

## Ordinary Meeting

**Meeting Date:** Monday, 09 May, 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

**Membership** (Quorum - 7)  
All Councillors

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

### Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

## Agenda

1. Acknowledgement of Country
2. Moment of Silence and Reflection
3. Australian National Anthem
4. Apologies / Leave of Absence
5. Confirmation of Minutes
  - Ordinary Meeting - 26 April 2022
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minute
9. Deputations and Presentations
10. Call Over of the Business Paper
11. A Committee of the Whole (if necessary)

## 12. Committee Reports

Nil

## 13. Reports

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### Notices of Motion / Questions on Notice

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## 15. Confidential Reports

### Reports

- CCL22.12 Tenders – Albatross Aviation Technology Park - Non-Potable Water Storage Tanks for Firefighting Reserves

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

- CCL22.13 Tenders – Sustainable Tourism Projects - Bherwerre Wetland

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

- CCL22.14 Tenders – Various Mains Relining Project

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

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## CL22.209 Draft Delivery Program Operational Plan and Budget 2022-23 - Public Exhibition

**HPERM Ref:** D22/136433

**Department:** Corporate Performance & Reporting  
**Approver:** Kevin Voegt, Director - City Performance

**Attachments:**

1. Draft Delivery Program Operation Plan & Budget 2022-23 (councillors information folder) [⇒](#)
2. Draft Fees & Charges 2022-23 – Part 1 (councillors information folder) [⇒](#)
3. Draft Fees & Charges 2022-23 – Part 2 (councillors information folder) [⇒](#)
4. Draft Resourcing Strategy 2022-26 (councillors information folder) [⇒](#)

### Reason for Report

To provide Council with the Draft Delivery Program and Operational Plan (DPOP) and Draft Budget and Draft Fees and Charges for 2022/23, and to seek the endorsement of Council to place these documents on public exhibition in accordance with legislative requirements.

### Recommendation

That Council:

1. Endorse the Draft 2022/23 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges and Draft Resourcing Strategy for the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the 2021/22 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.
3. In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) to be 6% per annum which is the Office of Local Government recommended maximum for 2022/23 financial year.
4. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
5. Approve the Minister's allowable limit of a 4.53% increase (1.7% rate peg plus 2.83% SRV catch-up) in 2022/23 to the notional yield as permitted by Section 511 of the Local Government Act 1993.
6. Receive a report on feedback from the community on the Draft 2022/23 Delivery Program Operational Plan and Budget following the public exhibition period.

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## Options

1. Council resolves to place the Draft DPOP, Budget and Fees and Charges for 2022/23, on public exhibition for 28 days inclusive with the 4.53% rates increase as recommended.

Implications: The documents will be placed on public exhibition as presented in the report with a report back to a Council in June with details of submissions received including any community feedback on the inclusion of 2.83% SRV increase in the Draft DPOP.

2. Council resolves to place the Draft DPOP, Budget and Fees and Charges for 2022/23, on public exhibition for 28 days with the Council Resolution on:
  - a. 1.7% rate peg rates increase which will not be sufficient to fund increase in recurrent operational costs.
  - b. Council nominating an alternate rate increase noting that each percent (1%) reduction from the recommended 4.53% increase would equate to a reduction in revenue of \$0.86 million.
  - c. Other amendments to the draft 2022/23 DPOP, Budget and Fees & Charges as determined by Council.

Implications: Council would need to provide direction to staff in relation to the necessary budget adjustments to accommodate the recommended alternate rate increase. Ideally, options in this regard should be placed on public exhibition with the DPOP documents presented in this report.

## Background

In accordance with the Integrated Planning and Reporting (IPR) requirements in the NSW Local Government Act, Council has developed a Delivery Program for the period 2022-2026. The Delivery Program inclusive of the draft Operational Plan and Budget 2022/23, is presented to Council for endorsement for public exhibition and community feedback.

The draft Community Strategic Plan - Shoalhaven 2032 is also presented to Council for endorsement for public exhibition and is included as an additional report to this Council meeting.

Council has developed an accompanying Resourcing Strategy 2022-2026. The Strategy is an operational document which contains the Workforce Strategy, Asset Management Policy and Strategy, ICT Strategy, and the Long-Term Financial Plan 2022-2032. The Resourcing Strategy addresses how Council will implement and resource the Delivery Program through planning for our finances, assets, and workforce. This document will also be placed on public exhibition for 28 days.

The adoption of a high-level budget strategy and economic parameters by Council will generally take place in December of each year and thus enables staff to prepare the draft budget with an improved level of confidence that the draft budget, when discussed at budget workshops and ultimately presented formally for consideration, will meet Council's expectations. It is also considered that the adoption of a high-level budget strategy and economic parameters by Council makes the budget preparation more transparent and efficient with strategic priorities and budget constraints being identified in advance.

However, due to timing of the elections, it was not possible for the Council to adopt budget parameters in advance and as a result of the time constraints, the draft budget parameters and strategies were discussed in a briefing to Councillors on Thursday, 10 March 2022 and further refined at the budget workshop on 26 March 2022.

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The Strategic Budget Principles are outlined below:

Adopted Budget Strategy/Parameter	Achieved
The budget will not result in an unrestricted cash deficit.	✓
Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements.	✓
Maintain an adequate working funds balance.	✓
Rates are increased by 4.53% to cover known additional costs in 2022/23 including a reduction of funding gaps for roads, parks and precincts, buildings, and newly commissioned assets.	✓
User fees and charges are increased by 2%	✓
Salaries and wages will be increased by 2% (as per Local Government Award)	✓
Maintain a stable level of non-commercial borrowings for the General Fund	✓
Prioritise funding in the following order: <ol style="list-style-type: none"> <li>Provide sufficient funding for all continuing services</li> <li>Continue Council's commitment to asset renewal</li> <li>Continue a program of capital improvements at similar budget levels and ratios</li> <li>Provide funding for recommended service expansions</li> </ol>	✓
b. Should the need arise during the year for additional borrowings, the following options in priority order will be considered: <ol style="list-style-type: none"> <li>Internal borrowing opportunities</li> <li>Low-cost loan initiative</li> <li>External loans not subsidised by the low-cost loan initiative</li> </ol>	✓

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### Council Priorities

The Delivery Program details what activities Council intends to undertake to achieve the key priorities outlined in the draft Community Strategic Plan 2032. These priorities are grouped under the themes of:

- Resilient, safe, accessible and inclusive communities
- Sustainable, liveable environments
- Thriving local economies
- Effective, responsible and authentic leadership

Each of the themes and key priorities that have been identified by the community have been allocated 4-year objectives in the Delivery Program, and 1-year actions in the Operational Plan.

The draft combined Delivery Program and Operational Plan (DPOP) outlines these 54 objectives, and the actions, projects and services Council will deliver in the 2022-23 financial year.

## Major Projects and Initiatives

Full details on Council's planned major projects and initiatives are included in [Attachment 1 – Draft Delivery Program Operation Plan & Budget 2022-23](#).

Major project highlights include:

- Shoalhaven Community and Recreation Precinct (SCaRP) - progressing construction of the new sporting facilities for AFL, Cricket and Croquet.
- Sanctuary Point Library – anticipated construction to commence before end of 2022.
- Nowra Riverfront Precinct progressing with proposed urban design and land use planning changes which will enable redevelopment of this key city precinct.
- Boongaree Berry – Pump Track, Skate Park, practice netball courts and cricket nets.
- Revitalisation of Vincentia Village shopping mall
- Continue construction on the Bioelektra Resource Recovery Facility, expecting to be fully operational by end of 2023.
- Materials Recovery Facility (MRF) - installation of equipment to commence mid-2022.
- Continue work on the Far North Collector Road to help address traffic congestion and accommodate future housing growth.
- Moss Vale Road Urban Release Areas construction of sewer and water infrastructure.

## Highlighted Initiatives

- Investigations to articulate a vision for a new Shoalhaven Regional Gallery
- Support for volunteer led museums
- Celebrate contribution of aboriginal & multicultural communities
- Develop Community Sustainable Living Program
- Review and update of Employment Land & Economic Development Strategies
- Continued development of our Industrial Estates
- Ulladulla Boardwalk, Harbourside and new Berthing facilities
- New skate parks - Ulladulla (grant dependent) and Bay & Basin

## Focus on Recovery and Resilience

Ongoing actions include:

- Operation of the Natural Disaster Office to coordinate recovery of key road infrastructure damaged in recent natural disasters
- Build community awareness and encourage planning for disasters
- Develop community profiles to identify hazards, critical infrastructure, vulnerable facilities or groups
- Working with partners to implement initiatives which encourage help-seeking and to build community understanding of mental health issues and available supports.
- Implementation of the updated Shoalhaven Adaptation Plan.

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## Performance measures

Performance measures against each Operational Plan Action have been included to ensure that Council continues to be accountable against the objectives that have been set and to better manage community expectations. These measures can be targets, benchmarks or milestones.

## Revenue Policy

### Proposed 2022/23 Rates Structure

It is recommended that Council maintain the 2022/23 rating structure, comprising both base and ad valorem amounts. The use of a base amount brings the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers. This is a common rating structure and is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.

The rating structure has a flat base amount of \$698, with the exception of the Residential – Non-Urban category that has a base of \$49.

Business – Ordinary category that does not have a base amount and is subject to an ad valorem rate in the dollar levied on the value of the property supplied by the Valuer General of NSW.

Business – Ordinary rates are levied on parcels of land held by the Crown and categorised as Business Permit (i.e., Crown leases such as permissive occupancies, jetties, slipways, moorings, pastoral leases, etc.).

The following rates are proposed for 2022/23 in respect of each category of ordinary rate levied by Council:

- Residential: Will be levied a base amount of \$698 and an ad valorem rate of 0.1895 cents in the \$ for Ordinary Residential Rates and a base amount of \$49 and an ad valorem rate of 0.1895 cents in the \$ for Residential Non-Urban Rates.
- Farmland: The rates for both Farmland and Dairy Farmland will be levied a base amount of \$698 and an ad valorem rate of 0.1569 and 0.0799 cents in the \$, respectively.
- Business: All sub-categories will utilise the same base amount of \$698, excluding Business Permit (Ordinary – Business category), where no base amount is applied given the type of properties within this category. However, different ad valorem rates have been applied, depending upon the level of service provided in each area. An ad valorem rate for Nowra CBD business rates is 0.5899 cents in the \$, Business Permit 0.38983 and Business Commercial / Industrial 0.2736.

