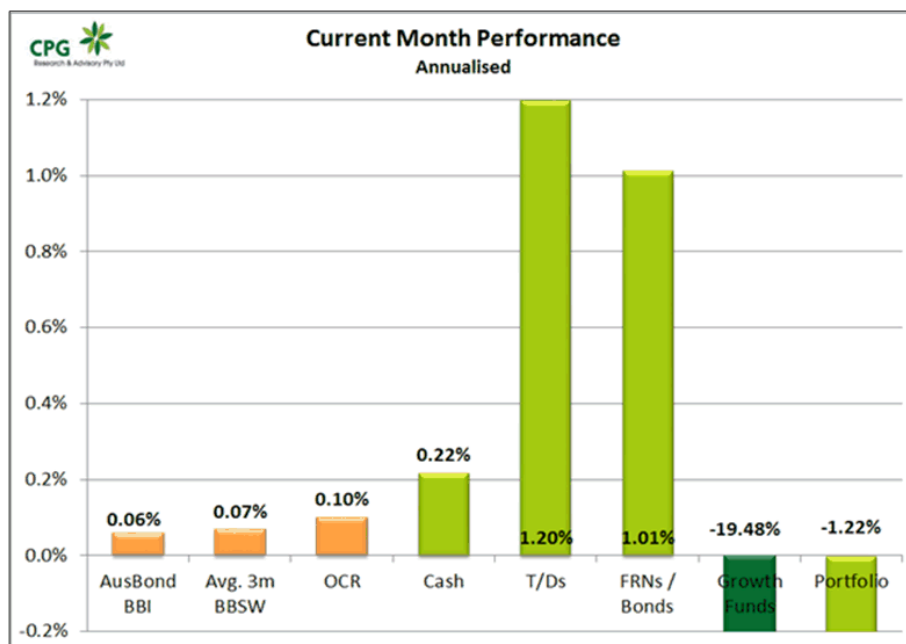


## Returns - Accrual

Actual	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	0.01%	0.03%	0.05%	0.06%	0.10%	0.18%	0.48%	0.74%	0.89%
Avg. 3m BBSW	0.01%	0.01%	0.02%	0.02%	0.03%	0.13%	0.50%	0.87%	1.04%
AusBond Bank Bill Index	0.00%	0.01%	0.02%	0.02%	0.03%	0.16%	0.57%	0.91%	1.08%
Council Cash	0.02%	0.05%	0.12%	0.15%	0.26%	0.46%	0.86%	1.15%	1.35%
Council T/Ds	0.10%	0.29%	0.57%	0.67%	1.26%	1.61%	2.02%	2.32%	2.53%
Council FRNs / Bonds	0.09%	0.24%	0.46%	1.05%	1.45%	1.40%	1.78%	2.15%	-
Council Growth Funds	-1.82%	1.04%	0.45%	2.38%	-	-	-	-	-
Council Total Portfolio	-0.10%	0.32%	0.52%	0.78%	1.29%	1.45%	1.80%	2.07%	2.24%
Annualised	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	0.10%	0.10%	0.10%	0.10%	0.10%	0.18%	0.48%	0.74%	0.89%
Avg. 3m BBSW	0.07%	0.06%	0.04%	0.04%	0.03%	0.13%	0.50%	0.87%	1.04%
AusBond Bank Bill Index	0.06%	0.06%	0.03%	0.03%	0.03%	0.16%	0.57%	0.91%	1.08%
Council Cash	0.22%	0.21%	0.24%	0.25%	0.26%	0.46%	0.86%	1.15%	1.35%
Council T/Ds	1.21%	1.16%	1.14%	1.14%	1.26%	1.61%	2.02%	2.32%	2.53%
Council FRNs / Bonds	1.01%	0.96%	0.91%	1.78%	1.45%	1.40%	1.78%	2.15%	-
Council Growth Funds	-19.48%	4.21%	0.89%	4.08%	-	-	-	-	-
Council Total Portfolio	-1.22%	1.26%	1.03%	1.32%	1.29%	1.45%	1.80%	2.07%	2.24%

The Overall portfolio lost -1.22% p.a. for the month of January 2022 as stocks fell heavily. **Fixed interest returned a stable +8bp (0.89% p.a.) pre-Growth**, exceeding the benchmark AusBond Bank Bill Index (+0.06% p.a.) by **+83bp p.a.** Monthly results will depend entirely on stockmarket direction.

Longer dated deposits yield ~1.21% – high compared to current rates of comparable term. It is now likely that benchmark rates will accelerate upwards in FY23 to meet current returns.





## Credit Quality

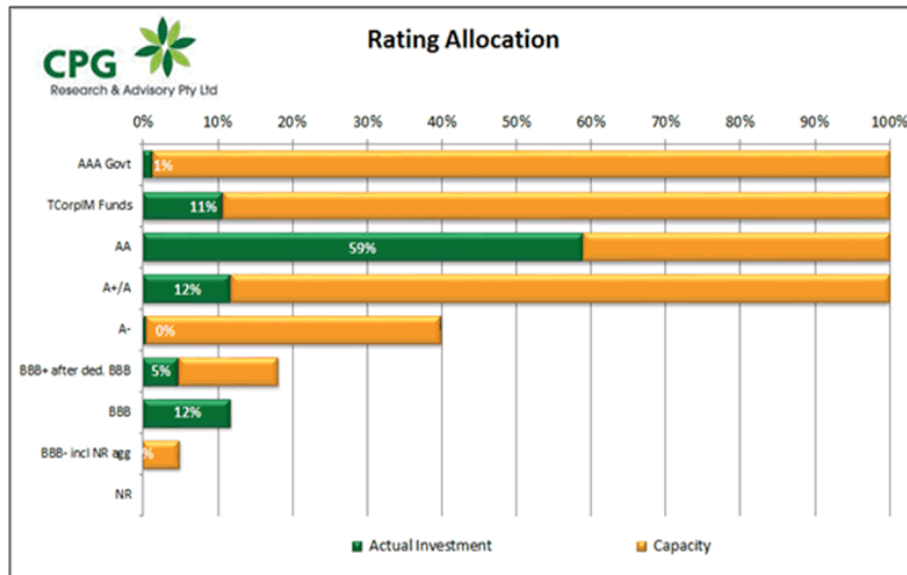
Allocations were very conservative. A small overweight to BBB increased through minor portfolio shrinkage in the month. These now use the TCorp's criteria embedded in the new Investment Policy in order to access concessional loans.

We have tested the portfolio provided against Council's new Investment Policy:

*There is a small overweight to BBB, which can be addressed at will from cash accounts or sale of CUA 2023:*

Rating Category	Actual	Per C/Party	Aggregate	Actual Investment	Capacity
AAA Govt	1%	100%	100%	1%	99%
TCorpIM Funds	11%	100%	100%	11%	89%
AA	59%	100%	100%	59%	41%
A+/A	12%	30%	100%	12%	88%
A-	0%	20%	40%	0%	40%
BBB+ after ded. BBB	5%	10%	18%	5%	13%
BBB	12%	5%	10%	12%	-2%
BBB- incl NR agg	0%	\$250,000	5%	0%	5%
NR	0%	\$250,000 incl in BBB-			

*This table reflects the 2021 Policy. With BBB deposit maturities, there is a small 2% overweight. It can be reduced by redemption of AMP Bank Notice Account, or sale of FRNs such as CUA 2023 (now Great Southern Bank). Further BBB assets mature in Q1 2022.*

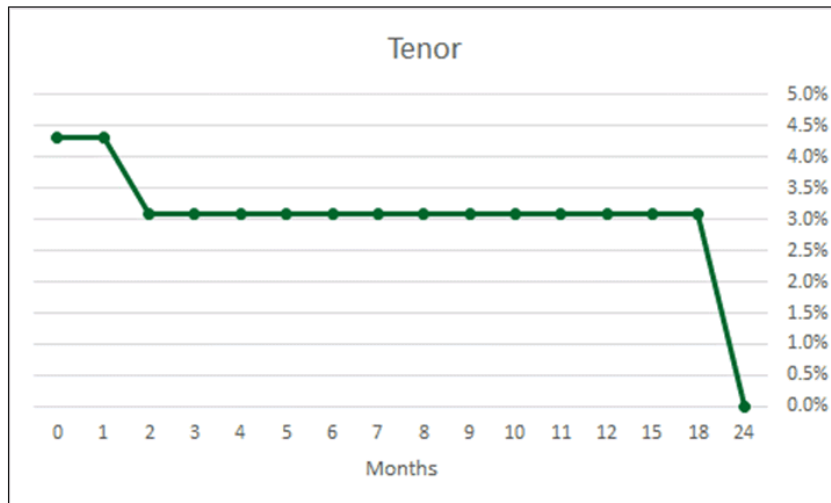




## Tenor

The new Policy restricted both aggregate amount, and remaining term (tenor).

The only area requiring attention are the longer BBB holdings. TCorp allow BBB-range names, but limit them to 12 months where not BBB+. The initial projection at commencement date followed this path over time:



We note

- ▶ All but \$3m of long-tenor BBB is in FRN form and currently either short dated saleable – we now recommend the sale of “legacy” assets, on outright investment grounds as the spreads are very tight for short-dated FRNs
- ▶ While we recommend sale of the CUA 2023 (BBB, at the lower-of rating), it sooner will become a complying (1-year tenor) asset during the month shortly followed by the Auswide 2023. Of course, its sale would also address the aggregate overweight to BBBs that followed some ADI downgrades.
- ▶ Newcastle Permanent 2025 is a more difficult sale, and there is no compulsion to switch it given a heavy cash balance.
- ▶ The last \$3m will be a long-dated MyState deposit maturing in 2023 will soon revert to a 12-month tenor

TCorp has approved the small “legacy” / grandfathered holding.



## Other Compliance

We have tested the portfolio provided against Council's current investment policy and report the following:

**AMP is fractionally above limit (and notice can be placed at will). The fixed interest portfolio is rated and otherwise compliant for single name exposures. TCorpIM LTGF is the only unrated asset.**

Counterparties	Exposure \$M	FCS	Net	Rating	Policy Limit	Actual	Capacity
TCorpIM Cash Fund	\$0.00M	\$0.00M	\$0.00M	AAA	100%	0%	\$207.77M
NSW TCorp	\$1.91M	\$0.00M	\$1.91M	AAA	100%	1%	\$205.86M
Northern Territory Treas	\$5.00M	\$0.00M	\$5.00M	AA-	100%	2%	\$202.77M
Suncorp Cov	\$0.00M	\$0.00M	\$0.00M	AAA	100%	0%	\$207.77M
ANZ	\$3.50M	\$0.00M	\$3.50M	AA-	100%	2%	\$204.27M
CBA	\$63.36M	\$0.25M	\$63.11M	AA-	100%	30%	\$144.66M
NAB	\$30.30M	\$0.25M	\$30.05M	AA-	100%	14%	\$177.72M
Westpac	\$21.00M	\$0.25M	\$20.75M	AA-	100%	10%	\$187.02M
Suncorp	\$4.80M	\$0.00M	\$4.80M	A+	100%	2%	\$202.97M
Rabobank	\$8.00M	\$0.25M	\$7.75M	A	100%	4%	\$200.02M
Bank of China	\$2.50M	\$0.00M	\$2.50M	A	100%	1%	\$205.27M
Macquarie Bank	\$8.00M	\$0.25M	\$7.75M	A	100%	4%	\$200.02M
ING	\$2.00M	\$0.25M	\$1.75M	A	100%	1%	\$206.02M
Citibank	\$1.00M	\$0.00M	\$1.00M	A-	20%	0%	\$40.55M
Bendigo-Adelaide	\$0.00M	\$0.00M	\$0.00M	BBB+	10%	0%	\$20.78M
BoQ	\$7.00M	\$0.25M	\$6.75M	BBB+	10%	3%	\$14.03M
Auswide	\$3.50M	\$0.25M	\$3.25M	BBB+	10%	2%	\$17.53M
ME Bank	\$0.00M	\$0.00M	\$0.00M	BBB+	10%	0%	\$20.78M
Great Southern Bank	\$2.10M	\$0.00M	\$2.10M	BBB	5%	1%	\$8.29M
AMP	\$11.17M	\$0.25M	\$10.92M	BBB	5%	5%	-\$0.53M
TMB	\$0.00M	\$0.00M	\$0.00M	BBB	5%	0%	\$10.39M
Newcastle Permanent	\$2.10M	\$0.00M	\$2.10M	BBB	5%	1%	\$8.29M
MyState	\$3.00M	\$0.25M	\$2.75M	BBB	5%	1%	\$7.64M
Defence Bank	\$0.00M	\$0.00M	\$0.00M	BBB	5%	0%	\$10.39M
P&N Bank	\$7.00M	\$0.25M	\$6.75M	BBB	5%	3%	\$3.64M
Qbank	\$0.00M	\$0.00M	\$0.00M	BBB-	\$250k	0%	\$0.25M
TCorpIM LTGF	\$20.54M	\$0.00M	\$20.54M	NR	100%	10%	\$187.24M
	\$207.77M		\$205.02M			99%	
C'wealth Govt		\$2.8M	\$2.75M	AAA	100%	1%	
Total	\$207.77M		\$207.77M			100%	

We have also tested Council's current investment exposure against the lower rated counterparties' net assets as Council's Policy prescribes maximum concentration.

We report the following:

**All counterparties comply with the net assets % threshold for individual counterparty, after a \$4m deposit with Auswide Bank matured during the month. We also note a current recommendation to sell the 2023 FRN.**



Counterparties	Exposure \$M	Rating	Max port %	Actual	Net Assets \$M	Max allowed % of net assets	Net Exposure		
Bendigo-Adelaide	\$0.00M	BBB+	10%	0%	\$6,354	2%	0.000%	2.00%	Comply
BoQ	\$7.00M	BBB+	10%	3%	\$6,197	2%	0.113%	1.89%	Comply
Auswide	\$3.50M	BBB+	10%	2%	\$257	2%	1.364%	0.64%	Comply
Great Southern Bank	\$2.10M	BBB	10%	1%	\$1,159	2%	0.181%	1.82%	Comply
AMP	\$11.17M	BBB	10%	5%	\$5,362	2%	0.208%	1.79%	Comply
TMB	\$0.00M	BBB	10%	0%	\$613	2%	0.000%	2.00%	Comply
Newcastle Permanent	\$2.10M	BBB	10%	1%	\$1,034	2%	0.203%	1.80%	Comply
ME Bank	\$0.00M	BBB+	10%	0%	\$1,646	2%	0.000%	2.00%	Comply
MyState	\$3.00M	BBB	10%	1%	\$415	2%	0.723%	1.28%	Comply
P&N Bank	\$7.00M	BBB	10%	3%	\$461	2%	1.518%	0.48%	Comply
Qbank	\$0.00M	BBB-	10%	0%	\$85	2%	0.000%	2.00%	Comply

These are before application of the government insurance scheme (FCS), although the difference is trivial. TCorp's convention is to calculate allocation on a gross basis, and they set their recommended limits accordingly.

Again, any excess is grandfathered by TCorp's loan approvals and will be run off. **The BoQ / ME Bank merger will not affect Council's counterparty exposures, but could bring a rating upgrade to BoQ to A range** given the current Positive Outlook.

## Term Deposits

***At month-end, deposits accounted for approximately 59% of the total investment portfolio.*** The weighted average duration of the deposit portfolio is ~0.8 year, or 10 months. It is comparable to the peer group, at a satisfactory interest rate relative to current offerings.

***Patience has been rewarded, with yields rising in both FRNs and deposits throughout FY22.***

The current yield of 1.21% is above comparable term rates currently available but higher long-end rates are now available as bond yields rise. **Market deposit rates were higher in the shorter term in January, with margins further down for some terms. AMP outlier rates pushed short term rates higher. The gap between A-rated and lower deposits is very variable – AMP rates remain extreme outliers.** A long term 5-year rate from Westpac showed 2.24% at month end, higher than last month.

Beyond 1 year, very low margins continue at high ratings. High grade deposits pay around 20-25bp above swap; **we anticipate much higher margins from FRNs** with protection against more rapid Official Rate increases than expected.

We note (typically short-dated) broker specials for deposits around short-term investment requirements are advised in the T/D daily rate sheet regularly. Relevant portfolio data follows:

### Term Deposit Statistics

Percentage of total portfolio	59%
Weighted Average Yield	1.21%
Weighted Average Duration	0.8 yrs

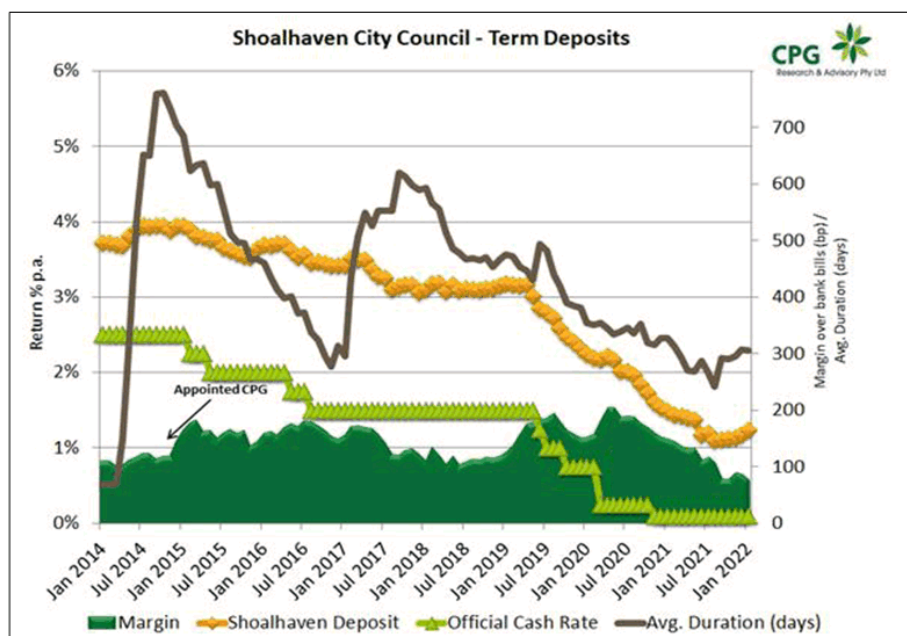


#### Credit Quality of Deposits

AAA^	0%
AA	71%
A	8%
BBB	21%
Unrated ADI	0%
<b>Total</b>	<b>100%</b>

^ Calculation excludes the Financial Claims Scheme (FCS)

We refer to the detailed analysis in our January *Fixed Interest Analytics*. We also revisit some prior analysis. Duration has since been relatively static just under the 1-year area. **Deposit margins have consistently exceeded 100bp since early 2019**, which set up excellent FY20 – the best in 5 years – and an extended plateau into a very strong FY21 as well. As deposits mature, average yield is again gradually reflecting (lagged) policy interest rates, around a year later.



FY21 saw strong excess performance from deposits (which have recently ranged from +150 to +200bp during the COVID-19 recession), as well as additional profits available from realising the embedded gains of the FRN book. Only now, more than a year after the emergency rate cuts, has this outperformance begun to normalise.

**The 2021 Policy will restrict longer deposits in future, pushing the portfolio towards higher rated FRNs. Council has directed some of the new investments to three FRNs under CPG's recommendation in January.**





## Credit: FRNs & Fixed Bonds

**Senior major FRN spreads were again marked in the +70s. Several were issued at that level in January – we recommend this on a relative spread basis compared to deposits.**

**We think they are now fairly priced, with spreads back to around pre-COVID levels.**

Investors could target +100 or more with high credit quality – this contrasts with A or AA T/D spreads that have at times fallen into the teens. However, **this would require sales and rollovers**, which have not recently been undertaken.

We note a **new issue indicated in the mid +70s**, and **think BBB+ names will issue wider than currently marked – however, they are heavily restricted by term.**

Long bonds resumed weakening, after November saw a rebound against the trend. 10-year bonds **had briefly closed above 2%** for the first time in 2½ years in October, and are again closer to 2% than to the recent low in the 160bp area. While the RBA stuck to most of its policy settings in the face of the collapse of yield curve control, the global inflation outlook continues to trend towards more persistently high numbers and a broader range of countries caught – **this is a headwind for bonds.**

We refer to the detailed analysis in our January **Fixed Interest Analytics**.

With AMP Bank in run-off as it is at the counterparty limit at Policy commencement (and BBB in total also slightly above), the highest returns from fixed interest in the Minister's Order are likely to be from new **FRNs outside the major banks. These are effectively prohibited by TCorp's duration limits. This is a cost of accessing cheaper loans.** An upgrade of BoQ to A- post merger with ME Bank is possible, and may help broaden the accessible universe slightly.

**BBB FRNs will be heavily restricted under the 2021 Policy. As such, foreign institutions will be the direction compelled by the TCorp rules.**

We continue to analyse opportunities, and **expect to recommend further sales of BBB FRNs nearing maturity.** The CUA 2023 (now Great Southern Bank) is an obvious choice to immediately reduce BBB counterparty exposure, and **selling the Auswide 2023 also has Policy benefits.**

The spread between AA and the larger BBB names is back to pre-GFC levels although back to around +20bp at the long end. It is through +10bp for shorter dated securities, **which is very expensive.** This provides the **opportunity to also sell benchmark second tier issuers.** Smaller ADIs will tend to trade considerably wider than benchmark issues.

Council received agreement from TCorp to amend loan conditions to increase the flexibility to invest in higher rated FRNs at 5-year terms. This was particularly beneficial in the month.

**Council invested \$2.75m with CBA at +70bp, \$2m with Rabobank at +73bp and \$2.7m with Suncorp issued at +78bp.**



## TCorpIM L/T Growth Fund

**Council invested \$20m in the Long-term Growth Fund in June 2021.**

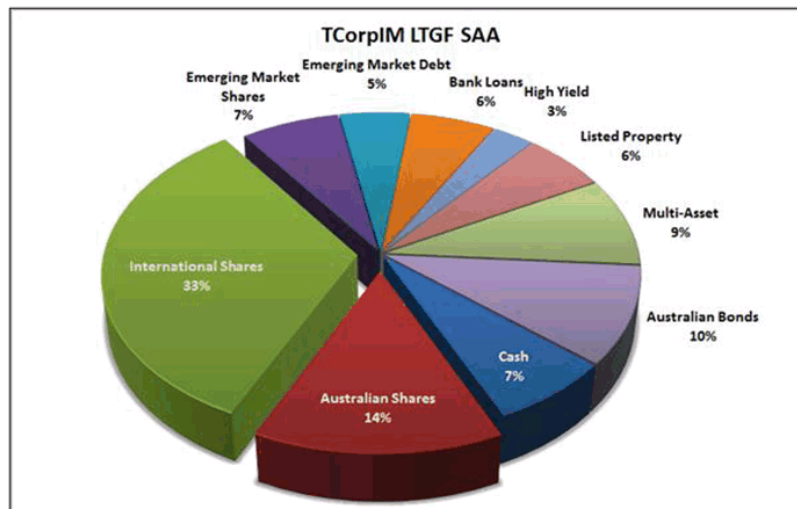
**The TCorpIM Long-Term Growth Fund lost -1.82% net actual in January.** A weaker \$A in the month (-3.4%) was very helpful for absolute and relative performance, outperforming the Morningstar median. Most of the markets fell in January, with stocks typically off 5% and the ASX falling faster. TCorpIM's lower equity allocation also helped relative outperformance against the true 70/30 peers.

**The US Federal Reserve indicating that monetary policy will tighten in 2022 with faster rate increases and an earlier end to bond purchases. Locally, the market had feared early RBA rate hikes but the RBA deflected these concerns.** Investors also fretted about Russian troop build-ups around Ukraine, with invasion described as "imminent" by US intelligence.

Moderate rate normalisation was no barrier to rising stock prices post-COVID. Markets only fell when it appeared the Fed would overtighten and move beyond "neutral."

The RBA forecasts inflation at the low end of their target range, **making Australia currently a low inflation safe harbour.** Headline CPI has spiked, but far less than peers. Indeed, the RBA is uncertain whether there is a deflationary event to come, as supply chain shocks unwind some time in FY23.

The strategic asset allocation is as follows:



**The US Dow Jones, S&P500 and NASDAQ slid -3.2%, -5.2% and -9.0% respectively.**

The US Q4 GDP of +6.9%, vs 2.3% from Q3, with the biggest contribution came from private inventories, personal consumption and transportation. **GDPNow suggests Q1 has opened poorly.**

Emerging Markets fell a modest -1.9% in \$US and Frontier fell -3.5%.



## Fixed Interest Outlook

*With inflation still out of control globally and apparently worsening, central banks have a major problem in what will certainly be a tightening year.*

**COVID19 cases are off the chart**, around 4x the previous worst wave. While deaths have been relatively stable from a milder variant, these too have started to tick up (primarily in USA).

The question for the market is not about dealing with tighter policy. Policy must tighten from zero or effectively negative interest rates coupled with record deficits. **The case for weaker risk assets and bonds requires tightening to be more severe than currently factored in.**

With the Fed and RBA both **ending bond purchases** early 2022, there are suddenly far fewer supporters of bond prices. Someone else will now have to buy the still massive volume of issuance. With USA creating further fiscal expansion (at the worst time), **the Fed will need to lead the policy response. The RBA feels it has the luxury of time to observe.**

The market appears relaxed with 4x25bp from the Fed, and perhaps a similar but delayed cycle from the RBA. 1% should frighten no-one, but 2023 guidance will be relevant. 1½% is priced as the terminal level for this cycle, just below the 10-year Treasury rate. The Fed's own assessment of neutral is 2½%. **The market signs of a pause at 1%, and may be disappointed.**

Investors may be underestimating how fragile economies are. **The omicron wave of COVID19 is at the limits of what is politically bearable.** Governments unconditionally promised their populations normality in return from vaccinations. "You're not going to get COVID." "100% efficacy against serious illness." "Post-COVID life at 80% [2 shots]." "[if vaccinated] you do not spread the disease to anyone else." None of these were scientific claims. They were political, but they set the covenant with populations – covenants that cannot possibly be honoured.

Base case economic outlooks rely on several assumptions:

- ▶▶ Boosters (now effectively mandatory in much of the EU) will succeed where 2 shots fell well short of expectations
- ▶▶ Governments can look through the current wave
- ▶▶ Populations will see the same take-up, and those boosters will be available – effectively, that means redirected away from emerging markets' first shots
- ▶▶ Relatively mild (although very contagious) omicron is the *status quo* – nothing prevents a contagious but more deadly variant emerging

Already, **much of Europe is moving to harder restrictions**, closing borders or otherwise increasing the stringency of responses. Germany is at record severity of restrictions – their 85 on the Oxford Stringency scale compares to 78 at the peak of the April 2020 panic. At a time when trade routes are already gravely stretched, **consensus GDP may be too high.**

Given supply-side difficulties, nor would economic slowdown necessarily be good for bonds either.



## Portfolio Listing

Shoalhaven City Council as at 31/01/2022						
Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
Macquarie Bank	A-1+	TD	\$1,000,000.00	365	0.55%	16-Feb-22
Bank of Qld	A-2	TD	\$5,000,000.00	1827	3.80%	21-Feb-22
Police and Nurses Bank	A-2	TD	\$5,000,000.00	1825	3.74%	22-Feb-22
Westpac Bank	A-1+	TD	\$6,000,000.00	1826	3.00%	2-Mar-22
Bank of Qld	A-2	TD	\$2,000,000.00	1826	3.80%	22-Mar-22
Auswide Bank	A-2	TD	\$2,000,000.00	182	0.40%	1-Apr-22
Commonwealth Bank Australia	A-1+	TD	\$2,000,000.00	225	0.35%	13-Apr-22
Commonwealth Bank Australia	A-1+	TD	\$4,000,000.00	253	0.36%	11-May-22
Commonwealth Bank Australia	A-1+	TD	\$2,000,000.00	285	0.37%	6-Jun-22
Commonwealth Bank Australia	A-1+	TD	\$4,000,000.00	306	0.38%	27-Jun-22
Commonwealth Bank Australia	A-1+	TD	\$4,000,000.00	315	0.40%	6-Jul-22
Commonwealth Bank Australia	A-1+	TD	\$4,000,000.00	322	0.40%	13-Jul-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	2.83%	24-Aug-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	3.00%	24-Aug-22
Rabobank	A-1	TD	\$2,000,000.00	1826	3.39%	13-Sep-22
Police and Nurses Bank	A-2	TD	\$2,000,000.00	1836	3.51%	28-Sep-22
Macquarie Bank	A-1+	TD	\$1,000,000.00	266	0.40%	5-Oct-22
Commonwealth Bank Australia	A-1+	TD	\$3,000,000.00	384	0.38%	12-Oct-22
National Australia Bank	A-1+	TD	\$3,000,000.00	272	0.65%	18-Oct-22
Commonwealth Bank Australia	A-1+	TD	\$7,500,000.00	430	0.43%	10-Nov-22
AMP Bank	A-2	TD	\$2,500,000.00	365	1.20%	16-Nov-22
National Australia Bank	A-1+	TD	\$2,000,000.00	333	0.70%	5-Dec-22
Commonwealth Bank Australia	A-1+	TD	\$5,000,000.00	372	0.57%	7-Dec-22
ING Bank (Australia) Ltd	A-1	TD	\$2,000,000.00	365	0.60%	14-Dec-22
National Australia Bank	A-1+	TD	\$2,000,000.00	384	0.58%	14-Dec-22
Commonwealth Bank Australia	A-1+	TD	\$7,500,000.00	120	0.45%	14-Dec-22
AMP Bank	A-2	TD	\$2,500,000.00	395	1.30%	16-Jan-23
AMP Bank	A-2	TD	\$2,000,000.00	365	1.30%	20-Jan-23
MyState	A-2	TD	\$3,000,000.00	730	0.56%	4-May-23
National Australia Bank	A-1+	TD	\$3,000,000.00	730	0.60%	31-May-23
National Australia Bank	A-1+	TD	\$3,000,000.00	735	0.55%	15-Jun-23
National Australia Bank	A-1+	TD	\$3,000,000.00	729	0.65%	21-Jun-23
National Australia Bank	A-1+	TD	\$3,000,000.00	767	0.57%	17-Jul-23
Rabobank	A-1	TD	\$2,000,000.00	1828	3.40%	23-Aug-23
National Australia Bank	A-1+	TD	\$3,000,000.00	827	0.60%	15-Sep-23
National Australia Bank	A-1+	TD	\$4,000,000.00	759	0.65%	16-Oct-23
Westpac Bank	A-1+	TD	\$4,000,000.00	827	0.55%	12-Dec-23
Rabobank	A-1	TD	\$2,000,000.00	1826	3.13%	21-Feb-24
Westpac Bank	A-1+	TD	\$4,000,000.00	1827	2.21%	19-Jun-24
<b>Total Term Deposits</b>			<b>\$123,000,000.00</b>			

CL22.97 - Attachment 1



Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
Credit Union Australia	A-2	FRN	\$1,000,000.00	1096	1.29%	4-Mar-22
Credit Union Australia	A-2	FRN	\$1,100,000.00	1096	1.28%	21-Feb-23
Westpac Bank	A-1+	FRN	\$2,000,000.00	1826	0.89%	6-Mar-23
Auswide Bank	A-2	FRN	\$1,500,000.00	1095	1.12%	17-Mar-23
National Australia Bank	A-1+	FRN	\$2,300,000.00	1826	1.09%	26-Feb-24
Bank of China	A-2	FRN	\$2,500,000.00	1096	0.65%	28-Apr-24
National Australia Bank	A-1+	FRN	\$2,000,000.00	1827	0.99%	19-Jun-24
Westpac Bank	A-1+	FRN	\$1,000,000.00	1919	0.94%	16-Aug-24
ANZ	A-1+	FRN	\$3,500,000.00	1827	0.82%	29-Aug-24
Citibank	A-1	FRN	\$1,000,000.00	1827	0.93%	14-Nov-24
Northern Territory Treasury Bond	A-1+	Fixed Rate	\$3,000,000.00	1206	1.00%	15-Dec-24
Newcastle Permanent Building Society	A-2	FRN	\$2,100,000.00	1827	1.15%	4-Feb-25
Macquarie Bank	A-1	FRN	\$2,000,000.00	1827	1.09%	12-Feb-25
Macquarie Bank	A-1	FRN	\$4,000,000.00	1827	0.51%	9-Dec-25
Northern Territory Treasury Bond	A-1+	Fixed Rate	\$2,000,000.00	1571	1.20%	15-Dec-25
Suncorp Metway Ltd Bank	A-1	FRN	\$2,100,000.00	1826	1.02%	24-Feb-26
CBA	A-1+	FRN	\$2,750,000.00	1826	0.77%	14-Jan-27
Rabobank	A-1	FRN	\$2,000,000.00	1826	0.81%	27-Jan-27
Suncorp Metway Ltd Bank	A-1	FRN	\$2,700,000.00	1826	0.85%	25-Jan-27
<b>Total Senior Securities</b>			<b>\$40,550,000.00</b>			
			<b>\$163,550,000.00</b>			
<b>Shoalhaven City Council as at 31/01/2022</b>						
<b>Grandfathered</b>	<b>ST Rating</b>	<b>SecurityType</b>	<b>Current Valuation</b>			<b>Maturity Date</b>
Macquarie Global Income Opportunities	NR	MF	\$0.00			T+3
TCorpiM Cash Fund	AAAm	MF	\$0.00			T+0
TCorpiM Long Term Growth Fund	NR	MF	\$20,535,645.88			T+2
			<b>\$20,535,645.88</b>			
<b>Product</b>	<b>ST Rating</b>	<b>SecurityType</b>	<b>Current Valuation</b>			<b>Maturity Date</b>
AMP At Call	A-2	Cash	\$687.49		0.60%	At-Call
AMP Notice Account	A-2	Cash	\$4,164,716.22		0.65%	31 Days
State Insurance Regulatory Authority		Cash	\$1,911,000.00			At-Call
CBA Operating Account	A-1+	Cash	\$11,412,479.52		0.10%	At-Call
CBA Business Online Saver	A-1+	Cash	\$6,197,552.51		0.20%	At-Call
			<b>\$23,686,435.74</b>			
<b>Total Investment Portfolio</b>			<b>\$207,772,081.62</b>			

## Disclaimer

The information provided in this document is intended for clients of CPG Research & Advisory only and does not constitute a recommendation or an offer to invest. Market sections of this document are descriptive and do not take into account the investment objectives, financial situation or particular needs of any particular investor. Before making an investment decision or acting on any of the information or recommendations contained in this report, the investor should consider whether such recommendation is appropriate given the investor's particular investment needs, objectives and financial circumstances. We recommend you consult your CPG adviser for updated advice that addresses your specific needs and situation before making investment decisions.

All information and recommendations expressed herein constitute judgements as of the date of this report and may change without notice. Staff and associates may hold positions in the investments discussed, and these could change without notice.



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

	Planning Report S4.15 Environmental Planning & Assessment Act 1979
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DA Number	DA20/1068
Property	189-197 Princes Hwy & 2A Parson Street, ULLADULLA - Lots 1-5 DP 21356, Lot 23 DP 1082957  External Civil works - Part road reserve DP1105304 (Property ID 81934 St Vincent Street), (Property IDs 90315, 90245, 90316, 89674 & 92447 Princes Highway) & (Property ID 89672 Dowling Street)
Applicant(s)	Philip Drew – Development Approvals Manager Bunnings Group Limited.
Owner(s)	ET & ME Oberg, Etmo Pty Ltd & Hogg Property Pty Ltd, Shoalhaven City Council

**Conflict of interest declaration**

I have considered the potential for a conflict of interest under the [Code of Conduct](#) and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.

NOTE: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the section manager.

Name

Choose an item.