Draft Fees & Charges 2022-23 are included as Attachment 2 (Part 1) and Attachment 3 (Part 2).

### Interest on Overdue Rates & Charges

Council's current policy is to adopt the maximum permissible interest rate for each year on overdue rates, charged on a simple interest basis. This is consistent with the policy of the other local councils in the region.

It has been determined that the rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) will be 6.0% per annum.

Interest charges will be waived for ratepayers that experience financial hardship and can apply for financial assistance under the Council Hardship Policy.

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### 2022/23 Rates Increase

In 2010, the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) was delegated responsibility for determining the allowable annual increase in local government general rates income. In 2015, the NSW State Government declared Shoalhaven City Council as a Fit for the Future Council. This was based on a Council submission provided to the Office of Local Government (OLG) and IPART which outlined several actions the Council would undertake to improve its financial sustainability.

To ensure consistency with our Long-Term Financial Plan (LTFP) and to meet our Fit for the Future benchmarks, Council successfully applied to IPART in February 2018 for a Special Rates Variation (SRV) for each of the three financial years: 2018/19; 2019/20 and 2020/21.

The Special Rates Variation (SRV) was approved to allow the Council to improve its financial sustainability, fund capital expenditure, reduce its infrastructure backlog, reduce its operating deficit, and fund asset renewal and maintenance.

As per IPART determination, in 2020/21 Shoalhaven City Council could increase rates by maximum 5% (2.6% rate peg plus 2.4% increase in addition to the rate peg as per approved SRV). However, in consideration of the economic impact of the unprecedented effect of the COVID-19 pandemic, Shoalhaven City Council did not take up the full SRV in 2020/21 and increased rates by 2.6% (rate peg only).

Furthermore, as per the IPART determination, in the 2021/22 financial year, in addition to the prior year 2.4% SRV increase, Council could take up another 0.6% SRV increase, which in total equates to \$2.384 million of additional revenue. However, Council resolved to increase rates only by the rate peg of 2.6% and did not take up any SRV increase for the 2021/22 financial year.

According to the Local Government Act 1993, Council has a period of up to 10 years to catch-up on any Special Rates Variation increases that was not taken up in previous years.

In addition to the SRV, the Independent Pricing and Regulatory Tribunal (IPART) has announced that the Rate Peg for Shoalhaven City Council for the 2022/23 year is 1.7%. The Local Government Cost Index for the year ending 30 June 2021 is 0.9% less an adjustment of 0.2% for the cost of the 2021 local government elections, Shoalhaven also has had a population factor of 1% added to their rate peg amount.

It is important to note that the recent economic forecast indicates that Australia will face rapid inflation in upcoming years and being an indicator that is based on historic CPI calculations, rather than inflation forecast, the rate peg will not be sufficient to address rapid inflation.

It is recommended to increase rates by 4.53% in the 2022/23 financial year which includes 1.7% rate peg increase and \$2.384 million (2.83%) SRV catch up as the rate increase alone will be insufficient to fund the known additional costs for 2022/23 budget as outlined in the *Major Operating Budget Requirements* section of this report.

The 4.53% rates increase will result in a total additional rate revenue of \$3.8 million, with the full SRV of \$2.4 million being caught up:

	(\$'000)	%
Current Rates Yield 2021/22 Permissible income +0.5% growth (a)	82,006	100%
Plus: Rate peg increase (b)	1,394	1.70%
Plus: SRV (increase above Rate Peg) (c)	2,384	*2.83%
Projected 2022/23 Rates Yield (a+b+c)	85,784	104.53%

\* Note: In contrast to the rate peg which is the annual % increase set up by IPART, Special Rates Variation increase for Council is a fixed \$ amount of \$2,384 and the percentage of SRV increase = SRV \$ amount/current rates yield.

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An impact of the rate increase on average residential property is summarised in table below:

	<b>Average Residential Rates</b>	<b>Increase/Annum</b>	<b>Increase/Quarter</b>
2021/22 Current rates	\$1,335.41		
2022/23 with 1.70% Rate Peg	\$1,358.24	\$22.83	\$5.71
2022/23 with 4.53% Increase (additional)	\$1,396.24	\$38.00	\$9.50
<b>4.53% Total Increase over current rates</b>		<b>\$60.83</b>	<b>\$15.21</b>

As discussed in detail with Councillors during the budget workshops and presentations, the 4.53% is the minimum rates increase required for the Council to have a balanced budget and fund the current level of servicing for buildings, parks and roads and maintain a mostly consistent capital works program. As has been explained during the workshops, the SRV revenue is essential to start to address the significant deterioration in the condition of roads across the Shoalhaven.

While Council continues to prioritise renewal and maintenance of existing assets during the budgeting process, the amount available for these activities remains insufficient due to limited available funds. Each financial year that the required maintenance is not being fully funded, increases risk and customer satisfaction decreases, as these services being provided from the assets become less reliable, less safe, less secure, and not fit for purpose. Subsequently, the number of assets in poor to very poor condition is increasing year upon year. The proposed 4.53% increase of rates revenue will continue to improve the situation as more funds will be allocated towards assets renewal and maintenance.

Council's assets on average have expired 32% of their expected life and a large number of assets are in poor to very poor condition which is below customer expected levels of service. This remains an ongoing fiscal challenge for Shoalhaven City Council, and many other councils in NSW, and is a key factor considered in Council's long-term financial and asset management strategic plans.

Whilst it is impossible for Council to address all significant maintenance and renewal gaps in one year, the 2022/23 budget as presented will reduce the maintenance budget gaps significantly and will secure this additional revenue into future years which is the cornerstone of the long-term financial sustainability of Council.

#### Major Operating Budget Requirements

Based on an in-depth review of the current budget requirements and taking into consideration projected increases in materials / services and employee costs, management identified the following 2022/23 operational budget savings/increases:

<b>Category shortfall /(savings)</b>	<b>\$'000</b>	<b>Reason</b>
Reduction in Defined Benefits Plan	(\$402)	decrease in contributions
Interest Income	(\$150)	Increase in revenue
Labour 2%	\$1,300	Award increase as per the LG Award
Increase in super contributions	\$402	Increase from 9.5% to 10%
Admin. & other expenses 0.50%	\$198	nominal increase to reflect CPI
Insurance	\$300	Insurance premium
Borrowing Costs	\$165	Estimated increase
Operational Plant Costs	\$600	unavoidable increase, mainly fuel

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Category shortfall /(savings)	\$'000	Reason
New Assets Maintenance (inc. Boongaree)	\$1,500	new assets
Roads Maintenance	\$2,000	historic shortfall
Parks and precincts maintenance shortfall	\$2,700	increase of level of service in 21/22
Road and Drainage Reserves Vegetation Maintenance	\$612	historic shortfall
Asset Protection Zone Maintenance	\$262	historic shortfall
Public Amenity Cleaning	\$710	current cleaning schedule is consistently underfunded to meet community expectations.
Savings on Cleaning Contract	(\$285)	Contract savings
Community Buildings repairs and maintenance	\$712	historic shortfall
Admin. Buildings Programmed Maintenance	\$207	historic shortfall
Grounds Maintenance	\$203	historic shortfall
Works Depots Programmed Maintenance	\$166	historic shortfall
Statutory Inspections	\$124	historic shortfall
Emergency Services Programmed Maintenance	\$31	historic shortfall
Entertainment Centre Maintenance	\$125	historic shortfall
<b>Total</b>	<b>\$11,480</b>	

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The budget requirements summarised above include only known current budget shortfalls and exclude additional budget required to address the long-standing assets backlog.

As discussed during the budget workshop held on 26 March 2022, next year's Draft Budget will address unavoidable costs/savings identified such as a reduction in Defined Benefits Plan contributions and an increase in super contributions, labour increase, interest income, increase of administrative, insurance, borrowings and operational plant costs; and will partially address maintenance shortfalls with the strategy to fully address historic maintenance shortfalls over the next three financial years as summarised below:

Shortfall	2022/23 (\$'000)	2022/23 (%)	2023/24 (\$'000)	2023/24 (%)	2024/25 (\$'000)	2024/25 (\$'000)
New Assets Ongoing Maintenance	290	22%	790	61%	1,290	100%
Boongaree Maintenance	210	100%	210	100%	210	100%
Roads Maintenance	2,000	100%	2,000	100%	2,000	100%
Parks and precincts maintenance shortfall	1,200	44%	1,950	72%	2,700	100%
Road and Drainage Reserves Vegetation Maintenance	204	33%	408	67%	612	100%



Shortfall	2022/23 (\$'000)	2022/23 (%)	2023/24 (\$'000)	2023/24 (%)	2024/25 (\$'000)	2024/25 (\$'000)
Asset Protection Zone Maintenance	262	100%	262	100%	262	100%
Public Amenity Cleaning	710	100%	710	100%	710	100%
Savings on Cleaning (if contract awarded)	(285)	100%	(285)	100%	(285)	100%
Community Buildings R&M	237	33%	475	67%	712	100%
Admin. Buildings Programmed Maintenance	69	33%	138	67%	207	100%
Grounds Maintenance	68	33%	135	67%	203	100%
Works Depots Programmed Maintenance	55	33%	111	67%	166	100%
Statutory Inspections	41	33%	83	67%	124	100%
Emergency Services Programmed Maintenance	10	33%	21	67%	31	100%
Entertainment Centre Maintenance	42	33%	83	67%	125	100%
<b>Total:</b>	<b>5,114</b>	<b>56%</b>	<b>7,090</b>	<b>78%</b>	<b>9,067</b>	<b>100%</b>

It is important to note that the management strategy to address budget shortfalls is subject to Council's endorsement of the full SRV catch-up in the 2022/23 financial year and will not be achievable with a lower rate increase than the recommended 4.53%.

### Budget Summary

#### Income Statement by Fund

	(\$'000)				
	General Fund	Water Fund	Sewer Fund	Interfund Adj.	Consol.
Income from Continuing Operations	298,671	34,616	57,138	(66,821)	323,604
Expenses from Continuing Operations	266,221	31,311	48,373	(64,827)	281,078
Net Surplus	32,450	3,305	8,765	(1,994)	42,526
Net Surplus/(Deficit) before Capital	306	(359)	6,365	(1,994)	4,318
Net Cash Movement	(46,811)	(9,593)	(7,808)	0	(64,212)
Net Reserve Movement	46,811	9,593	7,808	0	64,212
<b>Net Unrestricted Cash Movement</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The proposed Draft 2022/23 Budget includes a capital expenditure of \$192 million across General, Water and Sewer funds along with the \$281 million of operating expenditure required to provide the essential services to our community which brings the next year's consolidated budget to \$473 million.

	(\$'000)
	Consolidated Budget
Capital Budget	191,985
Operating Budget	281,078
<b>Total Budget</b>	<b>473,063</b>

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The budget was prepared based on the principles of prudent financial management and fiscal discipline. It is a balanced budget meaning that the budgeted general fund operational and capital expenditures do not exceed the general revenue and available internal and external restrictions of the Council and conforms to the requirement for generally no cash deficit budgeting. Maintaining a healthy level of working capital was also taken into consideration in the proposed 2022/23 Budget.

The proposed balanced budget is outlined below (\$'000):

	2021/22 Budget (\$'000)			
	General Fund	Water Fund	Sewer Fund	Consol.*
Rates & Annual Charges	114,726	4,495	48,434	167,655
User Charges and Fees	63,398	23,109	4,127	90,634
Interest and Investment Revenue	3,803	831	379	2,824
Other Revenues	4,052	6	0	4,058
Internal Revenue	60,323	2,511	1,798	0
Grants and Contributions provided for Operating Purposes	20,225	0	0	20,225
Grants and Contributions provided for Capital Purposes	32,144	3,664	2,400	38,208
<b>Total Income</b>	<b>298,671</b>	<b>34,616</b>	<b>57,138</b>	<b>323,604</b>
Employee Benefits and On-Costs	77,793	6,565	10,270	93,683
Borrowing Costs	2,790	0	3,360	5,955
Materials and Contracts	72,127	7,674	11,428	90,687
Depreciation and Amortisation	48,032	10,688	16,416	75,136
Other Expenses	15,679	38	0	15,617
Internal Expenses	49,800	6,346	6,899	0
<b>Total Expenses</b>	<b>266,221</b>	<b>31,311</b>	<b>48,373</b>	<b>281,078</b>
<b>Net Operating Results</b>	<b>32,450</b>	<b>3,305</b>	<b>8,765</b>	<b>42,526</b>
<b>Net Surplus/(Deficit) before Capital</b>	<b>306</b>	<b>(359)</b>	<b>6,365</b>	<b>4,318</b>
<b>Other Cash Adjustments</b>				
Capital Expenditure	(142,601)	(24,367)	(25,018)	(191,986)
New Borrowings	21,080	0	0	21,080
Loan Principal Repayments	(13,425)	0	(5,416)	(18,908)
Proceeds from the disposal of assets	5,659	120	100	5,879
Receipt of Internal Loan Repayment	0	1,119	(1,119)	0
Depreciation Adjustment	48,032	10,688	16,416	75,136
Dividend Paid to General Fund	1,994	(458)	(1,536)	0
<b>Net Cash Outflow</b>	<b>(46,811)</b>	<b>(9,593)</b>	<b>(7,808)</b>	<b>(64,212)</b>
<b>Reserve Movements</b>				
<b>Net Transfers from Reserves</b>	<b>46,811</b>	<b>9,593</b>	<b>7,808</b>	<b>(64,212)</b>
<b>General Fund Net Cash Movement</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Note: Consolidated results include interfund adjustments not listed in the table.

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## Capital Works Program

An extensive \$192 million capital works program has been allocated in the Draft Budget for 2022/23 with the road's renewal program being a focus of general fund budget:

Capital Program	\$'000
Roads and Transport	23,341
Waste and Recycling Program	22,956
Open Space, Sport and Recreation	19,760
Economic Development	18,469
Strategic Roads and Bridges	16,581
Buildings and Property	12,541
Commercial Undertakings	11,973
Stormwater	5,235
Fleet and IT Services	4,793
Environmental Management	3,728
Community and Culture	1,395
Waterways Infrastructure	819
Bridges	830
Regulatory Services	180
<b>Total General Fund</b>	<b>142,601</b>
Water and Sewer Capital Works	49,385
<b>Total Capital Program</b>	<b>191,986</b>

The proposed funding sources for the capital works program are:

Funding Source	Proposed Budget (\$'000)	%
<b>Grants</b>	<b>27,794</b>	<b>14%</b>
<b>Existing Loans</b>	<b>34,030</b>	<b>18%</b>
<b>New Loans</b>	<b>21,080</b>	<b>11%</b>
16 Berry Street – subject to investigation / direction	208	
Buildings Fire Compliance Works	599	
Depot Safety Improvement Works	700	
EOI 100 St Vincent St Ulladulla - Stage 2 Fire Compliance Works	203	
Nowra Players Theatre-Stage 2 Compliance	410	
SEC - Compliance Works	293	
Ulladulla Civic Centre Improvements	395	
Park Road Netball Court Redevelopment - South Nowra	2,300	
Showgrounds Amenities - SCC BLERF Contribution	3,900	
Ulladulla Skate Park (subject to successful grant application)	1,000	

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Funding Source	Proposed Budget (\$'000)	%
Curarong - Curarong Rd –Rehab - CH7.5-1 CH1.7	1,000	
Roads Rehabilitation Works	4,243	
Tourist Parks (commercial loan)	3,926	
Bioelektra Resource Recovery Facility RRF	1,000	
Other Grant Funded Projects Co-Contribution	905	
<b>General Fund Including Carry Forwards</b>	<b>15,713</b>	<b>8%</b>
<b>Special Rates</b>	<b>9,713</b>	<b>5%</b>
<b>Industrial Land</b>	<b>7,478</b>	<b>4%</b>
<b>Section 7.11 Deleted</b>	<b>2,641</b>	<b>1%</b>
<b>Waste Reserve</b>	<b>4,815</b>	<b>3%</b>
<b>Plant Replacement</b>	<b>7,709</b>	<b>4%</b>
<b>Section 7.11</b>	<b>7,188</b>	<b>4%</b>
<b>Stormwater Levy</b>	<b>1,161</b>	<b>1%</b>
<b>Other Internal Reserves</b>	<b>3,279</b>	<b>2%</b>
<b>Total Capital Program</b>	<b>142,601</b>	<b>74%</b>
<b>Water and Sewer Funds</b>	<b>49,385</b>	<b>26%</b>
<b>Total Capital Program</b>	<b>191,986</b>	<b>100%</b>

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### Budget Details – General Fund

The Operating Result for 2022/23, excluding capital grants, is a surplus of \$306K, compared to the 2021/22 deficit of \$737K (as per original budget). The main reason for the improvement in financial performance is an increase in rates revenue by 4.53%, and an increase in revenue for waste services. Furthermore, the 2021/22 budget included a one-off business system implementation cost of \$2.4M and 2022/23 budget only allocates \$500K for this project.

With the inclusion of capital grants, the net operating result is a surplus of \$32.45M. There is no net impact on the cash flow result for unrestricted general fund, that is, the budget.

### Budget Details - Shoalhaven Water

The Operating Result for the Water Fund for 2022/23, excluding capital grants, is a deficit of (\$359K), an improvement from the previous year budget deficit of (\$843K). This is based on an increase of residential usage charge by 10 cents from \$1.80 to \$1.90 and no increase to residential availability charge \$84. When capital grants and contributions are included, the net operating result is a surplus of \$3.3M.

The Operating Result of Sewer Fund for 2022/23, excluding capital grants, is a surplus of \$7.8M. This is based on an increase of availability charge by \$18 (2%) from \$892 to \$910. When capital grants are included, the net operating result is a surplus of \$10.15M.

The Shoalhaven Water Directorate capital expenditure of \$49.4 million has been allocated in the Draft Budget for 2022/23. The total includes the following significant projects/programs:

Water Fund:

- Moss Vale Road expansion area: \$6M
- Flinders Depot electrical workshop: \$3.7M
- Danjera Camping Facility & Refuge: \$2.1M

Sewer Fund:

- Moss Vale Road expansion area: \$10M
- Flinders Depot electrical workshop: \$3.7M
- St Anns and Lyrebird Park SPS upgrade: \$2.7M

### Key Performance Indicators

The key performance indicators are set by the Office of Local Government to measure financial performance and suitability of local councils across NSW. The projected 2022/23 indicators for each of the funds as well as consolidated funds for Shoalhaven City Council is outlined below.

Financial Performance Indicators:

	Description	Calculation	Target	Fund	2022/23
Operating Performance Ratio	Measures Council's achievement of containing operating expenditure within operating revenue	Total continuing revenue (excl Cap Grants & Contributions) - Operating Expenses	Greater than 0%	Consolidated	1.5%
		Total continuing revenue (excl Cap Grants & Contributions)		General	0.1%
		Total continuing revenue (excl Cap Grants & Contributions)		Water	-1.2%
		Total continuing revenue (excl Cap Grants & Contributions)		Sewer	11.6%
Own Source Operating Revenue Ratio	Measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions	Total continuing operating revenue (less ALL grants and Contributions)	Greater than 60%	Consolidated	81.9%
		Total continuing operating revenue		General	82.5%
		Total continuing operating revenue		Water	89.4%
		Total continuing operating revenue		Sewer	95.8%
Unrestricted Current Ratio	To assess the adequacy of working capital & its ability to term for the unrestricted activities of Council	Current assets less all external restrictions	Greater than 1.5	Consolidated	1.50
		Current liabilities less specific purpose liabilities		General	1.50
		Current liabilities less specific purpose liabilities		Water	11.51
		Current liabilities less specific purpose liabilities		Sewer	2.47
Debt Service Cover Ratio	Measures the availability of operating cash to service debt including interest, principal and lease payments	Operating result before capital excluding EBITDA	Greater than 2.0	Consolidated	3.44
		Principal Repayments + Borrowing Interest Costs		General	3.15
		Principal Repayments + Borrowing Interest Costs		Water	No Debt
		Principal Repayments + Borrowing Interest Costs		Sewer	2.64
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	To assess the impact of uncollected rates and annual charges on liquidity and the adequacy of recovery efforts	Rates, annual and extra charges outstanding	Less than 10%	Consolidated	8.9%
		Rates, annual & extra charges collectible		General	8.0%
		Rates, annual & extra charges collectible		Water	11.3%
		Rates, annual & extra charges collectible		Sewer	10.9%