10/09/2021

**1. Detailed Proposal**

Integrated Development (Water Management Act) comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Draft Voluntary Planning Agreement & Explanatory Note (Refer **Attachment 4** to the Council report) for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

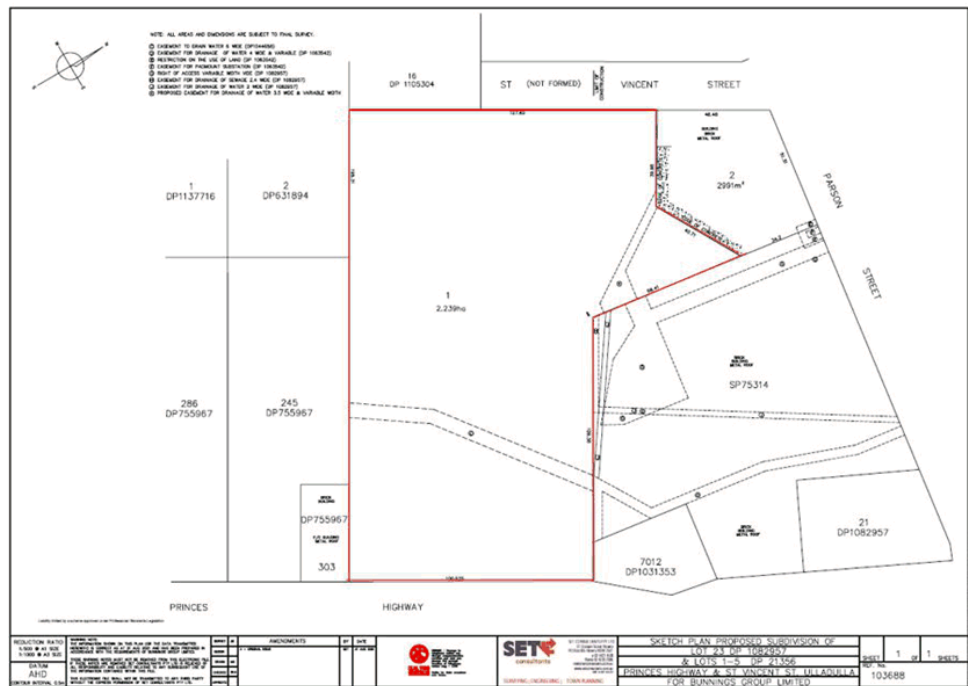


Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

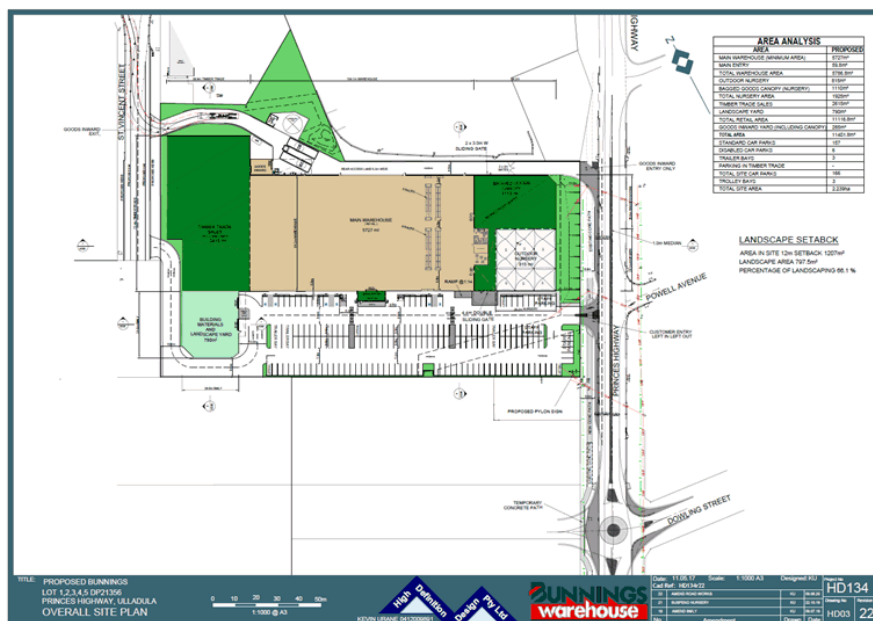


Figure 1 – Locality Plan

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

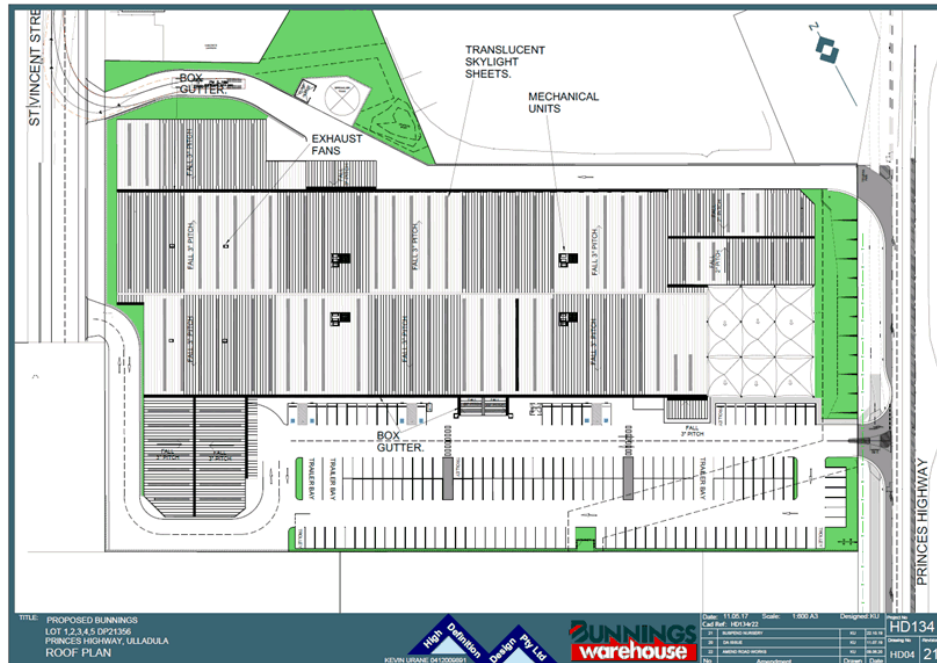


**Figure 2 - Subdivision Plan**



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

**Figure 3 – Overall Site Plan and associated civil works on St Vincent Street, Dowling Street and Princes Highway**



**Figure 4 - Roof Plan**

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

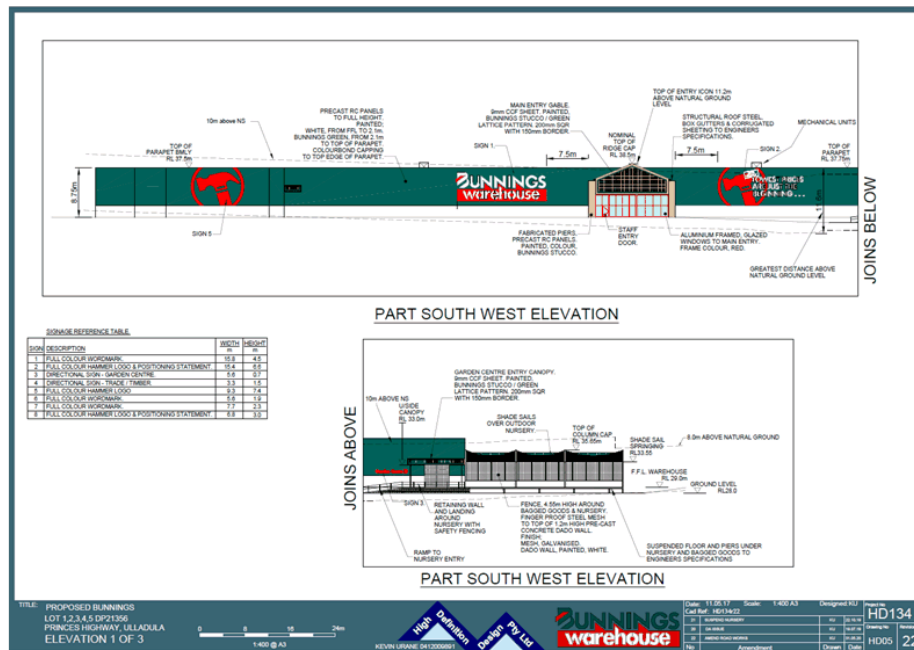


Figure 5 - Elevation 1 of 3

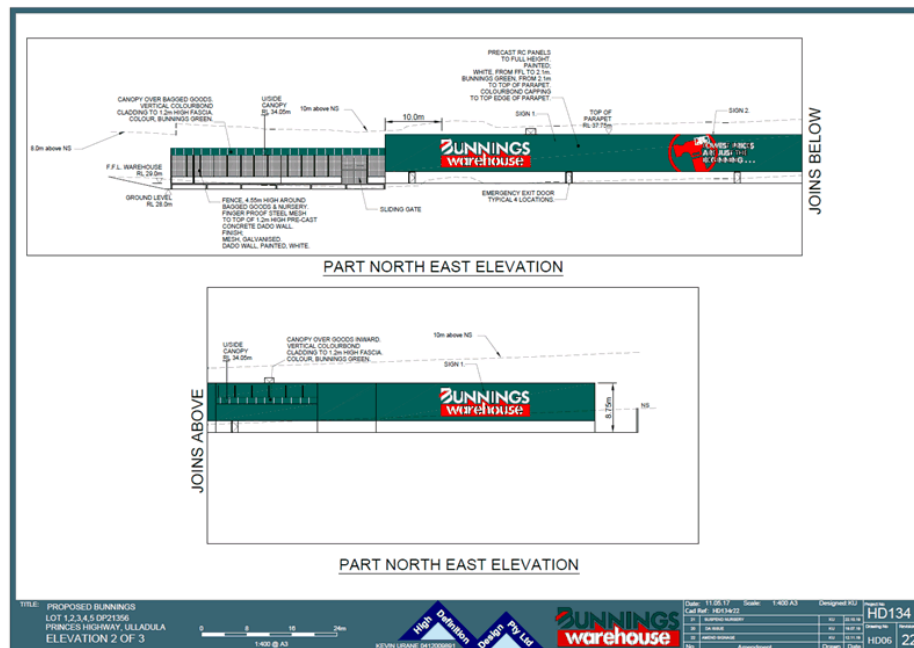


Figure 6 - Elevation 2 of 3

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

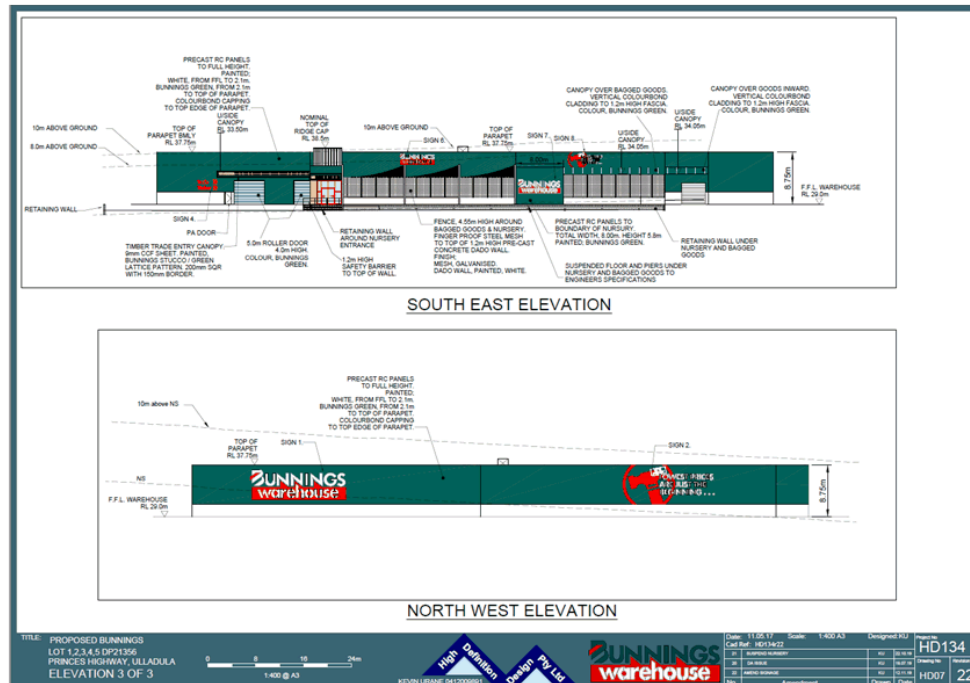


Figure 7 - Elevation 3 of 3

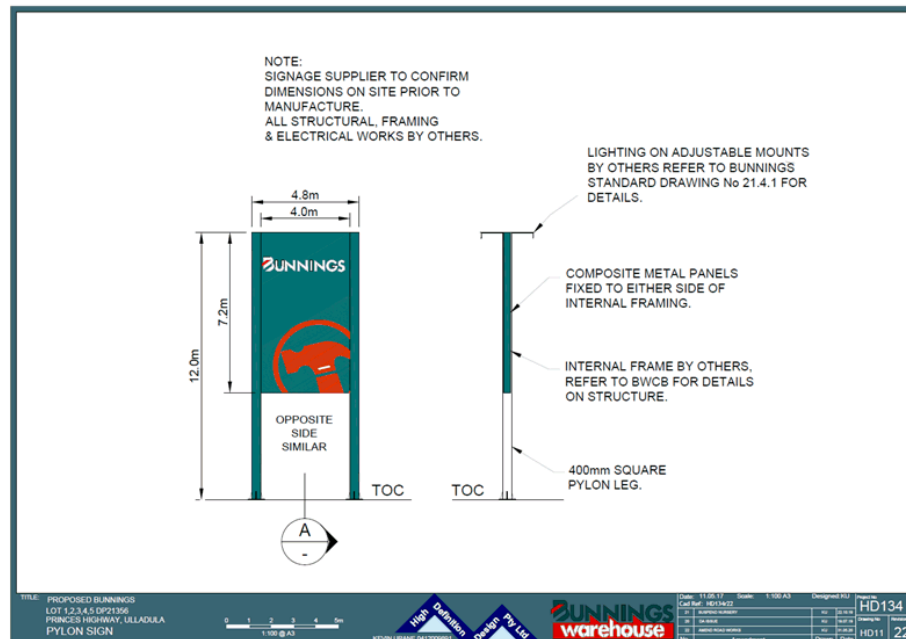


Figure 8 - Pylon Sign



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

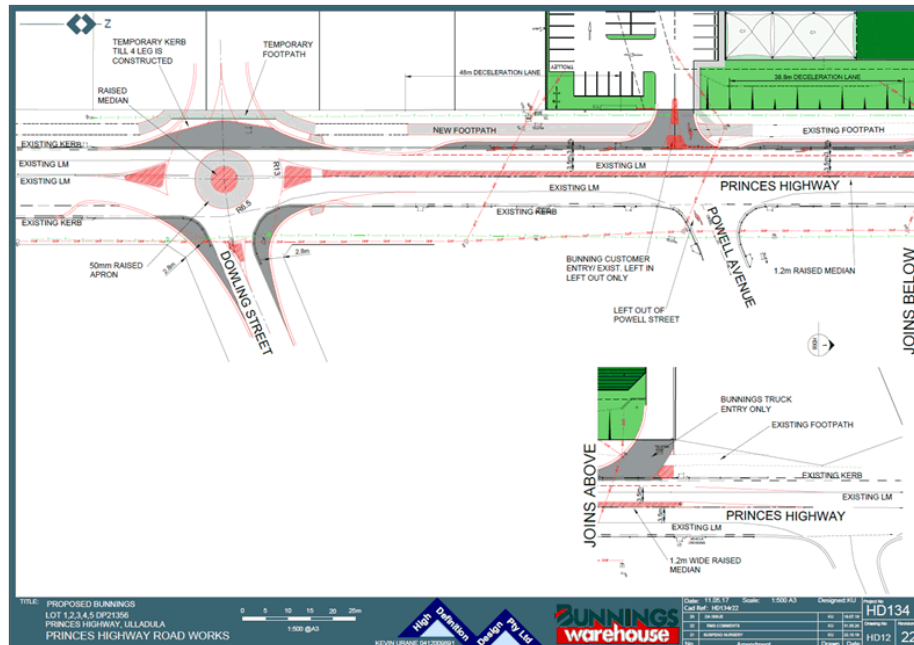
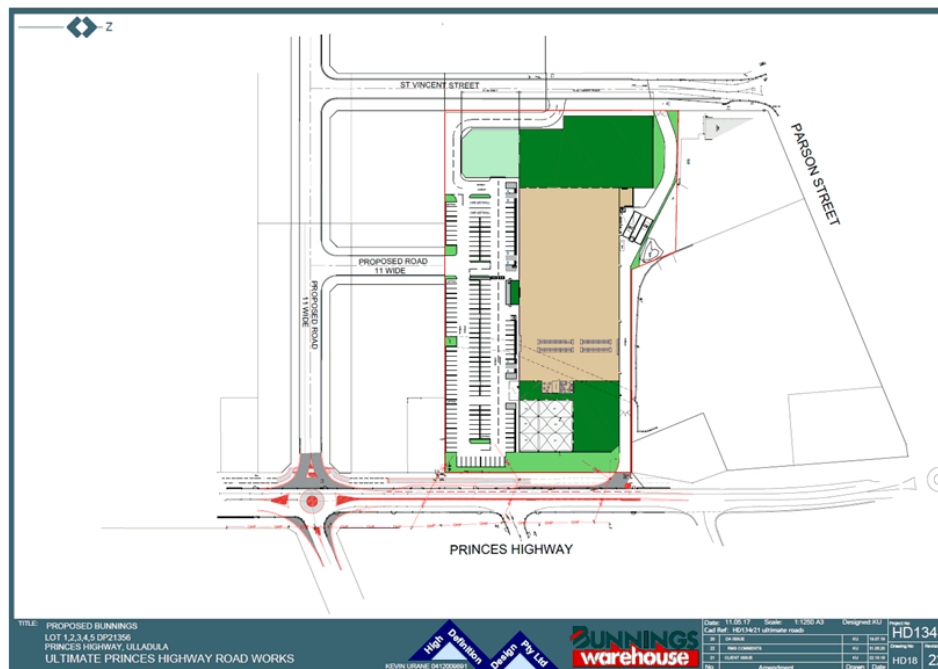


Figure 9 – Princes Highway roadworks (initial)





Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Figure 10 - Princes Highway Road Works (Ultimate) once Council completes St Vincent Street Link Road

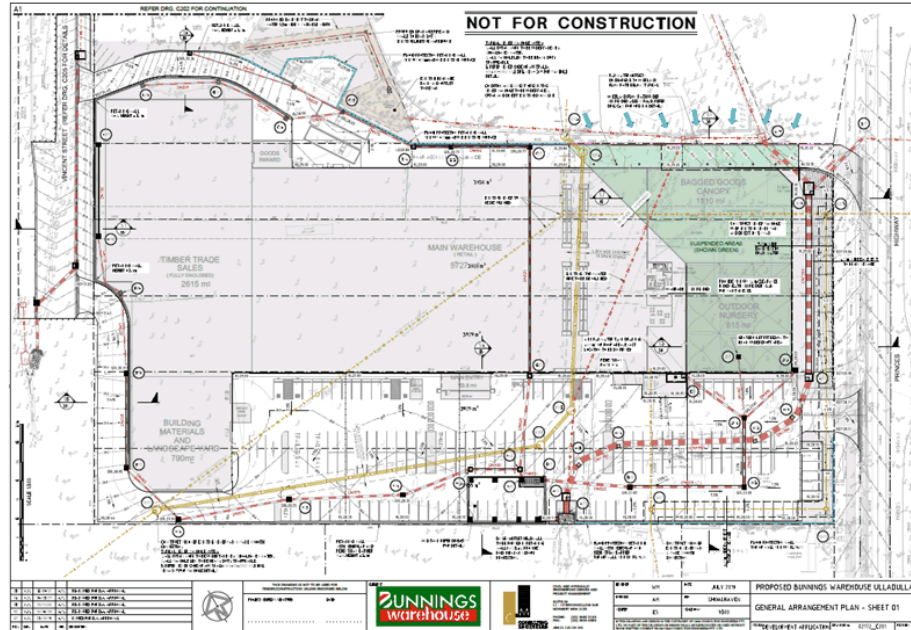


Figure 11 - Internal Civil Design Plan



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Figure 12 - Landscape Plan

## 2. Subject Site and Surrounds

### Site Description

The subject site is located approx. 950m south of the Ulladulla Post Office adjacent to the western side of the Princes Highway.



Figure 13 – Combined development site

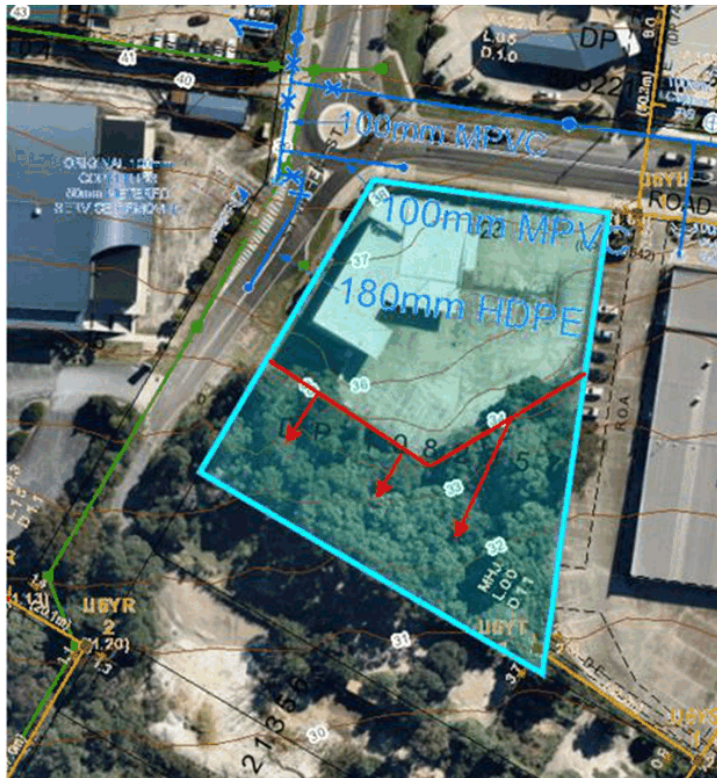
- The subject site is zoned B5 Business Development.
- A riparian corridor is identified within the southern half of the site that follows the stormwater flow path through the site.
- The subject site is identified as being part flood and bush fire prone land and the 2 southern most lots potentially contaminated (service station use).
- The site has multiple existing access points to the Princes Highway.

The site comprises six allotments and is legally described as Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957 and is known as 189 - 197 Princes Highway, Ulladulla and 2A Parson Street, Ulladulla. The site is of an irregular shape and has a total area of 25,381 m<sup>2</sup>. The lots which comprise 189-197 Princes Highway (Lots 1- 5 DP 21356) are rectangular in shape, each with an area of around 3,930 m<sup>2</sup> and the total site area of 189-197 Princes Highway is 19,657 m<sup>2</sup>.

2A Parson Street (Lot 23 DP 1082957) is located on the southeast corner of the intersection of Parson Street and St Vincent Street and has an area of 5,724 m<sup>2</sup>.



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



**Figure 14 - 2A Parson Street (Project lighting)**

Lot 23 DP 1082957 known as 2A Parson Street, Ulladulla is occupied by a commercial building (Project Lighting) and at grade parking on the northern portion of the site. Land identified south of the red line is proposed to be consolidated with proposed Lot 1 (Bunnings Site) with the residue (proposed Lot 2) left for Project Lighting. This portion of the site is undeveloped and vegetated.



**Figure 15 - 189 Princes Highway**

Lot 1 DP 21356 - 189 Princes Highway is improved by a single storey fibre cement clad dwelling with a metal roof. Two detached sheds are located to the rear of the site. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



**Figure 16 - 191 Princes Highway**

Lot 2 DP 21356 - 191 Princes Highway is improved by a single storey fibre cement clad dwelling and a detached Colourbond shed trading as an automotive radiator mechanical workshop (DA92/1748) that are separated by a central, open car parking area. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.



**Figure 17 - 193 Princes Highway**

Lot 3 DP 21356 - 193 Princes Highway is currently vacant as former dwelling was demolished under (DA17/1623).



**Figure 18 - 195 Princes Highway**

Lot 4 DP 21356 - 195 Princes Highway is improved by a single storey fibre cement clad dwelling and hard stand area ancillary to adjacent service station. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Figure 19 - 197 Princes Highway

Lot 5 DP 21356 - 197 Princes Highway is improved by a service station (DA84/2766 & DA88/1687) & ancillary infrastructure with an awning and signage extending over the front setback. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.

Deposited Plan and 88B Instrument

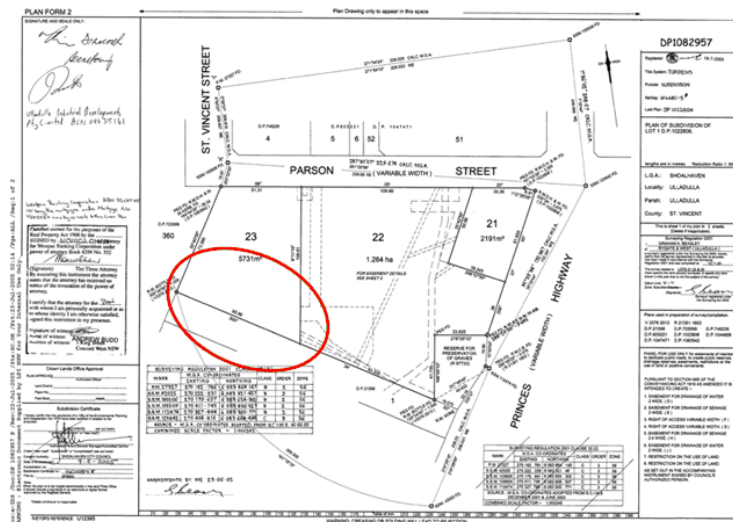


Figure 20 – Linen Plan 2A Parson Street

CL22.102 - Attachment 1

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

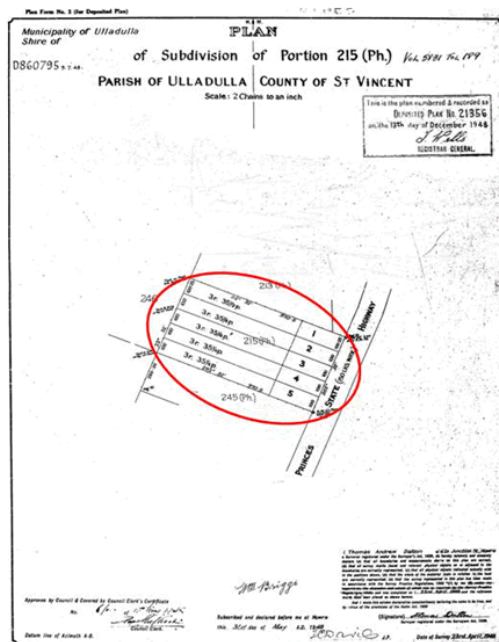


Figure 21 – Linen Plan 189-197 Princes Highway

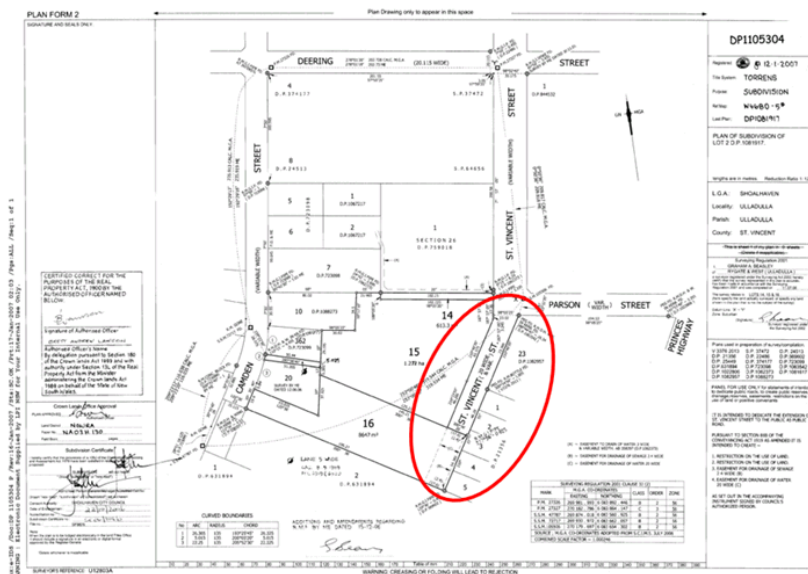


Figure 22 – Linen Plan DP1105304



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

**History and Previous Approvals**

**2A Parson Street – Lot 23 DP 1082957**

<a href="#">CC08/1188</a>	18/02/2008	Construction Certificate	New Commercial - 'Project Lighting Warehouse'	Approved
<a href="#">DS08/1022</a>	22/01/2008	Section 96 Amendment	New Commercial - Sec 96 - Clearing Part of Site before April 08	Approved
<a href="#">DA07/1039</a>	11/01/2007	Development Application	New Commercial	Approved

**189 Princes Highway – Lot 1 DP 21356**

<a href="#">RW19/1168</a>	22/03/2019	S138 Approval	Miscellaneous - Stockpile of excavation material. Section 138	Approved	30/04/2019
<a href="#">DR17/1911</a>	24/08/2017	Sewer Connection	New Commercial - Demolition of Dwelling at 193 Princes Hwy, Ulladulla and Construction of Storage Facilities on 189,191 and 193 Princes Hwy, Ulladulla.	Incomplete	
<a href="#">DA17/2061</a>	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	

**Plain Sailing - since 2nd September 1996**

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">DR03-2370</a>	04/11/2003	Sewer Application	Lapsed (P)	21/05/2008
<a href="#">DA01-3051</a>	31/10/2003	Industrial Building	Approved (T)	15/01/2004
<a href="#">DA01-3051</a>	31/10/2003	Industrial Building	Approved (T)	15/03/2007
<a href="#">DS03-1521</a>	31/10/2003	Section 96 Amendment	Approved (O)	15/01/2004
<a href="#">DS03-1521</a>	31/10/2003	Section 96 Amendment	Approved (O)	24/02/2004
<a href="#">SF9212</a>	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
<a href="#">DA01-3051</a>	12/09/2001	Industrial Building	Approved (T)	15/02/2002

<a href="#">DA2017/2061</a>	24/08/2017	Commercial/retail/office development	Self storage facility to be constructed in 2 C stages
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**191 Princes Highway – Lot 2 DP 21356**

<a href="#">DA19/1189</a>	27/02/2019	Development Application	Miscellaneous - Temporary Stockpile of excavation material	Approved	30/04/2019
<a href="#">DA17/2061</a>	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">DA02-1679</a>	31/10/2003	Industrial Building	Expired (T)	15/01/2004
<a href="#">DS03-1519</a>	31/10/2003	Section 96 Amendment	Approved (O)	15/01/2004
<a href="#">DS03-1519</a>	31/10/2003	Section 96 Amendment	Approved (O)	23/03/2004
<a href="#">DA02-1679</a>	14/11/2002	Industrial Building	Expired (T)	28/06/2004
<a href="#">DR02-2625</a>	14/11/2002	Sewer Application	No Permit Issued (P)	28/06/2004
<a href="#">DS02-1526</a>	14/11/2002	Section 96 Amendment	Approved (O)	17/11/2002
<a href="#">SF9212</a>	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
<a href="#">DA02-1679</a>	21/03/2002	Industrial Building	Expired (T)	28/06/2002
<a href="#">DA96-3585</a>	22/10/1996	Advertising Sign/Structure	Approved (T)	14/11/1996

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
BA76/0324	Dwelling Additions	Approved	Gumley LG	
BA78/0039	Factory Additions	Approved	Bailey GR&GM	
BA78/1119	Dwelling Additions	Approved	Bailey GR&GM	
SD9206		Approved	Bailey GR&GM	

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">DA94/1150</a>	17/02/1994	Trade N.E.C.	Approved	7/04/1994
<a href="#">DA92/1748</a>	22/05/1992	Trade N.E.C.	Approved	22/07/1992

193 Princes Highway – Lot 3 DP 21356

<a href="#">DA17/2061</a>	24/08/2017	Development Application	Self storage facility to be constructed in 2 stages	Incomplete	
<a href="#">DA17/1623</a>	29/05/2017	Development Application	Demolition of Existing Dwelling	Approved	29/06/2017

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">BC03-1289</a>	24/07/2003	Building Certificate	Abandoned (C)	24/07/2004
<a href="#">SF9212</a>	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
BA76/1055	Dwelling Additions	Approved	Gumley MF	
SD8871		Approved	Gumley MF	

195 Princes Highway – Lot 4 DP 21356

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
DA05-2117	15/06/2005	Miscellaneous	Approved (T)	25/08/2005
DA05-2117	15/06/2005	Miscellaneous	Approved (T)	07/08/2007
BC03-1284	24/07/2003	Building Certificate	Certificate Issued (C)	05/08/2003
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002
DA97-476	02/12/1997	Other Storage & Goods Handling N.E.C.	Approved (T)	03/02/1998

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
SD8264		Approved	Dixon R	

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
DA88/2876	9/11/1988	Service Station	Approved	10/01/1989
DA88/1687	28/04/1988	Service Station	Approved	6/06/1988
DA85/2443	20/08/1985	Trade N.E.C.	Approved	8/10/1985

BA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
BA96/0429	29/02/1996	COMMERCIAL ADDITIONS	Approved	19/03/1996
BA88/1897	05/07/1988	COMMERCIAL ADDITIONS	Approved	14/09/1988

197 Princes Highway – Lot 5 DP 12356

CC09/1814	22/07/2009	Construction Certificate	Industrial Additions - Install 3 Flood lights	Withdrawn	08/03/2010
DA09/1929	22/07/2009	Development Application	Industrial Additions - Install 3 Flood lights	Withdrawn	08/03/2010

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
SF9212	19/08/2002	SCC Easement (S)	Approved (S)	19/08/2002

DA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
DA88/1687	28/04/1988	Service Station	Approved	6/06/1988
DA84/2766	18/10/1984	Service Station	Approved	5/11/1984

BA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
BA85/2359	30/10/1985	COMMERCIAL ADDITIONS	Approved	11/11/1985
SD96/1116	27/05/1996			
SD03/1722	30/10/1985			

Draft Subdivision of Lot 16 DP 1105304

Crown Lands is currently finalising a Land Claim over Lot 16 DP1105304 at Ulladulla. This will identify the land to be transferred to the Ulladulla LALC (see attached draft subdivision plan area marked proposed lot 50). The residual land identified as proposed lot 51 has been earmarked for the essential public purpose of road and has been refused as part of the claims assessed.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

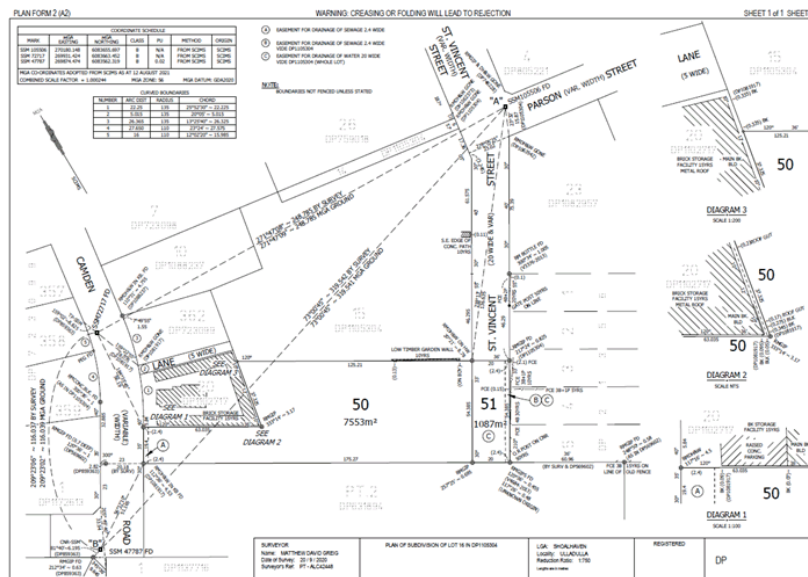


Figure 23 – Draft Subdivision of Lot 16 DP 1105304 provides for an extension of St Vincent Street to come under council ownership

### 3. Post-Lodgement

- 20/02/2020 Requested landowners consent from property unit for proposed civil works on St Vincent Street and the Princes Highway.
- 20/02/2020 Council property Unit Manager provided council owners consent for civil works over council land (D20/59214).
- 24/02/2020 Internal & external referrals (1<sup>st</sup>) issued
- 2/03/2020 Council issued stop the clock letter for integrated fees for Natural Resource Access regulator (NRAR).
- 20/03/2020 Council acknowledged receipt of integrated referral fees from the applicant
- 23/03/2020 Council issued RFI letter to applicant seeking more detailed information regarding the TIA, proposed civil works and stormwater design.
- 30/03/2020 Revised BDAR submitted.
- 2/04/2020 RFS issued recommended conditions of consent.
- 6/04/2020 TfNSW requested an updated Traffic Impact Study, SIDRA Modelling, for the intersection of Dowling Street and the Princes Highway, a more detailed concept design for the proposed civil works within the Princes Highway road reserve, revision to internal parking design, pedestrian refuge to the highway, swept path analysis for service vehicles into, through and out of the site and street lighting.
- 4/06/2020 NRAR General Terms of Approval received.
- 17/06/2020 Bunnings responded to RFI dated 23/03/20 and submitted revised stormwater and traffic reports and plans.
- 2/07/2020 2<sup>nd</sup> referrals issued to TfNSW, City Services & Development Engineer.

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- 13/07/2020 Concern was expressed about the location of the sewer and water drainage. The relocation of the stormwater water (substantial pipe system) and design of the system, having regard to the angles / noting also the proximity to Shoalhaven Water assets. The location of the pipe in a car park was mentioned and that it may be better to place the building over the pipe / easement. The advice prior to the DA (prelodgement) was to avoid building over easements and the stormwater be re-routed.
- 6/08/2020 TfNSW requested additional civil design information.
- 28/08/2020 Civil Design Issues Meeting held between Bunnings reps and council staff.
- 25/09/2020 Bunnings provided 3 concept civil design options in attempt to address council engineers concerns related to stormwater and sewer infrastructure.
- 29/09/2020 Civil Design Issues Meeting held between Bunnings reps and council staff.
- 30/09/2020 Bunnings provided updated civil design concept (Option 4) in attempt to address council engineers concerns related to stormwater and sewer infrastructure that burdens the site.
- 15/10/2020 Works and Services and Shoalwater provided feedback to Bunnings on concept civil design option 4 that addressed proximity of stormwater and sewer mains and the proposed development.
- 19/10/2020 Bunnings responded confirming intent to amend civil plans and corresponding architectural and landscape plans (latter only is required) to correlate with the civil concept outcome and need to clarify the proposed easement relocation on the uphill property being delivered by Council separate to the DA.
- 27/10/2020, 24/11/2020, 2/02/2021, 2/03/2021, 18/05/2021, 1/06/2021 - Meetings held between Bunnings and council staff to progress civil design issues.
- 6/11/2020 Letter to Bunnings from Asset and Works detailing offer to relocate existing stormwater easement to the adjoining land to the north.
- 8/12/2020 Bunnings provides letter (D20/544974) agreeing to support Council with the process for the proposed stormwater pipe relocation and relocation of existing easement, situated on the land known at 2B Parson Street, Ulladulla.
- 17/05/2021 Bunnings provided concept stormwater diversion sketches provided for discussion.
- 26/05/2021 Bunnings provided revised concept stormwater diversion sketches for review.
- 8/06/2021 Owners consent from the strata manager for 2B Parson Street Ulladulla provided to enable council to undertake works in private property outside the DA to undertake stormwater works in accordance with Sections 59A & 191A Local Government Act to divert the existing stormwater main and easement north of the Bunnings proposal to better align with the revised Bunnings internal civil concept design.
- 10/09/2021 3<sup>rd</sup> referrals issued to Shoalhaven Water, Development Engineer and Asset and Works.
- 13/09/2021 Bunnings submitted revised civil design plans, subdivision plan, stormwater and flood management plans.
- 3/11/2021 A&W provided comment on civil issues to be conditioned.
- 30/11/2021 Meeting between assessment planner and engineering staff to work through conditioning the development.
- 19/01/2022 Bunnings confirmed acceptance of minimum setback and height conditions for the proposed pylon sign.
- 2/02/2020 Bunnings advised - that they would agree to a condition for a new stormwater easement through the site to align with the upstream diversion works and the

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approved stormwater plans for the development, details on delivery hours, amenity lighting provisions and accepted an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under Section 10.7(5) of the EP&A Act about the VPA on any certificate issued under section 10.7 of the EP&A Act relating to the land the subject of the VPA.