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	Description	Calculation	Target	Fund	2022/23
Cash Expense Cover Ratio	To assess the number of months a Council can continue paying for its immediate expenses without additional cash inflow	12* Current year's cash and cash equivalents plus all term deposits	Greater than 3 months	Consolidated	5.11
		Payments from cash flow of operating and financing activities		General	3.13
				Water	14.47
				Sewer	3.01

Infrastructure Asset Performance Indicators:

	Description	Calculation	Target	Fund	2022/23
Infrastructure Renewal Ratio	To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating	Asset Renewals	Greater than 100%	Consolidated	98.0%
		Depreciation, amortisation and impairment		General	101.3%
				Water	125.2%
				Sewer	73.2%
Infrastructure Backlog Ratio	The ratio shows what proportion the backlog is against the total value of a Council's infrastructure	Estimated cost to bring assets to a satisfactory standard	Less than 2%	Consolidated	2.7%
		Net carrying amount of infrastructure assets		General	3.3%
				Water	1.9%
				Sewer	1.2%
Asset Maintenance Ratio	Compares budget vs required annual asset maintenance. A ratio above 1.0 indicated Council is investing enough funds to stop infrastructure backlog growing	Actual asset maintenance	Greater than 1x	Consolidated	0.93
		Required asset maintenance		General	0.88
				Water	1.00
				Sewer	1.00
Cost to bring assets to agreed service level	The ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and ownership	Estimated cost to bring assets to an agreed service level set by Council	No Benchmark	Consolidated	0.93%
		Gross Replacement Cost		General	1.50%
				Water	0.01%
				Sewer	0.01%

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Comments on the indicators that do not meet the benchmark:

Operating Performance Ratio, Water Fund Benchmark >0%, projected ratio is: -1.2%: this ratio is projected to be slightly below the benchmark but shows significant improvement in comparison to prior years. It is anticipated for the ratio to meet the benchmark over time as the water user charges increase.

Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage, Water and Sewer Fund Benchmark<10%, projected ratio is 11.3% and 10.9%: this ratio measures outstanding rates and charges rather than overdue balances and due to the timing of water and sewer billing, not all balances outstanding at year-end are overdue. As such, this ratio is misleading for these funds. If we apply a calculation based on overdue annual charges, the result will meet the benchmark: Water 5.7% and Sewer 5.8%.

Infrastructure Renewal Ratio, Sewer Fund Benchmark >100%, projected ratio is 73.8%: this ratio was above the benchmark in previous years and due to the delivery of a one-off significant capital project such as the sewer infrastructure for Moss Vale Road Urban Release Area and will set the ratio below the benchmark in 2022/23. This will be a one-off for this year and the ratio will bounce back in 2023/24.

Infrastructure Backlog Ratio, General Fund Benchmark <2%, projected ratio is 3.3%: growing backlog is a known ongoing issue for the local councils across NSW due to chronic shortage of budget available for assets renewals. Council is working on the long-term strategies to improve this ratio.

Asset Maintenance Ratio, General Fund Benchmark >1, projected ratio is 0.88: whilst this ratio is not going to meet the benchmark next year, as outlined in this report, Council has a strategy to improve the situation over next three years and taking up full SRV rate increase next financial year will significantly reduce maintenance shortfalls.

### Resourcing Strategy 2022-26

The Resourcing Strategy is the link between the Community Strategic Plan and Council's Delivery Program, it outlines how we will help achieve the Community's long-term priorities in terms of time, money, assets, and people. The Resourcing Strategy contains the following elements:

- **Workforce Management Strategy** - Builds the capability and capacity of the workforce to achieve Council's strategic goals and objectives. It considers what people, with what capabilities and experience are required to deliver Council's four-year Delivery Program.
- **Asset Management Strategy and Plan** - Includes the Asset Management Policy, Strategy direction for continuous improvement in the asset management of Council's \$4.9 billion in infrastructure, community, operational and commercial assets.
- **Information Communication Technology Strategy** - Outlines opportunities to build on the recent investment made in systems and technologies to create an exceptional customer experience.
- **Long Term Financial Plan 2022-2032** - A 10-year rolling plan that informs decision-making and demonstrates how objectives of the Community Strategic Plan and Delivery Program commitments will be resourced and funded. It outlines Council's ability to deliver cost-effective services to our community with a focus on financial sustainability.

The draft Resourcing Strategy 2022-26 is included as Attachment 4. Given the timing constraints already referenced in this report it is proposed to brief councillors on the Resourcing Strategy during the DPOP public exhibition period. Feedback from Council's Audit Risk and Improvement Committee will also be sought during this period in relation to the Draft Long Term Financial Plan and reported back to Council along with the any public submissions received.

### Community Engagement

A community engagement strategy has been prepared to ensure that the community can be informed about the contents of the Draft Delivery Program and Operational Plan, Budget, and Fees & Charges. These engagement activities are included in the Stage 2 plan for the review and update of the Community Strategic Plan and is included as an attachment to that report.

The engagement strategy includes a range of communication activities including advertising, media opportunities, digital promotions and information distribution, contact through CCBs, Advisory Committees and through Council's community engagement portal 'Get Involved'.



The exhibition will be promoted at scheduled community engagement sessions occurring throughout the 28-day period. Submissions will be able to be provided to Council online through our community engagement page, via email or in written form.

**Conclusion**

It is recommended that Draft 2022/23 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges and Draft Resourcing Strategy as presented in the report be placed on public exhibition for a period of 28 days.

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## CL22.210 Draft Community Strategic Plan - Shoalhaven 2032 - Public Exhibition

**HPERM Ref:** D22/136526

**Department:** Corporate Performance & Reporting  
**Approver:** Kevin Voegt, Director - City Performance

**Attachments:**

1. Draft Community Strategic Plan 2032 (councillors information folder) [⇒](#)
2. Draft CSP - Community Engagement Report Stage 1 (under separate cover) [⇒](#)
3. Draft CSP DPOP - Community Engagement Plan Stage 2 (under separate cover) [⇒](#)

### Reason for Report

Each Local Government Area is to have a Community Strategic Plan that has been developed and endorsed by the Council on behalf of its community. Council must review the Community Strategic Plan before 30 June in the year following an ordinary election of Council.

The current Community Strategic Plan - Shoalhaven 2027 has been reviewed and updated with the draft Community Strategic Plan - Shoalhaven 2032 being presented to Council for endorsement for public exhibition and invite further community feedback.

### Recommendation

That Council:

1. Endorse the Draft Community Strategic Plan - Shoalhaven 2032 for the purpose of placing on public exhibition for a period of 28 days to seek further community feedback
2. Receive the 'Stage 1 Community Engagement Report for the Community Strategic Plan Review' for information
3. Endorse the Community Engagement Plan for Stage 2 of the Community Strategic Plan Review
4. Thank the community for their participation to date and invite further feedback during the public exhibition period
5. Receive a report on feedback from the community on the Draft Community Strategic Plan - Shoalhaven 2032 following the public exhibition period.

### Options

1. As recommended.

Implications: Public exhibition and proposed engagement activities can proceed in a timely manner to ensure the updated Community Strategic Plan is endorsed within legislative timeframes.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone exhibition period. Any further amendments can be incorporated following the public exhibition period.

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## Background

Local Councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. The Act and Regulation provide guidelines for Councils to follow to ensure community involvement is central to the formation of strategic plans that drive Council's long-term planning and day to day operations.

The Community Strategic Plan (CSP) is the community's plan for the Shoalhaven. It has a minimum ten-year timeframe and should reflect the community's aspirations (needs and wants) for the Shoalhaven. Council's role in the production of the CSP is to facilitate its development and produce the document. It should be very clear that the CSP is not a Council plan but a community plan. While Council will use the CSP as a guide for creating other plans it is important to note that other State and Federal Agencies will also use the CSP to develop their own Strategies and Plans for the Shoalhaven.

Following an ordinary election, Council may endorse the existing plan, or develop and endorse a new Community Strategic Plan, as appropriate, to ensure that the area has a Community Strategic Plan covering at least the next 10 years.

The current Community Strategic Plan 2027 was endorsed by Council in June 2017. At the Strategy & Assets Committee of 12 October 2021, Council endorsed an approach to review the current CSP to ensure it captures contemporary and appropriate themes (MIN21.718). This endorsed plan can be referenced as the Community Engagement Strategy for the purposes of section 402A of the Local Government Act.

This report includes the outcomes of the community engagement activities to date, outlines any updates to the CSP themes and priorities and presents the Draft Community Strategic Plan - Shoalhaven 2032 to be endorsed for public exhibition.

## Snapshot of proposed amendments

Following input through community engagement activities, consultation with stakeholders, Councillors and staff, updates are proposed to the Community Strategic Plan.

Significant changes have been made to Council's 4-year Delivery Program Objectives throughout this process and these are outlined in a separate report.

The following table outlines the proposed updates to the themes and priorities from the current CSP 2027 to the updated CSP 2032. Highlighted text indicates the proposed changes and brief rationale included. The draft CSP Shoalhaven 2032 is included as [Attachment 1](#).

CSP 2027 Theme/Priority	Draft CSP 2032 Theme/Priority	Rationale for change
1. Resilient, safe and inclusive communities	1. Resilient, safe, <b>accessible</b> & inclusive communities	Accessibility included in theme as important priority.
1.1 Build inclusive, safe and connected communities	1.1 <b>Support</b> inclusive, safe and connected communities	Change to reflect numerous community-led initiatives occurring.
1.2 Activate communities through arts, culture and events	1.2 <b>Preserve, support and develop</b> cultural and creative vitality across our communities	Broaden the statement to note the different ways to foster creative and cultural vitality.
1.3 Support active, healthy liveable communities	1.3 Support <b>community wellbeing</b> through fostering active and healthy	Inclusion of 'wellbeing' to widen the definition.