#### 4. Consultation and Referrals

##### Internal Referrals

Referral	Recommendation	Comment
Development Engineer	<ul style="list-style-type: none"> <li>•The western access point from St Vincent Street is to be formalised into a turning head rather than a terminating road – conditioned</li> <li>•Internal delineation in the form of hold lines and give way signage is to be implemented at the buildings and materials landscape yard with an aim to reduce drive confusion – conditioned</li> <li>•The display area will need to be minimised or removed to ensure no obstructions to sight distance or vehicle manoeuvring within the carpark area. – conditioned</li> <li>•All proposed retaining walls, especially those adjacent to lot boundaries must be maintained in a good condition by the landholder/benefitting party in perpetuity or an alternative solution must be provided. Use of retaining walls to hold up the road reserve is typically not accepted without significant assurances prior to determination. – conditioned</li> <li>•Guard rail is to be provided on public roads with adjacent retaining walls. The location must be offset in accordance with AUSTRROADS and the sight distance implications at the proposed access points must be considered. – conditioned</li> </ul>	Conditions included in draft determination



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	<ul style="list-style-type: none"> <li>•Lane width, and shoulder width on the proposed St Vincent Street extension must be provided – not required – conditioned.</li> <li>•Swept path circulation internal to the building has not been provided – conditioned</li> </ul>	
Works and Services		
Road Assets Unit	<ul style="list-style-type: none"> <li>•Assessment of impacts to the access for the neighbouring lot to the south of the site, based on the concepts the driveway for the property will be sitting within the taper for the proposed left turn lane.</li> <li>•The left turn lane for customer access into the proposed development (off the Princes Highway) is, in Council's perspective, reasonable as "short term" solution.</li> <li>•Prior to the issue of a construction certificate, design plans must be done showing access to the site in conjunction with Council's Contributions Plan and current planning outcomes in consultation with Council.</li> <li>•The ultimate proposal does not take the potential on street parking allotments into account (see DCP S10) both in the Princes Highway corridor or the internal proposed road corridor.</li> <li>•It is noted that public transport will not be an item that is further explored as per the Traffic Impact Assessment (TIA). Council advises that this is not accepted and that consultation with TfNSW and Public Transport operators is to be undertaken as it is likely that this location will be a</li> </ul>	<p>Conditions prepared by development engineer in consultation with City Services.</p>

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	<p>prime candidate for additional bus stop infrastructure – comments from the initial referral: “It is advised that the developer consult with local bus companies to identify bus routes and bus stops and to determine what connectivity requirement is required for bus services in this location. Confirmation of this consultation is to be submitted to Council and should further modification be required relating to the servicing of public transport, it is to be compliant with the DSAPT.”</p>	
Natural Resource & Floodplain Section	<p><b><u>Flooding:</u></b></p> <p>The site is not impacted by 1% AEP event riverine flooding and is not mapped as being in a Flood Planning Area. The site does however comprise a stormwater overland flow path and drainage easement that passes through the site. This overland flow path comprises an unnamed Category 2 watercourse that is within 40m of the site. This overland flow path discharges into Racecourse Creek.</p> <p>The proposed flooding strategy comprises diversion of the existing 1,200mm diameter stormwater pipe around the proposed building (as shown on the concept civil engineering drawings), a minimum Finished Floor Level 500mm above the 1% AEP event flood level and providing an overland flow path beneath a suspended structure.</p> <p>The proposed development complies with Chapter G9 – Guidelines for Development on flood Prone Land of the Shoalhaven DCP.</p> <p><b><u>Stormwater:</u></b></p> <p>Refer to stormwater referral comments from Councils Development Engineer. A full list of stormwater conditions of consent shall be provided by the Development Engineer, including for the proposed rainwater tank and Soil &amp; Water Management Plan.</p> <p><b><u>Water Sensitive Urban Design:</u></b></p> <p>The proposed development is a large lot development in accordance with Chapter G2 of the Shoalhaven DCP.</p> <p>The Stormwater &amp; Flood Report (D20/50880) and Civil Package Plans (D20/50906) propose a WSUD strategy that comprises a below ground OSD tank for all events up to the 1% AEP event, a 40 kL rainwater harvesting tank with irrigation and toilet flushing reuse, EnviroPod devices in nominated inlet pits and 23 x 690mm PSORB StormFilter cartridges available from Ocean Protect that are fitted in a StormFilter chamber within the OSD tank to treat the water prior to it leaving the site.</p> <p>The proposed WSUD strategy includes a below ground OSD tank to achieve the 1% AEP event OSD requirements in DCP Chapter G2. The</p>	

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	<p>proposed proprietary stormwater treatment devices achieve the pollutant reduction targets in DCP Chapter G2. Whilst EnviroPod and StormFilter proprietary treatment devices are not accepted in public land, these devices are permitted in private property. EnviroPod devices must not be included in stormwater pits on the upgraded section of St Vincent Street. Limited calculations have been provided to demonstrate compliance with the stormwater retention and stream erosion index requirements in DCP Chapter G2, so these items have been conditioned.</p> <p>The proposed development complies with Chapter G2 – Sustainable Stormwater Management and Erosion / Sediment Control of the Shoalhaven DCP.</p> <p>Conditions included in draft determination.</p>	
Strategic Planning	<p><b>Draft VPA:</b></p> <p>Generally, no objection to the terms of the draft VPA. The following more minor comments are provided for consideration in finalising the agreement.</p> <p><i>15.14 Expenses and stamp duty</i> - It is noted that costs of dispute resolution are dealt with separately in section 10. Does subclause 15.14(b) adequately cover any other costs to Council that may arise in administering, implementing and monitoring the VPA? Yes</p> <p><i>Note on 10.7 Certificates</i> - Request that consideration be given to inserting an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under Section 10.7(5) of the EP&amp;A Act about the VPA on any certificate issued under section 10.7 of the EP&amp;A Act relating to the land the subject of the VPA. This is a provision in Council's existing policy on Planning Agreements and the draft new policy replacing it. Condition as per acceptance by Bunnings.</p> <p><b>Compliance with DCP Chapter S10 South Ulladulla:</b></p> <p>It is however noted that Figure 3 of Chapter S10 indicates a 'shared cycleway/footpath' along the western side of the Princes Highway / frontage of the subject land. The DA plans appear to only propose a footpath. Suggest that this be widened to be a shared cycleway/footpath as envisioned in the DCP. This work should be conditioned in the consent or included in the VPA.</p>	
Threatened Species	<p>Refer to comments under the Biodiversity Conservation Act below.</p> <p>Conditions included in draft determination.</p>	
Waste	Conditions provided	Conditions included in draft determination
Shoalhaven Water	Shoalhaven Water shall prepare a Notice of requirements for the proposed development based on the latest plans submitted by the applicant.	Conditions included in draft determination

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Environmental Health Officer	Environmental Services has reviewed 195-197 Princes Highway, Ulladulla NSW – Detailed Site Investigation – Ref:P1640-R-003-DSI-Rev0 – Bunnings Group Ltd prepared by Valley Civilab – 8/8/2019 for DA20/1068. Conditions provided	Conditions included in draft determination
Building Surveyor	The application does not comply with the deemed to satisfy requirements of the BCA with regards to egress and facilities, however the application may be subject to an alternate solution. Council is not the certifying authority. Recommend approval	Conditions included in draft determination
Landscape Architect	No response	Conditions included in draft determination
Property Services	Council property Unit Manager provided council owners consent for civil works over council land (D20/59214) on 20/02/2020.	

External Referrals

Agency	Recommendation	Comment
Rural Fire Service	Recommended conditions provided (D20/116687)	Conditions included in draft determination and copy of RFS response provided in <b>Appendix 2</b> to the draft conditions
TfNSW	Concurrence and recommended conditions of consent provided on 22/09/2020	Conditions included in draft determination at <b>Appendix 2</b>
Endeavour Energy	Given the large size of the proposed development it is unlikely that the existing local network will have sufficient spare capacity available to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed.	

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	<p>An extension and/or augmentation of the existing local network will be required. However the extent of the works required will not be determined until a detailed assessment is undertaken.</p> <p>Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.</p> <p>In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined.</p> <p>Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy.</p> <p>Endeavour Energy referral response provided in draft determination at <b>Appendix 2</b>.</p>
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## 5. Statutory Considerations

### Environmental Planning and Assessment Act 1979

#### Section 4.46 – Integrated Development

Act	Provision	Approval
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3

Agency	Recommendation	Comment
Water NSW	Approval	GTAs provided – refer <b>Appendix 2</b> to the draft conditions

### Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

The purpose of the Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the Protection of the Environment Administration Act 1991).

Part 6 of the Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offsets Scheme (BOS). The BOS applies to development and clearing when;

- The thresholds under s.7.1 of the Regulation are exceeded;
  - The clearing of native vegetation of an area declared by cl. 7.2
  - The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)



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The total area of the 6 lots combined is approximately 2.5ha. The subject site is all zoned B5 Business Development. No minimum lot size is assigned for this zoning therefore the smallest lot size (0.39ha) applies for the purpose of determining the area clearing threshold for entry into the Biodiversity Offset Scheme (BOS).

EcoLogocal Australia (ELA) provided a bushfire constraints assessment (August 2019) (TRIM 50898). This states the proposed landuse, being industrial, does not require an APZ however RFS PBP2019 requires a 'defendable space'. As such an APZ of; West > 9m, South > 8m and South East >37. ELA state this can be achieved without any fuel reduction outside the property boundaries for the subject site.

Area of native vegetation to be cleared or modified

The total area to be cleared and/or modified is 0.95ha;

- 0.48ha + 0.33ha of native vegetation representative of PCT 1082
- 0.14 ha of native vegetation representative of PCT 659

This area of proposed native vegetation removal is shown in Figure 13 of the Biodiversity Development Assessment Report (BDAR) prepared by Narla Environmental dated March 2020.



**Figure 24 – Extract of BDAR – Native vegetation that will require offsetting**

Evaluation of proposal against Triggers into the Biodiversity Offset Scheme

The area clearing threshold for entry into the BOS is 0.25 ha as the smallest Lot within the subject Site is <1 hectare. The proposed 0.95ha of native vegetation removal triggers entry into the BOS.

The proposal will not impact any areas mapped on the Biodiversity Values Map.

Review of provided Biodiversity Development Assessment Report



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The applicant submitted a *Biodiversity Development Assessment Report* (BDAR) by (Narla Environmental dated March 2020)

Narla (2020) described the proposal, development footprint, biodiversity and other environmental features of the site and provided site maps, native vegetation map and 1500m buffer vegetation cover map as required by the *Biodiversity Assessment Method* BAM.

*Fauna/Flora Survey* - Narla (2020) undertook field surveys for 10 Fauna and 14 Flora Species as detailed in Section 4 of the BDAR.

The BDAR states; *targeted flora surveys were conducted over four sampling sessions (each of one day duration), in July 2019, October 2019, November 2019 and March 2020 by Narla Environmental Ecologists. Targeted surveys were undertaken in accordance with the 'NSW Guide to Surveying Threatened Plants' (OEH 2016b) with maximum effort directed toward the suitable habitats located within the proposed development site.*

No threatened flora species were recorded or are considered likely to occur. One *Syzygium paniculatum* occurring was assessed as a garden planting was not considered further.

Narla (2020) determined and mapped (figure 10) the following PCTs (Plant Community Types) as being present on site/within the development footprint:

- Condition 1 PCT 1084: Red Bloodwood - Silvertop Ash - White Stringybark heathy open forest on coastal foothills, southern South East Corner Bioregion
- Condition 2 PCT 1084
- Condition 1 PCT 659: Bangalay - Old-man Banksia open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion
- Condition 2 PCT 659

Narla (2020) calculated Vegetation Integrity (V.I.) as follows:

Vegetation Zone	Current V.I.	Future V.I.
Condition 1 PCT 1084	66.7	0
Condition 2 PCT 1084	22.3	0
Condition 1 PCT 659	51.8	0
Condition 2 PCT 659	0	0

Narla (2020) determined and mapped (figure 10) 0.14ha of Condition 1 PCT 659 which equates to Bangalay Sand Forest endangered ecological community (EEC) as being impacted by the proposed development.

The BDAR identifies 4 vegetation condition zone(s) and undertook 1 survey plot in each in accordance with the BAM requirements (e.g one plot for vegetation zone of <2ha). The plot location is shown in Figure 10.

Twenty six ecosystem credit species were identified by the BAM calculator as potentially associated with native vegetation occurring on the subject land. BioNet records and habitat suitability were assessed for predicted species. One species (Yellow-bellied Glider) was excluded from the list of predicted ecosystem species due to the following reasons:

- (no hollow bearing trees present);

The remaining (25) ecosystem credit species were included in the BAM Predicted Species Report.

One species credit species (Southern Myotis) was determined as potentially associated with native vegetation occurring on the subject site. The BDAR states; *One (1) fauna Species Credit species was detected within the Subject Land, and will require offsetting as per the BAMC. Potential partial calls from Myotis macropus (Southern Myotis) were identified by an independent bat expert (Pearson*

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2019), and following the precautionary principle, we must assume this species utilises the associated PCT within the Subject Land. Therefore, 0.16ha of PCT659 must be offset.

The species polygon for *Myotis macropus* (Southern Myotis) was formed by mapping all of vegetation condition 1 of PCT 659.

Table 13 of the BDAR gives justification for excluding credit species predicted by the BAM calculator, based on habitat features present and results of targeted survey.

No expert reports were used for the assessment.

Mitigating and Managing Impacts on Biodiversity Values

Section 5 addresses the requirement of Chapter 8 of the BAM to avoid and minimise impacts. The BDAR refers to the disturbed condition of the site with regard to avoiding and minimising impact. Given the nature of the proposed development there is limited opportunity to redesign to avoid and minimise. Given the disturbed condition of the site and limited connectivity to better condition areas the subject site is considered suitable for the proposed development. Mitigation measures to minimise and mitigate impacts are detailed in Table 21 are comprehensive and will be incorporated into recommended conditions of consent.

Prescribed impacts are assessed in Table 23 of the BDAR. The proposal is not considered to equate to any prescribed impact as described in the BAM.

Potential Serious and Irreversible Impacts

No SAIL entities were identified within the subject land.

Biodiversity Credit Obligations

The direct impacts of the development on native vegetation and habitat have been assessed and a credit obligation has been calculated as follows:

The BAM Credit Summary Report

Biodiversity credit obligation options are shown in the table below. The BDAR includes the like for like credit retirement options which details the PCT's and regions that can be used as offsets. This is included within the recommended conditions.

**Summary of credits required**

<b>Ecosystem Credits</b>	<ul style="list-style-type: none"> <li>- 15 credits for 0.8 ha of 1082 and,</li> <li>- 4 credits for 0.8 ha of PCT 659</li> </ul>
<b>Species Credits</b>	<ul style="list-style-type: none"> <li>- 4 Southern Myotis credits for 0.8 ha of vegetation impacted within 200m buffer</li> </ul>

Site Assessment

A site visit was conducted on Monday 11<sup>th</sup> May. The purpose of the this was to assess vegetation communities against the mapping provided in the revised BDAR and become familiar with the site. Plant communities observed generally comply with the PCT vegetation communities described and mapped within the BDAR. No hollow bearing trees were observed, the condition of the vegetation zones was assessed and levels of disturbance was noted. Much of the native vegetation is regrowth dominated by coloniser species including Acacias and woody weeds. Better condition areas include a native canopy with predominately weedy understorey. Trees are within 20 years old and are not of sufficient age to produce hollows. The observations align with the findings of the BDAR.

**Coastal Zone Management Plan 2018**

Not applicable.

**Illawarra Shoalhaven Regional Plan 2041 (ISRP)**

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There are no site specific objectives in the ISRP that apply to the development. Strategy 27.1: Optimise the efficiency and effectiveness of freight handling and logistics network was considered and approved by TfNSW in their assessment of the heavy vehicle access from the highway and the provision of a new roundabout and median to the Princes Highway.

**Council Policies**

Voluntary Planning Agreements – POL19/78 applies to the development. Refer to Voluntary Planning Agreement discussion under part iia Any Planning Agreement heading below.

**6. 4.15 Assessment**

The following provides an assessment of the submitted application against the matters for consideration under section 4.15 of the EP&A Act.

**(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land**

**i) Environmental Planning Instruments**

Instrument
Shoalhaven LEP 2014
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 64—Advertising and Signage

**SEPP (Coastal Management) 2018**

Not applicable

**SEPP (Infrastructure) 2007**

Considerations	Comments
<b>Classified Roads</b>	
<p>2. Development consent must not be granted unless:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road other than the classified road,</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>(i) the design of the vehicle access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p>	<p>TfNSW have provided conditions of consent and concurrence for the proposed works on and fronting the Princes Highway.</p>

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(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	
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**SEPP 55 Remediation of Land**

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	● Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	● Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> <li>Child care facility</li> <li>Educational use</li> <li>Recreational use</li> <li>Health care use</li> <li>Place of public worship</li> <li>Residential use in a commercial or industrial zone</li> </ul>	Proceed to Question 5	● Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	● Proceed to Question 5	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	● Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Council's Environmental Health Officer reviewed the submitted contamination report – *Detailed Site Investigation* (D20/50885) prepared by Valley Civilab Geotech and Environmental Services dated, 7 August 2019 and concurred with the findings and recommendations.

There are no concerns from a contaminated land perspective and it is considered that the proposal is satisfactory under SEPP No 55 and SDCP 2014, subject to recommended conditions of consent being imposed. Conditions have been incorporated into the recommended consent.

**SEPP 64 – Advertising and Signage**

SEPP 64 – Schedule 1	Comment
1 Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage would be compatible with the character of the area.

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Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no identifiable theme for advertising in the locality.
<b>2 Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	no
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	no
Does the proposal dominate the skyline and reduce the quality of vistas?	no
Does the proposal respect the viewing rights of other advertisers?	yes
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	yes
Does the proposal screen unsightliness?	Not applicable
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed free standing pylon sign with a signage display area of 4m x 7.2m (28.8m <sup>2</sup> ) double sided will be conditioned for a maximum height of 8m tall - no
Does the proposal require ongoing vegetation management?	yes
<b>5 Site and building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signage is appropriate with respect to the scale of the building and incorporate a colour and theme consistent with the overall proposed development of the site for a Bunnings Warehouse.

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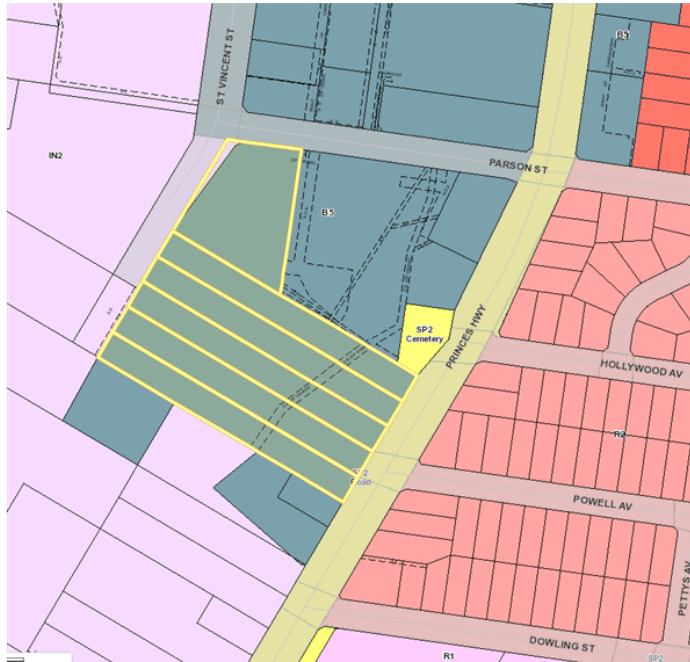
Does the proposal respect important features of the site or building, or both?	yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No – not relevant
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	External lighting is proposed though no related platform is required to be fixed to the signage.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	No. The proposed signage will involve small downlights on adjustable fittings which are mounted to the top of each sign pointed down.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	Yes. The downward direction and intensity of the lighting is adjustable if required.
Is the illumination subject to a curfew?	Lighting is proposed between the hours of 6.00am and 10.00pm, every day.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

Shoalhaven LEP 2014 (SLEP 14)



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Land Zoning



**Figure 25 – Zoning Map SLEP 14**

The land is zoned B5 Business Development and under the SLEP 14.

Characterisation and Permissibility

The proposal is best characterised as *hardware and building supplies* and *garden centre* under the SLEP 14. The proposal is permitted within the zone with the consent of Council.

Zone objectives

Objective	Comment
To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.	Satisfies the nominated objective.
To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.	Satisfies the nominated objective.



SLEP 14 Clauses

Clause	Comments	Complies/ Consistent
<b>Part 2 Permitted or prohibited development</b>		


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<b>2.6</b> Subdivision – Consent requirements	The application includes subdivision of 2A Parson Street (Lot 23 DP 1082957) into 2 lots with the southern portion to be amalgamated into the Bunnings consolidated site. No minimum site areas apply.	yes
<b>2.7</b> Demolition requires development consent	Demolition works are proposed, and consent has been sought for these works as part of this application.	yes
<b>Part 4 Principal development standards</b>		
<b>4.1</b> Minimum subdivision lot size	Not applicable	NA
<b>4.1G</b> Minimum subdivision lot size for boundary adjustments	Not applicable	NA
<b>4.3</b> Height of buildings	This is the 'Height of Buildings' Clause in the Council's LEP.	No - refer to comments in section following table and clause 4.6.
<b>4.4</b> Floor Space Ratio	There is no Floor Space Ratio Map that applies to the site.	NA
<b>4.6</b> Exceptions to development standards	This is the 'Exceptions to Development Standards' Clause in the LEP – the mechanism through which variation can be sought to standards such as building height.	A CI 4.6 request has been submitted in relation to the building height breach - refer to comments in section following table.
<b>Part 5 Miscellaneous provisions</b>		

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<p>5.10 Heritage conservation</p>	 <p>Heritage item 490 (Old Ulladulla cemetery) abuts the northern boundary of 189 Princes Highway and is an important site associated with the prominent nineteenth century Millard family.</p>  <p>The cemetery also known as 'Racecourse', 'Boat Harbour', 'Burrill' and 'Ulladulla' was first used for burials from 1858.</p> <p>The site comprises Lot 7012 DP 1031353 and adjacent road reserve. It is a small private cemetery surrounded by trees and vegetation. The site consists of three marked graves with sandstone headstones and inscriptions set in a pebbled, chained off area with over 70 burials located with at least 13 Aboriginal burials. Two thirds of the cemetery was lost under roadworks when the Princes Highway was diverted.</p> <p>Clause 5.10(4) requires council to consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <ul style="list-style-type: none"> <li>• The marked grave sites are located approximately 30m north of the Bunnings development site and 14m south of Ulladulla Toyota.</li> <li>• No works are proposed within the heritage site.</li> </ul>	<p>Yes</p>
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	<ul style="list-style-type: none"> <li>• Vegetated perimeter surrounding the cemetery will remain as is.</li> <li>• The proposed development incorporates a 6.5m wide driveway adjoining the boundary with the cemetery lot and an 11m vegetated landscaping setback to the highway that aligns with the southern boundary of the cemetery lot.</li> <li>• It is considered that the development maintains the landscaped open setting surrounding the cemetery and will not result in any adverse impact to the heritage significance of the cemetery.</li> </ul>	
<b>Part 7 Additional local provisions</b>		
<b>7.1</b> Acid sulfate soils	Not applicable. Acid sulfate soils management plan not required.	Yes
<b>7.2</b> Earthworks	The provisions of subclause (3) have been considered. The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties.	Yes
<b>7.3</b> Flood planning	Council's Flood Engineer confirmed that there is no objection to the development subject to recommended conditions of consent being imposed. Therefore, the requirements of this clause and particularly the provisions of subclause (3) are satisfied. The proposal is compatible with the flood hazard of the site and will not adversely affect the environment, nor is it likely to result in unsustainable social and economic costs to the community or affect the safe occupation or evacuation of the site.	Yes
<b>7.5</b> Terrestrial biodiversity	Refer to assessment under the Biodiversity Conservation Act. Complies with conditions	Yes
<b>7.6</b> Riparian land and watercourses	 <p>A category (2) watercourse extends into the site as shown on the Riparian Lands and Watercourses Map above. The</p>	Yes

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	<p>flora and fauna assessment prepared by Ecological found no evidence of the natural watercourse in the subject land when inspected. The report notes that a stormwater drainage system is on the land and with the outlet pipe near the Southwestern boundary draining into an open channel to the southwest.</p> <p>The natural resource access regulator NRAR has provided general terms of approval appropriate (GTAs) to address issues identified under clause 7.6(3) and 7.6(4) of the SLEP 14.</p>	
<b>7.11</b> Essential services	Services are available.	Yes
<b>7.12</b> Council infrastructure development	The proposed development includes the provision of council infrastructure in the form of associated civil works comprising small extension to St Vincent Street and roundabout and median works to the Princes Highway under a Voluntary Planning Agreement (VPA).	Yes

**Part 4 Principal development standards discussion**

Clause 4.3 Height of Buildings

The objectives of this clause are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

The Shoalhaven LEP includes a Height of Buildings Map, which overlays different maximum building heights for land throughout the LGA.

Two (2) maximum building heights apply to the subject development. A maximum building height of 8m (I1) applies to a narrow strip parallel and adjacent to the Princes Highway frontage and the remainder of the site has a maximum building height of 10m (K).



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**Figure 26 – Building Height Map SLEP 14**

After discussion and agreement with the applicant the height of the pylon sign will be conditioned and reduced in height to comply with the 8m building height limit (I1). (Note – the sign is not considered a building / structure for the purposes of height, however the scale and size of the Pylon sign is more appropriate with a reduced height matching the limitation.)

The height of the warehouse building exceeds the 10m height limit.

Clause 4.6 (Exceptions to development standards)

Development consent may, subject to clause 4.6, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The development standard is not excluded from the operation of clause 4.6 as it is not listed within 4.6(8) of SLEP 14.

Development Standard to be Varied

The application seeks a variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 of SLEP 14.

Clause 4.3 (2) states:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map;

Subclause (2) of Clause 4.3 establishes the building height of 10m for the warehouse building

Extent of the Variation

The development does not comply with this development standard as it will have a maximum height of 11.6m for a portion of the parapet and 11.2m for the main entry gable. This represents a minor variation to the numerical standard of 16% for the parapet and 12% for the main entry gable.

The extent of the height breach is demonstrated in the two elevation plans below Figures 27 and 28.



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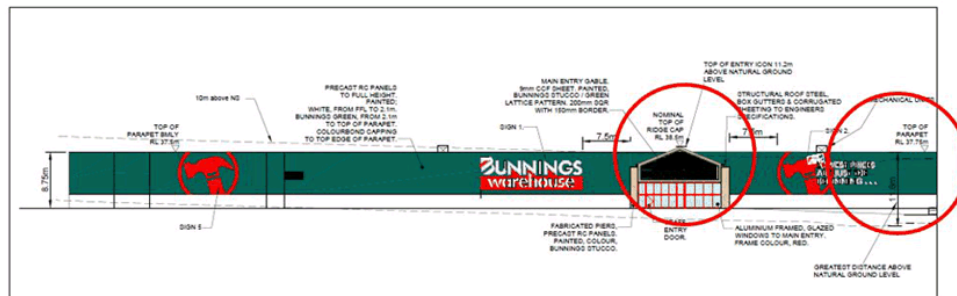


Figure 27 – Part Southwest elevation height breaches

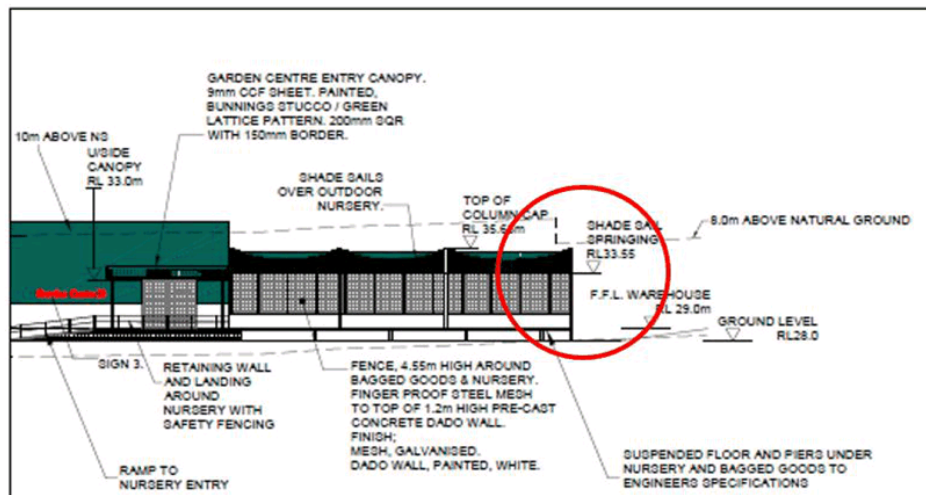


Figure 28 – Part Southwest elevation (eastern end) height breaches

Written Request provided by the Applicant

The applicant has submitted a written request to justify the contravention of the development standard. Council is required to consider subclauses (3), (4) and (5) of Clause 4.6. Clause 4.6(3)-(5) are extracted from SLEP 14 below:

(3) *Development consent must not be granted for development that contravenes a development*

*standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

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*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Secretary has been obtained.*

*(5) In deciding whether to grant concurrence, the Secretary must consider:*

*(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*(b) the public benefit of maintaining the development standard, and*

*(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Council must be satisfied that clause 4.6(4)(a)(i) and (ii) have been addressed prior to the grant of development consent.

The applicant's written request seeking to justify the contravention of the development standard must adequately address the matters required to be demonstrated by clause 4.6(3). Subclause (3) requires the following two matters to be addressed:

1. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)); and
2. That there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.

**Clause 4.6(3)(a) – Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case**

To assess whether compliance with a development standard is unreasonable or unnecessary the Courts have provided guidance in the required assessment, with particular reference to the accepted "5 Part Test" for the assessment established by the NSW Land and Environment Court (L&EC) in *Wehbe v Pittwater Council* [2007] NSWLEC 827 the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46 and further clarified by *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. The "5-part Test" is outlined as follows:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *The development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that*

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*land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.*

The applicant, in the Clause 4.6 report prepared for the proposal, does not rely on part 4 of the '5 Part Test' as it is not considered applicable. The argument put forward is focussed on parts 1 – 3.

The objectives of Clause 4.3 are repeated below:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

The following is an extract from the applicant's request (italicised font). Evaluation of reasoning is in the following section.

The proposal is consistent with the above objectives for the following reasons:

**1 the objectives of the standard are achieved notwithstanding non-compliance with the standard;**

- a) Careful consideration has been given to the location, size and design of the proposed development to ensure that a high-quality outcome will be achieved which will sit comfortably within the streetscape. The property's presentation in a streetscape context will be enhanced as a consequence of the proposed development given the setbacks and extensive landscaping across a large proportion of the frontage to the Princes Highway. The proposed height is generally consistent with that which is anticipated by the height control and will not result in an incompatible relationship with the context surrounding the site.*
- b) The proposal presents as an appropriate scale to the condition of the site and its context and does not result in any unreasonable visual impact, disruption of views, loss of privacy and loss of solar access to existing development surrounding the site. The visual impact of the development has been successfully mitigated by setbacks which provide opportunity for landscaping along the boundaries of the site and in particular the front setback to Princes Highway.*
- c) The site is not identified as a heritage item nor is it located in a heritage conservation area pursuant to clause 5.10 and Schedule 5 of the SLEP 14. The site is in the vicinity of the former Ulladulla Cemetery to the north which is identified as a local heritage item in Schedule 5 of the LEP (Item No. 490). The heritage inventory for the item describes the statement of significance for the item as follows:*

*Important site associated with the prominent nineteenth century Millard family. Good examples of the stonemasons art. Historic, social and scientific values. Local significance (Shoalhaven).*

*The development proposes a driveway along the northern boundary of the site which adjoins the former Ulladulla Cemetery. The proposed 11 metre landscaped setback to the front of the building generally aligns with the length of the cemetery boundary. The development complies with the 8-metre height limit that applies to the site, adjacent to the cemetery. The non-complying element of the building is setback 50 metres from the front (south-east) boundary, behind the cemetery. The noncomplying element of the building also relates to the south-west side of the building. For these reasons the non-complying element of the building will not impact on the heritage significance of the heritage item as the open setting of the cemetery will be maintained.*

**2 the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

*The underlying objectives and purpose of the height control are relevant to the proposed development. However, the proposed development is consistent with those objectives on the*



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*basis that the proposed height is compatible with the existing and future scale of the surrounding buildings and will sit comfortably with the context of the site with no significant adverse impacts to adjacent properties.*

**3 the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

*The underlying objectives and purpose of the standard is relevant to the proposed development. However, the proposed development is consistent with the objectives on the basis that the proposed development achieves an appropriate height on the site which is compatible with the context of the site and results in minimal difference to views across the site when compared with a compliant height, provides a transition to adjacent properties and does not negatively impact on the amenity of adjacent properties. Strict compliance with the height control would not meaningfully reduce the impact of the development on the streetscape or neighbouring properties but would result in significantly reduced efficiencies in terms of the ongoing operation of the warehouse. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the site.*

**Clause 4.6(3)(a) Evaluation of the written request relating to Clause 4.6(3)(a)- Compliance with the development standard is unreasonable or unnecessary.**

The consent authority, must form the positive opinion of satisfaction that the applicant's written request(s) have adequately addressed those matters required to be demonstrated by clause 4.6(3)(a). The applicant has applied the first test established in *Wehbe v Pittwater Council* to argue that the development standard is unreasonable or unnecessary in the circumstances of the case because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The following justifications are made by the applicant:

*Strict compliance with the 10m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:*

- The noncomplying element of the building does not result in any adverse visual impact on the public domain or the adjoining properties given the non-complying element of the building is setback 50 metres from the Princes Highway frontage of the site and 40 metres from the south-west boundary. The building elements within the 50-metre setback of the building fully complies with the 8 and 10 metre height limits.
- The visual impact of the building is also significantly ameliorated with regard to the Princes Highway given the development provides a generous landscaped setback of 11 metres. The development provides over 60% of the front setback as landscaped space where the DCP only requires 5% of the setback to be landscaped.
- The proposed variation will have no impact on the heritage significance of the adjoining heritage term as detailed above.
- The proposed variation of the height control is required to maintain the necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact.
- The variation to the height of buildings control does not result in any privacy, solar or view loss impacts on the adjoining properties.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.

Comment: The justifications are accepted.

**Clause 4.6(3)(b) Evaluation - There are sufficient environmental planning grounds to justify contravening the development standard**

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The consent authority, must form the positive opinion that the applicant's written request has adequately addressed those matters required to be demonstrated by clause 4.6(3)(b).

To demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, held that the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient" (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [24]). In [24] of the judgment, Preston CJ outlined the two methods for demonstrating that a Clause 4.6 is "sufficient at paragraph [24] of case as follows:

**First**, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15].

**Second**, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

The applicant's clause 4.6 variation request must provide a written justification that there are sufficient environmental planning grounds to justify contravening the development standard.

Applicant response

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

*'to encourage:*

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- ii) the promotion and co-ordination of the orderly and economic use and development of land...*

*The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:*

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*
- The proposed variation allows for the most efficient and economic use of the land.*

*The height of the building only represents a relatively minimal breach of the height control which does not result in any adverse impact and still achieves a similar scale to that which is anticipated by the height control for the site. Whilst the height of the entry feature is marginally higher than the parapet, this feature in fact serves to modulate the architectural form and create visual interest for the building and is considered a positive attribute.*

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*On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.*

Comment: The justifications are accepted.

**Clause 4.6(4) (a)(i) Have the matters set out in section 4.6(3) been adequately addressed?**

Comment: Yes

**Clause 4.6(4)(a)(ii) Evaluation – Public Interest**

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to the provisions of the SLEP 14 the land is zoned B5 Business Development, the objectives of which are:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

The proposal being a Bunnings Warehouse with nursery and cafe is not inconsistent with the B5 zone or the relevant objectives of the particular standard. Consequently, the proposed development is in the public interest.

**Clause 4.6 (b) – Concurrence of the Secretary**

The Council assumes the concurrence of the Secretary in this instance, when considering the application.

**Clause 4.6(5)(a) - Matters of Significance for State or Regional Planning**

The non-compliance with the maximum building height development standard will not raise any matter of significance for State or regional planning.

**Clause 4.6(5)(b) - Public Benefit of Maintaining the Planning Control Standard**

In the judgement of *Ex Gratia P/L v Dungog Council* [2015] (NSWLEC 148), Commissioner Brown of the NSW LEC outlined that the question that needs to be answered in relation to the application of clause 4.6(5)(b) is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

Comment: The applicant has demonstrated that the proposal's breach of the building height will provide a better planning outcome as opposed to strict compliance with the development standard or amending the application to reduce or remove the extent of the variation.

**Clause 4.6(5)(c) - Other matters**

No other matters need to be taken into consideration by the Secretary.



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**Summary**

The clause 4.6 Request adequately address the requirements of the clause and provides relevant justifications for numerous statements made in support of the exceedance of the building height standard. The clause 4.6 exception can be justified because:

- The applicant has demonstrated how the proposal is compatible with the height, bulk and scale of the existing and desired future character of the locality and therefore meets the objective 1(a) of Clause 4.3;
- The applicant has demonstrated how the proposal minimises visual impact to existing development and therefore meets the objective 1(b) of clause 4.3;
- The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard;
- Because the proposal has been demonstrated to be consistent with the objectives of the standard, the proposed development is in the public interest; and
- The Clause 4.6 variation request is therefore supported.

Draft Environmental Planning Instrument

Nil relevant to subject proposal

ii) **Any Development Control Plan**

**Shoalhaven DCP 2014**

Generic Chapters	
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
5.1 Stormwater	
5.1.1 Minor and Major Systems Design	
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.	
5.1.3 Climate Change Controls	
<u>Comment:</u> Noted. No concerns raised by Council's Development Engineer.	
5.1.4 Onsite Stormwater Detention (OSD)	
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.	
5.2.1 Erosion and Sediment Control	
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.	
5.2.2 Stormwater Retention – General	
<u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.	

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<p>5.2.4 Large scale development</p> <p><u>Comment:</u> Subject to Council's Development Engineer recommended conditions of consent.</p>
<p><b>G3: Landscaping Design Guidelines</b></p>
<p>5 Controls</p> <p>A1.1 Existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land. Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.</p> <p><u>Comment:</u> Landscaping is proposed and subject to recommended conditions of consent.</p> <p>A1.2 Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.</p> <p><u>Comment:</u> Proposed landscaping will retain streetscape character.</p> <p>A2.1 For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, prepared by a qualified landscape architect or designer. The plans should meet the performance criteria and show:</p> <ul style="list-style-type: none"> <li>▪ The street reserve, carriageway, parking bays, footpaths, cycleway systems, street lighting and driveways;</li> <li>▪ Existing vegetation and proposed general character of tree planting and landscape treatment (including proposed species);</li> <li>▪ Existing trees and significant vegetation on the site and identify those to be retained and those proposed to be removed;</li> <li>▪ General arrangement of hard landscaping elements and major earth cuts, fills and mounding;</li> <li>▪ Indicative treatment of any floodway and drainage lines; and</li> <li>▪ General information on fencing, access points furniture, pavement materials and on-going maintenance requirements.</li> </ul> <p><u>Comment:</u> The submitted plan is generally satisfactory in this regard.</p> <p>P4 Street trees are included and retained/replaced where appropriate, including in car parks, to provide shade and improve streetscape amenity.</p> <p><u>Comment:</u> The submitted plan is generally satisfactory in this regard.</p>
<p><b>G4: Removal and Amenity of Trees</b></p>
<p>Not applicable as proposed vegetation removal addressed under BDAR. Refer to Biodiversity Conservation Act Assessment of the submitted BDAR.</p>
<p><b>G5: Biodiversity Impact Assessment</b></p>
<p>Refer to Biodiversity Conservation Act Assessment of the submitted BDAR.</p>
<p><b>G6: Coastal Management Areas</b></p>

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NA
<b>G7: Waste Minimisation and Management Controls</b>
<p>A1.1.1 A Waste Management Plan is submitted with the development application in accordance with the Waste Minimisation and Management Guidelines.</p> <p><u>Comment:</u> A Waste Management Plan was submitted by SITA environmental solutions (D20/50868) which is considered acceptable to councils waste management section. Conditions of consent have been provided.</p>
<b>G11: Subdivision of Land</b>
<p>The provisions of 5.22 commercial subdivision are applicable.</p> <p>P108 Create a pleasant comfortable shopping an commercial environment that leads to attractive integrated development with adequate provision for safe access and parking.</p> <p><u>Comment:</u> Satisfied.</p> <p>P109 The major and minor stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant design storm under normal operating conditions.</p> <p><u>Comment:</u> Satisfied. Appropriate conditions are included in the draft consent.</p> <p>A109.1 The design and provision of utility services conforms to the requirements of the relevant service provider and councils engineering design specification.</p> <p><u>Comment:</u> Satisfied.</p>
<b>G17: Business, Commercial and Retail Activities</b>
<p>The provisions of 5.1.1 shopping trolleys are applicable.</p> <p>P10 Substantial retail outlets to include a Plan of Management for shopping trolleys.</p> <p>The applicant has contended that this is not necessary for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site is located a considerable distance from any residential uses and combined with the large size of the Bunnings trolleys the relocation of trolleys offsite to residential areas on foot is impractical to the extent that this behaviour is unlikely to ever occur.</li> <li>• Bunnings' retails "discretionary goods" not essential items one might find in a supermarket and people who are without private transport due to their economic circumstances, and far less likely to be shopping at Bunnings as opposed to shopping for essentials at a supermarket.</li> <li>• The proposal includes generous on-site car parking so that customers will not need to take trolleys offsite to access their car.</li> <li>• In the unlikely event that any Bunnings trolleys have been moved off-site, Bunnings has a policy of immediately retrieving any reported trolleys due to the considerable expense of the trolleys.</li> <li>• The use of shopping trolleys will be managed in the proposed new generation Bunnings warehouse in a similar fashion to the existing Bunnings Warehouse. Shopping trolleys will be available for customers to use throughout the warehouse complex and will be used to by customers to transport goods to their vehicles. Trolleys will then be placed in a trolley bay within the carpark and will then be collected by staff as required and returned to the warehouse.</li> </ul>

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- The existing Bunnings Warehouse has operated in the absence of a coin/token operated or like system without issue and it is not expected that the proposed redevelopment of the site would introduce any issues in relation to the management of trolleys.

Accordingly, the provision of a Plan of Management for the use of shopping trolleys is not warranted in the circumstances."

Comment: The justification provided by the applicant is considered reasonable and it is considered that a Plan of Management is not warranted for the proposed development.

**G18: Streetscape Design for Town and Village Centres**

A1.1 Streetscape works are provided in accordance with the Streetscape technical manual.

Comment: Satisfied - submit landscape plan addresses the relevant requirements.

**G20: Industrial Development**

NA

**G21: Car Parking and Traffic**

5.1 Car Parking Schedule specifies

RETAIL

**Bulky goods premises** - 1 space per 50m<sup>2</sup> gross floor area.

INDUSTRIAL

**Warehouses or distribution centre** (used solely for the storage of goods) - 1 space per 300m<sup>2</sup> gross floor area.

**Special industrial** - 1 space per 50m<sup>2</sup> gross floor area.

**Plant Nurseries** - 1 Space per 50m<sup>2</sup> of site display area with a minimum of 15 spaces. This does not include CBD areas when parking is calculated on the standard retail rate.

COMMERCIAL AND INDUSTRIAL

**Commercial and Industrial** - For car parks associated with the regular use by long and heavy vehicles, an appropriate number of spaces are required (e.g. regional shopping complexes, industrial development, public car parks).

The proposed Bunnings development scheme comprises:

Warehouse 5,786.8m<sup>2</sup>

Timber Trade 2,615m<sup>2</sup>

Nursery/Bagged Goods 1,925m<sup>2</sup>

**Total: 10,326.8m<sup>2</sup>**

Landscape Yard 790m<sup>2</sup>

Comment: Satisfied. The submitted Assessment of Parking and Traffic Implications prepared by TTPA provided an analysis of the peak parking demands specifically for Bunnings and applied the above rates to the proposed development. The proposed 182 parking spaces is considered adequate however no spaces are to be identified specifically for staff parking as the traffic assessment is a performance solution less than the acceptable solutions. Condition.

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### 5.3 Parking Layout and Dimensions

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

### 5.4 Car Park Landscape Design

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

### 6.1 Traffic

A9.1 A traffic study to be provided as required in accordance with the Transport for NSW Guidelines.

Comment: A Traffic and Parking Assessment report prepared by TTPA (D20/50883) dated, November 2019 was submitted and reviewed by council engineers. Satisfied.

It is proposed to provide 164/5 parking spaces with staged vehicle access arrangements and 18 spaces in the Timber Trade area (i.e. total 182 spaces). This provision will include 6 accessible spaces and 3 trailer bays.

### 6.2 Access



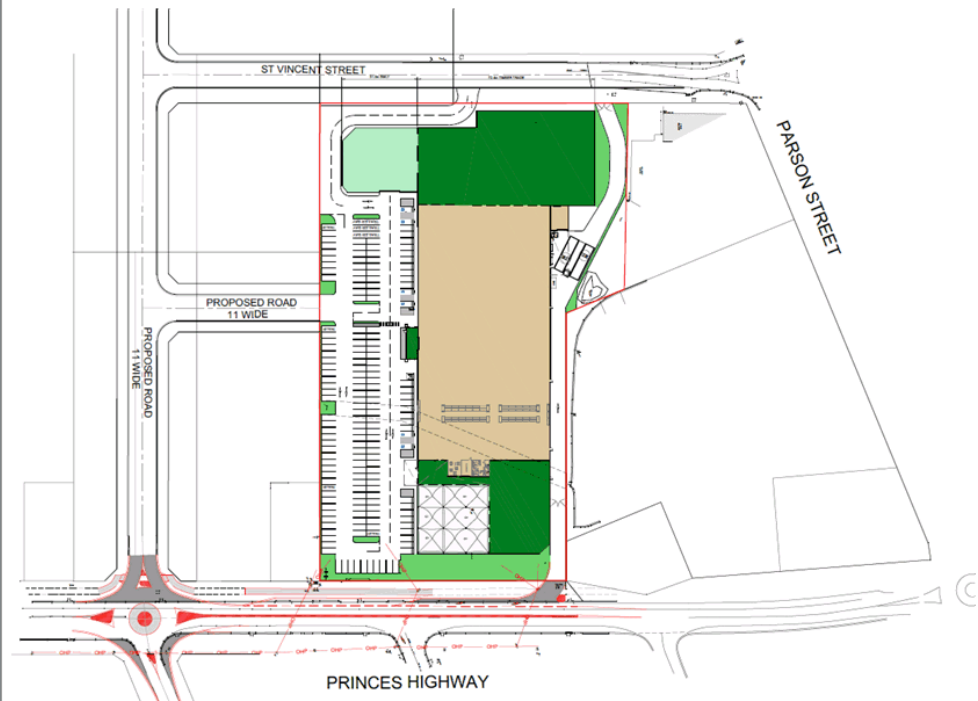
**Figure 29 - Interim Access**

- St Vincent Street extended southerly to accommodate separate car park (ingress/egress) and truck (egress) driveways
- A roundabout constructed at the Princes Highway Dowling Street intersection



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

- Separate carpark access (left turn IN/OUT only) and truck ingress (left turn only) with left turn deceleration lanes on the highway frontage



**Figure 30 - Ultimate Access**

- New access roadway constructed connecting into the Princes Highway/Dowling Street roundabout and a further extension of St Vincent Street.
- Closure of the temporary carpark access connection on the highway frontage.

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

**6.3 Manoeuvrability**

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer and TfNSW recommended conditions of consent.

**6.4 Service Areas**

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.

**6.5 Design of Driveways**

Comment: Satisfactory subject to Council's Transport Engineer and Development Engineer recommended conditions of consent.



## Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

**G22: Advertising Signs and Structures**

A1.2 Maximum sign face area of any (1) sign is not to exceed 8m<sup>2</sup>.

Comment: Non-compliance refer consolidated comments below.

A1.3 Maximum sign face area should not exceed 1.5 metres squared of sign face area per metre of building width which is measured parallel to the front property boundary.

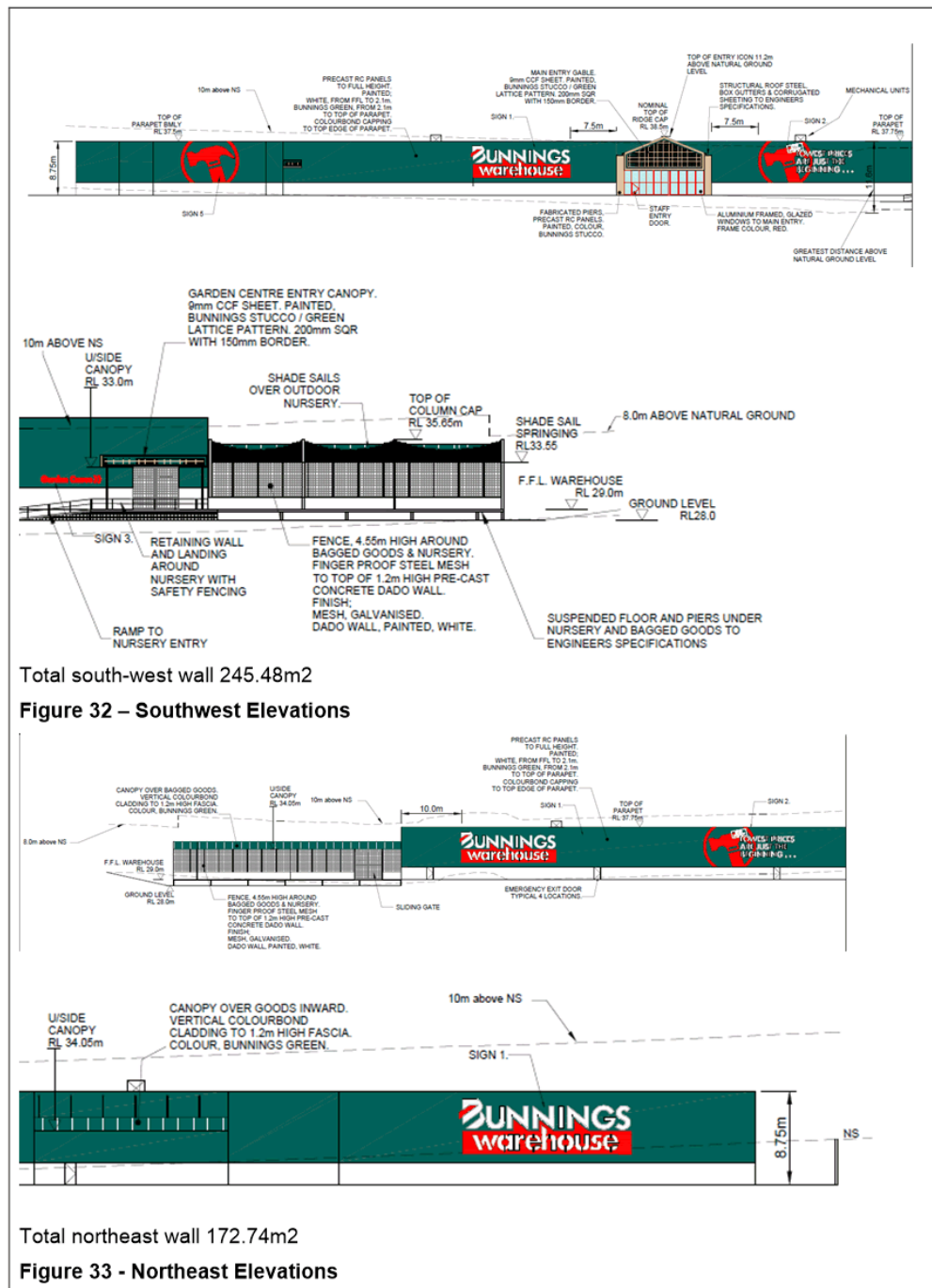
Comment: Non-compliance refer consolidated comments below.

On-Building Signage is proposed as follows:

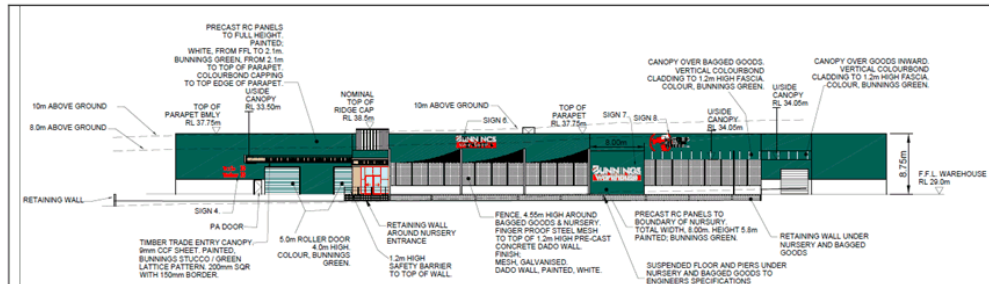
Sign Type	Sign Type and Dimensions (Refer to Drawing HD05 prepared by High Definition Design)
South-west elevation	
1 x 'Bunnings Warehouse' signs	Sign 1 – 15.8 x 4.5 metres (71.1sqm)
1 'Hammer' logo	Sign 2 – 15.4 x 6.6 metres (101.64 sqm)
1 'Hammer' logo	Sign 5 – 9.3 x 7.4 metres (68.82sqm)
1 x 'Garden Centre' sign	Sign 3 – 5.6 x 0.7 metres (3.92 sqm)
North-east elevation	
2 x 'Bunnings Warehouse' signs	Sign 1 - 14 x 4.5 metres (71.1sqm)
1 'Hammer' logo	Sign 2 - 15.4 x 6.6 metres (101.64 sqm)
South-east elevation	
1 x 'Bunnings Warehouse' sign	Sign 6 – 5.6 x 1.9 metres (10.64 sqm)
1 x 'Bunnings Warehouse' sign	Sign 7 - 7.7 x 2.3 metres (17.71 sqm)
1 'Hammer' logo	Sign 8 – 6.8 x 3 metres (20.4 sqm)
1 x Trade' sign	Sign 4 – 3.3 x 1.5 metres (4.95 sqm)
1 x Timber sign	Sign 4 - 3.3 x 1.5 metres (4.95 sqm)
North-west elevation	
1 x 'Bunnings Warehouse' sign	Sign 1- 15.8 x 4.5 metres (71.1 sqm)
1 'Hammer' logo	Sign 2 – 15.4 x 6.6 metres (101.64 sqm)

**Figure 31 – Proposed signage table**

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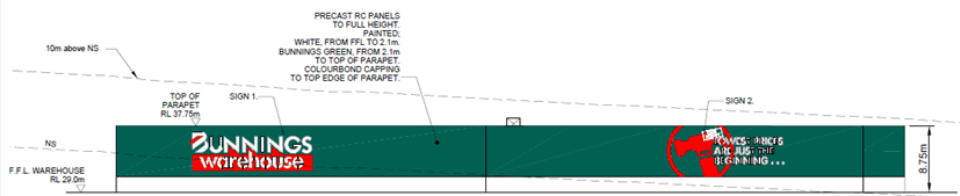


Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla



Total southeast wall 58.65m<sup>2</sup>

Figure 34 - South-east Elevation



Total northwest wall 172.74m<sup>2</sup>

Figure 35 - Northwest Elevation

A1.4 Maximum sign face area should not exceed 0.35 m<sup>2</sup> of sign face area per lineal metre of road frontage. Road frontage to Princes Highway = 100.53m. Road frontage to St Vincent Street = 46.1m.

Comment: Non-compliance refer consolidated comments below.

A1.5 Maximum sign face area of any one sign is not to exceed 8 m<sup>2</sup>.

Comment: Non-compliance refer consolidated comments below.

The applicant has provided the following justification for the proposed variation:

*"The controls contained within the DCP in relation to signage in business and industrial zones suggest a limit on wall signage to a maximum of 8 square metres per sign and a maximum total sign face area of 1.5 square metres per metres of maximum building width measured parallel to the front property boundary. The DCP does not appear to contemplate signage on side and rear elevations.*

*The majority of individual signs exceed 8m<sup>2</sup> in area however due to the scale of the building it is unreasonable to strictly comply with the eightm<sup>2</sup> maximum control per sign as the proposed signage only occupies a relatively limited proportion of the area of each facade of the building and is considered to be an appropriate response to the building into the scale of the facades.*

*Based on the formula of 1.5 square metres of signage area per 1 lineal metre of building elevation, this would allow approximately 127.5m<sup>2</sup> of signage area on the front elevation (south-east) and 155.1m<sup>2</sup> on the rear elevation (north-west).*

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*The cumulative total of signage on the south-east elevation is less than that which is contemplated by the 1.5:1 ratio in the DCP (58.65m<sup>2</sup>) and therefore the quantum of signage area relative to each facade size is considered to be proportionally acceptable.*

*The area of signage on the north-west elevation is only marginally more than the area specified in the DCP (172.74m<sup>2</sup>). Notwithstanding this, the sign area on the northwest elevation is acceptable for the following reasons:*

- *The sign dimensions are based on the maximum width and height of the sign. As such the majority of the sign area incorporates the background green colour. Each sign does not therefore have the same visual impact as a sign with the same area that does not blend into the background colour.*
- *the signs are predominantly natural, recessive colours (white and green) and only include a limited amount of red, consistent with the branding of the store. As such the area of the signs does not result in an adverse impact on the South Ulladulla bulky goods precinct.*

*All signage is located on the building facades and significant features of the warehouse such as architectural detailing and not obscured by signage. The placement of signage will not impact upon the residential amenity due to the location of the site within a commercial and industrial context. The signage is integrated with the building and achieves coherence and an appropriate visual impact.*

*The proposed signs are considered to be appropriate having regard to the context of the site and are consistent with bulky goods and commercial character within the area.*

Comment: The signage relates well to and integrates with the proposed elevations of the building. Accordingly, the variation can be supported by Council.

A1.6 Maximum height should not exceed 10m as road frontage exceeds 100m.

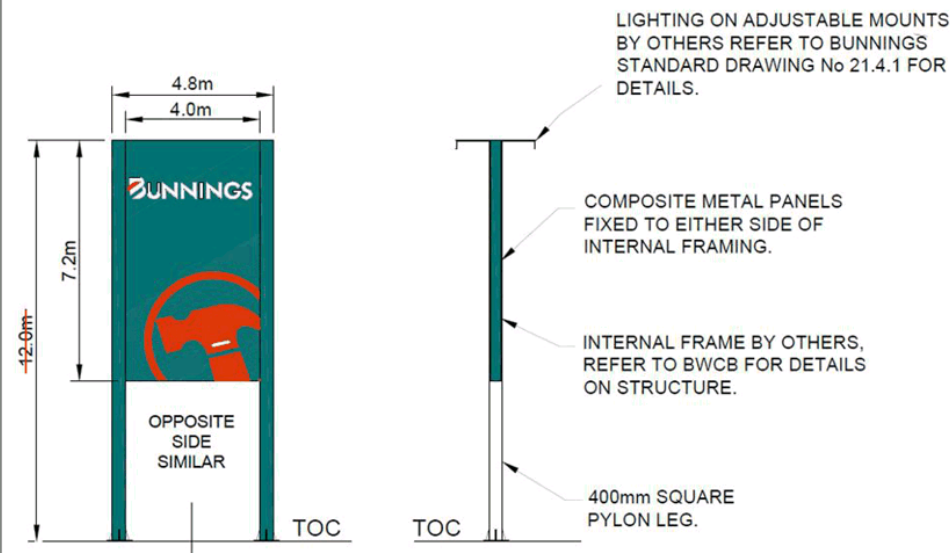


Figure 36 – Pylon Sign

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Comment: Non-compliance with maximum height of building limit which is 8.0m in the proposed location of the sign. Bunnings acknowledged the noncompliant height for the submitted pylon sign on 19/01/22 and advised that they would accept a condition for the sign to have a maximum height of 8.0m.

A1.7 Minimum side boundary setback is 3m.

The proposal externally illuminated pylon sign to be located in the southeast corner of the site with a display area of 4 metres by 7.2 metres double sided. (57.6m<sup>2</sup> display area).

Comment: Bunnings have advised that they would accept a condition for the sign to have a minimum 4.0m setback from the southern boundary. Condition.

**G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines**

Not applicable.

**Area specific Chapters – South Shoalhaven**

**S10: South Ulladulla**

**5.2 Building form height and setback**

*Applicant*

*The proposed use of the building for hardware and building supplies is consistent with council's intention to create a bulky goods precinct for the Milton Ulladulla area that supplements the Ulladulla retail centre*

*The proposal includes the consolidation of 5 lots and one newly created lot to create sufficient area for the Bunnings warehouse and car parking area.*

Comment: The proposed Bunnings warehouse is considered to provide appropriate setbacks and scale of development that is in keeping with the desired future character of the area, will provide for suitable landscaping, parking and safe access and egress to the Princes Highway. The design incorporates appropriate features that address the potential for flooding and bushfire impact.

**5.2.2 Height of buildings**

Comment: Refer to clause 4.6 variation. The building does not exceed 2 storeys.

**5.2.3 Setbacks**

*Applicant*

*The DCP suggests that development is to have a front setback of a minimum 18m as measured from the front boundary of the property adjacent to the Princes Highway (west side). This setback may be reduced to 12.5m where it can be demonstrated that the building mass and bulk of the main structure will be reduced through the addition of a lightweight structure e.g. showroom or office. The bagged goods canopy and the covered outdoor nursery are to be setback around 11 metres from the front boundary. The minor variation to the 12.5 metre setback is reasonable an appropriate having regard to the following:*

- More than 60% of the front setback area is landscaped whereas the DCP only requires 5% of this area to be landscaped. As such the development provides significantly more landscaping in the front setback than envisaged by Council despite the variation to the setback requirement.*



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- The structures within the 18-metre setback (to which an 8-metre height applies) comply with the 8 metre height limit.
- The main warehouse building is setback approximately 50 metres from the boundary to ensure the scale of the building is minimised when viewed from the Princes Highway.
- The variation only relates to approximately 54% of the site's frontage.
- The majority of the area within 12.5 metres is an outdoor nursery with covered shade sails. The remainder of the variation is a bagged goods area with a low-profile canopy. The elements that encroach the 12.5 metre setback do not therefore result in an adverse visual impact, particularly given an 11 metre wide landscaped buffer is provided between the structures and the boundary.

**Comment:** Setbacks for the proposed Bunnings warehouse are considered acceptable for a large consolidated site of this nature.

### 5.3 Architectural design

#### *Applicant*

The proposed facades of the development include an appropriate level of articulation and modulation having regard to the bulky goods character of the precinct. The building will be predominantly green with accents of red to reflect the business branding. The use of green is compatible with the surrounding natural environment and the character of development in the South Ulladulla precinct.

The materials include rendered precast panels and 4.55-metre high finger proof steel mesh fences around the bagged goods canopy area and nursery.

The parapet of the building relates to the design of the building and is not for decorative purposes. A pitched roof with a gable end is proposed over the main pedestrian entrance to the building to enable the entry to be clearly identified from the car park.

The structures within the 18-metre building line include shade sails over the outdoor nursery and a canopy over the bagged goods area.

**Comment:** The submitted architectural design is compatible with the South Ulladulla Industrial precinct.

### 5.4 Vehicle access, servicing and car parking

#### *Applicant*

The DCP requires bulky goods retailing and fringe commercial development to have adequate and visible car parking from any public street. Service vehicles are to be able to enter and leave the site in a forward direction. The Assessment of Traffic and Parking Implications prepared by TIPA addresses the provisions of Chapter 21 of the DCP related to the adequacy of car parking provided for the proposed use, delivery arrangements, access arrangements from St Vincent Street and the Princes Highway and manoeuvring on the site.

**Comment:** Refer to comments under Chapter G21.

### 5.5 Stormwater management

#### *Applicant*

The DCP requires On Site Detention for all new development and states that detailed drainage plans are to be submitted. The SFMP and civil engineering details prepared by C&M Consulting Engineers provide details of the OSD that is to be provided on the site.



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Comment: Stormwater design for the development underwent a number of revisions during the assessment to resolve issues raised by Assets and Works and Shoalhaven Water in relation to their stormwater and sewer assets.

In addition, the stormwater easement upstream of the development site is being realigned at Bunnings cost enable stormwater to be redirected around the eastern end of the development and to provide adequate clearance to Shoalwater infrastructure.

5.8 Open space and landscaping

*Applicant*

*Landscaping provided within the road reserve, including any street tree planting, is to be undertaken in accordance with Council's landscape master plan. All landscaping in the road reserve will be undertaken in accordance with Council's master plan.*

*Part 5.8.2 of the DCP provides that any landscaping that is forward of the front building line is to be an average width of three metres, of which one metre of the public footpath area may be utilised in achieving total requirements. The majority of landscaping in the front setback has a width of 11 metres.*

*Pursuant to part 5.8 of the DCP landscaping is to be provided to 5% of the area between the building line and the front property boundary. The required building line is 12.5 metres from the front boundary. This equates to an area of 1,257.81 square metres and therefore 62 square metres of landscaping is required. Despite the proposed variation to the 12.5 metre setback requirement the proposed development provides 797.5 square metres of landscaped area in the front setback which is 12.8 x the required area.*

Comment: Complies

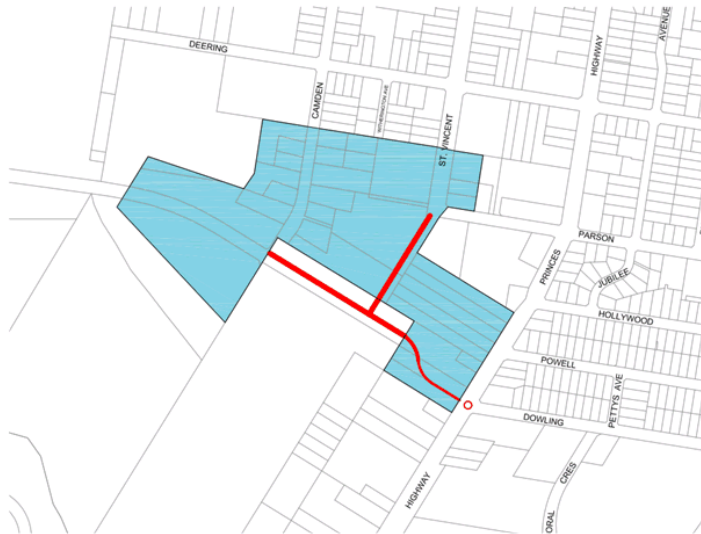
**iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

The applicant has requested a Voluntary Planning Agreement (VPA) under s7.4 of the EPA Act which will require the Developer to provide road infrastructure. Specifically, the Developer has offered to make the following contributions of material public benefit:

- (a) Bring forward the construction of a roundabout and associated civil infrastructure at the intersection of Princes Highway and Dowling Street;
- (b) Bring forward the construction of approximately 170m of median and associated civil infrastructure within the Princes Highway road reserve from the northern alignment of the development site to the intersection of Dowling Street; and
- (c) Bring forward the construction of approximately 75m extension of St Vincent Street and associated civil infrastructure across the western boundary of the Development Land.

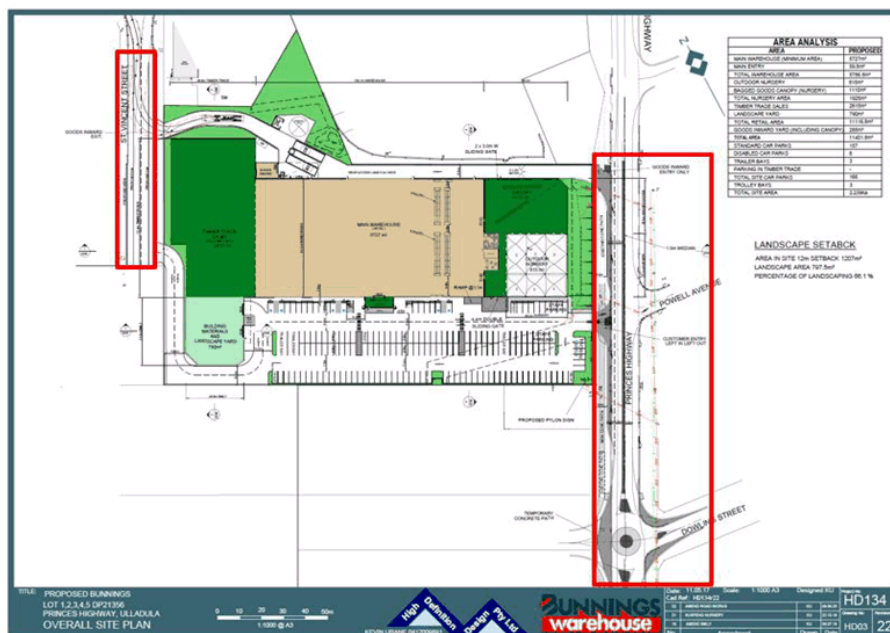
Contributions Project 05ROAD4008 (CP) requires the provision of internal access roads connecting a new roundabout at the intersection of Dowling Street and the Princes Highway to Camden Street and St Vincent Street. **Figure 37** shows the proposed internal access roads and roundabout (red lines & circle).

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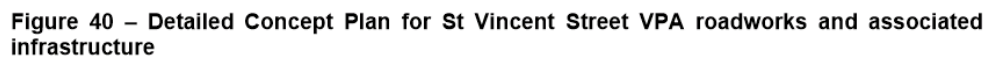
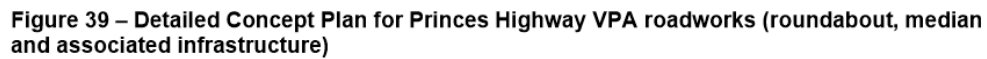
**Figure 37 – Extract from SCC Contributions Plan 2019 - 05ROAD4008 Map**

The roundabout and median works on the Princes Highway and the extension of St Vincent Street **Figure 38** (red bordered areas) form part of contribution item 05ROAD4008 in the Council's Contributions Plan that is addressed by the VPA.



**Figure 38 – Proposed roadwork infrastructure covered by proposed VPA identified by red borders.**

# CL22.102 - Attachment 1



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

## Shoalhaven Contributions Plan

### Supporting Information

<b>Project Code</b>	05ROAD4008
<b>Project Name</b>	St Vincent Street Extensions to Princes Highway and Roundabout – South Ulladulla
<b>Project Status</b>	Project not completed

#### Estimated Project Cost Breakdown as at July 2018

Element	Length	Width	Quantity	Rate	Total
Highway roundabout			1 item	\$500,000	\$500,000
Highway roundabout: drainage			1 item	\$180,000	\$180,000
Highway Roundabout: adjustment of services and driveways			1 item	\$90,000	\$90,000
St Vincent Street extension	200m	13m	2,600m <sup>2</sup>	\$171.15	\$445,000
St Vincent Street extension – kerb and gutter			400m	\$312.50	\$125,000
Connector road	440m	14m	6,160m <sup>2</sup>	\$171.27	\$1,055,000
Connector road – kerb and gutter			880m	\$318.18	\$280,000
<b>Sub Total</b>					<b>\$2,675,000</b>
Design, field investigations and testing			1 item	\$190,000	\$190,000
Project management and site supervision			1 item	\$350,000	\$350,000
Administration and on-costs			1 item	\$240,000	\$240,000
Contingency			1 item	\$545,000	\$545,000
<b>Estimated Project Cost</b>					<b>\$4,000,000</b>

#### Apportionment Assumptions

Benefit Area 05ROAD3008	Estimated Equivalent Tenements (lots / dwellings)			Estimated Apportionment			2018 Contribution Rate per ET
	Existing	Potential	Total	Vehicles per day	% Traffic generation	Area cost	
1	107	642	749	N/A	90%	\$3,600,000	<b>\$4,896.41</b>
Assumed Through Traffic				N/A	10%	\$400,000	
				N/A	100%	\$4,000,000	

Figure 41 – Extract from SCC Contributions Plan 2019 - 05ROAD4008 Table

### VPA Acceptability Test

When considering entering into a Planning Agreement, Council will apply the following test in order to assess the desirability of the possible outcome of a proposed Planning Agreement:

Criteria	Comment
Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?	<p>Yes - The Draft Planning Agreement:</p> <ul style="list-style-type: none"> <li>• promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,</li> <li>• allows for the delivery and co-ordination of roads and traffic facilities for the area surrounding the development,</li> <li>• provides and co-ordinates roads and traffic facilities in connection with the Development.</li> </ul> <p>It brings forward roadworks required under Council's Contribution Plan 05ROAD4008 and future roadworks identified under Chapter S10 South Ulladulla of Council's DCP</p>

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Does the Planning Agreement result in a public benefit?	<p>The Draft Planning Agreement promotes the public interest by:</p> <ul style="list-style-type: none"> <li>• promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and</li> <li>• delivering road infrastructure and facilities which benefit the local and wider community.</li> </ul>
Does the Planning Agreement provide for a reasonable means of achieving the relevant purpose?	<p>The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to carry out and complete road works for the Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.</p>
Can the Planning Agreement be taken into consideration in the assessment of the relevant development application?	<p>Yes - The Draft Planning Agreement conforms with the Council's capital works program, Shoalhaven Contributions Plan 2019 and Chapter S10 South Ulladulla of Council's DCP to provide community infrastructure as a component of the DA.</p>
Will the Planning Agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?	<p>The Draft Planning Agreement promotes the elements of the Council's charter by:</p> <ul style="list-style-type: none"> <li>• enabling Council to work with others to secure appropriate services for local community needs, namely working with the Developer to secure the provision of roads infrastructure and facilities,</li> <li>• enabling Council to manage lands and assets so that current and future local community needs can be met in affordable ways, namely by requiring the Developer to carry out the road works which will become assets of the relevant roads authority,</li> <li>• enabling Council to actively engage with its local community through the public exhibition of this planning agreement.</li> </ul>
Does the Planning Agreement promote Council's strategic objectives in relation to the use of Planning Agreements?	<p>Yes</p>
Does the Planning Agreement conform to the fundamental principles governing the Councils use of Planning Agreements?	<p>Yes the Planning Agreement consists of road work listed in Shoalhaven Contributions Plan 2019 and s7.11 is excluded, but only in relation to s7.11 which are for the same category of infrastructure as the works and land to be provided under the Planning Agreement.</p>



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?	No
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Public Exhibition of VPA

The draft VPA and Explanatory Note (Attachment 4) were exhibited with DA20/1068 from 26/02/2020 to 28/03/2020 and 11/03/2020 to 1/05/2020 in accordance with the EP & A Act.

No submissions were received during exhibition that related to the draft VPA and Explanatory Note.

Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes. This Draft Planning Agreement requires:

- (a) the Practical Completion of the works, obtaining of a Certificate of Practical Completion from a roads authority, and the provision of that Certificate of Practical Completion to the Council before the first Occupation Certificate is issued for the Development (clause 6.5), and
- (b) the provision of the required bank guarantee prior to the issuing of the first Construction Certificate for the Development (clause 9.2(a)), and
- (c) the registration of the Planning Agreement on the whole of the Development Land prior to the issuing of any Construction Certificate for any building in the Development (clause 8.1(g)), and
- (d) the submission of detailed design of the works to the Council and roads authority, obtaining their written approval to the detailed design and, if required by a roads authority, the entering into a works authorisation deed for the works, prior to the issuing of any Construction Certificate for any building in the Development (clause 6.1(b)).

Financial Implications

The Draft Planning Agreement is prepared on the basis that:

- (a) no s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
- (b) if the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with, and
- (c) Council is not required to make any payment to the Developer after 31 December 2039.

Conclusion of VPA

Due to the material public benefit that would be realised from the ultimate construction of the road infrastructure, it is in Council's interest to support the proposal as recommended and proceed to enter into and register the Planning Agreement consistent with the detailed key terms. Refer **Attachment 4** to the Council Report.

**iii) Environmental Planning and Assessment Regulation 2000**



## Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Clause	Comment
<b>cl.92</b> Additional matters that consent authority must consider  b) demolition of a building, the provisions of AS 2601 c) development on land that is subject to a subdivision order made under Schedule 7 to the Act	(b) considered (c) Not applicable
<b>cl.95</b> Deferred commencement consent	The draft conditions include deferred commencement conditions in accordance with cl95 of the regulations to address execution of the VPA, payment of council's legal costs for the preparation of the VPA and stormwater diversion works occurring on adjoining land upstream of the Bunnings development site.
<b>cl.96</b> Imposition of conditions—ancillary aspects of development	Not applicable

## Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as an Retail development for the purpose of calculating contributions under the Plan.

AREA ANALYSIS	
AREA	PROPOSED
MAIN WAREHOUSE (MINIMUM AREA)	5727m <sup>2</sup>
MAIN ENTRY	59.8m <sup>2</sup>
TOTAL WAREHOUSE AREA	5786.8m <sup>2</sup>
OUTDOOR NURSERY	815m <sup>2</sup>
BAGGED GOODS CANOPY (NURSERY)	1110m <sup>2</sup>
TOTAL NURSERY AREA	1925m <sup>2</sup>
TIMBER TRADE SALES	2615m <sup>2</sup>
LANDSCAPE YARD	790m <sup>2</sup>
TOTAL RETAIL AREA	11116.8m <sup>2</sup>
GOODS INWARD YARD (INCLUDING CANOPY)	285m <sup>2</sup>
TOTAL AREA	11401.8m <sup>2</sup>
STANDARD CAR PARKS	161
DISABLED CAR PARKS	6
TRAILER BAYS	4
PARKING IN TIMBER TRADE	-
TOTAL SITE CAR PARKS	171
TROLLEY BAYS	3
TOTAL SITE AREA	2.239ha

Figure 39 – Extract from SEE Area Analysis

# Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

**Note:** Given that there is a Voluntary Planning Agreement in play that brings forward part of the construction of St Vincent Street and the new roundabout/median works on the Princes Highway, contributions under s7.11 05Road4008 and s7.12 of the EP & Assessment Act do not apply to this development in accordance with Schedule 1 of the VPA.