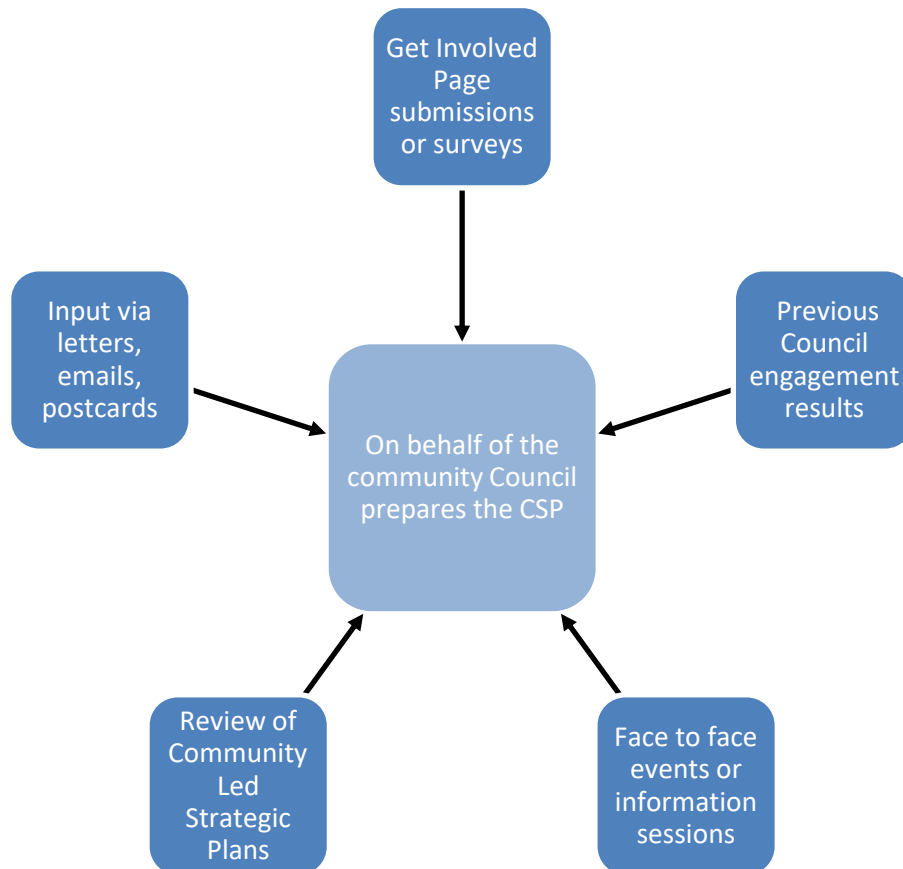
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CSP 2027 Theme/Priority	Draft CSP 2032 Theme/Priority	Rationale for change
	communities	
2. Sustainable, liveable environments	2. Sustainable, liveable environments	No change proposed.
2.1 Improve and maintain road and transport infrastructure	2.1 Manage our <b>infrastructure and assets</b> for long term sustainability to meet community need	Broaden to include all infrastructure and reference importance of meeting community need.
2.2 Plan and manage appropriate and sustainable development	2.2 Manage growth and development with respect for <b>environmental &amp; community values</b>	Recognition that there are a variety of community values that need to be respected as our area grows and develops.
2.3 Protect and showcase the natural environment	2.3 Protect the natural environment and <b>enhance sustainability</b>	Strong feedback to include sustainable use of resources and mitigation of carbon emissions.
3. Prosperous communities	3. <b>Thriving local economies</b>	Feedback that prosperous was ambiguous meaning across community.
3.1 Maintain and grow a robust economy with vibrant towns and villages	3.1 <b>Strengthen and diversify the economy</b>	Refocus on importance of economy and providing employment opportunities close to home.
	3.2 <b>Deliver safe, vibrant &amp; attractive public spaces</b>	New priority included to recognise that well designed public spaces are crucial for activation of local economies.
4. Responsible governance	4. <b>Effective, Responsible &amp; Authentic Leadership</b>	Broaden to elevate importance of leadership being authentic and effective.
4.1 Deliver reliable services	4.1 Deliver reliable, <b>high quality</b> services	Provision of quality services are important.
4.2 Provide advocacy and transparent leadership through effective government and administration	4.2 Provide transparent leadership through effective government and administration	Advocacy included in leadership definition. New objectives included in Delivery Program.
4.3 Inform and engage with the community about the decisions that affect their lives	4.3 Inform and engage with the community about the decisions that affect their lives	No change proposed.

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## Outcomes of Stage 1 Community Engagement

The community can contribute to the development of the Community Strategic Plan through a variety of mechanisms. The following schematic outlines the main feedback channels in which the community can contribute.



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Unfortunately, due to the COVID-19 public health restrictions, many face to face engagement methods were explored, but did not eventuate.

The stage 1 engagement included activities to get community members to think about and answer the following questions:

- What do you love about Shoalhaven City?
- What would you like to see in Shoalhaven City by 2032?
- What would you like to see less of in Shoalhaven City by 2032?
- What are the challenges facing Shoalhaven City in the next 5-10 years?
- From the 10 Key Priorities in the current CSP, select the 3 most important priorities to you

## Overview of Engagement Numbers

- 14,100 postcards to raise awareness
- 12,607 people reached through social media, 86 comments

- 1,000 visits to Get Involved Project Page
- 350 detailed survey responses

### Consideration of previous consultations

Analysis was undertaken from relevant engagement activities that have taken place over the last 18 months so that findings could be incorporated into the CSP review. This exercise helped mitigate against engagement fatigue in the community and demonstrates the appreciation Council has for the valuable feedback our community provides to us.

The following consultations involved over the input of over 1600 participants:

- Community Satisfaction Survey 2020
- Local Strategic Planning Statement (LSPS)
- Disability Inclusion Action Plan (DIAP) (in development)
- Shoalhaven Community Wellbeing Plan (in development)
- Community Voices Survey
- Recovery Into Resilience Project (RRP) Survey

The engagement report outlines the main themes from these consultations which were considered in the review and update of the CSP themes and key priorities.

### Assessment of Community-Led Strategic Plans

Since 2013, there have been several community-led strategic plans which have been developed by communities across the Shoalhaven. An assessment was undertaken on the alignment of these Community-led strategic plan priorities as part of update of the CSP and development of Council's Delivery Program. The following community plans were assessed to ensure alignment with the draft CSP 2032 priorities:

- Shoalhaven Heads - Our Future - Strategy 2013
- Berry Community Strategic Plan 2016
- Conjola District strategic Action Plan 2014-2030
- Sussex Inlet and District strategic Action Plan 2015-2030
- Bay and Basin Community Led Strategic Plan 2021

Red Head Villages Association are in the process of developing a community-led Masterplan with the support of Council funding. The assessment of community plans key priorities against the draft CSP 2032 priorities is included in report included as [Attachment 2](#).

### What our community said

The draft CSP 2032 outlines the main areas the community love about living in the Shoalhaven, what they want to see into the future and what they are concerned about. Also outlined is a summary of the key challenges for our area.

The complete Stage 1 Community Engagement Report is included as [Attachment 2](#).

## Community Engagement and Communications Plan - Stage 2

Due to the easing of COVID-19 public health restrictions, public awareness events are proposed to be held at places that the community congregate such as markets and shopping areas.

Key engagement activities will include:

- Information stalls at:
  - Tomerong Markets - 21 May
  - Marriott Park Markets - 28 May
  - Mollymook Beach Markets - 29 May
  - Jervis Bay Maritime Museum Winter Morning Markets - 4 June - TBC
  - Berry Country Fair - 5 June - TBC
- Online feedback form on Council's Get Involved page
- Social media posts and advertisements to raise awareness and drive traffic to Get Involved page
- Promotional flyers at Council facilities
- Targeted invitations to provide feedback from State Agencies, Council advisory committees and Community Consultative Bodies

The Stage 2 Community Engagement and Communications plan is included as Attachment 3.

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## CL22.211 Ongoing Register of Pecuniary Interest Returns - April 2022

HPERM Ref: D22/151301

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

### Reason for Report

To provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 April to 30 April 2022 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Model Code of Conduct.

### Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 April to 30 April 2022 be received for information.

### Options

1. As Recommended

Implications: The requirements of the new Code of Conduct will be adhered to.

2. The Chief Executive Officer take appropriate action in accordance with Council's Code of Conduct in respect of any Staff who are in contravention of the *Local Government Act 1993*.

Implications: Not known

### Background

Under Section 440AAB of the *Local Government Act 1993* and Part 4.26 of the Model Code of Conduct, newly designated persons are required to complete an Initial Pecuniary Interest Return within 3 months of becoming a designated person.

Section 440AAB (2) of The Local Government Act 1993 states:

*Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.*

Part 4.26 of the Model Code of Conduct states:

*Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.*

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements.

Those persons who have submitted a return within the period in accordance with their obligation to lodge an initial pecuniary interest return are listed below:

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Directorate	Name	Designated Position Start Date	Returned
City Development	Anne McDonald	12/03/2022	12/04/2022
City Performance	Juanita Sheldrick	31/01/2022	13/04/2022
City Development	Teresita Chan	11/04/2022	21/04/2022
City Development	Blaire Burke	21/03/2022	22/04/2022
City Services	Judi Douglas	27/01/2022	22/04/2022
City Development	Kate Balding	14/03/2022	27/04/2022
City Performance	Debra Webb	17/01/2022	29/04/2022

Advice provided to Council by the *Office of Local Government* in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is listed and tabled. Electronic versions of the documents may be viewed upon request.

### Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by a designated officer leaves Council at risk of non-compliance with legislative requirements, conflicts of interest and limited transparency. Staff who do not complete a return may be in breach of the Council's Code of Conduct.

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## **CL22.212 Exhibition Outcomes and Proposed Finalisation - Planning Proposal (PP063) to Amend LEP Clause 7.25 - Part of Lot 1 DP 1257338, Moss Vale Road, Kangaroo Valley**

**HPERM Ref:** D22/162740

**Department:** Strategic Planning  
**Approver:** Carey McIntyre, Director - City Futures

**Attachments:**

1. WaterNSW submission - PP063 [↓](#)
2. RFS submission - PP063 [↓](#)
3. Post exhibition version - PP063 - Clause 7.25 amendment (under separate cover) [↗](#)
4. Submission Summary - PP063 - Clause 7.25 Amendment - Moss Vale Rd, KANGAROO VALLEY [↓](#)

### **Reason for Report**

- Present the public exhibition outcomes for this Planning Proposal (PP) to amend/clarify the existing Clause 7.25 of Shoalhaven Local Environment Plan (LEP) 2014, to allow the Strata subdivision of the designated multi-dwelling housing (MDH) lot.
- Obtain endorsement to finalise the attached post-exhibition version of PP063 and proceed to amend the LEP.