## Section 7.11 ET Calculations - DA20/1068 (UPN: 16498)

Close
Reset
Print
Return Calc

☐ Residential
☒ Non-Residential

**Non Residential**

Note: enter area in m2 and calculator will convert area to ETs

	Existing	Proposed
Retail (Gross Floor Area m2)	200	11116.8
Commercial Office (Gross Floor Area m2)	0	160
Hotel / Restaurant (Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	2511	0
<b>Total ET</b>		<b>1080.72</b>
<b>Management Project ETs</b>		<b>42.82</b>

Figure 40 – Extract from SCC Contributions Plan 2019 – ET Calculation

Project	Description	Rate	Qty	Total	GST	GST-Incl
CW-FIRE-2001	Citywide Fire & Emergency services	\$135.42	42.82	\$5,798.68	\$0.00	\$5,798.68
CW-FIRE-2002	Shoalhaven Fire Control Centre	\$198.11	42.82	\$8,483.07	\$0.00	\$8,483.07
CW-MGMT-3001	Contributions Management & Administration	\$563.13	42.82	\$1,428.18	\$0.00	\$1,428.18
				<b>Sub-Total:</b>		<b>\$15,709.93</b>
				<b>GST-Total:</b>		<b>\$0.00</b>
				<b>Estimate-Total:</b>		<b>\$15,709.93</b>

Figure 41 – Extract from SCC Contributions Plan 2019 – Contribution Calculation

## iv) REPEALED

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment.
Built Environment	Subject to conditions of consent as recommended, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposed Bunnings warehouse is a significant generator of employment opportunities and will result in jobs during the construction process and 125 (full-time, part-time and casual)

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

Head of Consideration	Comment
	ongoing operations jobs once the building is complete (55 more positions than the existing Bunnings) that will provide positive multiplier effects to the local economy.

**(c) Suitability of the site for the development**

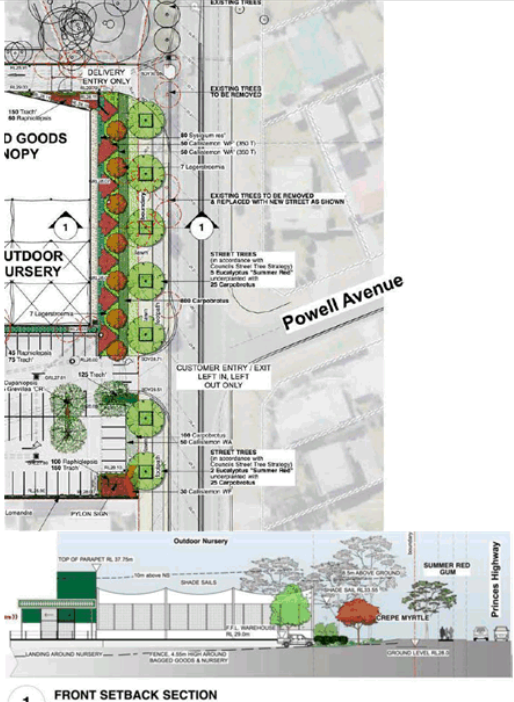
Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

**(d) Submissions made in accordance with the Act or the regulations**

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. One (1) Submission in the form of a petition was received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Traffic and safety impacts to the Princes Highway during construction and operation particularly for periods of school drop off and pickup and holiday periods.	TfNSW as the roads authority for the classified road (Princes Highway) and council engineers for St Vincent Street have reviewed the potential impacts and safety of the proposed design on the operation of the Highway and St Vincent street and have provided their conditions of consent.
Suggestion that all heavy vehicle access/egress to be conducted off St Vincent Street	Not accepted by TfNSW as impactable. The supported design provides for semitrailer vehicle queueing within the site east of the unloading area that is efficient and safe.
If highway access points are approved as submitted would request a solid wall and hedge screening to stop noise and lights	The submitted landscape plan provides for significant screening along the road frontages that will minimise light spill impacts from car headlights. Given the existing background noise on the highway there is no evidence justifying the need of an acoustic barrier wall along the highway frontage and such a wall would be ineffective with breaks for vehicle entry/exits.

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

	 <p><b>Figure 42 – Extracts from Landscape Plan</b></p>
<p>Requested site access locations to the be defined for construction</p>	<p>Traffic Control Plans are required for the development under the s138 applications to be obtained from TfNSW (Princes Highway) and SCC (St Vincent street).</p>
<p>Light spill from afterhours security lighting</p>	<p><i>Applicant response</i></p> <p>We can accept a DA condition that any lighting of signage be turned off outside of store operating hours. Our car park lighting however ought to remain on to minimise anti-social activity in our car park outside of trading hours, eg. late at night. Our standard car park lights are hooded to reduce glare and light spill. The impacts of light spill can be addressed in a DA condition which requires a design certificate be provided to the PCA from a qualified and experienced lighting designer that all external lighting shall comply with AS4282-1997 Control of Obtrusive effects of outdoor lighting.</p> <p><u>Comment:</u> Condition provided to the draft consent addressing the above comments.</p>
<p>Request lowering of the pylon sign to 6.0m</p>	<p>Sign conditioned to be lowered from 12.0m to 8.0m in line with the building height limit for the sign</p>

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

	location in accordance with agreement of the applicant.
Heritage grave	Addressed under cl5.10 of SLEP 14 above
Flora and fauna impacts	Addressed under Biodiversity Conservation Act comments above
Concern if impacting aboriginal heritage	The site is not identified as containing Aboriginal Cultural Heritage. A standard condition protecting the discovery of any aboriginal relics is included in the draft conditions.
Site contamination and verification of clean-up	A Detailed Site Investigation accompanies the application. The report recommends a Remediation Action Plan be prepared for the site outlining UPSS removal requirements and procedures in conjunction with a soil remediation plan. Council's environmental health officers have reviewed the Site investigation report and provided conditions of consent.
Negative impact on land value as a result of the development	Not a relevant matter for consideration under a DA
Trading hours to be notified	Proposed hours of operation are detailed on pg16 of the SEE which states - 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.
Delivery hours for bunnings stock and construction materials need to be notified	<p><i>Applicant response</i></p> <p><i>Delivery hours will align with store operating hours and will normally occur on weekdays only during store trading times (ie. between 6am-10pm Monday to Friday). Any noisy activities associated with unloading have been confined to the far western end of the site away from the Princes Highway frontage. We consider that at this distance there will be no audible noise impacting nearby residents' created by Bunnings' trucks (above existing traffic noise on the Highway), or from unloading activities associated with the proposed store.</i></p> <p><u>Comment:</u> Traffic movements associated with demolition and construction will be addressed under the TCPs for the two s138 approvals required for the development of the site.</p> <p>Delivery hours for stock to be conditioned.</p>

Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

#### **(e) The Public Interest**

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process.

#### **Delegations**

##### **Guidelines for use of Delegated Authority**

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application given:

- The development estimated construction cost of \$16,950,000
- Clause 4.6 height variation exceeding 10% of the building height standard
- The development includes a VPA that requires council resolution to delegate authority to the CEO or his delegate to enter into and register the Planning Agreement consistent with the detailed key terms.

#### **Recommendation**

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DA20/1068 be approved subject to appropriate conditions of consent.

**Peter Johnston**  
Lead Development Services South  
City Development  
1/02/2022

#### **Reviewers Comments:**

Section 7.11 contributions have been reviewed and are agreed to  
Draft Conditions of Consent have been reviewed and agreed to.

*Calculation peer reviewed by staff*

Choose an item.  
**Development Planner**  
City Development  
3/02/2022



Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

**Appendix A – Assessment Checklist: Chapter G11 Subdivision of Land**

**5.22 – Commercial Subdivision**

A108.1 The design and construction of the minor storm drainage system is capable of accommodating the 5% AEP flow and meet the requirements of Council's Engineering Design Specifications Chapter D5.

Comment: Complies

A109.1 The design and provision of utility services conforms to the requirements of the relevant service provider and Council's Engineering Design Specification.

Comment: Complies

**Appendix B – Assessment Checklist: Chapter G17 Business, Commercial & Retail Activities**

Performance Criteria	Acceptable Solutions	Compliance
<b>5.1 Business, Commercial and Retail Development</b>		
P1 Buildings provide legibility and definition to the streetscape.	A1.2 When a setback is applied, the area forward of the building line integrates the desired streetscape design and materials in line with the Chapter G18 Streetscape technical manual	Complies
P2 Building exteriors, structures, awnings and fences are robust, complementary of the existing character and make a positive contribution to the streetscape, especially pedestrian thoroughfares and public spaces.		Complies
P4 Amenity and safety of existing streets, lanes, paths and through-site links is enhanced.		Complies
P5 The proposed development and/or use does not generate emissions that could adversely affect the amenity of neighbouring premises.		Complies
P6 The development and/or use does not discharge any unregulated waste that may damage the environment or adversely affect the amenity of the area.		Complies
P7 The development and/or use provides adequate provision for on-site collection, storage and disposal of waste products in a way that does not adversely affect neighbouring premises or the environment.		Complies
P8 The hours of operation: • Do not have an unreasonable adverse impact on any neighbouring premises.		The proposed hours of operation are appropriate for a Bunnings Warehouse style development in the B5 Business Zone.

## Planning Report – S4.15 Assessment – 189 Princes Highway Ulladulla

• Encourage employment and street activation outside of standard business hours, in appropriate locations.	Appropriate design and conditions are incorporated into the development to prevent any unreasonable adverse impact to surrounding properties.
--	---



Bridge Rd, Nowra NSW 2541 | 02 4429 3111  
Deering St, Ulladulla NSW 2539 | 02 4429 8999

[Address all correspondence to](#)

The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia  
[council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) | DX5323 Nowra | Fax 02 4422 1816

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au) [f](#) [@](#) [in](#) [v](#) [t](#)

## NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

Environmental Planning and Assessment Act, 1979  
DA20/1068

### TO:

Philip Drew  
Development Approvals Manager  
Bunnings Group Limited  
Locked Bag 3277  
Rhodes NSW 2138

being the applicant(s) for DA20/1068 relating to:  
189 Princes Hwy, ULLADULLA - Lot 1 DP 21356  
191 Princes Hwy, ULLADULLA - Lot 2 DP 21356  
193 Princes Hwy, ULLADULLA - Lot 3 DP 21356  
195 Princes Hwy, ULLADULLA - Lot 4 DP 21356  
197 Princes Hwy, ULLADULLA - Lot 5 DP 21356  
2A Parson St, ULLADULLA - Lot 23 DP 1082957

### APPROVED USE AND OR DEVELOPMENT:

Integrated Development (Water Management Act 2000) - comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures and removal of existing vegetation over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Realignment of water, sewer and stormwater infrastructure within the subject site.

Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

Interim public vehicular access to and from the Princes Highway that is to be closed and replaced by an access road entry/exit to be provided via the St Vincent Street to Dowling Street road extension when completed by Council.

### DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

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**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

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

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DEFERRED COMMENCEMENT**

**DEFERRED COMMENCEMENT**

Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the applicant must satisfy the following deferred commencement condition of consent prior to this development consent becoming operative:

- a) Pursuant to section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, the applicant is required to enter into the Planning Agreement (D20/71712) between Shoalhaven City Council and Bunnings Properties Pty Ltd (draft dated 31/01/2020 Exhibited Version) with an additional provision containing an acknowledgement by the developer that Council may, in its absolute discretion, make a notation under section 10.7(5) of the EP&A Act about the VPA on any certificate issued under section 10.7 of the EP&A Act relating to the land the subject of the VPA.
- b) The Developer must pay the Council's reasonable legal costs, valuation costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of the Voluntary Planning Agreement Deed, as per 15.14(b) of the Planning Agreement.
- c) Completion of Part 5 stormwater diversion works under the *Environmental Planning and Assessment Act 1979* and registration of new stormwater easement on the adjoining land upstream (Lot CP75314) in accordance with an executed works agreement between Shoalhaven City Council and Bunnings Properties Pty Ltd.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of these matters must be submitted to Council within two (2) years of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to s4.53(6), of the *Environmental Planning and Assessment Act 1979*.

This development consent will not become operative until such time that the Council notifies the applicant in writing that the requirements of deferred commencement have been satisfied.

**DETAILS OF CONDITIONS:**

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

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

**1. General**

This consent relates to Integrated Development (Water Management Act) comprising simultaneous consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m2) containing Project Lighting.

Demolition of existing structures and removal of existing vegetation over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

Realignment of water, sewer and stormwater infrastructure within the subject site.

Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla.

Interim public vehicular access to and from the Princes Highway that is to be closed and replaced by an access road entry/exit to be provided via the St Vincent Street to Dowling Street road extension when completed by Council as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions prevail to the extent of that inconsistency.

STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED
Architectural Plans - Cover Sheet – HD134	HD00 R-22 D20/239543	High Definition Design P/L	9/06/2020
Context Plan – HD134	HD02 R22 D20/239543	High Definition Design P/L	9/06/2020
Existing Survey Plan – HD134	HD02 R-22 D20/239543	High Definition Design P/L	31/05/2020
Overall Site Plan – HD134	HD03 R-22 D20/239543	High Definition Design P/L	9/06/2020
Architectural Plans – Roof plan – HD134	HD04 R-21 D20/239543	High Definition Design P/L	9/06/2020
Architectural Plans – Elevation 1 of 3 – HD134	HD05 R22 D20/239543	High Definition Design P/L	31/05/2020
Architectural Plans - Elevation 2 of 3– HD134	HD06 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans - Elevation 3 of 3– HD134	HD07 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans – Section 1 of 2 – HD134	HD08 R-22 D20/239543	High Definition Design P/L	12/11/2019
Architectural Plans - Section 2 of 2 – HD134	HD09 R-22 D20/239543	High Definition Design P/L	12/11/2019

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Architectural Plans – Racking Plan – HD134	HD10 R-21 D20/239543	High Definition Design P/L	9/06/2020
Proposed Racking Plan – Proposed Office and Café Layout Plans	RPO_01 RB D22/16741	Bunnings P/L	15/12/2021
Architectural Plans – Pylon Sign – HD134	HD11 R-22 D20/239543	High Definition Design P/L	31/05/2020
Princes Highway Roadworks – HD134	HD12 R-22 D20/239543	High Definition Design P/L	31/05/2020
Princes Highway Roadworks – HD134 – Sheet 1 of 3	HD13 R22 D20/239543	High Definition Design P/L	22/04/2020
Princes Highway Roadworks – HD134 – Sheet 2 of 3	HD14 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Roadworks – HD134 – Sheet 3 of 3	HD15 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Typical Cross Sections – HD134 – Sheet 1 of 2	HD16 R-22 D20/239543	High Definition Design P/L	9/04/2020
Princes Highway Typical Cross Sections – HD134 – Sheet 2 of 2	HD17 R22 D20/239543	High Definition Design P/L	9/04/2020
Ultimate Princes Highway Road Works – HD134	HD18 R-22 D20/239543	High Definition Design P/L	31/05/2020
Roundabout Turning Movements – HD134 – Sheet 1 of 5	HD19 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 2 of 5	HD20 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 3 of 5	HD21 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 4 of 5	HD22 R-22 D20/239543	High Definition Design P/L	22/04/2020
Roundabout Turning Movements – HD134 – Sheet 4 of 5 – St Vincent Street / Parson Street	HD23 R22 D20/239543	High Definition Design P/L	9/06/2020
Roundabout Deflection – HD134	HD24 R-22 D20/239543	High Definition Design P/L	22/04/2020
Landscape Plan	2607 LP-01 R-B D20/50919	John Lock & Associates Landscape Architecture	25/10/2019
Landscape Details	2607 LP-02 R-B D20/50919	John Lock & Associates Landscape Architecture	25/10/2019



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Sketch Plan of Proposed Subdivision of Lot 23 DP 1082957 & Lots 1-5 DP 21356 Princes Highway & St Vincent Street Ulladulla	103688 A D21/394371	SET Consultants P/L	31/08/2021
Sketch Plan showing levels, contours & Detail Survey over Lots 1-5 DP 21356 & Lots 245, 286, 287 & 303 DP 755967 at Princes Highway & St Vincent Street – Sheets 1-7	103688 R-D D20/50927	SET Consultants P/L	6/06/2019
Proposed Bunnings Warehouse Ulladulla – Civil engineering works for DA – Cover Sheet, drawing index, general notes & locality sketch	02172_C100 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Site Layout Plan & Legend	02172_C120 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – General Arrangement Plan 1	02172_C201 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – General Arrangement Plan 2	02172_C202 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Bulk Earthworks Cut & Fill Plan	02172_C231 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Typical Sections – Sheet 01	02172_C351 R-P1 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Typical Sections – Sheet 02	02172_C352 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Catchment Plan	02172_C601 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – OSD Tank Details	02172_C621 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Overland Flow Opening Detail	02172_C622 R-01 D20/50906	C & M Consulting Engineers	23/10/19

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Proposed Bunnings Warehouse Ulladulla – Overland Flow Opening Sections	02172_C622 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Sediment & Erosion Control Plan	02172_C701 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Proposed Bunnings Warehouse Ulladulla – Sediment & Erosion Control - Details	02172_C702 R-01 D20/50906	C & M Consulting Engineers	23/10/19
Bushfire Constraints Advice	Ref/Job No: 18HNG_11896 D20/50898	Eco Logical Australia P/L	7/08/2019
Aboriginal Due Diligence Assessment	11928 V1c D20/50896	Eco Logical Australia P/L	10/07/2019
Biodiversity Development Assessment Report	bunn1 V2.0 D20/110667	Narla Environmental P/L	March 2020
Flora and Fauna Constraints Assessment	Ref/Job No: 18HNG_11898 D20/50888	Eco Logical Australia P/L	29/07/2019
Detailed Site Investigation	Ref: P1640-R-003-DSI-Rev0 D20/50885	Valley Civilab P/L	7/08/2019
Assessment of Traffic and Parking Implications	Ref: 18252 D20/239517	Transport and Traffic Planning Associates	June 2020
Tree Assessment & Inventory	D20/50881	David Potts Consultant Arborist	July 2019
Stormwater & Flood Management Plan	R02172-SMP Revision B D21/394375	C&M Consulting Engineers Pty Ltd	June 2020
Statement of Environmental Effects	D20/50871	Sutherland & Associates Planning	Nov 2019
Waste Management Plan	D20/50868	Bunnings and SITA Environmental Solutions	Received 31/01/2020
Draft Voluntary Planning Agreement & Explanatory Note for associated civil works including road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway & Dowling Street Ulladulla	(D20/71712 & D20/71719)	Allens Linklaters LLP	31/01/2020

**Note:** Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent

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*under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.*

2. **Prescribed Conditions**

The development must comply with relevant prescribed conditions of consent as detailed in the *Environmental Planning and Assessment Regulation 2000*. (See Division 8A.)

3. The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

4. **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier (PC) before any of the approved development can be used or occupied.

5. **Transport for NSW**

The conditions of Transport for NSW(Reference No. TH19/00074/07, dated 22 September 2020) are included as conditions of this consent. Refer to **Attachment 2** to this development consent.

6. **Access to Development Site Staging**

**Initial access**

Initial access to the development from the Princes Highway to be provided in accordance with Attachment 1 of the conditions of Transport for NSW(Reference No. TH19/00074/07, dated 22 September 2020). This arrangement is permitted until such time that the alternative road is completed.

**Ultimate Access**

Upon the construction of the new link road between St Vincent Street and the new roundabout at the junction of the Princes Highway and Dowling Street, the left in/left out for light vehicles on the highway provided for under the initial access must be closed with kerb and gutter reinstated, line marking updated and landscaping extended to fill the gap of the former entry to the highway.

The primary light vehicle access will then need to be provided from the new link road in accordance with the Ultimate Princes Highway Road Works Plan HD18 Rev 22 dated 31/05/2020 (Trim Ref: D20/251755) with the internal carpark revised to suit the new entry.

**PART B  
INTEGRATED DEVELOPMENT CONDITIONS**

7. **Natural Resource Access Regulator – Integrated Development Conditions**

The conditions of the General Terms of Approval issued by **Natural Resource Access Regulator (NRAR)**(Reference No. IDAS1123081, dated 04 June 2020) are included as conditions of this consent. Refer to **Attachment 1** to this development consent.

**PART C**  
**CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE**

**8. Subdivision Certificate**

A Subdivision Certificate is required to consolidate and subdivide (Lots 1-5 DP 21356) and the relevant portion of Lot 23 DP 1082957 into a single lot comprising the (Bunnings) development land and a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the development land (Project Lighting) and be issued to confirm completion of the subdivision development. All relevant conditions of development consent must be met or unless other satisfactory arrangements have been made with Council (i.e. a security). The applicant will be required to demonstrate compliance with this consent with application for a Subdivision Certificate.

**9. Shoalhaven Water – Prior to the Commencement of Demolition Works**

Prior to the Commencement of Demolition Works, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Commencement of Demolition Works" must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

**10. Shoalhaven Water – Prior to the Commencement of Any Works**

Prior to the Commencement of any works, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Commencement of Any Works" must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

**11. Remediation Action Plan**

- a) Prior to the commencement of works a Remediation Action Plan (RAP) is to be prepared for the Site outlining UPSS removal requirements and procedures in conjunction with a soil remediation plan in accordance with recommendations of *195-197 Princes Highway, Ulladulla NSW – Detailed Site Investigation* – Ref:P1640-R-003-DSI-Rev0 – Bunnings Group Ltd prepared by Valley Civilab – 8/8/2019.
- b) After completion of the remedial works (i.e. those works required by the RAP), a validation report for the development site must be prepared by a suitably qualified person in accordance with the *NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites*. This report must be prepared with reference to the *Environment Protection Authority Guidelines – Consultants Reporting on Contaminated Sites* and must:
  - i. Describe and document all works performed;
  - ii. Include results of validation testing and monitoring;
  - iii. Include validation results of any fill imported on to the site;
  - iv. Show how all agreed clean-up criteria and relevant regulations have been complied with;
  - v. Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
  - vi.

## 12. Ecosystem Credit Retirement

Prior to any works being conducted onsite, including any vegetation removal, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits shown in Table 1, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Council prior to any works being conducted onsite. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.

**Table 1 Ecosystem credits required to be retired – like for like**

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development	Trading Group	HBT
1082 – Red Bloodwood – Hard Leaved Scribbly Gum – Silver Top Ash Heathy Open Forest on Sandstone Plateaux of the lower Shoalhaven valleys, Sydney Basin Bioregion	15 credits	Jervis, Bateman, Ettrema, Illawarra and Jervis. Or Any IBRA subregion from a location within 100km of the impact site.	South East Dry Sclerophyll Forests This includes PCT's: 716, 879, 891, 892, 901, 932, 946, 1082, 1084, 1146, 1147, 1148, 1149, 1150, 1151, 1154, 1155, 1157, 1158, 1160, 1161, 1322, 1338, 1339, 1340	South East Dry Sclerophyll Forest <50%	No
659 – Bangalay – Old-man Banksia Open Forest on Coastal Sands, Sydney Basin Bioregion and South East Corner Bioregion	4 credits	Jervis, Bateman, Ettrema, Illawarra and Jervis. or Any IBRA subregion that is within 100 kilometers of the impacted site.	Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions this includes PCT's; 659, 1793	Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions	No

## 13.

### Species credit retirement

Prior to any works being conducted onsite, including any vegetation removal, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.



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Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to Council prior to any works being conducted onsite. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.

**Table 2 Species credits required to be retired – like for like**

Impacted species	Number of species credits	IBRA sub-region
Myotis macropus / Southern Myotis	4 species credit	Anywhere in NSW

14.

**Tree Barrier Fencing Identification**

Trees and native vegetation to be retained within the consolidated site and along the Princes Highway frontage, as shown in the approved Landscape Plan (D20/50919) as well as trees within properties adjoining the subject site including the drip-line of trees must be clearly marked on the ground with temporary barrier fencing or similar visible material to avoid impacts during vegetation removal and construction. Temporary fencing must remain in place until all works are completed.

15. **Supervising Ecologist**

Prior to commencement of work on site, the applicant must commission the services of a qualified and experienced Ecologist Consultant. The Ecologist will be commissioned to undertake an extensive pre-clearing survey, identifying the presence of nests habitat-bearing trees and shrubs and other significant habitat features to be removed; and, supervise the clearance of trees and shrubs (native and exotic) in order to capture, treat and/or relocate any displaced fauna.

16. **Waste Minimisation and Management – Demolition and Construction**

A detailed Demolition and Construction Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. The WMMP must be approved by Council or an accredited certifier prior to work commencing.

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

17. **Principal Certifier, Construction Certificate and Notice of Commencement**

The following must be undertaken prior to the commencement of any physical activity:

- A Principal Certifier (PC) must be appointed. For subdivision works in existing public roads, only Council can be appointed as the PC;
- A Construction Certificate for any building works must be obtained from either Council or an accredited certifier before civil works of any kind (internal or external) can commence;
- A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land



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- d) Notice must be given to Council at least two (2) days prior to the commencement of any works;
- e) Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance; and
- f) Any clearing of vegetation approved under this consent is not permitted unless:
  - i) The erosion and sediment control measures required by this consent have been implemented and inspected by Council;
  - ii) Evidence of an application for a Construction Certificate is provided to Council; and
  - iii) The clearing is carried out in accordance with the relevant conditions of this consent and the approved Waste Minimisation and Management Plans.

**18. Builders' Toilet**

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

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council.

**19. Existing Services/Damage to Public Assets (Dilapidation Report)**

Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:

- a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent or any repair to services will be at the expense of the person benefitting from this consent; and
- b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

**20. Works within the Road Reserve**

Prior to undertaking any works within an existing road reserve (excluding works under TfNSW approval), the developer must obtain the consent of Council under section 138 of the Roads Act, 1993.

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The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

**21. Construction Management Plan (Traffic & Parking)**

Details of the proposed method of dealing with construction traffic are to be submitted to Council for approval by Council's Development Engineer or Delegate. The details must include but are not limited to the following:

- a) Stabilised site construction access location.
- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
- c) Estimated timing of construction works in the form of a Gant chart or similar.
- d) Parking arrangements for construction employees and contractors.
- e) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance. The approved haulage route may require upgrading and/or maintenance prior to the commencement of any works and maintenance during the construction period for public safety.

**22. Erosion and Sediment Control**

Prior to the commencement of works, a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - *Soils and Construction, Managing Urban Stormwater*, Vol 1, 4th Edition, March 2004", must be submitted to the Principal Certifier (for works within the development lot) and Council (for works within the road reserve) for approval.

- 23.** Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the Principal Certifier prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

**24. Sign – Supervisor Contact Details**

A sign must be erected in a prominent position on any site where any building, subdivision or demolition work is being carried out:

- a) Showing the name, address and telephone number of the PC for the work;
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out.

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25. **Public Safety and Protection of Public Property**

The site/area where works are being undertaken is to be fenced in accordance with Safework NSW requirements prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.

26. **Asbestos – Notification of Neighbours**

Fourteen (14) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council.

27. **Asbestos – Statement**

No later than seven (7) days prior to the demolition of any building or structure, a written statement must be submitted to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be submitted:

- A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*; and
- A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*.

**PART D**  
**CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION**  
**CERTIFICATE CAN BE ISSUED**

28. **Contributions for Additional Services and/or Facilities**

**Note:** No s7.11 monetary contribution is imposed on the development in respect of contribution item 05ROAD4008 as this matter is addressed in a Voluntary Planning Agreement.

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Project	Description	Rate	Qty	Total	GST	GST-Incl
CW-FIRE-2001	Citywide-Fire-&Emergency-services	\$135.42	42.82	\$5,798.68	\$0.00	\$5,798.68
CW-FIRE-2002	Shoalhaven-Fire-Control-Centre	\$198.11	42.82	\$8,483.07	\$0.00	\$8,483.07
CW-MGMT-3001	Contributions-Management-&Administration	\$563.13	42.82	\$1,428.18	\$0.00	\$1,428.18
Sub-Total:						\$15,709.93
GST-Total:						\$0.00
Estimate-Total:						\$15,709.93

Contribution rates are adjusted annual on 1<sup>st</sup> July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied will be adjusted accordingly at the time of payment. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

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*Contributions Plan 2019* can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

29. **Pylon Sign**

The site and elevation plans for the pylon sign are to be modified to show a maximum sign height of 8.0m from finished ground level with a minimum 4.0m setback to the southern boundary of the consolidated site. Details of the modified sign, must be shown on Construction Certificate drawings for approval of the Principal Certifier.

30. **Design Standards – Works Within Road Reserve**

Prior to the issue of a Construction Certificate, all civil works proposed within road reserves not under control of TfNSW must be approved by Council. Note, certain works / activities in the Road Reserve require approval under s138 of the Roads Act 1993.

31. **Native Vegetation Protective Measures – Adjoining Land**

Where engineering works are proposed near retained native vegetation on adjoining properties the applicant must provide dimensioned engineering plans that show all areas of vegetation / trees to be retained surrounded by temporary protective fencing.

No plans are to be approved unless these protective measures are shown and contain a note stating the fencing is to be installed prior to works and must remain in place until all works are completed. No services (water sewer etc) are to be approved within areas of vegetation to be retained or under the "drip line" of trees to be retained.

32. **Retaining Walls - Design**

Prior to the issue of a Construction Certificate for approved retaining walls exceeding 0.6m in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:

- a) For retaining walls exceeding 0.6m in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load as well as any other forces required by AS1170; and
- b) For retaining walls less than 0.6m in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load as well as any other forces required by AS1170.
- c) Retaining walls, footings and drainage must be contained wholly within the development site.
- d) Construction within a registered easement is strictly prohibited.

Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or be approved by way of Complying Development prior to construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



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**33. Existing Infrastructure**

Prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

**34. Construction Environmental Management Plan (CEMP)**

A Construction Environmental Management Plan (CEMP) must be submitted prior to the issue of a Construction Certificate and must include measures to manage sediment and erosion, dust, pollutants, noise and stormwater leaving the site. The proposed mitigation measures would include environmental safeguards for protection of retained native vegetation on properties neighbouring the subject site.

Note: the soil and water management plan required by this consent can be incorporated into the CEMP.

**35. Road Design Standards (Urban) – St Vincent Street**

Prior to the issue of a Construction Certificate, certified road design engineering plans for the extension of St Vincent Street must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following:

- a) Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
- b) AUSTROADS Design Requirements and Specifications.
- c) Concept Civil Design Drawings, Ref. No: 02172\_C205, Revision 02 by C&M Consulting Engineers, Dated 10/11/2020 except:
  - i) Pavement width is to remain consistent at 12m for the full alignment of the extension of St Vincent St.
  - ii) The termination of St Vincent Street is to be a cul-de-sac with minimum radius 9.5m or an alternative design as agreed by Council.
  - iii) Guard rail is to be provided adjacent to the proposed retaining walls fronting St Vincent Street. The location must be offset in accordance with AUSTROADS and designed with acceptable sight distance at the proposed access points as per relevant Australian Standards.

**36. Design Standards – Traffic Committee Referral**

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

**Note: This process can take six to eight weeks.**

**37. Access Driveway Design Standards - Urban**

Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The access driveway and footpath crossing designs must comply with the following:

- a) Council's Engineering Design Standard Drawings.

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- b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm DGB20 base with centrally placed slab of minimum 3 metres width and minimum 150mm concrete depth.
  - c) To be of a suitable width to accommodate the largest vehicle expected to use that particular entry/exit point of the site.
  - d) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.
- 38. Cycleway and Footpath Design Standards**
- Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The cycleway and footpath design must comply with the following:
- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
  - b) A 2.5 metre-wide concrete shared user path is to be designed for the full Princes Highway frontage of the development with:
    - i) cross section design provided from road centreline to the carpark floor level at each driveway access point.
    - ii) 3% cross fall from the boundary to top of kerb.
    - iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed.
    - iv) kerb ramps at intersections and driveways in accordance with Council's Engineering Design Specifications.
    - v) Where these requirements are unable to be met, an alternative design may be accepted by Council.
- 39. Lighting Design - Internal Driveway and Carparking**
- Prior to the issue of a Construction Certificate, lighting design plans are to be submitted to Council for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with *AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*.
- 40. Control of Obtrusive effects of outdoor lighting**
- Prior to the issue of a Construction Certificate, a design certificate must be provided to the PCA from a qualified and experienced lighting designer that all external lighting complies with AS4282-1997 Control of Obtrusive effects of outdoor lighting.
- 41. Lighting Design – Street Lighting on Public Roads**
- Prior to the issue of a Construction Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).
- 42. Structural Design – Major Structures**
- Prior to the issue of a Construction Certificate, a detailed structural design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council.
- a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.
  - b) Retaining walls exceeding 1m in height



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- c) The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

**43. Structural Design – Zone of Influence**

Prior to the issue of a Construction Certificate, a detailed design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council:

- a) Pier and beam footings must be provided to at least the depth of the invert level of the pipe or solid rock where works are proposed adjacent to any proposed/existing structures to prevent differential settlement.
- b) All other foundations must be located so that buildings are founded below the zone of influence of the drainage line within the easement.
- c) The drainage line must be able to be repaired or replaced at any time without affecting the stability of the building.

**44. Stormwater Drainage Design Standards (Urban)**

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with:
  - i) Concept General Arrangement Plan Sheet 01 - Ref. No: 02172\_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,
  - ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172\_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020 and
  - iii) Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.
- d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
- e) The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:
  - i) Existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04.
  - ii) All relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design.
- f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.
- g) Erosion protection must be provided at all stormwater outlets locations, in accordance with Council's Engineering Design Specification.

**45. Stormwater Drainage Design – Trunk Drainage and Water Quality**

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Prior to the issue of a Construction Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for major trunk drainage (diversion of existing 1,200mm diameter stormwater pipe) must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines and approved by Council Specifications can be found on Council's web site.

The proposed stormwater diversion pipe must be sized to convey the upstream catchment area with a minimum 10% AEP event capacity but be no smaller than is shown in concept stormwater drainage plan 02172\_C201 prepared by C&M Consulting Engineers in July 2019.

**46. WSUD Devices – Private Property**

Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier.

The design of the WSUD devices is to comply with the Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

Specifications can be found on Council's web site.

The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.

**47. Water Sensitive Urban Design Operation and Maintenance Manual**

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the proposed water quality facilities must be submitted to the Certifier prior to issue of the Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

**48. Stormwater Drainage Design – Car Park and Driveway**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design.
- b) The minor and major systems must be designed for a 10% AEP and 1% AEP rainfall events, respectively.
- c) Generally, in accordance with:
  - i) Concept General Arrangement Plan Sheet 01 - Ref. No: 02172\_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,
  - ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172\_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020 and

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- iii) Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

49. **Car Parking Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The car parking and access design must comply with the following:

- a) Comply with all relevant aspects of AS2890.
- b) Generally, in accordance with the following plans:
  - i) Concept General Arrangement Plan Sheet 01 - Plan, Ref. No: 02172\_C201, Revision 05 by C&M Consulting Engineers, Dated 13/09/2021,
  - ii) Concept General Arrangement Plan Sheet 02 - Ref. No: 02172\_C202, Revision 04 by C&M Consulting Engineers, Dated 26/05/2020
- c) Constructed in accordance with the following:
  - i) for light vehicular loading, with a flexible pavement, surfaced with 40mm of AC10 asphaltic concrete (for passenger vehicle usage areas only).
  - ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 10<sup>6</sup> ESA (for heavy vehicle usage areas).
  - iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1 x 10<sup>6</sup> ESA (for heavy vehicle usage areas). Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details.
- d) Additional delineation in the form of hold lines and give way signage is to be implemented at the buildings and materials landscape yard with an aim to reduce drive confusion.
- e) The display area adjacent to the building and materials landscape yard is not to encroach on to the lane width of the manoeuvrability aisle of the carpark. The extent of the lane is to be marked with line marking to delineate the hazard.
- f) Swept vehicle paths are to be provided to the satisfaction of the Certifier for each aspect of the development internally (inside the building/s) and externally (car park area and entry/exit) and are to be based on the largest vehicle expected to use that part of the site. Swept vehicle paths are to comply with AS2890 or an alternative standard deemed acceptable by the Certifier.
- g) Bordered in accordance with Council's Standard Drawings by:
  - i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.

50. **Site Filling Design Standards**

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

- a) The lot/site must be filled to having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with *AS 3798 Guidelines on earthworks for commercial and residential developments* and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

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**51. On-Site Detention – Infill Subdivision and Development**

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.
- b) Generally, in accordance with Concept Stormwater & Flood Management Plan, Ref. No: R02172-SMP, Revision B by C&M Consulting Engineers, Dated June 2020.

**52. Shoalhaven Water – Prior to the Issue of a Construction Certificate**

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

**53. Flooding**

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- b) All habitable floor levels must be constructed at or above the Flood Planning Level (FPL) (1% Annual Exceedance Probability (AEP) flood level plus 500mm freeboard) (RL29.0) as documented on the flood report R02172-SMP Revision B prepared by C & M Consulting dated June 2020.
- c) All fences must be designed with openings below the Flood Planning Level (FPL) to allow free flow of floodwater.
- d) Any proportion of the structure below the Flood Planning Level (FPL) must be built from flood compatible materials.
- e) All electrical installations must be constructed above the Flood Planning Level (FPL) or be able to be isolated prior to a flood event.
- f) The location of all hazardous substances are located at or above the 1% Annual Exceedance Probability (AEP) Flood Level.
- g) The car park area to be graded to divert overland flow back to the existing low lying area downstream of the subject site (as shown on the concept civil engineering drawings).
- h) A flood protection wall on the southern boundary with minimum top of wall level RL29.0 (as shown on the concept civil engineering drawings) to protect the neighbouring building to the south from overland flow.
- i) A flood protection wall on the northern boundary with minimum top of wall level +600mm above natural ground surface (as shown on the concept civil engineering drawings) to divert overland flow to the proposed area with suspended structure over.
- j) A flood evacuation plan must be prepared to ensure permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES. This plan is to consider for pre-flood event planning the use of Flood Warning Products available from the Bureau of Meteorology.

**54. Flooding – Construction Certificate Structural Soundness Requirements within Flood Prone Land**

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the building and associated structure(s):



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- a) Can withstand forces of floodwaters including debris and buoyancy forces up to a 1% Annual Exceedance Probability (AEP) flood event.
- b) No items of the proposed building will become floating debris during a 1% AEP flood event.

55. **Satisfactory Arrangements – Electricity**

Prior to the issue of any Construction Certificate for the development and commencement of any associated works, documentary evidence is to be provided by Endeavour Energy, confirming that satisfactory arrangements have been made for the connection of electricity to service the development.

Refer to **Attachment 4** of the conditions of consent.

56. **Local Government Act 1993 – Section 68 Approval**

Approval for water, sewer and drainage works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.

57. **Remediation Action Plan (RAP) Validation Report**

Prior to the issue of a Construction Certificate, the certifier must obtain written approval from Council advising that the submitted validation report is satisfactory.

**Please Note** - Council reserves the right to call for a Site Audit Statement in accordance with the NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's *Guidelines for the NSW Site Auditor Scheme*.

58. **Asbestos – Clearance Certificate (Friable Asbestos)**

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent occupational hygienist in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

59. **Asbestos – Clearance Certificate (Bonded Asbestos)**

Following the removal of all bonded asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person current Safework (formerly WorkCover) Class 2 (Restricted) Asbestos Licence in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

**PART E**  
**CONDITIONS RELATING TO THE APPROVED WORK AND SITE**  
**MANAGEMENT**

60. **Building Code of Australia**

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

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*Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000. (Note the commencement of the Regulation 2021, on 1 March 2022.)*

**61. Access for People with Disabilities**

Access for people with disabilities must be provided to the building in conformity with Part D3.2 of the Building Code of Australia and Australian Standard AS1428.1-2009 "Design for access and mobility Part 1: General requirements for access, AS1428 Part 4 1992 and AS/NZS 1428.4.1:2009 "Design for access and mobility Part 4.1".

**62. Survey Certificate**

A survey must be undertaken by a Registered Surveyor and a copy submitted to Council at the following stages:

- a) Formwork in place and prior to the pouring of concrete;
- b) Each floor slab level;
- c) Completion of the building and pylon sign certifying that the building and sign are correctly located in relation to the boundaries of the site and the approved heights.

**63. Colours and Materials**

The development must be constructed in accordance with the schedule of colours and building materials and finishes submitted with this application.

**64. Work Hours and Noise**

The following must be complied with during demolition and construction works:

- a) To limit the impact of the development on adjoining owners, all demolition and construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No work is to take place on Sundays or Public Holidays. Any proposed change to hours must be approved by Council in writing; and
- b) The noise from all activities associated with any demolition works and construction of the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change *Interim Construction Noise Guideline*. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

**65. Bushfire Conditions - Emergency and Evacuation Planning**

*The intent of measures is to provide suitable emergency evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.*

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Refer to **Attachment 3** to the conditions of consent.

**66. Bushfire Conditions - Asset Protection Zones**

*The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:*



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From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

The following ember protection measures are to be incorporated into the building design and are to be installed and maintained for the life of the development:

- a) The roof/wall junctions are to be sealed/screened with aluminium, steel or bronze mesh with a minimum aperture size of 2 mm;
- b) The base of side-hung external doors must be fitted with draught excluders/weather strips;
- c) Gutters must be fitted with metal gutter guard to prevent the build-up of combustible material;
- d) The rollers doors must be tight fitting to door frames/jamb with gaps no greater than 5 mm when closed; and
- e) Where a roller shutter door is installed, it must be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2.0 mm on the external surface exists

Refer to **Attachment 3** to the conditions of consent.

67. **Bushfire Conditions - Construction Standards**

***The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:***

All new construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.

Or

To the satisfaction of the consent authority, a suitably qualified consultant can provide a performance-based assessment report. This report should clearly demonstrate how the proposed development can provide appropriate separation between the adjoining hazard and the proposed building which, in combination with other measures, prevent the likely fire spread to buildings. This should include, but not be limited to, compliance with AS 3959 and/or conformity with AS1530.8.2.

Refer to **Attachment 3** to the conditions of consent.

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68. **Bushfire Conditions - Access - Internal Roads**

*The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:*

The proposed access arrangements for the site shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.  
Refer to **Attachment 3** to the conditions of consent.

69. **Bushfire Conditions - Water and Utility Services**

*The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:*

The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.  
Refer to **Attachment 3** to the conditions of consent.

70. **Bushfire Conditions - Landscaping Assessment**

*The intent of measures is for landscaping. To achieve this, the following conditions shall apply:*

Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located away from the building.
- Low flammability vegetation species are used.

Refer to **Attachment 3** to the conditions of consent.

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The signage approved as part of this development proposal must be maintained in good condition at all times to the satisfaction of Council.

72. No signage other than that which has been approved as part of this development consent or is exempt from requiring development consent (e.g. under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) may be erected on the subject site without prior approval of Council.
73. External, illuminated signage must be fitted with a mechanism to adjust the level of illumination should it result in an unacceptable level of glare that would affect safety for pedestrians, cyclists, vehicles or aircraft, or detract from the amenity of any neighbouring property. Illumination must comply with the relevant controls contained in the NSW Department of Planning 'Transport Corridor Outdoor Advertising and Signage Guidelines' (November 2017).
74. All lighting of signage must be turned off outside of store operating hours.
75. No flashing, intermittent or moving lights are to be displayed from signage.
76. No signage is to detract from or resemble any road traffic advisory signs (e.g. Variable Message Signage).

**77. Street Signs**

Prior to completion of works, the developer must ensure that street name signs and posts are erected at all street intersections in accordance with Council approved street names as detailed in [Council's standard drawings](#) and the requirements of Council's [Development Construction Specifications C262 Signposting](#).

**78. Lighting**

Lighting must not result in any unacceptable level of glare or illumination for surrounding properties or road users (including pedestrians and cyclists). In this regard, the person benefitting from this development consent will be required to make adjustments to any lighting (e.g. by way of a mechanism adjusting the level of illumination) that Council deems is a nuisance or hazard.

**79. Landscaping**

The planting of plant species listed on Council's weeds list (<https://shoalhaven.nsw.gov.au/Environment/Weed-management>) is prohibited for the life of the development.

**80. Impact of Works on Others**

The following general conditions must be adhered to;

- a) Runoff currently entering the site from uphill properties must not be obstructed nor redirected from entering the site, other than by works in accordance with a plan approved

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by Council, to increase the quantity or concentration of surface runoff entering adjoining properties.

- b) Any damage to the existing kerb & gutter, footpaths, pathways, road pavements, reserves or any other public infrastructure that occurs during development works must be repaired by the developer. Restoration must be to the satisfaction of Council.
- c) Existing roads, footpaths and reserves adjacent to and nearby the site must be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.
- d) All vehicles associated with the construction works as conditioned in this consent must not block or hinder access to or from adjoining lots or through traffic movements without traffic control in accordance with the Roads and Maritime Services Traffic Control at Worksite Manual prepared, installed and controlled by personnel holding relevant qualifications. All signage must comply with AS 1742.3.
- e) All construction work is to be carried out so that at any time adjoining property owners are not deprived of an all-weather access or subjected to additional storm water runoff during the period of construction.

81. **Earthworks**

Documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material is to be provided to Council during the works. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

82. **Lot Filling**

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
- b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
- c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
- d) Any fill must:
  - i) have a maximum batter of 25% (1v:4h) at any location.
  - ii) not encroach onto adjoining land.
  - iii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
  - iv) be protected against erosion, with measures incorporated in the erosion and sediment control plan.
  - v) include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

83. **Earthworks Cut, Fill and Grading**

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of fill on any portion of

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the allotment must be 6.0 metres. The maximum depth of cut on any portion of the allotment must be 5.0 metres.

**84. CCTV Inspection of Stormwater Pipes**

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

**85. Stormwater Connections in Road Reserve**

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

**86. Tree Removal**

- a) The removal and/or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, is restricted to boundaries of the subject site as shown on Figure 13 of the revised BDAR (MARCH 2020) (D20/110667).
- b) Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.
- c) Fenced/delineated areas of retained native trees and native vegetation must be managed as an exclusion zone throughout the construction phase of the proposal.
- d) Sediment erosion controls must be in place immediately following clearing and on the same day as clearing works commence.
- e) Trees and native vegetation to be retained including the drip-line of trees (outer edge of the leaf canopy) within and adjoining the subject site must be marked on the ground with temporary barrier fencing or similar visible material and managed as an exclusion zone for the duration of the construction phase of the proposal.
- f) The exclusion zone must be maintained throughout the construction phase of the proposal. The parking of machinery and vehicles, storing of building or landscaping materials, fuels, chemicals, soil, spoil, or rubbish, within these is prohibited.
- g) The environmental consultant must provide a written report to Shoalhaven City Council (email to Council's Threatened Species Officer acceptable) detailing any fauna detected as a result of the clearing works within ten days of clearing works being undertaken.
- h) Wildlife protection measures must include:
  - I. All vegetation to be removed must be inspected for wildlife prior to removal
  - II. Works must cease until any wildlife present has relocated
  - III. All vehicles and mechanical plant must be inspected for wildlife prior to operation
  - IV. All trenches must be inspected for wildlife prior to backfilling
  - V. Any injured wildlife must be referred to Wildlife Rescue South Coast 0418 427 214
- i) Landscaping must be installed according to the planting schedule and details as listed in the approved landscape plan (D20/50919).



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**87. Contamination - Unexpected Finds**

If unexpected contaminated soil and/or groundwater is encountered during any works:

- a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
- b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.

If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

*Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).*

**88. Food Requirements for Café**

- a) All food premises within the Shoalhaven Local Government Area are required to be registered with the Shoalhaven City Council as part of the NSW Food Partnership and for the purposes of regular food hygiene inspection. Accordingly prior to the commencement of the food business, a food shop registration form will need to be completed and submitted to Council.
- b) Any premises used for the preparation and storage of food for sale to the general public shall comply with all or part of the following:
  - I. Shoalhaven City Council's Food Premises Policy;
  - II. Chapter 3 of the Australia/New Zealand Food Standards Code;
  - III. Food Act 2003 (NSW);
  - IV. Food Regulation 2015.
- c) All refrigeration units storing potentially hazardous foods shall be capable of storing such foods at less than 5°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C.
- d) Any hot holding food storage units such as pie warmers or bain-maries shall be capable of storing potentially hazardous foods at or above 60°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C.
- e) The floors, walls, and ceiling within the food preparation area are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair.
- f) All fixtures, fittings and appliances within the food preparation area must be capable of being easily cleaned and constructed so as not to harbour vermin. They must also be elevated 150mm above the floor level and/or fitted with wheels/castors to facilitate effective cleaning of the floor.



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- g) All wall shelving shall be kept 25mm off the vertical wall face to facilitate effective cleaning of the wall surfaces.
  - h) A hand wash station fitted with both hot and cold water mixed through a common spout is required to both the kitchen area and the toilet facility dedicated to persons handling food. Additionally, each station shall also be provided with hand soap and single use paper towel dispensers.
  - i) A mechanical exhaust ventilation system will need to be installed within the food preparation area in accordance with the Australian Standard AS1668.2-2002 to ensure that all heat, vapour and/or any objectionable odours generated are adequately exhausted from the premises.
  - j)
89. **Archaeology Discovered During Excavation**
- If any object having interest due to its age or association with the past is uncovered during the course of the work:
- a) All work must stop immediately in that area.
  - b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.
90. **Aboriginal Objects Discovered During Excavation**
- If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately.
  - b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).
91. **Waste Minimisation and Management Plan**
- All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

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

92. **Waste Services General Conditions**

- a) Requirements of the Waste Management Plan and Statement of Environmental Effects shall be complied with during all site preparation works, demolition and throughout the ongoing use of the development.
- b) When implementing the Waste Management Plan the developer is to ensure:
  - i. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.
  - ii. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*.
  - iii. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
  - iv. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
  - v. Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.
  - vi. All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.
  - vii. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
- c) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
  - d) No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.

93. **Asbestos – Tip Receipts**

Documentary evidence in the form of tip receipts from an approved Waste Management Facility must be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts must be provided to Council at the completion of demolition works and prior to any further works on the site.

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94. **Asbestos – Licensed Contractors**

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos Removal Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

95. **Demolition – Work Cover**

Precautions must be taken in accordance with the requirements of the SafeWork NSW in respect of:

- a) Protection of site workers and the public;
- b) Asbestos handling and disposal where applicable.

96. **Demolition – Adverse Effects to Adjoining Owners**

Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

97. **Demolition**

Demolition work must be carried out in accordance with *Australian Standard AS2601-2001: The Demolition of Structures*.

**PART G  
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A SUBDIVISION  
CERTIFICATE CAN BE ISSUED**

98. **Subdivision Certificate**

The person benefiting from this consent must submit two (2) hard copies of the plan of survey to Council for their record prior to the issue of a Subdivision Certificate.

99. A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the NSW Land Registry Services. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an accredited certifier for a specified subdivision.

100. **Provision of Works**

Provision of all works in accordance with relevant conditions of consent prior to the issue of a Subdivision Certificate.

101. **Schedule of Compliance**

With application for a Subdivision Certificate, a schedule of compliance with this consent must be provided demonstrating how relevant conditions of consent have been resolved and complied with. This may be in the form of a spreadsheet or similar.

102. **Shoalhaven Water – Prior to the Issue of a Subdivision Works Certificate**

Prior to the issue of a Subdivision Works Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Issue of a Subdivision Works Certificate" must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

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**103. Shoalhaven Water – Prior to the Issue of a Subdivision**

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

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

**104. Verification of Works**

The person or company nominated by the applicant to be responsible for construction of all engineering works is to verify in writing that all works have been constructed in accordance with the approved plans and construction specifications.

105. Certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications.

106. Certification must be obtained from council or an accredited certifier to verify that all inspections required by the PC have been completed in accordance with the approved plans and construction specifications.

107. 'Work As Executed' (WAE) plans – one full set of work-as-executed plans and drawings in electronic CAD format (such as dwg,dxf) is to be certified by a consulting engineer or registered surveyor and must be submitted to Council for review and records upon completion of the works. The certification must state "the information shown on the plans is a true and accurate record of the constructed works". The WAE information for all works including subsoil drainage location is to be marked in red and be provided on a copy of the Council approved plans. Where works are not within the tolerances specified in Council's Development Construction Specifications, the certifying engineer / surveyor must confirm, in writing, the works comply with the intent of the original design, specifications and relevant Australian Standards.

Drainage WAE plans are to show subsoil drainage lines and flushing cap locations.

**PART I  
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION  
CERTIFICATE CAN BE ISSUED**

**108. Shoalhaven Water – Certificate of Compliance**

Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.

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

**109. Fire Safety**

The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a



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final Fire Safety Certificate being issued and a Final or Interim Occupation Certificate being issued.

**110. Subdivision/Consolidation**

Prior to the issue of the Occupation Certificate, Lot 23 DP 1082957 must be subdivided into two allotments, and the newly created southern allotment and Lots 1-5 in DP 1082957 must be consolidated into one (1) allotment and written notification as to the registration of such consolidation at NSW Land Registry Services must be submitted to the PCA.

As a component of the consolidation plan a stormwater easement shall be created to replace Easement "C" which contains all relevant infrastructure which conveys stormwater across the site, in favour of Shoalhaven City Council. This easement shall be registered and align with the upstream diversion works and the approved stormwater plans for the development.

**111. Redundant Driveways and Crossings**

Prior to the issue of an Occupation Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

**112. Works as Executed Plans**

Prior to the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council (for works in road reserves and drainage easements) and the Certifier demonstrating compliance with the approved design plans. The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
- b) Show compliance with the approved design plans of all road and drainage works
- c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- d) Show the extent, depth and final levels of filling.
- e) Show any retaining walls including footings and agricultural drainage lines.
- f) Show the location of all underground service conduits.
- g) Include all deviations from the approved Civil Engineering Plans.

**113. Works in the Road Reserve - Evidence of Completion**

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.

**114. On-site Detention System**

Prior to the issue of the **Occupation** Certificate, the developer must:

- a) create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system and provide it to the Certifier as follows:
  - i) The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains,

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walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Shoalhaven City Council.

- b) create a positive covenant under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule
  - c) provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.
  - d)
115. **Water Sensitive Urban Design Elements**

The registered proprietor must not make or permit or suffer the making of any alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements which is, or must be, constructed on the lot(s) burdened without the prior consent in writing of Shoalhaven City Council.

The expression "stormwater treatment measures/ water sensitive urban design elements" means the infiltration systems, porous pavement, sediment basins, bio-retention swales, bioretention basins, rain gardens, landscaped or vegetated swales, vegetated buffers, swale/ buffer systems, sand filter, wetlands, ponds, retarding basins, aquifer storage and recovery, rainwater reuse tanks, stormwater reuse tanks, gross pollutant traps, pit inserts, silt/ oil arrestors or other proprietary products including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins or surfaces graded to direct stormwater to the stormwater treatment measures/ water sensitive urban design elements.

116. **Landscaping**

Prior to the issue of an Occupation Certificate, landscaping is to be installed in accordance with the approved plan. The landscaping must be maintained in accordance with the details provided on that plan at all times.

When landscaping the site, use of the following plants is prohibited for the life of the development:

- Plant species listed as weeds by NSW Department of Primary Industries  
<https://weeds.dpi.nsw.gov.au/>
- Plant species listed on the Shoalhaven City Council's weeds lists.  
<https://shoalhaven.nsw.gov.au/Environment/Weed-management>

117. **Waste Contractor**

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

- a) The service is functional and meets the operational needs of the development.
- b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.



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## PART J STATEMENT OF REASONS

### *Reasons for approval*

1. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).
2. The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Plan 2014 (SDCP 2014).
3. The proposed development is considered to be suitable for the site.
4. The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments.
5. Any issues raised in submissions have been considered in the assessment of the application and where appropriate conditions have been included in the determination.

### *Conditions of consent have been imposed to:*

1. Ensure the proposed development:
  - a) achieves the objects of the *Environmental Planning and Assessment Act, 1979*;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the *Environmental Planning and Assessment Act, 1979*.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## PART K ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

### *Determination under Environmental Planning and Assessment Act, 1979*

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be

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made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

**Review of Modification Decision**

An application for a review under section 8.3 of the Act is to be made no later than 28 days after the date on which the modification of the development consent was determined.

**Approvals under Local Government Act, 1993**

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.

**PART L  
GENERAL ADVICE TO APPLICANT**

**Private Use of Public Parking Spaces**

If the temporary use of public parking spaces (either on street or off street) for private purposes is proposed to be undertaken during development construction and/or for maintenance purposes, a formal request for use of public parking must be submitted to Council, in accordance with Council's Policy – *"Private use of public parking, policy No. POL08/408"*. Such request must be submitted to Strategic Planning and Infrastructure Group of Council, with the relevant application fee.

**Privacy Notification**

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) Act 2009* (GIPAA).

**Trees Located on Public Land**

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

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***Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

***Disability Discrimination Act 1992***

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

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

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

***Disclaimer – Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land***

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

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

***DBYD Enquiry - 'Dial Before You Dig'***

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place

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to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

***Inspections***

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

**SIGNED** on behalf of Shoalhaven City Council:

Choose an item.  
Choose an item.  
City Development

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**Attachment 1 – Natural Resource Access Regulator (NRAR) GTAs**

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CL22.102 - Attachment 2

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Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1123081

Issue date of GTA: 04 June 2020

Type of Approval: Controlled Activity

Description: Demolition of existing structures and construction of a new Bunnings Warehouse

Location of work/activity: 189, 191, 193, 195, 197 PRINCES HIGHWAY ULLADULLA 2539

DA Number: da20/1068

LGA: Shoalhaven City Council

Water Sharing Plan Area: Clyde River Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	<b>Design of works and structures</b>
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
	<b>Erosion and sediment controls</b>
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00001	The proposed erosion and sediment control works must be inspected and maintained throughout the carried out; construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
	<b>Plans, standards and guidelines</b>
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00108	The application for a controlled activity approval must include the following document(s): - structural design and specifications; outlet structures; Erosion and Sediment Control Plan; in-stream works.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

Ground Floor, 5 O'keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541  
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



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Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1123081
Issue date of GTA:	04 June 2020
Type of Approval:	Controlled Activity
Description:	Demolition of existing structures and construction of a new Bunnings Warehouse
Location of work/activity:	189, 191, 193, 195, 197 PRINCES HIGHWAY ULLADULLA 2539
DA Number:	da20/1068
LGA:	Shoalhaven City Council
Water Sharing Plan Area:	Clyde River Unregulated and Alluvial Water Sources

GT0030-00004 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

### Reporting requirements

GT0020-00004 The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

Ground Floor, 5 O'keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541  
[water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au) | [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Template Ref: WLS 004A, Version 1.0 – May 2016

Page 2

### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with da20/1068 as provided by Council:

- Civil Plans
- - stormwater exist point to be scour protected from erosion downstream. Should show a reduction in velocity strategy. Permission to be sought from Crown Lands for this outflow area.

Template Ref: WLS 004A, Version 1.0 – May 2016

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CL22.102 - Attachment 2

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**Attachment 2 – Transport for NSW (TfNSW) Conditions**



Transport  
for NSW

Our ref: STH19/00074/07  
Contact: Andrew Lissenden 0418 962 703  
Your ref: DA20/1068 (CNR-5280)

22 September 2020

Peter Johnston  
Shoalhaven City Council  
BY EMAIL: council@shoalhaven.nsw.gov.au

**DEVELOPMENT APPLICATION 20/1068 (CNR-5280) – LOTS 1 TO 5 DP 213546 (NO. 189-197) PRINCES HIGHWAY AND LOT 23 DP 1082957 (NO. 2A) PARSON STREET, ULLADULLA – DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A BUNNINGS WAREHOUSE**

Dear Peter,

Transport for NSW (TfNSW, formerly Roads and Maritime Services) refers to the email from High Definition Design Pty Ltd dated 2 September 2020 regarding the above development application (DA).

TfNSW has reviewed the additional information provided while focussing on the impact to the state road network. TfNSW notes:

- The key state road is the Princes Highway;
- Council is seeking advice to assist in its assessment under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*. The DA was also referred for concurrence under Clause 18 of *State Environmental Planning Policy No.64 (Advertising and Signage)*. As the signage located adjacent to the Princes Highway is a 'business identification sign' which is not affected by Clause 18, concurrence is not required from TfNSW; and
- The DA is proposing works within the Princes Highway road reserve (i.e. a new roundabout at the intersection of the Princes Highway/Dowling Street, a median, etc. – refer to **Attachment 1**). Concurrence from TfNSW is required under Section 138 of the *Roads Act 1993* for this work.

Having regard for the above, TfNSW will not object to the DA subject to the conditions outlined in **Attachment 2** being included as conditions in any development consent issued.

TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

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Upon determination of this matter, it would be appreciated if the Council could send a copy of the Notice of Determination to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

If you have any questions, please contact Andrew Lissenden on 0418 962 703. Please ensure that any further email correspondence is sent to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully

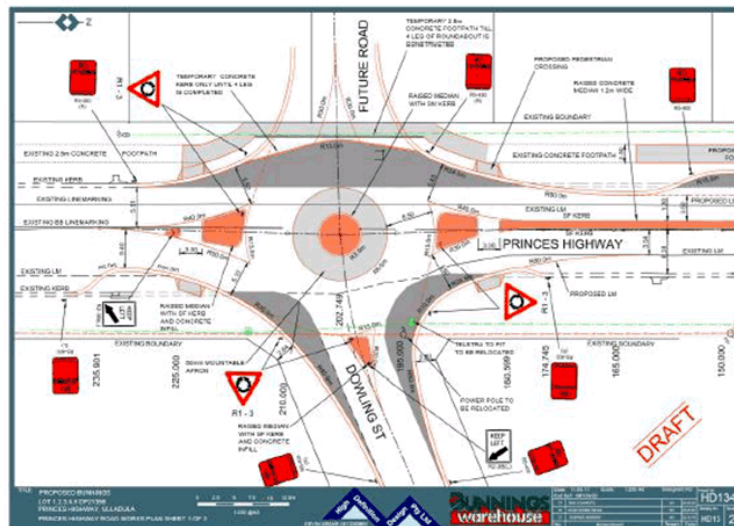
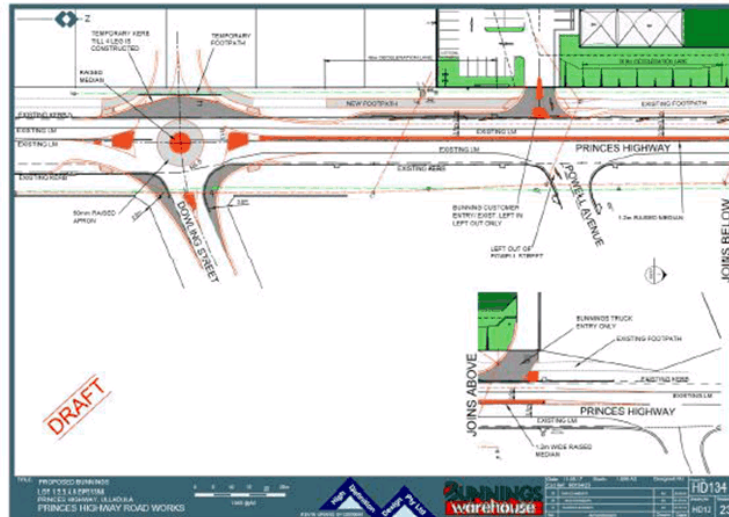


Fiona McLauchlan  
A/Senior Manager, Regional Customer Services  
Community and Place | South Region

Cc: [Peter.Johnston@shoalhaven.nsw.gov.au](mailto:Peter.Johnston@shoalhaven.nsw.gov.au)

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Attachment 1



CL22.102 - Attachment 2

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Attachment 2

1. Before the issuing of the Construction Certificate, the developer must:

- a) Enter into a Works Authorisation Deed (WAD) with TfNSW for all works within the Princes Highway road reserve (i.e. the works as generally shown in Attachment 1).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.htm>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Princes Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
- More information on WADs can be found at: [www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf](http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf)

- b) Demonstrate to the satisfaction of Council that the post-development stormwater discharge from the subject site, if entering the Princes Highway drainage system, does not exceed the pre-development application discharge.

- c) Provide detailed design plans for all works within the Princes Highway road reserve to TfNSW. The updated designs provided should include, but not limited to:

- i) Increasing the central island radii for the roundabout from 6.5m to 7m to improve the deflection for northbound vehicles;
- ii) Update drawing with reference HD134 Drawing No. HD16 Revision 23 dated 20.08.20 to show a median width of 1.2m;
- iii) Demonstrate compliance with the applicable requirements of *Austroads Guide to Road Design* and other relevant standards (e.g. RTA Roundabouts – Geometric Design Method);
- iv) Show the vertical plane, street lighting in accordance with AS1158, drainage details, details on new pavement design in accordance with Austroad standards (e.g. kerbside lanes that are being impacted by the works); and
- v) Provide a detailed pavement marking and signposting plan.

- d) Amend the planning agreement prepared by Allens with reference 'Planning Agreement – Bunnings South Ulladulla dated 31/1/2020 Exhibition version' to reflect the following:

- i) Replace any reference to RMS with TfNSW; and
- ii) Update the preliminary design documents shown in Annexure A of the planning agreement that relates to works within the Princes Highway, so they include the latest design documents that contain the changes as detailed above and that have been lodged as part of the WAD.



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Attachment 2

2. Before the commencing works within the Princes Highway road reserve, the developer must:

- a) Obtain Section 138 consent under the Roads Act 1993 for the works associated with the WAD from TfNSW.

Note:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.

- b) Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.

- c) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a state road or any other works that impact a travel lane of a state road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

3. Before the issuing of an Occupation Certificate (interim or final), the developer must:

- a) Upgrade the Princes Highway to the satisfaction of TfNSW, generally in accordance with Attachment 1, Austroads Guide to Road Design and other relevant standards. Written confirmation must be provided from TfNSW that the works have been completed in accordance with the approvals issued.

Notes:

- The pavement design on Princes Highway must be in accordance with Austroads standards.
- The drainage design on Princes Highway must be in accordance with Austroads standards.
- Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.
- All works need to be completed at no cost to TfNSW.

- b) Physically close any other existing access points along the development site's frontage to the Princes Highway by reinstating kerb and gutter to TfNSW' satisfaction.

4. Ongoing access to the development to/from the Princes Highway shall be provided as follows:

- a) Initially via a left in and left out for light vehicles and left in only for service vehicles; and



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## Attachment 2

- b) Upon the construction of the new access roadway connecting the development site with the Princes Highway/Dowling Street roundabout, the left in left out light vehicle access in Point a) above must be closed with kerb and gutter reinstated, line marking updated, etc. Prior to undertaking these works within the Princes Highway road reserve the site owner must:
- apply for, and obtain Section 138 consent under the *Roads Act 1993* from Council; and
  - Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a state road or any other works that impact a travel lane of a state road

## Notes:

- *Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.*
- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.*

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Attachment 3 – NSW Rural Fire Service Conditions



NSW RURAL FIRE SERVICE

Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Your reference: (CNR-5280) DA20/1068  
Our reference: DA20200228000785-Original-1

ATTENTION: Melodee Hill

Date: Wednesday 1 April 2020

Dear Sir/Madam,

**Development Application**  
**s4.14 – Infill – Commercial Premises**  
**189 Princes Hwy Ulladulla NSW 2539 AUS, 1//DP21356**

I refer to your correspondence dated 26/02/2020 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

**General Conditions**

***Emergency and Evacuation Planning The intent of measures is to provide suitable emergency evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.***

**[E&E 1.0]**

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

**Asset Protection Zones**

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:***

**[APZ 1.0]**

From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

CL22.102 - Attachment 2

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- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

**Construction Standards**

*The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:*

**[D&C 1.4]**

All new construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.

Or

To the satisfaction of the consent authority, a suitably qualified consultant can provide a performance-based assessment report. This report should clearly demonstrate how the proposed development can provide appropriate separation between the adjoining hazard and the proposed building which, in combination with other measures, prevent the likely fire spread to buildings. This should include, but not be limited to, compliance with AS 3959 and/or conformity with AS1530.8.2.

**Access - Internal Roads**

*The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:*

**[ACC 2.0]**

The proposed access arrangements for the site shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006

**Water and Utility Services**

*The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:*

**[W&U 2.0]**

The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Landscaping Assessment**

*The intent of measures is for landscaping. To achieve this, the following conditions shall apply:*

**[L 1.0]**

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Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter  
Team Leader, Dev. Assessment & Planning  
Planning and Environment Services

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#### Attachment 4 – Endeavour Energy Advice



The General Manager  
Shoalhaven City Council


28 February 2020

ATTENTION: Melodee Hill

Dear Sir or Madam

I refer to the below email of 26 February 2020 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-5280 for Shoalhaven City Council's development application DA20/1068 at 189 - 197 PRINCES HIGHWAY & 2A PARSON STREET ULLADULLA 2539 (Lots 1 - 5 DP 21356, Lot 23 DP 1082957) for 'Demolition of existing structures and construction of a new Bunnings Warehouse'. Submissions need to be made to Council by 18 March 2020.

As shown in the below site plans from Endeavour Energy's G/Net master facility model (and extracts from Google Maps Street View) there is:

- A restriction for fire rating benefitting Endeavour Energy (indicated by red hatching) over Lot 23 DP 1082957 for the easement for padmount substation no. 23649 (indicated by the symbol ) located on the eastern adjoining SP 75314.
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables and underground earth cables to the Parson Street road verge / roadway.
- Low voltage underground service conductor coming from the low voltage pillar on the Parson Street road verge to the customer connection point for the existing structures on Lot 23 DP 1082957
- Low voltage overhead power lines coming from the opposite side of the Princes Highway to poles on the road verge from which there are low voltage overhead service conductors (which will become redundant assets if the proposed development proceeds) going to the existing structures on Lots 1 - 5 DP 21356.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).

51 Huntingwood Drive, Huntingwood, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 133 718

endeavourenergy.com.au  
ABN 11 247 365 823

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Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.

5.2.4 Shoalhaven Local Environmental Plan 2014

Essential services

Clause 7.11(1) stipulates that before granting development consent for earthworks, the consent authority is to be satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.


Water, electricity and sewage services are available to the subject site.

5.3 Shoalhaven Development Control Plan 2014

Control	Comment
5.7 Utility Services	All required utility services are available to the site.

Applicants should not automatically assume that the presence of electricity infrastructure in the locality and/or similar nearby development means that adequate supply is immediately available to facilitate their proposed development.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a distribution substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development.

Older / above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA. Newer parts of the network where as a padmount substation are used can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation. The two closest distribution substations to the site are:

- o Pole mounted substation no. 72296 located approximately 110 metres to the south east in Dowling Street currently has 69 customer connection points servicing 90 premises ie. it predominantly services the residential area to the eastern side of the Princes Highway.
- o Padmount substation no. 23649 located on the eastern adjoining SP 75314 (The Home Maker Centre) currently has 9 customer connection point servicing 22 premises ie. it already services other premises not located on the site.



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Given the large size of the proposed development it is unlikely that the existing local network will have sufficient spare capacity available to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. An extension and/or augmentation of the existing local network will be required. However the extent of the works required will not be determined until a detailed assessment is undertaken. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to the attached copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works>.

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application eg. similar to the situation with Shoalhaven City Council Development Application DS20/1043 at 159 Princes Highway SOUTH NOWRA (Lot 1 DP 1258579) for demolition of the existing and construction of the new Bunnings Warehouse which required amendments of the padmount substation design due to issues with fire rating and flooding.

- Subdivision of Easements

Where a subdivision results in the incorporation of Endeavour Energy's easement into a new or multiple lots, the easements, rights and restrictions, covenants etc. must be retained over the effected lots and in accordance with the requirements of NSW Land Registry Services.

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- Network Asset Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following updated requirements for electricity connections to new urban subdivision / development:

**5.11 Reticulation policy**

**5.11.1 Distribution reticulation**

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed<sup>2</sup> areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

<sup>2</sup> A 'treed' area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown.

**5.11.1.1 Urban areas**

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Streetlighting

With the significant increase in both vehicular and pedestrian traffic, the streetlighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or email [mainsenquiry@endeavourenergy.com.au](mailto:mainsenquiry@endeavourenergy.com.au).

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- Bushfire

Endeavour Energy has noted that the Statement of Environmental Effects indicates that 'The land is identified as bushfire prone land pursuant to the Shoalhaven Bushfire Prone Land Map'. The accompanying Bushfire Constraints Advice which provides and assessment of the site having regards to NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' includes the following advice:

**6. Gas and Electrical Services**

In accordance with PBP, electricity should be underground wherever practicable. Where overhead electrical transmission lines are installed:

- Lines are to be installed with short pole spacing, unless crossing gullies; and
- No part of a tree should be closer to a powerline than the distance specified 'ISSC 3 Guideline for the Management of Vegetation in the Vicinity of Electricity Assets' (Industry Safety Steering Committee 2016).

The following is an extract of Endeavour Energy's Company Policy 9.1.1 Bushfire Risk Management:

**9.1.1 BUSHFIRE RISK MANAGEMENT**

**1.0 POLICY STATEMENT**

The company is committed to the application of prudent asset management strategies to reduce the risk of bushfires caused by network assets and aerial consumer mains to as low as reasonably practicable (ALARP) level. The company is also committed to mitigating the associated risk to network assets and customer supply reliability during times of bushfire whilst achieving practical safety, reliability, quality of supply, efficient investment and environmental outcomes. The company is committed to compliance with relevant acts, regulations and codes.

Accordingly the electricity network required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However the potential impact of a bushfire on its electricity infrastructure and the safety risks associated with the loss of electricity supply are also considered.

- Flooding and Drainage

Endeavour Energy has noted that the Statement of Environmental Effects indicates that 'whilst the site is not subject to mainstream flooding, there is potential for overland flow through the site'.

The electrical network required to service an area / development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a flood prone site. Risk control has focused typically on avoiding the threat, but where this is not possible, reducing the negative effect or probability of flood damage to assets by implementing good design and maintenance practices.

Distribution substations should not be subject to flood inundation or stormwater runoff ie. the padmount substation cubicles are weatherproof not flood proof and the cable pits whilst designed to be self-draining should not be subject to excessive ingress of water. Section 7 'Substation and switching stations' of Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual' provides the following details of the requirements for flooding and drainage in new padmount substation locations.



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7.1.6 Flooding and drainage

Substations are to be located such that the risk of flooding or stormwater damage is minimal.

As a minimum the level at the top of the transformer footing, HV and LV switchgear, shall not be lower than the 1:100 year flood level.

All drains within the substation site area or in the vicinity shall be properly maintained to avoid the possibility of water damage to Endeavour Energy's equipment.

In areas where, as determined by the Network Substation Manager, there is a high water table or a heightened risk of flooding, indoor substations will not be permitted.

All materials used in the construction below the substation (ground level) shall be capable of withstanding prolonged immersion in water without swelling or deterioration.



Figure 51 - Example substation raised above 1:100 flood level

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- Easement Management / Network Access

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the landowner:

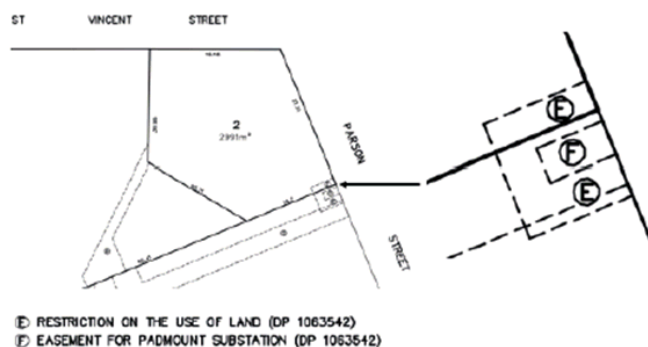
- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

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Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jennie Saban, on mobile 0417484402 or alternately via email [Jennie.Saban@endeavourenergy.com.au](mailto:Jennie.Saban@endeavourenergy.com.au) or [Easements@endeavourenergy.com.au](mailto:Easements@endeavourenergy.com.au).

For further information please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Please also find attached for the applicant's reference a copy of Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations' (which will also be applicable to the padmount substation likely to be required to facilitate the proposed development).

Endeavour Energy has noted that the Statement of Environmental Effects indicates 'The subdivision of Lot 23 in DP 1082957 will allow for the existing building, vehicular access and car parking at 2A Parson Street, Ulladulla to be retained and the newly created southern allotment to form part of the Bunnings site' which is shown in the following extract of Sketch Plan Proposed Subdivision. Accordingly there are no issues likely to occur in regard to the restriction for fire rating for padmount substation no. 23649



It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- Vegetation Management

The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

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Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Prudent Avoidance

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.



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- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure within the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

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- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in the attachment in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

Yours faithfully  
Cornelis Duba  
Development Application Specialist  
Network Environment & Assessment  
T: 9853 7896  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



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CL22.102 - Attachment 2

FORM No. DS1/6B

**THIS NOTICE ONLY APPLIES WHERE AN OPERATIONAL  
DEVELOPMENT CONSENT HAS BEEN GRANTED**

## SHOALHAVEN WATER

(A Directorate of Shoalhaven City Council)

### WATER DEVELOPMENT NOTICE

(This Notice is given under Section 306 of the Water Management Act 2000)

Applicant's Name	Philip Drew Bunnings Group Limited					
Applicant's Address	Locked Bag 3277, Rhodes NSW 2138					
Development Type	<ul style="list-style-type: none"> <li>- Demolition of Existing Structures</li> <li>- Subdivision of Lot 23 DP1082957 into two lots</li> <li>- Lot Consolidation</li> <li>- Construction of new Hardware &amp; Building Supplies &amp; Garden Centre including Car Parking and Signage</li> </ul>					
Stage	-					
House No.	189	191	193	195	197	2A
LOT No.	1	2	3	4	5	23
DP	21356					1082957
Street	Princes Highway					Parson St
Location/Town	Ulladulla					
File No.	DA20/1068					
Date Completed	28/04/2020			20/12/2021		

- The notes, conditions/requirements (including fees/charges) listed on subsequent page/s are based on the Development Application referral or written application for a Certificate of Compliance, submitted to Shoalhaven Water on: 24-04-2020, 02-07-2020 & 10-09-2021.