### **Recommendation**

That Council:

1. Adopt and finalise the attached version of Planning Proposal PP063 to Amend Clause 7.25 of the Shoalhaven Local Environmental Plan (LEP) 2014 that applies to part of Lot 1 DP 1257338, Moss Vale Road, Kangaroo Valley.
2. Liaise with the NSW Parliamentary Counsel's Office to amend the Shoalhaven LEP 2014 using Council's delegation.
3. Advise the proponent and other stakeholders, including adjoining landowners and those who made a submission, of this decision and when the LEP amendment is made.

### **Options**

1. As recommended.

Implications: This is the preferred option and will enable the LEP amendment to be finalised. This is consistent with previous Council resolutions and the submissions received during the exhibition period. The attached post-exhibition version of the PP incorporates additional information to address a submission from a neighbouring landowner. This additional information does not alter or impact on the intent of the exhibited PP or the proposed LEP amendment.

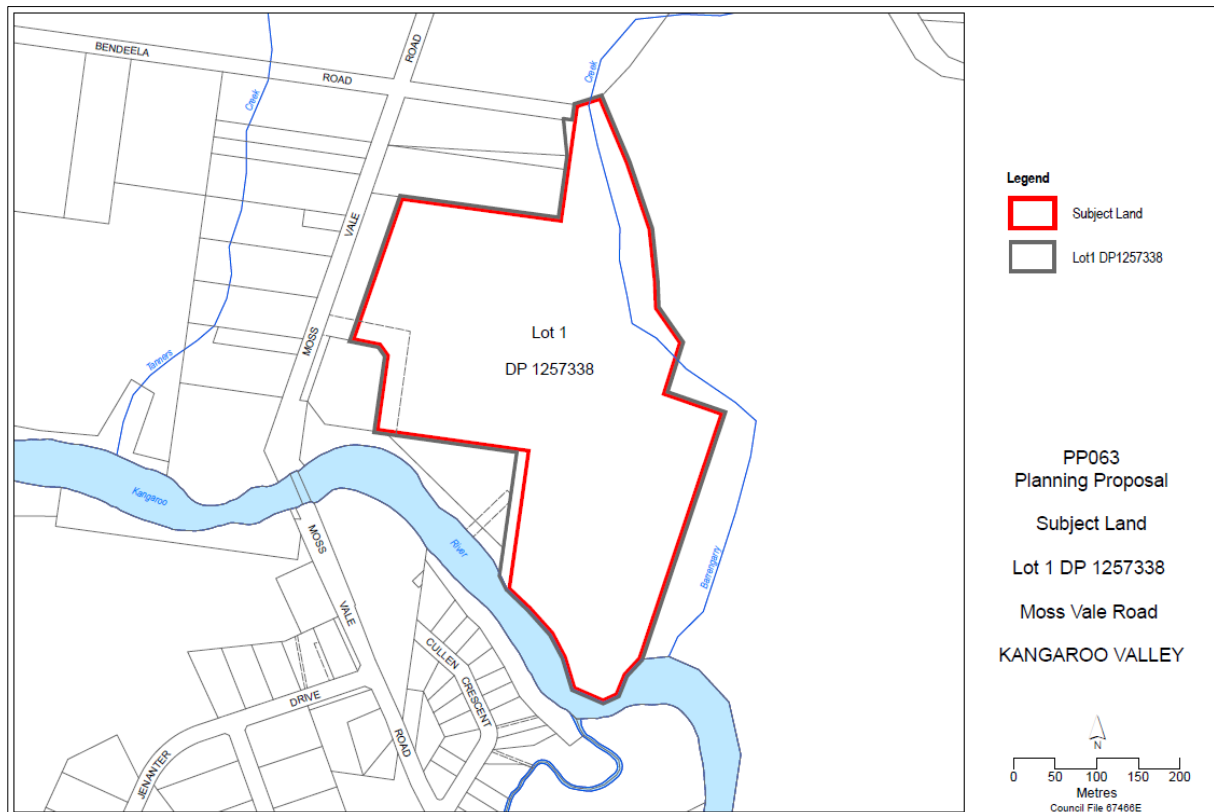
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2. Make an alternate resolution.

Implications: Will depend on the nature of any resolution.

## Background

The subject land comprises land zoned R5 Large Lot Residential and E3 Environmental Management within Lot 1 DP 1257338. Two small areas of Lot 1 DP 1257338 zoned RU1 Primary Production are not included in the subject land. Lot 1 is surrounded by RU1 and RE1 Public Recreation zoned lots.



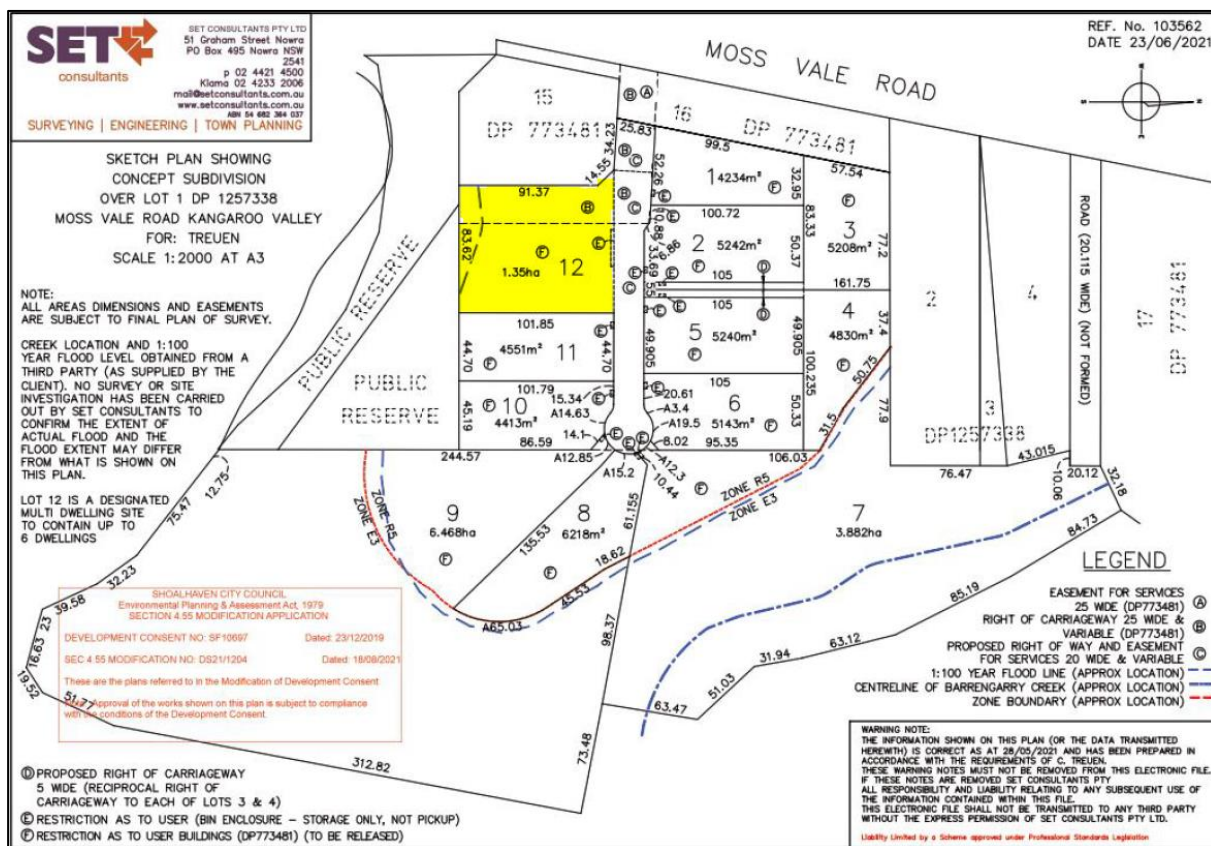
**Figure 1. Subject Land**

The subject land does not have direct frontage to Moss Vale Road. Access to Moss Vale Road is gained via a 25m-wide Right-of-Carriageway over the adjacent Council-owned Lot 16 DP 773481, which is zoned RE1 Public Recreation. The current minimum lot size (LSZ) for the subject land is 3,000 m<sup>2</sup> in the western portion of the site, correlating with the R5 Large Lot Residential zoned land, and 40 ha over the remainder of the land.

A previous proponent-initiated PP over this land resulted in Amendment No. 5 to the LEP in August 2015. This amendment inserted LEP Clause 7.25 and added the land to the associated local clauses map overlay. Clause 7.25 conditionally permits subdivision of part Lot 1 DP 1257338 into a maximum of 12 lots, one of which is intended for multi dwelling housing, comprising no more than six (6) dwellings.

On 23 December 2019, Council approved a Torrens Title subdivision (SF10697) of Lot 14 DP 773481 into nine (9) lots. Following the consolidation of Lot 14 DP 773481 with an unformed road portion, to form Lot 1 DP 1257338, an application to modify the consent (DS20/1603) was approved on 27 April 2021, allowing a twelve (12) lot Torrens Title subdivision – see **Figure 2**.

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**Figure 2. Extract from the stamped approved plans**

(Note: the designated multi dwelling site is highlighted in yellow and is affected by easements and restrictions as to user relating to access and the location of buildings and bin enclosures)

A request to undertake this proponent-initiated PP was submitted to Council by consultants, on behalf of the landowners, on 25 August 2021. The PP request sought to permit Strata subdivision of the multi-dwelling lot currently permitted by Clause 7.25(3)(a) of the LEP. Note: The proposed amendment does not seek to increase the number of dwelling entitlements.

Council initially considered the PP request on 5 October 2021 and resolved (in part) to:

1. Support the Planning Proposal (PP) request to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) consistent with the explanation of provisions outlined in this report, primarily to permit Strata subdivision of the designated multi dwelling housing lot that was approved under LEP Clause 7.25, without increasing the number of dwellings.
2. Prepare and submit the required PP documentation to the NSW Department of Planning, Industry and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.