**Please note:- Contributions/fees/charges payable will be those applicable at the time of payment and in accordance with Council's then current Management Plan (List of Council's Fees of Charges and Rentals).**

- Any alterations whatsoever to the development will require review of the conditions/requirements listed and may require subsequent amendment.
- If staging of the development is to occur application for amended conditions/requirements will be required in writing to Shoalhaven Water.
- Where conditions stated on this NOTICE under "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" are required to be complied with no construction works are to commence without written consent from Shoalhaven Water.
- The applicant must certify the completion of all the following conditions/requirements prior to the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000.
- For further information please contact Shoalhaven Water.

FORM No. DS1/6B

**How the Water Development Notice Works**

The Notice is made up of different parts and will need to be submitted as the development progresses, generally the parts are:

- Prior to demolition,
- Prior to issue of Construction Certificate,
- Prior to commencement of construction works,
- During construction of works,
- Prior to:
  - issue of Occupation Certificate, or
  - release of Subdivision Certificate, or
  - issue of licence to operate, or
  - approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
  - undertaking operational use (for Crown developments).

As you complete each condition you initial and date the 'Applicant Certification' column for each part. You must keep all relevant documentation together with the Notice. This may include:

- Receipts of payments (eg, Section 64 Charges, contribution to meter fees, pressure sewer unit fees, building over sewer checking fee, etc),
- Documents and infrastructure plans approved by Shoalhaven Water (eg, Pressure Sewer Site Plan, Water and/or Sewer Main Plans, etc),
- Documents (eg, water meter sizing calculations, sewer sizing calculations, etc).

**The relevant information must accompany the Notice when submitted for sign off by Shoalhaven Water.**

You must submit the Notice to Shoalhaven Water when:

- You require a Construction Certificate or a Subdivision Works Certificate,
- Specified by the Notice to do so,
- You require:
  - an Occupation Certificate,
  - Subdivision Certificate or
  - issue of licence to operate, or
  - approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
  - undertaking operational use (for Crown developments).

Shoalhaven Water shall process those conditions under the heading "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" or "PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE" for the granting of a Construction Certificate or Subdivision Works Certificate and notify the authority issuing the Construction Certificate or Subdivision Works Certificate.

Where a "CONSTRUCTION CERTIFICATE" or "SUBDIVISION WORKS CERTIFICATE" is NOT required then all conditions that may be listed under "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" or "PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE" shall be completed prior to granting a Certificate of Compliance. The attainment of a Certificate of Compliance must occur prior to:

- issue of Occupation Certificate or
- issue of a Subdivision Certificate, or
- Issue of License to Operate, or

**FORM No. DS1/6B**

- approval to Operate under the Local Government Act (eg, Caravan Parks, Manufactured Housing Estates and Camping Grounds), or
- undertaking operational use (for Crown developments).

Under Section 307 of the Water Management Act 2000, Shoalhaven Water must grant Certificate of Compliance once it is satisfied that all requirements as listed on the Water Development Notice have been complied with. Where the development is staged then a separate Certificate of Compliance shall be issued for each stage.

Should there be any further information or clarification required please contact Shoalhaven Water as follow:

**Phone:** 02 4429 3547

**Email:** [swdevelopment@shoalhaven.nsw.gov.au](mailto:swdevelopment@shoalhaven.nsw.gov.au)



FORM No. DS1/6B

No	Conditions/Requirements	(Please Initial)	
		Applicant's Certification	S/Water's Confirmation
<b>Part A:</b> <b>The following conditions are required to be adhered to in relation to demolition of existing structures and buildings.</b>			

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS			
A1	<p>a) Internal water lines on the properties are to be disconnected from the existing 20mm water meters currently serving the lots.</p> <p>b) All existing internal sewer drainage pipe work is to be flushed, disconnected from the existing sewer junctions and the sewer junction is to be temporarily capped off.</p> <p>c) All works to be undertaken by a licensed plumber in accordance with Shoalhaven Water's requirements. Arrangements are to be made for the capped off sewer junction and disconnected water lines to be inspected by Shoalhaven Water's water and sewerage inspector at the developer's cost. A minimum 48 hours' notice is to be given. Cost for inspection/s is \$95.00 per hour (2021/22) (incl. travelling time) plus \$0.81 per kilometre for inspector's vehicle costs. Arrangements for the inspections of the disconnected water and sewer can be made by contacting Shoalhaven Water, Planning and Development Unit (4429 3547).</p>		

FORM No. DS1/6B

No.	Conditions/Requirements	(Please Initial)		
		Applicant's Certification	S/Water's Confirmation	
<b>Part B:</b> The following conditions are required to be complied with for the creation of proposed Lots 1 and 2.				
<b>PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE</b> When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" please submit the Notice to Shoalhaven Water via the following email address to be processed: <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a> When accepted & signed off by Shoalhaven Water then the Certifier issuing the Subdivision Works Certificate will be notified that a Subdivision Works Certificate may be granted.				
B1	Applicant shall submit in writing to Shoalhaven Water the name and contact details of the certifying authority for matters relating to the issue of a Construction Certificate.  Name of Certifier: _____  Contact Person: _____  Contact Email: _____  Contact Phone: _____			
B2	Existing Sewer main to be extended to proposed lot 2. For gravity designs all plans and specifications for proposed sewerage works are to be submitted to and approved by Shoalhaven Water. Works are to be designed in accordance with: - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2.  You can lodge your designs with Shoalhaven Water via the following email address: <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a>			
B3	Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.			

CL22.102 - Attachment 3

FORM No. DS1/6B

**PRIOR TO RELEASE OF PLAN OF SURVEY/SUBDIVISION**

**When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" please submit the Notice to Shoalhaven Water via the following email address to be processed:**

[swdevelopment@shoalhaven.nsw.gov.au](mailto:swdevelopment@shoalhaven.nsw.gov.au)

**Sewerage Services**

B4	Existing Sewer main to be extended to proposed lot 2. Approved gravity sewerage works are to be constructed in accordance with: - Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and - Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2, and - Shoalhaven Water Design Approval documents.  <i>You can lodge your request for inspections with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a>		
B5	An 'Easement for Drainage of Sewage' shall be created over all lots which have Council's sewer running through them. The easement shall: - be located centrally over the sewer pipes (unless approved otherwise by Shoalhaven Water in writing), - be in favour of Shoalhaven City Council, - have the minimum easement widths as follows: • Sewer depth to invert is less than 2.50m - easement 2.40m wide • Sewer depth to invert is greater than 2.50m - easement 4.00m wide		

**General**

B6	Water and sewerage infrastructure shall be constructed, including land matters and easements throughout the subdivision/development to ensure that the orderly development of the adjoining lands can be undertaken as development of the area progress.		
B7	Water and sewerage infrastructure shall be constructed, including land matters and easements outside of the subdivision/development to ensure that the subdivision/development can be granted a Certificate of Compliance.		
B8	Prior to granting of release of plan of survey/subdivision, satisfy all conditions, complete this Notice and submit <b>(including lodgement of all documentation/receipts etc)</b> to Shoalhaven Water.		

CL22.102 - Attachment 3

FORM No. DS1/6B

### ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions.**
- All non-strata and non-residential properties (incl. dual occupancies) will be levied water and wastewater availability charges (where applicable) based on the size of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- The connection fee for a single 20mm metered service is paid by the person making application for connection. Amount applicable is subject to time of payment (refer to Council's Fees and Charges). **Note:- GST is not applicable to the provision of meters water services.**
- It is the responsibility of the owner/developer to ensure that all existing internal water lines being retained are contained wholly within the respective lot being served.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Subdivision Works Certificate and/or Certificate of Compliance is requested.**
- Properties are categorised and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**
- All works are to be at the developer's expense

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's  
Name  
(Please Print)

Applicant's  
Signature

Date

/ /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer

Date

/ /

CL22.102 - Attachment 3

FORM No. DS1/6B

No	Conditions/Requirements	(Please Initial)	
		Applicant's Certification	S/Water's Confirmation

**Part C:**

The following conditions are required to be complied with in relation to:

- building over Council's DN600 gravity sewer trunk main. These works are to be carried out prior to the commencement of any building works.
- diverting the DN150 gravity sewer main and removing abandoned DN150 AC and VC gravity sewer mains.
- upgrading DN100 AC & DN150 AC Water mains along the Princes Hwy where the new driveways are to be located and removing the DN100 and DN150 AC mains.

- i) Part of the proposed development (Bunnings hardware and building supplies store) is located over and/or within the Zone of Influence of Council's sewer asset/s. Wherever this is the case, Shoalhaven Water requires protection of the sewer main in accordance with Council's Policy For Building Over Sewers, and in accordance with the sequence per the following conditions C2, C14, C15 and C18.
- ii) In addition to concerns in respect of part of the proposed development being constructed over the sewer main, it is also necessary to maintain satisfactory cover over the main in both trafficable and non-trafficable areas. Refer following condition C3.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the Bunnings hardware and building supplies store**

**When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" please submit the Notice to Shoalhaven Water via the following email address to be processed:**

[swdevelopment@shoalhaven.nsw.gov.au](mailto:swdevelopment@shoalhaven.nsw.gov.au)

**When accepted & signed off by Shoalhaven Water then the Certifier issuing the Construction Certificate will be notified that a Construction Certificate may be granted.**

C1	<p>Applicant shall submit in writing to Shoalhaven Water the name and contact details of the certifying authority for matters relating to the issue of a Construction Certificate.</p> <p>Name of Certifier: _____</p> <p>Contact Person: _____</p> <p>Contact Email: _____</p> <p>Contact Phone: _____</p>		
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FORM No. DS1/6B

C2	<p>Part of the development is located over and/or within the zone of influence of Council's sewer assets. As such design plans are to be submitted showing the position (vertical and horizontal) of the sewer main (<b>not line between MH lids</b>) to the proposed building additions, position of existing sewer junction/s and other sewer assets, together with Engineer's details, verifying site soil conditions and showing proposed sewer junction relocation proposal/s, proposed sewer main concrete encasement and protection arrangements in accordance with Council's Policy For Building Over Sewers, are to be submitted to, and approved by, Shoalhaven Water. Unobstructed access to all manholes/lampholes/junctions must be maintained at all times.</p> <p>• <b>Council's initial fee for checking Engineer's "Building Over Sewers" details is \$198.00 (2021/22). Time spent checking plans in excess of 2.5 hours will be charged at the rate of \$95.00/hr (2021/22).</b></p> <p>Please send all forward all correspondence to: <a href="mailto:SWDevelopment@shoalhaven.nsw.gov.au">SWDevelopment@shoalhaven.nsw.gov.au</a> or for large files to Council's generic address: <a href="mailto:Council@shoalhaven.nsw.gov.au">Council@shoalhaven.nsw.gov.au</a></p> <p>Works and Services provided by Shoalhaven Water will be billed directly to you. Follow the link to <a href="#">New Works &amp; Services Customer</a> to provide your billing details.</p> <p>Please note that no works and services request will proceed until billing details are confirmed.</p>		
C3	<p>Engineer's details for proposed "cut" and "fill" in the vicinity of the existing sewer main, showing proposed finished surface levels and clearances to the existing sewer main (long section), are to be submitted to Shoalhaven Water for approval of the proposed cover over the main.</p> <p><i>You can lodge your detailed design with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
C4	<p>The existing DN100 AC and DN150 AC water mains along the Princes Hwy which are under the new driveways shall be replaced with equivalent sized water mains in HDPE pipe. Any fittings (such as hydrants, etc) shall be relocated clear of the new driveways.</p> <p>All plans and specifications for proposed water supply works are to be submitted to and approved by Shoalhaven Water.</p>		



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	<p>Works are to be designed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1, and</li> <li>- Shoalhaven Water's Supplement to the code.</li> </ul> <p>The supplement document is available via Shoalhaven Water's web site under Publications &amp; Forms.</p> <p><i>You can lodge your design plan with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>								
C5	<p>Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.</p> <p><i>You can lodge your written approvals from affected landowners with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <p>If no landowner is affected please place N/A in the adjacent column and date it.</p>								
C6	<p>Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of <b>\$92,644.55 (2021/22)</b> is payable for this application and is based on <b>14.084 ETs</b>.</p> <p>However, Council resolved on 3-9-2013 to allow concession to the calculated loading for all types of developments (MIN13.864).</p> <p><b>Therefore, a concessional Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of \$43,033.28 (2021/22) is payable for this application.</b></p> <p><i>The applicant is advised that after the 30 June 2022 the Council resolution (MIN13.864) may <b>NOT</b> apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p> <p><i>Applicant/developer shall email Shoalhaven Water requesting an invoice be prepared and issued for payment of Section 64 Charges (when payment is to be made) via:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <table border="1"> <tr> <td>Amount</td><td>Date</td><td>Receipt No.</td></tr> <tr> <td></td><td></td><td></td></tr> </table>	Amount	Date	Receipt No.					
Amount	Date	Receipt No.							

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C7	<p>Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR0003) of <b>\$117,446.48 (2021/22)</b> is payable for this application and is based on <b>14.084 ETs</b>.</p> <p>However, Council resolved on 3-9-2013 to allow concession to the payable amount for all types of developments (MIN13.864).</p> <p><b>Therefore, a concessional Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR0003) of \$54,553.74 (2021/22) is payable for this application.</b></p> <p><i>The applicant is advised that after the 30 June 2022 the Council resolution (MIN13.864) may <b>NOT</b> apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p> <p>Applicant/developer shall email Shoalhaven Water requesting an invoice be prepared and issued for payment of Section 64 Charges (when payment is to be made) via:</p> <p><a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <table border="1" data-bbox="403 947 1038 1003"> <thead> <tr> <th>Amount</th> <th>Date</th> <th>Receipt No.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Amount	Date	Receipt No.					
Amount	Date	Receipt No.							
C8	<p>The water service and meter for the development shall be sized by a suitably qualified person and is subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water for assessment &amp; determination.</p> <p>In addition, the applicant/developer shall provide a detailed plan showing the location of the new metered service/s and to which main they will be connected to.</p> <p><i>You can lodge your calculations &amp; plan to Shoalhaven Water via the following email address:</i></p> <p><a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>								
C9	<p>A qualified and certified person shall undertake a survey for a backflow device for site containment and the results of the survey shall be lodged with Shoalhaven Water. Please contact Shoalhaven Water Regulatory Unit, (02) 4429 3125, for further information.</p> <p><i>You can lodge your backflow survey to Shoalhaven Water via the following email address:</i></p> <p><a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a></p>								

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FORM No. DS1/6B

C10	<p>The applicant/developer/property owner shall make application under Section 68 of the Local Government Act 1993 for <b>Approval To Discharge Liquid Trade Waste To Sewer</b>. The application shall include an internal drainage diagram and other supporting documentation as required and listed on the form and shall be lodged with Shoalhaven Water.</p> <p>Please contact Shoalhaven Water Regulatory Unit, (02) 4429 3125, for further information.</p> <p><i>You can lodge your trade waste application to Shoalhaven Water via the following email address:</i> <a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a></p>		
C11	<p>Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage infrastructure.</p> <p>Such approval/s shall be submitted to Shoalhaven Water for our record.</p> <p><i>You can lodge the approval with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <p><i>Where there is no impact the applicant shall place their initials and date and note "N/A" in the adjacent cell.</i></p>		
C12	<p>A sewerage deviation is required so that the existing DN150 gravity sewer main (U6Y/10 to U6Y/11) and DN600 gravity sewer main (U6YS/1 to U6Y/9) is not located under the new building.</p> <p>The deviation of the DN150 main is to take place from near manhole U6Y/11 to near manhole U6X/7. The deviation of the DN600 main is to take place from manhole U6YS/1 to near manhole U6Y/9.</p> <p>For gravity designs all plans and specifications for proposed sewerage works are to be submitted to and approved by Shoalhaven Water. Works are to be designed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3, and</li> <li>- Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2.</li> </ul> <p><i>You can lodge your designs with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		

FORM No. DS1/6B

C13	<p>A manhole sewer junction(s) is to be provided for the overall development. The developer shall submit a plan showing the location of the junction.</p> <p><i>You can lodge your sewer junction with Shoalhaven Water via the following email address:</i></p> <p><a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
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**PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS &/OR RETAINING WALLS &/OR DRIVEWAYS**

**All conditions listed under this heading are to be completed prior to any works commencing. Please sign off each condition under the column headed "Applicant's Certification" and submit to Shoalhaven Water for processing via the following email address:**

[swdevelopment@shoalhaven.nsw.gov.au](mailto:swdevelopment@shoalhaven.nsw.gov.au)

C14	<p>(a) Following <u>C2 and C12</u>, above, Shoalhaven Water requires that all necessary concrete encasement of the sewer main (and relocation of affected sewer junction) is carried out per approved Engineer's details and in accordance with Council's Policy For Building Over Sewers. Concrete encasement and sewer junction relocation must be inspected by Shoalhaven Water's inspector, at the developer's cost.</p> <p><i>You can lodge inspection request/s with Shoalhaven Water via the following email address:</i></p> <p><a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <p>Please Note: Council's Policy For Building Over Sewers does not allow for concrete encasement of existing A.C. sewer mains or existing sewer mains that are constructed with mortar jointed VC pipe. Where these types of pipe exist, and the Policy requires concrete encasement of the sewer main, approval may be given for the developer to have the affected section of sewer main replaced with uPVC pipe.</p>		
C15	<p>In order to satisfy Shoalhaven Water's requirements per requirement <u>(ii)</u> and depending on the cover over the sewer main being provided by the proposal (details provided per condition <u>C3</u>), it may be necessary to provide additional protection of the sewer main (concrete encasement, per condition <u>C14</u>) and/or it may be necessary to alter the proposed surface levels.</p> <p>The applicant/developer shall advise Shoalhaven Water in writing of what action is planned to be undertaken prior to carrying it out.</p> <p><i>You can lodge the information on the course of action to be taken with Shoalhaven Water via the following email address:</i></p> <p><a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		

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C16	<p>Approved gravity sewerage works are to be constructed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and</li> <li>- Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Version 2, and</li> <li>- Shoalhaven Water Design Approval documents.</li> </ul> <p><i>You can lodge your request for inspections with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
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**DURING CONSTRUCTION OF BUILDING WORKS &/OR RETAINING WALLS &/OR DRIVEWAYS**

**All conditions listed under this heading are to be completed as works progresses and is required to be undertaken. Please sign off each condition under the column headed “Applicant’s Certification” as each condition is completed.**

C17	<p>Approved water reticulation works are to be constructed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1, and</li> <li>- Shoalhaven Water’s Supplement to the code, and</li> <li>- Shoalhaven Water Approval documents.</li> </ul> <p>The supplement document is available via Shoalhaven Water’s web site under Publications &amp; Forms.</p> <p><i>You can lodge your request for an inspection with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
C18	<p>Shoalhaven Water requires protection (piers and beams per approved Engineer’s details) of the sewer main in accordance with Council’s Policy For Building Over Sewers.</p> <p>Where the approved design shows concrete encasement of the sewer main the sewer main shall be concrete encased.</p> <p>Shoalhaven Water will require that inspections (and certification) are carried out of the:</p> <ul style="list-style-type: none"> <li>- concrete encasement of the sewer main, and/or</li> <li>- pier and beam arrangements to ensure that they have been constructed to design, that piers are to the required depths and that the required pier and beam clearances to the sewer main have been achieved.</li> </ul> <p>Certifications by Council’s Building Surveyor (where Council is the Principal Certifying Authority) or by a Practising Structural Engineer (Private Certifier) are to be submitted to Shoalhaven Water for review.</p>		

FORM No. DS1/6B

<b>PRIOR TO ISSUE OF OCCUPATION CERTIFICATE</b> <b>All conditions listed under this heading are to be completed prior to lodging the completed Notice for the processing and granting of a Certificate of Compliance. Please sign off each condition under the column headed "Applicant's Certification".</b>			
C19	<p>If required per the accepted backflow survey an approved backflow prevention device (as approved by Shoalhaven Water) shall be fitted by the developer, tested, and registered with Shoalhaven Water. Please contact Shoalhaven Water Regulatory Unit via: (02) 4429 3125 OR <a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a> for further information and to organise an inspection (where necessary).</p> <p>Please note that inspection fee/s will apply. For further information on fees please refer to Council's Fees and Charges via: <a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a></p>		
C20	<p>The developer shall enter into an agreement with Shoalhaven Water and abide by all conditions that may be imposed of any trade waste approval granted in respect of the application.</p> <p>Please contact Shoalhaven Water Regulatory Unit via (02) 4429 3125, OR <a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a> for further information and to organise an inspection/s (where necessary). Please note that an application fee will apply to developments that discharge trade waste to the sewer. For further information on fees please refer to Council's Fees and Charges via: <a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a></p>		
C21	<p>The applicant shall provide written confirmation that all metered services have been installed and connected. Evidence in the form of a plan and/or photos can be requested by Shoalhaven Water.</p> <p><i>You can lodge the confirmation of metered services with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
C22	<p>The applicant shall provide written confirmation that all sewer connections have been made to the sewer junction/s serving the property. Evidence in the form of a plan and/or photos can be requested by Shoalhaven Water.</p> <p><i>You can lodge the confirmation of sewer connections with Shoalhaven Water via the following email address:</i> <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		



FORM No. DS1/6B

C23	<p>An 'Easement for Drainage of Sewage' shall be created over all lots which have Council's sewer running through them. The easement shall:</p> <ul style="list-style-type: none"> <li>- be located centrally over the sewer pipes (unless approved otherwise by Shoalhaven Water in writing),</li> <li>- be in favour of Shoalhaven City Council,</li> <li>- have the minimum easement widths as follows: <ul style="list-style-type: none"> <li>• Sewer depth to invert is less than 2.50m - easement 2.40m wide,</li> <li>• Sewer depth to invert is greater than 2.50m - easement 4.00m wide.</li> </ul> </li> </ul>		
C24	Water and sewerage infrastructure shall be constructed, including land matters and easements throughout the subdivision/development to ensure that the orderly development of the adjoining lands can be undertaken as development of the area progress.		
C25	Water and sewerage infrastructure shall be constructed, including land matters and easements outside of the subdivision/development to ensure that the subdivision/development can be granted a Certificate of Compliance.		
C26	<p>Satisfy all conditions, complete this Notice and submit (including lodgement of all documentation/receipts etc) to Shoalhaven Water.</p> <p><i>You can lodge your completed Notice to Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		

FORM No. DS1/6B

### ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions and the provision of metered water services.**
- All non-strata and non-residential properties (incl. dual occupancies) will be levied water and wastewater availability charges (where applicable) based on the size of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Construction Certificate and/or Certificate of Compliance is requested.**
- Properties are categorised and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**
- All works are to be at the developer's expense.

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's Name (Please Print)  Applicant's Signature  Date  /  /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer  Date  /  /

CL22.102 - Attachment 3

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## Planning Agreement - Bunnings South Ulladulla

Planning Agreement under section 7.4 of the  
*Environmental Planning and Assessment Act 1979* (NSW)

189 – 197 Princes Highway and Part of 2A Parsons Street, South Ulladulla

Shoalhaven City Council  
ABN 59 855 182 344

Bunnings Properties Pty Limited  
ABN 46 008 557 622

The Allens contacts for this document are Felicity Rourke (Partner) and Rebecca Fleming (Managing Associate).

Draft 31/1/2020 | Exhibition version

### Instructions for Execution:

- 1 Print document black and white and single sided.
- 2 Replace this page with completed 11R Request form.
- 3 Each Party's signatories to **sign** the following pages:
  - (a) Page 2 (in execution blocks);
  - (b) Page 3 (bottom right hand corner of page)
  - (c) Page 6 (bottom right hand corner of page)
  - (d) Page 28 (in execution blocks).
  - (e) Page 29 (bottom right hand corner of page);
  - (f) Page end of Annexure A (bottom right hand corner of page).

Page 1 of 29

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### Annexure A to Request

**Parties:** Shoalhaven City Council (in its capacity as the planning authority), Bunnings Properties Pty Limited (as registered proprietor).

**Dated:**

**[Allens Note: Prior to execution, Allens will run a title search to confirm whether there are any additional entities who will need to sign or consent to the Request.]**

#### Execution by Shoalhaven City Council

I certify that I am an eligible witness and that an authorised officer of the applicant signed this dealing in my presence.

Signature of witness:

Name of witness:

Address of witness:

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:

Authorised officer's name:

Authority of officer:

Signing on behalf of:

#### Execution by Bunnings Properties Pty Limited

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to s127 of the Corporations Act 2001

Company: Bunnings Properties Pty Limited (ACN 46 008 557 622).

\_\_\_\_\_  
Signature of authorised person

\_\_\_\_\_  
Name of authorised person

\_\_\_\_\_  
Office held

\_\_\_\_\_  
Signature of authorised person

\_\_\_\_\_  
Name of authorised person

\_\_\_\_\_  
Office held

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**Annexure B to Request**

**Parties:** Shoalhaven City Council (in its capacity as the planning authority), Bunnings Properties Pty Limited (as registered proprietor).

**Dated:**

**Planning Agreement - Bunnings South Ulladulla**

Planning Agreement under section 7.4 of the  
*Environmental Planning and Assessment Act 1979 (NSW)*

189 – 197 Princes Highway and Part of 2A Parsons Street, South Ulladulla

Shoalhaven City Council  
ABN 59 855 182 344

Bunnings Properties Pty Limited  
ABN 46 008 557 622

The Allens contacts for this document are Felicity Rourke (Partner) and Rebecca Pleming (Managing Associate).

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Planning Agreement - Bunnings South Ulladulla

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**This Deed** is made on

**Parties**

- 1 **Shoalhaven City Council** (ABN 59 855 182 344) of 36 Bridge Rd, Nowra NSW 2541 (the **Council**).
- 2 **Bunnings Properties Pty Limited** (ABN 46 008 557 622) of Level 8, 5 Rider Boulevard, Rhodes NSW 2138 (the **Developer**).

**Recitals**

- A On 28 January 2020, the Developer made the Development Application to Council.
- B On 6 August 2019, the Developer made an offer to Council to enter into a planning agreement on the terms of this Deed in connection with the Development Application.
- C This Deed requires the Developer to carry out the Works, components of which are identified within the Shoalhaven Contributions Plan. The Parties agree that the Works constitute a material public benefit to be used for or applied towards a public purpose, namely the provision of transport and other infrastructure relating to land.
- D The Works will be carried out pursuant to any Development Consent granted to the Development Application, and on land that already comprises Public Roads under the *Roads Act 1993* (NSW).
- E The parties agree that if Development Consent is granted to the Development Application, it will be granted subject to a condition that the consent is not to operate until all parties have executed this Deed.

**It is agreed** as follows.

**1 Definitions and Interpretation**

**1.1 Definitions**

The following definitions apply unless the context requires otherwise.

**Approval** includes approval, consent, licence, permission or the like.

**Bank Guarantee** means an irrevocable and unconditional undertaking by an Australian bank which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time to pay the face value of that undertaking (being such amount as is required under this Deed) on demand.

**Building Work** has the meaning given to that term in the EPA Act.

**Business Day** means a day which is not a Saturday, Sunday or a public holiday in Sydney.

**Certificate of Practical Completion** has the meaning given to that term in clause 6.5(a)(ii).

**Claim** includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

**Construction Certificate** has the meaning given to that term in the EPA Act.

**Contributions Plan** means the Shoalhaven Contributions Plan 2019 as amended, supplemented or substituted from time to time.

**Contributions Plan Amount** means the monetary contribution towards item 05ROAD4008 (or any contribution item that replaces 05ROAD4008) that would otherwise be payable by the Developer in respect of the Development pursuant to s7.11 of the EPA Act, had the parties not

entered into this Deed.

**Contributions Plan Works** means the part of the Works described in paragraphs (a) and (c) of the definition of 'Works' being works that form part of item 05ROAD4008 in the Contributions Plan.

**CoRD Holder Consent** means the electronic document lodged through an ELNO that provides consent to the registration of instruments and plans.

**Cost** means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

**Council Contributions Payment Amount** means the amount by which the Estimated Costs exceeds the Contribution Plan Amount calculated as at the time payment is made in accordance with clause 7(d)(ii).

**Deed** means this document.

**Defect** means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of the Works or any part of a Works.

**Defects Liability Period** in relation to a Stage of the Works means the period of 1 year commencing on the day immediately after a Certificate of Practical Completion is obtained for the Stage of the Works under clause 6.5(a)(ii).

**Development** means the development of the Development Land, the subject of a Development Consent, for the purposes of a Bunnings warehouse, including:

- (a) consolidation and subdivision of Lots 1-5 in DP 21356 and Lot 23 in DP 1082957 into:
  - (i) a single lot comprising the Development Land; and
  - (ii) a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the Development Land;
- (b) demolition of existing structures on the Development Land;
- (c) clearing and earthworks on the Development Land;
- (d) construction of a new building on the Development Land to be used for the purposes of 'hardware and building supplies' and 'garden centre'; and
- (e) the road upgrades which comprise the Works as generally shown in the preliminary designs in Annexure A.

**Development Application** means development application number DA20/1068 made by the Developer to Council on 28 January 2020 seeking development consent for the Development.

**Development Consent** means a development consent granted under the EPA Act in respect of the Development Application as modified from time to time.

**Development Land** means the land comprised in Lots 1 – 5 in Deposited Plan 21356 and part of Lot 23 in DP 1082957 as shown in Schedule 2, as consolidated or subdivided from time to time.

**Dispute** has the meaning given to that term in clause 10.

**ELNO** has the same meaning as in the *Electronic Conveyancing National Law* (NSW).

**Emergency** means an emergency due to an actual or imminent occurrence (such as but not limited to fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action) which:

- (a) endangers, or threatens to endanger, the safety or health of persons or animals;
- (b) destroys or damages, or threatens to destroy or damage, property; or

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- (c) causes a failure of, or a significant disruption to, an essential service or infrastructure.

**EPA Act** means the *Environmental Planning and Assessment Act 1979* (NSW)

**Estimated Costs** means the estimated costs for constructing the Contributions Plan Works determined by the Independent Quantity Surveyor in accordance with clause 6.3(a).

**Financial Year** means a 12 month period commencing on 1 July and ending on 30 June.

**Independent Quantity Surveyor** means a suitably qualified and experienced quantity surveyor who is independent of the parties.

**Index Number** means the quarterly Consumer Price Index for Sydney (All Groups) published by the Australian Bureau of Statistics.

**Occupation Certificate** has the meaning given to that term in the EPA Act.

**Practical Completion**, in respect of a Work or a Stage of the Works means when the Work or Stage is complete except for minor defects:

- (a) which do not prevent the Works from being reasonably capable of being used for their stated purpose;
- (b) which the Roads Authority determines the Developer has reasonable grounds for not promptly rectifying; and
- (c) the rectification of which will not prejudice the convenient use of the Works.

**Public Road** has the meaning given to that term in the *Roads Act 1993* (NSW).

**Rectification Notice** means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

**Rectify** means rectify, remedy or correct.

**Register** means the register maintained under the *Real Property Act 1900* (NSW).

**Registrar General** has the same meaning given to that term under the *Real Property Act 1900* (NSW).

**Regulation** means the *Environmental Planning and Assessment Regulation 2000* (NSW).

**Roads Authority** has the same meaning given to that term under the *Roads Act 1993* (NSW) in respect of any Public Road in, on or over which the Works, or part of the Works, will be carried out and includes RMS when exercising the functions of a roads authority under section 64 of the *Roads Act 1993* (NSW).

**Road Works Account** has the meaning given to that term in clause 7(b).

**Road Work Funds** has the meaning given to that term in clause 7(a).

**S138 Consent** means a consent referred to in s138 of the *Roads Act 1993* (NSW).

**Security Amount** means the estimated costs for constructing the Works determined by the Independent Quantity Surveyor in accordance with clause 6.3(a).

**Stage** means a component of the Works comprising all or part of the Works, at the Developer's discretion.

**Tax** includes any tax, levy, impost, deduction, charge, rate, duty, compulsory loan or withholding that is levied or imposed by a Governmental Agency, and any related interest, penalty, charge, fee or other amount.

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**Works** means all works required to design and construct the following road upgrades as generally shown in the preliminary designs in Annexure A:

- (a) a roundabout at the intersection of Princes Highway and Dowling Street;
- (b) a median within the Princes Highway road reserve; and
- (c) the extension of St Vincent Street across the western boundary of the Development Land.

**Works Authorisation Deed** means an agreement between the Developer and a Roads Authority in relation to the carrying out one or more Stages of the Works in, on or over a Public Road.

## 1.2 Interpretation

- (a) Headings are for convenience only and do not affect interpretation.
- (b) Mentioning anything after includes, including, for example, or similar expressions, does not limit what else might be included.
- (c) Nothing in this Deed is to be interpreted against a party solely on the ground that the party put forward this Deed or a relevant part of it.
- (d) The following rules apply unless the context requires otherwise.
  - (i) The singular includes the plural, and the converse also applies.
  - (ii) A gender includes all genders.
  - (iii) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
  - (iv) A reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity.
  - (v) A reference to a clause, Schedule or Annexure is a reference to a clause of, or Schedule or Annexure to, this Deed.
  - (vi) A reference to an agreement or document (including a reference to this Deed or this Planning Agreement) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this Deed or that other agreement or document, and includes the recitals, to that agreement or document.
  - (vii) A reference to writing includes any method of representing or reproducing words, figures, drawings or symbols in a visible and tangible form.
  - (viii) A reference to a party to this Deed or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives).
  - (ix) A reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
  - (x) A reference to conduct includes an omission, statement or undertaking, whether or not in writing.
  - (xi) A reference to an *agreement* includes any undertaking, deed, agreement and legally enforceable arrangement, whether or not in writing, and a reference to a *document* includes an agreement (as so defined) in writing and any certificate, notice, instrument and document of any kind.
  - (xii) A reference to *dollars* or \$ is to Australian currency.

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- (xiii) A reference to a *right* or *obligation* of any two or more people comprising a single party confers that right, or imposes that obligation, as the case may be, on each of them severally and each two or more of them jointly. A reference to that party is a reference to each of those people separately (so that, for example, a representation or warranty by that party is given by each of them separately).
- (xiv) A reference to time is to Sydney time.
- (xv) A reference to an amount for which a person is contingently liable includes an amount that that person may become actually or contingently liable to pay if a contingency occurs, whether or not that liability actually arises.
- (xvi) A *month* means a calendar month.
- (xvii) A reference to year is a reference to each successive period of 12 months, commencing on the date this Deed comes into operation in accordance with clause 4.

**2 Planning Agreement under the EPA Act**

- (a) The parties agree that this Deed is a planning agreement within the meaning of section 7.4 of the EPA Act.
- (b) Schedule 1 of this Deed summarises the requirements for planning agreements under section 7.4 of the EPA Act and the way this Deed addresses those requirements.

**3 Application of this Agreement**

This Deed applies to:

- (a) the Development,
- (b) the Development Land, and
- (c) the Public Roads in, on or over which the Works will be carried out.

**4 Operation of this Deed**

This Deed commences on and from the date that it is duly executed by all parties.

**5 Application of sections 7.11, 7.12 and 7.24 of the EPA Act**

The application of sections 7.11, 7.12 and 7.24 of the EPA Act are excluded to the extent stated in Schedule 1.

**6 Contributions to be made under this Deed**

**6.1 Provision of the Works**

- (a) The Developer is to carry out and complete the Works in accordance with this Deed and pursuant to any Development Consent authorising the Works.
- (b) Prior to the issue of any Construction Certificate for any Building Work as part of the Development, and prior to commencing the Works, the Developer must:
  - (i) submit to Council and the relevant Roads Authority detailed design plans for the Works that are designed to meet the relevant Roads Authority's requirements and AUSTROADS and other relevant standards, and be endorsed by a suitably qualified practitioner; and
  - (ii) obtain the Council's and the relevant Roads Authority's written approval of the detailed design plans for the Works; and



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- (iii) if required by any relevant Roads Authority, enter into a Works Authorisation Deed for the Works, on such terms and conditions as are consistent with the requirements of this Deed.
- (c) The parties agree and acknowledge that the Works serve the public purpose by the provision of transport or other infrastructure relating to land in accordance with s7.2(2)(c) of the EPA Act.
- (d) The Works will be carried out and completed by the Developer at no cost to Council or the relevant Roads Authority.
- (e) The Parties agree that each of the requirements of clause 6.1(b) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.

## 6.2 Prior to commencing the Works

Prior to commencing the Works, the Developer must:

- (a) obtain any approvals required under section 138 of the *Roads Act 1993* for the carrying out of the Works; and
- (b) pay to Council and the relevant Roads Authority any fees charged by them associated with the review of the detailed design plans and specifications for the Works.

## 6.3 Determination of Estimated Costs and Security Amount

- (a) Within 20 Business Days following the date on which the Council and the relevant Roads Authority provides its written approval of the detailed design plans for the Works in accordance with clause 6.1(b)(ii), the Parties must appoint an Independent Quantity Surveyor by agreement to determine:
  - (i) the reasonable estimated cost of constructing the Contributions Plan Works to the approved detail design plans for those works. (**Estimated Costs**); and
  - (ii) the reasonable estimated cost of constructing the Works to the approved detail design plans for those works (**Security Amount**).
- (b) If the parties do not agree within 20 Business Days after the date on which the written approval to the detailed design plans for the Works is provided under clause 6.1(b)(ii) (or any further period agreed in writing by the parties) as to:
  - (i) the selection and compensation of an Independent Quantity Surveyor; and
  - (ii) the process and timetable to be adopted by the Independent Quantity Surveyor in determining the Estimated Costs and Security Amount;

the parties must request the President of the Australian Institute of Quantity Surveyors to select the Independent Quantity Surveyor and determine the Independent Quantity Surveyor's remuneration.
- (c) The Developer must pay any costs associated with engaging an Independent Quantity Surveyor in accordance with this clause 6.3.
- (d) The parties must procure that the Independent Quantity Surveyor will determine the Estimated Costs and the Security Amount within 20 Business Days of being requested to do so.
- (e) The Developer is not entitled to any payment in accordance with clause 7 until an Independent Quantity Surveyor appointed under this clause has determined the Estimated Costs.

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- (f) The Independent Quantity Surveyor's determination of the Estimated Costs and the Security Amount is final and binding on the parties and clause 10 does not apply to that determination.
- (g) The Parties agree that:
  - (i) the determination of the Estimated Costs in accordance with this clause 6.3 is not a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation; and
  - (ii) the Developer can commence the Works prior to the determination of the Estimated Costs.