Council subsequently received a favourable Gateway determination from the then NSW Department of Planning, Industry and Environment (DPIE) for the PP on 29 November 2021, which enabled it to proceed, subject to early consultation with the following public authorities and public exhibition (28 days):

- NSW Rural Fire Service (RFS)
- WaterNSW

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## Feedback from Public Authorities

Formal submissions were received from the RFS and WaterNSW who raised no objections to the PP.

### WaterNSW

Two submissions were received from Water NSW: an initial submission highlighted potential uncertainty around timing of necessary Water and Sewerage connections, and establishment of an effective storm water management system, within a future Strata subdivided multi-dwelling housing lot.

After discussing Water NSW's initial concern with Council Development Assessment officers, clarification was provided. Water NSW subsequently confirmed that the issues can be suitably resolved during the development assessment process for the future subdivision.

A copy of WaterNSW's second submission is provided as **Attachment 1**.

### NSW Rural Fire Service (RFS)

RFS reviewed the proposal with regard to Section 4.4 of the Ministerial Directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979* and provided comments which raised no objection to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bush Fire Protection 2019. Compliance with Planning for Bush Fire Protection 2019 will be assessed through the Development Application process.

A copy of the RFS submission is provided as **Attachment 2**.

## Community Feedback

One submission was received from an adjoining landowner during the exhibition period. This submission did not object to the proposal, however, it identified minor grammatical errors in the PP and raised concerns that future easements burdening the multi-dwelling housing lot (Lot 12) were not adequately described in the PP document and that future maintenance burdens are not resolved. The matters raised are summarised and commented on below:

1. Expresses concern that the PP document does not provide sufficient clarity with regards to the existing Right of Carriageway (ROC) that burdens Lot 12 in favour of surrounding Lots.

*Staff Comment - Noted. The updated PP document includes additional text to make it clearer that the designated multi dwelling lot is affected by a right of carriageway (ROW) and restrictions as to user.*

2. Expresses concern that the responsibility for the management burden of the existing, and future extension of, the ROC has not been established.

*Staff Comment - Noted. Apportionment of infrastructure management burdens will be addressed within the development application stage of the Strata subdivision.*

Additional information has been included in the revised PP to address the above issues where required – see **Attachment 3** (separate cover).

A more detailed summary of the submissions and a Council staff response is included as **Attachment 4**. The landowner submission can be provided to Councillors if needed.

## Community Engagement

The PP was publicly exhibited on Council's website and the NSW Planning Portal between 23 February 2022 and 25 March 2022 (inclusive).

The exhibition package included:

- [Planning Proposal \(PP063\) document](#)
- [Explanatory statement](#)
- [Gateway determination](#)
- [Exhibition notification](#)

Outcomes from public authority consultation and the public exhibition are summarised and discussed above.

## Conclusion

This PP seeks to amend Clause 7.25 to Strata subdivision of the designated multi-dwelling housing (MDH) lot on the subject land. It does not seek to allow any additional dwelling entitlements beyond what was intended through the original PP that was finalised over this land in 2015.

No relevant objections were received during the exhibition period, and it is now appropriate to finalise this PP and proceed to amend the LEP accordingly.

## Policy Implications

Clause 7.25 of Shoalhaven LEP 2014 conditionally permits subdivision of part Lot 1 DP 1257338 into a maximum of 12 lots, one of which is intended for multi dwelling housing, comprising no more than six (6) dwellings.

The PP seeks to amend Clause 7.25 to allow 12 Torrens Title Lots and 6 Strata Title Lots (a maximum of 18 resulting Lots). Further, subject to advice from Parliamentary Counsel, additional wording may be included to clarify that multi-dwelling housing is permissible on the site (as it is not a permissible use within the applicable R5 land use zone).

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PO Box 398, Parramatta NSW 2124  
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ABN 21 147 934 787

22 March 2022

Chief Executive Officer  
Shoalhaven Council  
PO Box 42  
NOWRA NSW 2541

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2022/15500*

Dear Sir/ Madam,

**Planning Proposal PP063 – Lot 1 DP 1257338 – Moss Vale Rd, Kangaroo Valley:  
Clause 7.25 Amendment to enable Strata subdivision of multi-dwelling housing  
lot**

I refer to the public exhibition of Council's Planning Proposal that seeks to amend clause 7.25 of the Shoalhaven LEP 2015 to facilitate strata subdivision and individual ownership of future housing proposed on part of Lot 1 DP 1257338. The part of the lot affected is a future multi-dwelling housing lot (future Lot 12), which allows for up to six (6) dwellings. The multi-dwelling lot forms part of a wider 12-lot Torrens title subdivision, with the most recent modifications to the application being approved in August 2021. No additional dwelling entitlements are sought under the current Planning Proposal.

We have reviewed the proposed changes to clause 7.25(3) and agree that they do not provide any additional building entitlements and constrain the proposed strata subdivision of the land to the multi-dwelling lot. We have no objections to the provisions proposed.

*December 2021 Correspondence*

WaterNSW commented on the Proposal in December 2021 (our ref: D2021/131100) seeking clarity on the timing of water and sewer connection to the site having regard to the timing of the strata subdivision and clause 7.25 amendment. In email correspondence dated 31 January 2022, Council clarified that the future strata subdivision of land on new Lot 12 would require a development application (DA). Council also clarified that a Stormwater Management Plan would need to be approved at the DA stage and that the establishment of water and sewer connections would be identified as a condition of approval for any subdivision. We support these commitments. New Lot 12 will also be connected to the sewer as required by WaterNSW conditions of concurrence and the conditions of consent for the 12-lot subdivision.<sup>1</sup> This will ensure that Lot 12 and the later strata subdivision will have access to appropriate services.

Since issuing our December advice, WaterNSW has agreed to the s88B instrument for the 12-lot subdivision. The s88B instrument includes a positive covenant that applies to Lot 12 (and other the other lots) and requires the monitoring, management and maintenance of drainage facilities

<sup>1</sup> Condition 9 of Council's determination of the modification application (dated 18 August 2021) for the 12-lot subdivision adopts the Water NSW conditions of concurrence issued on 23 December 2020 (our ref: 18156-a4). The concurrence requires all lots (including Lot 12) to be connected to Council's reticulated sewerage system and not to have on-site wastewater management systems. Additionally, Condition 67(d) of Council's consent requires a Certificate of Compliance for water supply and sewerage to be obtained from Shoalhaven Water prior to the issue of a Subdivision certificate for the 12-lot subdivision.

in accordance with the approved Operational Environmental Management Plan (OEMP). Other restrictions and easements also apply to Lot 12.

In our December 2021 correspondence, we raised some issues regarding the mapping and the area covered by the Proposal with respect to the unformed Crown road on the south of the site. We note that the Proposal is not seeking to vary the area to which clause 7.25 applies (which is based on the previous Lot 14 DP 773481 and excludes the southern portion of the previous unformed Crown Road; p. 10). WaterNSW has no issue with this approach.

The Planning Proposal also refers to our earlier December correspondence stating we raised objection subject to minor clarification and inclusion of additional text to make it clearer that that WaterNSW guidelines apply. To clarify, we did not object to the Proposal but sought clarification on the timing in relation to water, sewerage and stormwater servicing, as well as making some suggestions for minor refinements of the Proposal (see above). With respect to the Planning Proposal's reference to our 'guidelines', WaterNSW current recommended practices (CRPs) and standards will apply to the development at DA stage.

#### **Biodiversity and Conservation SEPP – Sydney Drinking Water Catchment**

New State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP) took effect on 1 March 2022 and incorporates the provisions of the former Sydney Drinking Water Catchment SEPP under the new Chapter 8. The Planning Proposal gives due recognition to those provisions including the aim of protecting water quality (p. 16). We note the statements made with respect to our conditions of concurrence on the 12-lot subdivision that the subdivision would have a neutral or beneficial effect (NorBE) on water quality provided WaterNSW's conditions were met. Any new DA for the strata subdivision of land would also attract the Sydney Drinking Water Catchment provisions of the B&C SEPP.

#### **Direction 3.3. Sydney Drinking Water Catchment**

The Planning Proposal considers the new s.9.1 Direction 3.3 Sydney Drinking Water Catchment, effective from 1 March 2022, including the objective of protecting water quality in the catchment. The section refers to our earlier concurrence for the 12-lot subdivision. As raised in our previous correspondence, the outcomes of the Strategic Land and Water Capability Assessments are not directly relevant to the Proposal given that it is only facilitating strata subdivision and not involving spot-rezoning. We note that any development conducted in association with the strata subdivision will need to be sewerage.

Should you have any questions regarding the above matters please contact Stuart Little at [stuart.little@waterNSW.com.au](mailto:stuart.little@waterNSW.com.au).

Yours sincerely



**ALISON KNIHA**  
**Catchment Protection Planning Manager**



## NSW RURAL FIRE SERVICE

Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Your reference: PP063  
Our reference: SPI20220227000013

**ATTENTION:** Eric Hollinger

Date: Wednesday 30 March 2022

Dear Sir/Madam,

### Strategic Planning Instrument

#### LEP Amendment – Planning Proposal

Planning Proposal (PP063) intends to amend Clause 7.25 of Shoalhaven Local Environment Plan (LEP) 2014 to permit Strata subdivision of the designated multi dwelling housing lot within the subdivision (SF1 0697) that was approved under Clause 7.25.

I refer to your correspondence dated 25/02/2022 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- (a) have regard to Planning for Bushfire Protection,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

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)

CL22.212 - Attachment 2

Yours sincerely,

Martha Dotter  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

CL22.212 - Attachment 2



**Submissions Summary**  
**PP063 – Amendment Clause 7.25 – Moss Vale Road, KANGAROO VALLEY**

Submitter & submission date	Submission Summary	Staff Comments	Recommendation
1. Alison Kniha (Catchment Protection Planning Manager) on behalf of WaterNSW  (22 March, 2022)	Acknowledge and accept that no additional building entitlements created and proposed strata subdivision constrained to the multi-dwelling lot.	Noted. WaterNSW reviewed the proposed changes to clause 7.25(3) and have no objections to the provisions proposed.	No further action.
	Acknowledge that previous concerns raised by WaterNSW, in regards to timing of water and sewer connection to the site, will be addressed at the Development Application stage.	Noted. WaterNSW commented on the proposal in December 2021, seeking clarity on the timing of water and sewer connections to the site having regard to the timing of the strata subdivision and clause 7.25 amendment.  Council officers met internally to discuss the concerns and subsequently issued email correspondence (31 January 2022) that clarified the issues raised would be addressed at the Development Application (DA) stage of the Strata subdivision. Council officers advised that a Stormwater Management Plan must accompany the DA and water and sewer connections would be identified as conditions of approval for any subdivision. Additionally, a sewer connection is required by WaterNSW conditions of concurrence.  Since receiving that correspondence from Council, WaterNSW has agreed to the s88B instrument for the 12-lot subdivision which includes a positive covenant that requires monitoring, management and maintenance of drainage facilities, in accordance with the approved Operational Environmental Management Plan (OEMP).	No further action.
	Acknowledge that previous concerns raised by WaterNSW, in regards to mapping clarity, have been addressed in correspondence and within the PP document.	Noted. WaterNSW previously raised some issues regarding the mapping and the area covered by the Proposal with respect to the unformed Crown road on the south of the site. Council clarified, and WaterNSW accepts, that the proposal does not seek to vary the area to which clause 7.25 applies.	No further action.