#### 6.4 Repair of damage

- (a) This clause 6.4 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with maintenance of that part of the Works prior to Practical Completion.
- (b) The Developer is to maintain the Works required to be carried out by the Developer under this Deed until a Certificate of Practical Completion is obtained for the Works under clause 6.5(a)(ii) or such later time as agreed between the parties.
- (c) The Developer is to carry out its obligation under clause 6.4(b) at its own cost and to the satisfaction of the Council.

#### 6.5 Completion of the Works

- (a) Prior to the issue of the first Occupation Certificate for the Development, the Developer must:
  - (i) achieve Practical Completion of the Works;
  - (ii) in respect of all Stages of the Works, obtain written confirmation from the Roads Authority for each Stage of the Works that Practical Completion of that Stage of the Works has been achieved (**Certificate of Practical Completion**); and
  - (iii) provide a copy of each Certificate of Practical Completion to Council.
- (b) The Parties agree that each of the requirements of clause 6.5(a) is a restriction on the issue of an Occupation Certificate for the purposes of cl154E of the Regulation.

#### 6.6 Rectification of Defects

- (a) This clause 6.6 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with rectification of Defects for that part of the Works.
- (b) The Council may give the Developer a Rectification Notice during the Defects Liability Period in respect of the Works.
- (c) The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council and the relevant Roads Authority.

#### 6.7 Release

- (a) This clause 6.7 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with release of the Council from any Claim relating to that part of the Works.
- (b) The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed

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except if, and to the extent that, the Claim arises because of the Council's negligence or default.

#### 6.8 Indemnity

- (a) This clause 6.8 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with indemnity by the Developer in favour of the Council relating to that part of the Works.
- (b) The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

#### 6.9 Insurance

- (a) This clause 6.9 does not apply to any part of the Works in respect of which a Works Authorisation Deed or a S138 Consent contains provisions dealing with the taking out of insurances referred to in this clause by the Developer for that part of the Works.
- (b) The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to the Works required to be carried out by the Developer under this Deed up until the Works are taken to have been completed in accordance with this Deed:
  - (i) contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
  - (ii) public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
  - (iii) workers compensation insurance as required by law, and
  - (iv) any other insurance required by law.
- (c) If the Developer fails to comply with clause 6.9(b), the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
  - (i) by calling upon any Bank Guarantee provided by the Developer to the Council under this Deed, or
  - (ii) recovery as a debt due in a court of competent jurisdiction.
- (d) The Developer is not to commence to carry out any part of the Works unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 6.9(b).

#### 7 Contribution by Council

- (a) The Council agrees to deposit into its consolidated fund all monetary contributions received by the Council towards contribution item 05ROAD4008 in the Contributions Plan (the **Road Works Funds**) that are received pursuant to a condition of a development consent under s7.11 of the EPA Act or a planning agreement under s7.4 of the EPA Act.

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- (b) The Road Works Funds will be held in the Council's consolidated fund and separately accounted for in accordance with s409(3) and (4) of the *Local Government Act 1993* (NSW) (the **Road Works Account**) and applied subject to this clause 7 in accordance with s7.3 of the EPA Act.
- (c) The Developer may request payment of the Road Works Funds from the Road Works Account:
  - (i) within 20 Business Days of the date on which the Developer satisfies all of the requirements of clause 6.5(a) in respect of the whole of the Works; and
  - (ii) within 20 Business Days of 1 July each year following the date on which the Developer satisfies all of the requirements of clause 6.5(a) in respect of the whole of the Works.
- (d) Within 15 Business Days of receiving a request by the Developer issued in accordance with clause 7(c), the Council must provide the Developer with:
  - (i) a statement of the Road Works Funds deposited into the Council's consolidated fund and accounted for as the Road Works Account during the financial year immediately preceding that request; and
  - (ii) subject to the provisions of this clause 7, payment of the Road Works Funds from the Road Works Account, by cheque payable to the Developer in the amount requested or, if the amount requested is more than the amount held in the Road Works Account at the time, the amount equivalent to the balance of the Road Works Funds in the Road Works Account.
- (e) Despite clause 7(d) the Council is only required to make a payment of the Road Works Funds from the Road Works Account if all the following matters are satisfied:
  - (i) the Developer has satisfied all of the requirements of clause 6.5(a) in respect of the whole of the Works;
  - (ii) all Rectification Notices that have been issued in respect of the Works have been complied with to the reasonable satisfaction of the Council and the relevant Roads Authority; ;
  - (iii) there are sufficient Road Works Funds in the Road Works Account to pay the amount (or part thereof) sought by the Developer; and
  - (iv) the payment, along with all previous payments made under this clause 7, does not exceed the Council Contributions Payment Amount.
- (f) If the whole of an amount sought to be paid by the Developer is not paid because there are insufficient Road Works Funds in the Road Works Account, the Developer will be entitled to make a further request for payment under clause 7(c) for any outstanding amount.
- (g) Nothing in this Deed requires the Council to make any payment towards the Works after 31 December 2039.
- (h) For the avoidance of doubt, nothing in this Deed:
  - (i) requires the Council to make a payment towards the Works otherwise than from the Road Works Funds in the Road Works Account in accordance with this clause 7; or
  - (ii) requires the Council to procure the entering into of any planning agreement under s7.4 of the EPA Act or impose a condition of development consent under s7.11 of

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the EPA Act, requiring monetary contributions towards the Contributions Plan Works; or

- (iii) requires the Council to pay interest on any amount required to be paid under this Deed.

## 8 Registration

### 8.1 Registration of Deed

- (a) The Parties agree to register this Deed for the purposes of s7.6(1) of the Act progressively over the Development Land as and when the Developer becomes registered proprietor of any part of the Development Land.
- (b) Upon the commencement of this Deed, the Developer, at its own expense, is to deliver to the Council in registrable form in respect of any part of the Development Land which the Developer owns as at the commencement of this Deed:
  - (i) an instrument requesting the registration of this Deed on the title to that part of the Development Land duly executed by the registered proprietor of that land, and
  - (ii) the written irrevocable consent of each person, as required by the Registrar-General, who has an estate or interest in that part of the Development Land to the registration of this Deed on the title to that part of the Development Land and to the terms of this Deed;
  - (iii) the relevant certificates of title of that part of the Development Land, or evidence of manual production of the certificates of title at the NSW Land Registry Services or electronic lodgement of the relevant CoRD Holder Consents through an ELNO for the purposes of registering this Deed.
- (c) After the commencement of this Deed and within 7 Business Days of the date the Developer becoming registered proprietor of any other part of the Development Land, the Developer, at its own expense, is to deliver to the Council in registrable form the documents referred to in clause 8(b)(i) – (iii) in respect of that part of the Development Land.
- (d) Within 15 Business Days of the date on which the Developer delivers the documents referred to in clauses clause 8(b)(i) – (iii) in respect of any part of the Development Land and the Council signing those documents, the Council must lodge those documents for registration at NSW Land Registry Services.
- (e) The Council must promptly provide the Developer with copies of any requisitions made by the Registrar-General in respect of this Deed.
- (f) The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur including, without limitation, promptly responding to any requisitions made by the Registrar-General in respect of this Deed and/or any ancillary documents.
- (g) Without limiting clause 8.1(a) this Deed is to be registered on the whole of the Development Land prior to the issue of any Construction Certificate for any Building Work in the Development.
- (h) The Developer is to pay the Council's costs incurred in relation to the registration of this Deed.



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- (i) The parties agree that each of the requirements of clause 8.1(g) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.

## 8.2 Release and discharge of Deed

- (a) The Council agrees to, at the cost of the Developer, do all things reasonably required by the Developer to promptly release and discharge this Deed with respect to any part of the Development Land upon the Developer satisfying all of its obligations under this Deed in respect of that part of the Development Land, and so that this Deed may be removed from the folios of the Register for the Development Land.

## 9 Enforcement

### 9.1 Default

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this Deed, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days (except in the case of Emergency).
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or Emergency.
- (c) If a party disputes the Default Notice, it may refer the dispute to dispute resolution under clause 10 of this Deed.
- (d) If the Developer fails to comply with a notice given under clause 9.1 relating to the carrying out of the Works under this Deed, the Council may step-in and remedy the breach and may use any equipment on the land on which the Works are being carried out for that purpose.

### 9.2 Developer to provide Security

- (a) The Developer must provide a Bank Guarantee to the Council prior to the issue of the first Construction Certificate for the Development.
- (b) The Bank Guarantee must:
  - (i) name the Council as the relevant beneficiary;
  - (ii) have a face value equal to the Security Amount;
  - (iii) be held as security for the Developer's obligations under this Deed; and
  - (iv) not have an expiry date.
- (c) The Parties agree that the requirement of clause 9.2(a) is a restriction on the issue of a Construction Certificate for the purposes of clause 146A of the Regulation.
- (d) If the Developer:
  - (i) enters into a Works Authorisation Deed or obtains a S138 Consent in relation to the Works; and
  - (ii) provides security to a Roads Authority under that Works Authorisation Deed or S138 Consent which meets the definition of a Bank Guarantee in clause 1.1 of this deed,



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then the face value of the Bank Guarantee required to be provided under this clause 9.2 will be reduced by the amount of the security provided under that Works Authorisation Deed or S138 Consent.

### 9.3 Claims under Bank Guarantees

- (a) The Council may:
  - (i) call upon the Bank Guarantee provided by the Developer where the Developer has failed to rectify a breach within the period of time specified in a Default Notice under clause 9.1; and
  - (ii) retain and apply such monies towards any costs and expenses incurred by the Council in rectifying any default by the Developer under this Deed.
- (b) The Council may call-up and apply the Bank Guarantee in accordance with this clause 9 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- (c) If the Council calls-up the Bank Guarantee or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement or top-up Bank Guarantee to ensure that the amount of Bank Guarantee held by the Council equals the amount it is entitled to hold under this Deed.
- (d) Any costs incurred by the Council in remedying a breach in accordance with this clause 9 that are not met by calling up of a Bank Guarantee may be recovered by the Council as a debt due in a court of competent jurisdiction.

### 9.4 Release of Security

The Council will promptly return the Bank Guarantee or any unused part of it to the Developer upon:

- (a) a written request from the Developer; and
- (b) the Developer satisfying all of its obligations under this Deed.

## 10 Dispute Resolution

### 10.1 Negotiation

If there is a dispute or difference (**Dispute**) between the parties arising out of or in connection with this Deed, then within ten Business Days of a party notifying the other party in writing of the Dispute, a senior representative from each party must meet and use all reasonable endeavours acting in good faith to resolve the Dispute by joint discussions.

### 10.2 Mediation

- (a) If the Dispute is not settled within ten Business Days of notification under clause 10.1, the parties will, if mutually agreed, submit the Dispute to mediation administered by the Australian Disputes Centre (**ADC**).
- (b) The mediator will be an independent person agreed between the parties from a panel suggested by the President of the ADC or, failing agreement, a mediator will be appointed by the President of the ADC.
- (c) All communications during the mediation are confidential and must be treated as made in the course of compromise and settlement negotiations for the purposes of the applicable rules of evidence and any professional secrecy protections provided by applicable law.

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- (d) Each party will bear its own costs in connection with the mediation and will share equally the mediator's fees and costs.

### 10.3 Expert determination

If the Dispute is not settled within ten Business Days of notification under clause 10.1 and one of the following applies:

- (a) the Dispute is not submitted to mediation under clause 10.2 within a further 10 Business Days, or
- (b) the Dispute is submitted to mediation under clause 10.2 within a further 10 Business Days but is not resolved within 10 Business Days of submission to mediation, or
- (c) the parties otherwise agree that the dispute may be resolved by expert determination, then the parties may refer the Dispute to an expert, in which event:
  - (d) the Dispute must be determined by an independent expert in the relevant field:
    - (i) agreed upon and appointed jointly by the parties; and
    - (ii) in the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the Dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
  - (e) the expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
  - (f) the determination of the Dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
  - (g) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
  - (h) each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
  - (i) any determination made by an expert pursuant to this clause is final and bindings upon the parties except unless:
    - (i) within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
    - (ii) the determination is in respect of, or relates to, termination or purported termination of this Deed by any party, in which event the expert is deemed to be giving a non-binding appraisal.

### 10.4 Court proceedings and other relief

- (a) A party may only start court proceedings in relation to a Dispute if the Dispute has not been resolved within 2 months of the notification under clause 10.1.
- (b) Clause 10.4(a) does not apply to a party seeking injunctive or other interlocutory relief.

### 10.5 Continuation of rights and obligations

Despite the existence of a dispute or difference each party must continue to perform this Deed.

## 11 Indexation of Amounts

On 1 July of each year, the Estimated Costs will be varied in accordance with the following formula.

$$P = \frac{A \times B}{C}$$

where:

**P** is the Estimated Costs that will apply for the following Year;

**A** is the Estimated Costs as determined in accordance with clause 6.3(a).

**B** is the Index Number last published before 1 July in the relevant Financial Year .

**C** is the Index Number last published before 1 July in the Financial Year in which the Estimated Costs were determined in accordance with clause 6.3(a).

## 12 GST

### 12.1 Definitions

Words used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

### 12.2 Intention of the parties

The parties intend that:

- (a) Divisions 81 and 82 of the GST Legislation apply to the supplies made under and in respect of this Deed; and
- (b) no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

### 12.3 Reimbursement

Any payment or reimbursement required to be made under this Deed that is calculated by reference to a cost, expense, or other amount paid or incurred must be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

### 12.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Deed are exclusive of GST. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 12.4.

### 12.5 Additional Amounts for GST

To the extent an amount of GST is payable on a supply made by a party (**Supplier**) under or in connection with this Deed (the **GST Amount**), the recipient must pay to the Supplier the GST Amount. However, where a GST Amount is payable by the Council as recipient of the supply, the Developer must ensure that:

- (a) the Developer makes payment of the GST Amount on behalf of the Council, including any gross up that may be required; and
- (b) the Developer provides a tax invoice to the Council.

### 12.6 Non monetary consideration

Clause 12.5 applies to non-monetary consideration.

#### 12.7 Assumptions

The Developer acknowledges and agrees that in calculating any amounts payable under clause 12.5 the Developer must assume the Council is not entitled to any input tax credit.

### 13 Assignment and transfer

#### 13.1 Right to assign or novate

- (a) Prior to a proposed assignment or novation of its rights or obligations under this Deed, the Developer seeking to assign its rights or novate its obligations (**Assigning Party**) must seek the consent of the Council which must not be unreasonably withheld where:
  - (i) the Council is satisfied (acting reasonably) that the person to whom the Assigning Party's rights or obligations are to be assigned or novated (**Incoming Party**) is financially capable of complying with this Deed and performing the Assigning Party's obligations under this Deed insofar as those obligations are to be novated to the Incoming Party;
  - (ii) the Assigning Party procures the execution of a deed by the Incoming Party with the Council on terms satisfactory to the Council (acting reasonably) under which the Incoming Party agrees to comply with the terms and conditions of this Deed as though the Incoming Party were the Assigning Party; and
  - (iii) the Council is satisfied, acting reasonably, that the Developer is not in breach of its obligations under this Deed.
- (b) The Assigning Party must pay the Council's reasonable legal costs and expenses incurred under this clause 13.1.

#### 13.2 Right to transfer Land

- (a) Subject to clause 13.2(b), the Developer must not sell or transfer to another person (**Transferee**) the whole or part of any part of the Development Land.
- (b) The Developer may sell or transfer the whole or any part of the Development Land to a Transferee if prior to the proposed sale or transfer the Developer obtains the written consent of Council (which must not be unreasonably withheld or delayed) where:
  - (i) Council is satisfied, acting reasonably, that the proposed Transferee is financially capable of performing any of the remaining obligations of the Developer under this Deed or satisfies the Council, acting reasonably, that the Developer will continue to be bound by the terms of this Deed after the transfer has been effected;
  - (ii) the Assigning Party procures the execution of a deed by the Transferee with the Council on terms satisfactory to the Council, acting reasonably, under which the Transferee agrees to comply with the terms and conditions of this Deed as though the Transferee were the Developer; and
  - (iii) the Council is satisfied, acting reasonably, that the Developer is not in material breach of its obligations under this Deed.
- (c) The Developer must pay the Council's reasonable legal costs and expenses incurred under this clause 13.2.

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## 14 Capacity

### 14.1 General warranties

Each party warrants to each other party that:

- (a) this Deed creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this Deed in the capacity of trustee of any trust, and
- (c) they have full capacity to enter into this Deed and are able to fully comply with their obligations under this Deed.

### 14.2 Power of attorney

If an attorney executes this Deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

## 15 General Provisions

### 15.1 Surrender of right of appeal, etc.

The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to the terms of this Deed.

For the avoidance of doubt, nothing in this clause prevents the Developer from appealing against or seeking to modify conditions of the consent which do not relate to the terms of this Deed.

### 15.2 Entire Agreement

This Deed contains the entire agreement between the parties with respect to its subject matter. It sets out the only conduct, representations, warranties, covenants, conditions, agreements or understandings (collectively **Conduct**) relied on by the parties and supersedes all earlier Conduct by or between the parties in connection with its subject matter. Neither party has relied on or is relying on any other Conduct in entering into this Deed and completing the transactions contemplated by it.

### 15.3 Amendment

This Deed may be amended only by another Deed executed by all the parties in accordance with clause 25C and 25D of the Regulation.

### 15.4 No Waiver

A failure to exercise or a delay in exercising any right, power or remedy under this Deed does not operate as a waiver. A single or partial exercise or waiver of the exercise of any right, power or remedy does not preclude any other or further exercise of that or any other right, power or remedy. A waiver is not valid or binding on the party granting that waiver unless made in writing.

### 15.5 Further Assurances

Each party must do anything necessary or desirable (including executing agreements and documents) to give full effect to this Deed and the transactions contemplated by it.

### 15.6 Time for doing acts

- (a) If:



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- (i) the time for doing any act or thing required to be done; or
- (ii) a notice period specified in this Deed;

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

- (b) If any act or thing required to be done is done after 5 pm on the specified day, it is taken to have been done on the following Business Day.

#### 15.7 Severability of Provisions

Any provision of this Deed that is prohibited or unenforceable in any jurisdiction is ineffective as to that jurisdiction to the extent of the prohibition or unenforceability. That does not invalidate the remaining provisions of this Deed nor affect the validity or enforceability of that provision in any other jurisdiction.

#### 15.8 Termination

Termination of this Deed does not affect any accrued rights or remedies of either party.

#### 15.9 No Merger

The rights and obligations of the parties will not merge on the completion of any transaction contemplated by this Deed. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing a transaction.

#### 15.10 No Agency or Partnership

Nothing in this Deed is to be construed as constituting an agency, partnership, joint venture, or any other form of association between the parties in which one party may be liable for the acts or omissions of any other party. No party has the authority to incur any obligation or make any representation or warranty on behalf of, or to pledge the credit of, any other party.

#### 15.11 Good faith

Each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of this Deed.

#### 15.12 No fetter

Nothing in this Deed is to be construed as requiring the Council to do anything that would cause the Council to breach any of the Council's obligations at law and without limitation, nothing in this Deed shall be construed as limiting or fettering in any way the discretion of the Council in exercising any of the Council's statutory functions, powers, authorities or duties.

#### 15.13 Explanatory note

The Explanatory Note must not be used to assist in construing this Deed.

#### 15.14 Expenses and stamp duty

- (a) The Developer must pay its own costs.
- (b) The Developer must pay the Council's reasonable legal costs, valuation costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this Deed, to a maximum value of \$20,000 plus GST.
- (c) The Developer must pay all Tax assessed on or in respect of this Deed and any instrument or transaction required or contemplated by or necessary to give effect to this Deed (including stamp duty and registration fees, if applicable).



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- (d) In circumstances where:
- (i) the Council has issued a Default Notice; or
  - (ii) the Council obtains injunctive relief in the NSW Land and Environment Court for an actual, threatened or apprehended breach of this Deed by the Developer,
- the Developer must pay the Council's reasonable legal costs of enforcing this Deed.

#### 15.15 Notices

Any notice, demand, consent or other communication (a **Notice**) given or made under this Deed:

- (a) must be in writing and signed by the sender or a person duly authorised by the sender (or in the case of email, set out the full name and position or title of the sender or person duly authorised by the sender);
- (b) must be delivered to the intended recipient by prepaid post (if posted to an address in another country, by registered airmail) or by hand, fax or email to the address, fax number or email address below or the address, fax number or email address last notified by the intended recipient to the sender:
  - (i) to the Developer:
 

Address: Level 8, 5 Rider Boulevard,  
Rhodes NSW 2138

Fax No: (02) 9846 - 7530

Email: [pdrew@bunnings.com.au](mailto:pdrew@bunnings.com.au) and  
[TWilkinson@bunnings.com.au](mailto:TWilkinson@bunnings.com.au)

Attention: Philip Drew and Tim Wilkinson
  - (ii) to the Council:
 

Address: 36 Bridge Rd, Nowra NSW  
2541

Fax No: (02) 4422 1816

Email:  
[bryan.netzler@shoalhaven.nsw.gov.au](mailto:bryan.netzler@shoalhaven.nsw.gov.au)

Attention: Bryan Netzler
- (c) will be conclusively taken to be duly given or made and received:
  - (i) in the case of delivery in person, when delivered;
  - (ii) in the case of delivery by express post, to an address in the same country, two Business Days after the date of posting;
  - (iii) in the case of delivery by any other method of post, six Business Days after the date of posting (if posted to an address in the same country) or 10 Business Days after the date of posting (if posted to an address in another country);
  - (iv) in the case of fax, on receipt by the sender of a transmission control report from the despatching machine showing the relevant number of pages and the correct destination fax number or name of recipient and indicating that the transmission has been made without error; and
  - (v) in the case of email, at the earliest of:
    - (A) the time that the sender receives an automated message from the intended recipient's information system confirming delivery of the email;

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- (B) the time that the intended recipient confirms receipt of the email by reply email; and
- (C) three hours after the time the email is sent (as recorded on the device from which the sender sent the email) unless the sender receives, within that three hour period, an automated message that the email has not been delivered,

but if the result is that a Notice would be taken to be given or made and received:

- (vi) in the case of delivery by hand, post or fax, at a time that is later than 5pm;
- (vii) in the case of delivery by email, at a time that is later than 7pm; or
- (viii) on a day that is not a Business Day,

in the place specified by the intended recipient as its postal address under clause 15.15(b), it will be conclusively taken to have been duly given or made and received at the start of business on the next Business Day in that place.

**15.16 Governing Law and Jurisdiction**

This Deed is governed by the laws applicable in New South Wales. In relation to it and related non-contractual matters each party irrevocably submits to the non-exclusive jurisdiction of courts with jurisdiction there.

CL22.102 - Attachment 4

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## Schedule 1

**Table 1 - Requirements under section 7.4 of the EPA Act (clause 2(b))**

The parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the Deed complying with the EPA Act.

Requirement under the Act	This Agreement
<b>Planning instrument and/or development application</b> – (section 7.4(2))  The Developer has: <ul style="list-style-type: none"> <li>(a) sought a change to an environmental planning instrument.</li> <li>(b) made, or proposes to make, a Development Application.</li> <li>(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</li> </ul>	<ul style="list-style-type: none"> <li>(a) No</li> <li>(b) Yes</li> <li>(c) No</li> </ul>
<b>Description of land to which this Agreement applies</b> – (section 7.4(3)(a))	See definition of Development land in clause 1.1.
<b>Description of development to which this Agreement applies</b> – (section 7.4(3)(b))	See definition of Development in clause 1.1.
<b>Description of change to the environmental planning instrument to which this Agreement applies</b> – (section 7.4(3)(b))	N/A
<b>The scope, timing and manner of delivery of contribution required by this Agreement</b> – (section 7.4(3)(c))	See definition of Works in clause 1.1, clause 6 and Annexure A
<b>Applicability of sections 7.11 and 7.12 of the EPA Act</b> – (section 7.4(3)(d))	<p>The application of section 7.11 the EPA Act is <b>excluded</b> in respect of the Development to the extent it enables the Council to impose contributions in respect of the works which are the subject of contribution item 05ROAD4008 in the Contributions Plan, and only to the extent of the amount of the Estimated Costs.</p> <p>The application of section 7.11 of the EPA Act is otherwise <b>not excluded</b> in respect of the Development.</p> <p>The application of section 7.12 of the EPA Act is <b>excluded</b> in respect of the Development.</p>

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Requirement under the Act	This Agreement
<b>Applicability of section 7.24 of the EPA Act</b> – (section 7.4(3)(d))	The application of section 7.24 of the EPA Act <b>is not excluded</b> in respect of the Development.
<b>Consideration of benefits under this Agreement if section 7.11 applies</b> – (section 7.4(3)(e))	N/A
<b>Mechanism for Dispute Resolution</b> – (section 7.4(3)(f))	See clause 10
<b>Enforcement of this Agreement</b> – (section 7.4(3)(g))	See clause 9
<b>No obligation to grant consent or exercise functions</b> – (section 7.4(10))	See clause 15.12

Table 2 – Other matters

Requirement under the Act	This Agreement
<b>Registration of the Planning Agreement</b> – (section 7.6 of the Act)	Yes (see clause 7)
<b>Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate is issued</b> – (clause 25E(2)(g) of the Regulation)	Yes (see clause 6.1(c))
<b>Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before an occupation certificate is issued</b> – (clause 25E(2)(g) of the Regulation)	Yes (see clause 6.5(a))
<b>Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before a subdivision certificate is issued</b> – (clause 25E(2)(g) of the Regulation)	No

CL22.102 - Attachment 4

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**Schedule 2**

**Development Land**

CL22.102 - Attachment 4





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Each attorney executing this Deed states that he or she has no notice of the revocation or suspension of his or her power of attorney.

**Executed and delivered as a Deed** in Sydney.

**Executed** as a deed by **Shoalhaven City Council** (ABN 59 855 182 344) under seal in accordance with a resolution of the Council on [date]:

\_\_\_\_\_  
Signature of

\_\_\_\_\_  
Signature of

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

**Executed** as a deed in accordance with section 127 of the *Corporations Act 2001* by **Bunnings Properties Pty Limited** (ACN 46 008 557 622):

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Director/Secretary Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

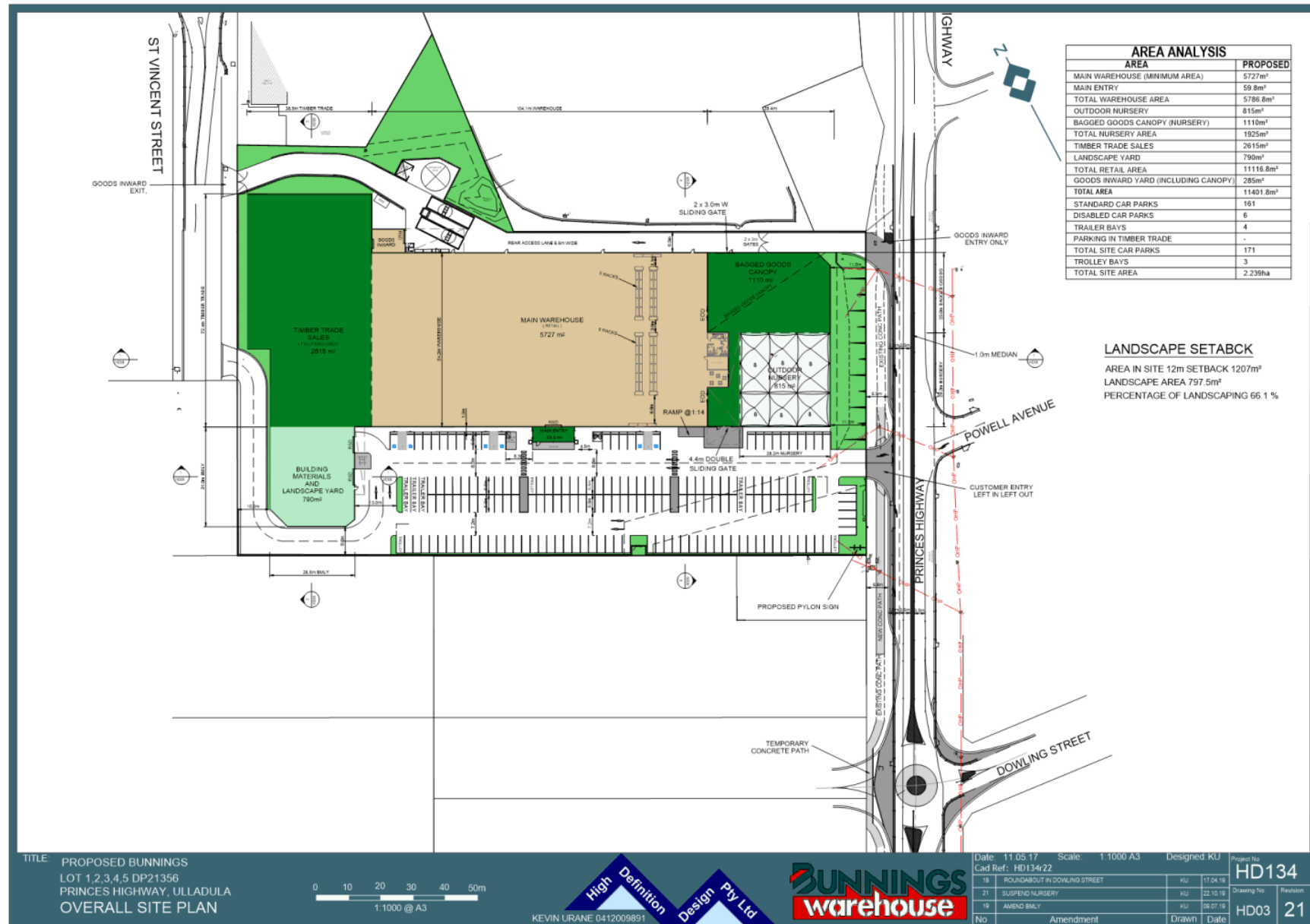
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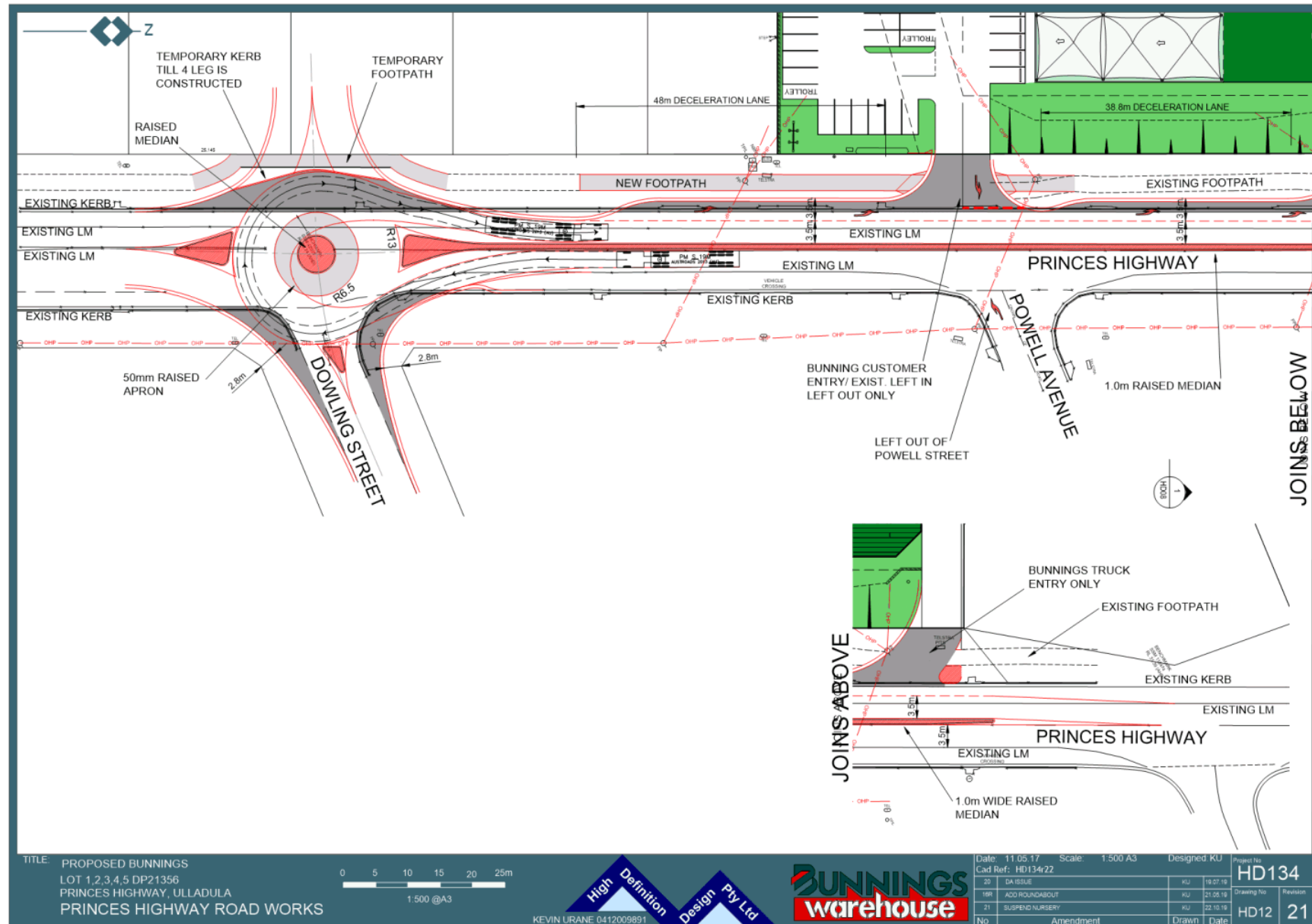
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**Annexure A to Planning Agreement**

**Preliminary Design Documents**

CL22.102 - Attachment 4





**Bunnings South Ulladulla Planning Agreement**  
**Shoalhaven City Council**  
**Bunnings Properties Pty Limited**

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## **Explanatory Note**

### **Draft Planning Agreement**

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

### **Parties**

**Shoalhaven City Council** ABN 59 855 182 344 of PO Box 42 NOWRA NSW 2541  
(Council)

**Bunnings Properties Pty Limited** ABN 46 008 557 622 of Level 8, 5 Rider Boulevard  
RHODES NSW 2138 (Developer)

### **Description of the Land to which the Draft Planning Agreement Applies**

The Development Land is land comprised in Lots 1 – 5 in Deposited Plan 21356 and part of Lot 23 in DP 1082957, as consolidated or subdivided from time to time

### **Description of Proposed Development**

The development of the Development Land, the subject of a Development Consent, for the purposes of a Bunnings warehouse, including:

- (a) consolidation and subdivision of Lots 1-5 in DP 21356 and Lot 23 in DP 1082957 into:
  - (i) a single lot comprising the Development Land; and
  - (ii) a residual lot comprising the part of Lot 23 in DP 1082957 that will not form part of the Development Land;
- (b) demolition of existing structures on the Development Land;
- (c) clearing and earthworks on the Development Land;
- (d) construction of a new building on the Development Land to be used for the purposes of 'hardware and building supplies' and 'garden centre'; and

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- (e) the road upgrades which comprise the Works as generally shown in the preliminary designs in Annexure A.

**Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

**Objectives of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to require the Developer to provide road infrastructure. Specifically, the Developer will make the following contributions:

- (a) a roundabout at the intersection of Princes Highway and Dowling Street;
- (b) a median within the Princes Highway road reserve; and
- (c) the extension of St Vincent Street across the western boundary of the Development Land.

The roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street are works which form part of contribution item 05ROAD4008 in the Council's contributions plan. Accordingly, the Draft Planning Agreement is prepared on the basis that:

- (a) no s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
- (b) if the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with, and
- (c) Council is not required to make any payment to the Developer after 31 December 2039.

**Nature of Draft Planning Agreement**

The Draft Planning Agreement is a planning agreement under s7.4 of the EPA Act. It is a voluntary agreement under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4(2) of the EPA Act).

**Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development,



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- excludes the application of s 7.11 of the EPA Act to the Development but only in respect of the works which are the subject of contribution item 05ROAD4008 in the Contributions Plan, and only to the extent of the amount of the estimated costs of the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor,
- excludes the application of s 7.12 of the EPA Act to the Development,
- does not exclude the application of s 7.24 of the EPA Act to the Development,
- requires carrying out of road works,
- if the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street exceeds the amount of s7.11 contributions for the contribution item 05ROAD4008 that would have been required to be paid, the Council is required to, after receiving a request from the Developer, pay the Developer the difference. Such payment is to be made from funds collected by the Council from other developers for contributions item 05ROAD4008 and payment is only required after the road works are completed and any rectification notices are complied with,
- requires the Developer to provide a bank guarantee for the works to be carried out by the Developer prior to the issue of the Construction Certificate for the Development,
- is to be registered on the title to the development land,
- imposes restrictions on the Developer transferring the Land or part of the Land or assigning an interest under the Planning Agreement,
- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales,
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

**Assessment of the Merits of the Draft Planning Agreement****The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,
- allows for the delivery and co-ordination of roads and traffic facilities for the area surrounding the development,
- provides and co-ordinates roads and traffic facilities in connection with the Development.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to carry out and complete road works

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to the Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.

**How the Draft Planning Agreement Promotes the Public Interest**

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- delivering road infrastructure and facilities which benefit the local and wider community.

**For Planning Authorities:**

***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A

***Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

***Councils – How the Draft Planning Agreement Promotes the Guiding Principles for Councils in s8A of the LG Act (Previously the Elements of the Council's Charter)***

The Draft Planning Agreement promotes the elements of the Council's charter by:

- enabling Council to work with others to secure appropriate services for local community needs, namely working with the Developer to secure the provision of the roads infrastructure and facilities,
- enabling Council to manage lands and assets so that current and future local community needs can be met in an affordable ways, namely by requiring the Developer to carry out the road works which will become assets of the relevant roads authority,
- enabling Council to actively engage with its local community through the public exhibition of this planning agreement.

***All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program***

Yes. The Draft Planning Agreement conforms with the Council's capital works program.

***All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a***

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***construction certificate, occupation certificate or subdivision  
certificate is issued***

Yes. This Draft Planning Agreement requires:

- (a) the Practical Completion of the works, obtaining of a Certificate of Practical Completion from a roads authority, and the provision of that Certificate of Practical Completion to the Council before the first Occupation Certificate is issued for the Development (clause 6.5), and
- (b) the provision of the required bank guarantee prior to the issuing of the first Construction Certificate for the Development (clause 9.2(a)), and
- (c) the registration of the Planning Agreement on the whole of the Development Land prior to the issuing of any Construction Certificate for any building in the Development (clause 8.1(g)), and
- (d) the submission of detailed design of the works to the Council and roads authority, obtaining their written approval to the detailed design and, if required by a roads authority, the entering into a works authorisation deed for the works, prior to the issuing of any Construction Certificate for any building in the Development (clause 6.1(b)).

CL22.102 - Attachment 5