	Acknowledge that the PP document duly recognises State Environmental Planning Policy (SEPP) provisions, the role of WaterNSW and previous conditions of concurrence issued by that department.	Noted. WaterNSW clarified that their previous correspondence seeking minor clarification and inclusion of additional text (addressing WaterNSW guidelines) did not amount to an objection. WaterNSW notes that their current recommended practices and standards will apply to the development at DA stage. WaterNSW is satisfied that the PP document gives due recognition to the provisions of the current applicable SEPP (Biodiversity and Conservation, 2021) and provisions incorporated from the former applicable SEPP (Sydney Drinking Water Catchment). WaterNSW noted that adherence with its previous conditions of concurrence would allow the 12-lot subdivision to deliver a neutral or beneficial effect (NorBE) on water quality.	No further action.
	Acknowledge that the PP document duly considers appropriate Ministers Directions.	Noted.	No further action.
	Does not object to the proposal.	Noted. WaterNSW do not object to the proposal or the provisions that will be established and recognise that any concerns they have can be adequately addressed at the DA stage of the Strata subdivision.	No further action.
2. Public submission (Company),  (3 March, 2022)	Identifies grammatical error and seeks additional text within the PP document to clarify easements that the affected blocks are burdened by.	Noted.  The submitter raised concerns that the PP document does not clearly state that part of the multi-dwelling lot is burdened by a Right of Carriageway (ROC) benefitting other lots.	Additional information and grammatical updates included within the final PP document
	Identifies a future need to establish responsibility for maintenance of both the existing ROC and its future extension for the planned subdivision.	Noted. This will be addressed at the DA stage of the subdivision.	No further action.
	Does not object to the proposal.	Noted.	No further action.

3. Martha Dotter (Supervisor Development Assessment & Plan Built & Natural Environment) on behalf of NSW Rural Fire Service	Raise no objection to the proposal subject to requiring that the future subdivision of the land complies with Planning for Bush Fire Protection 2019.	Noted. Compliance of the future subdivision with Planning for Bush Fire Protection 2019 will be assessed during the Development Application stage.	No further action.
Additional Comments:			
Submissions sought extra clarity or recognised that previous concerns had been raised and addressed. No objections to the proposal were received.			

## CL22.213 Tenders - Albatross Aviation Technology Park - Non-Potable Water Storage Tanks for Firefighting Reserves

**HPERM Ref:** D22/169001

**Department:** Economic Development

**Approver:** Carey McIntyre, Director - City Futures

### Reason for Report

The reason for this report is to inform Council of the tender process, the evaluation and proposed awarding of contracts for the construction of a non-potable water storage tanks for Industrial firefighting at the Albatross Aviation Technology Park.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information in this regard should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional, or financial interests. This information will be considered under a separate confidential report.

### Recommendation

That Council consider a separate confidential report "Tenders – Albatross Aviation Technology Park – Non-Potable Water Storage Tanks for Firefighting Reserves" in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Consider the separate confidential report.

Implications: Full details of the tendering process is provided in the confidential report to enable Council to make an informed decision in this regard.

### Background

The Albatross Aviation Technology Park (AATP) was established by Council in the mid-1990s to leverage off the Department of Defence (DoD) contracting out the supply of new rotary wing aircraft platforms and the through life support for these platforms. Other defence support activities have also been secured by Council to operate from this specialised industrial estate adjacent to HMAS Albatross to the southwest of Nowra.

The NSW Government has been very supportive of this project and have granted to Council several financial packages to assist in the development of this defence support industrial park. This assistance has been instrumental in the initial extension of utility services (electricity, water and sewer) to Yerriyong being at least 4km from trunk mains. Several years ago, again the NSW Government provided assistance to augment the electricity supply.

The subdivisional work, now into Stage 5, has been undertaken by Council including the provision of a taxiway to link the industrial activities to the runways of HMAS Albatross.

The provision of water to the AATP is maintained by a watermain coming directly into the AATP from Nowra Hill. However, the difference in relative heights of the Shoalhaven Water supply facility and the AATP has limited the waterflow and three factories have had to install offline water storage (on-site tanks) to augment the water supply in case of a fire. Special

CL22.213



firefighting water supply requirements are required by DoD whenever Commonwealth assets are housed or stored inside a building/hangar and these requirements are beyond the capacity of the existing municipal water supply reticulation system to meet.

The solution is to instal an offline storage capacity that is pumped throughout the AATP so that in the case of a fire this system can continue to top-up the onsite storage tanks and suppress the fire as designed for that purpose at each individual industrial situation.

This RFT has been designed and sought to be implemented alongside a separate Fire Reticulation system RFT to be awarded within the requirements of that RFT.

Stage 5 and Stage 6 of AATP developments requires an integrated approach to incorporate the overall fire services into the design to all buildings.

### **Community Engagement**

Stakeholders for this asset provision are primarily the DoD and the industries that build and maintain DoD assets within the AATP. Other agencies such as Fire and Rescue and the local Rural Fire Service brigade will be advised of how this system will operate during an industrial factory fire.

It should be noted that this non-potable water supply will not be available for general use within the AATP, nor will it be available for fighting rural fires.

### **Policy Implications**

The project forms one of a number of Economic Development projects across the city to create employment and stimulate economic activity that will grow the Shoalhaven economy.

Connection fees and annual testing charges will be levied on the industries utilising the system.

### **Financial Implications**

The current combined AATP projects have an estimated total budget \$6,750,000 and is substantially grant funded, utilising the NSW Growing Local Economy funding program. Council's contribution which will amount to 25% of the total is coming from Council's Industrial Land Development Reserve.

The NSW Government's financial grant to Council is primarily to build both the tank storage facility and to reticulate the system throughout the AATP.

### **Risk Implications**

The construction of the tank storage and water reticulation are engineering works of a nature commensurate with the supply of water in situations where pressurised mains are used to maintain water at Council's water storage facilities. Aspects of the system will be regularly tested by Shoalhaven Water to ensure operational functionality when required.

## CL22.214 Tenders - Sustainable Tourism Projects - Bherwerre Wetland

**HPERM Ref:** D22/117830

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To inform Council of the tender process for 68611E - Design and Construction Bherwerre Wetland Boardwalks.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional, or financial interests. This information will be considered under a separate confidential report.

### Recommendation

That Council considers a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Alternative recommendation.

Implications: No opportunity to assess and make an informed decision on the tender process and results.

### Details

#### **Project Description**

The design and construction of 1,700m of boardwalks throughout the Bherwerre Wetlands in Sanctuary Point. This project is Deliverable 4 of the Sustainable Tourism Infrastructure Grant Package.

#### **Tendering**

Council called tenders for Design and Construction Bherwerre Wetland Boardwalks on 11 January 2022 which closed at 10:00 am on 15 February 2022. Seven tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Abergeldie Contractors Pty Ltd	Regents Park, NSW
ByGroup Pty Ltd	Sanctuary Point, NSW

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Tenderer	Location
Fulton Hogan Pty Ltd	Kembla Grange, NSW
GC Civil Pty Ltd	St Georges Basin, NSW
Jirgens Civil Pty Ltd	South Nowra, NSW
Steelworks Engineering Pty Ltd	Berkeley Vale NSW
Zauner Pty Ltd	Ulladulla, NSW

Details relating the evaluation of the tenders are contained in the confidential report.

### Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

### Financial Implications:

Details of the Financial implications are contained in the confidential report.

### Risk Implications

Details relating to the Risk Implications are contained in the confidential report.

## CL22.215 Review of Waste Services Policies

**HPERM Ref:** D22/157693

**Department:** Commercial Services

**Approver:** Paul Keech, Director - City Services

**Attachments:**

1. Attachment A - Waste Management - Disaster Recovery Policy [↓](#)
2. Attachment B - Waste Disposal - No Charge Tipping Vouchers [↓](#)
3. Attachment C - Garden Waste Mulch - Community Assistance Policy [↓](#)

### Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of Council. These policies are proposed for reaffirmation with respect to Waste Services responsibilities

### Recommendation

That Council:

1. Adopt the following revised policy documents as attached to the report:
  - a. Waste Management - Disaster Recovery Policy,
  - b. Waste Disposal - No Charge Tipping Vouchers
  - c. Garden Waste Mulch - Community Assistance Policy
2. Rescind the No Charge Tipping of Storm Damaged Materials at Waste Depots Policy as the provisions of that policy have been incorporated into the revised Waste Management - Disaster Recovery Policy.

### Options

1. Adopt the recommendation as written.

Implications: Minor changes will be made to maintain currency. Specific details of changes are outlined further below

2. Not adopt the recommendation.

Implications: Council can request further details, seek further community input or make other changes

### Background

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of Council. The following amended policies (attached) are presented to Council for consideration:

- *Waste Management - Disaster Recovery Policy* (based on a combination of “No Charge Tipping of Storm Damaged Materials at Waste Depots Policy POL16/168 and Waste Management - Disaster Recovery Policy POL16/128) (**Attachment ‘A’**),
- *Waste Disposal - No Charge Tipping Vouchers Policy* (previously POL 16/169) (**Attachment ‘B’**),

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- *Garden Waste Mulch - Community Assistance Policy* – (previously POL 16/170) (**Attachment ‘C’**),

The policies provide a framework and guidelines for staff when administering requests in respect to these matters.

### **Proposed changes to policies**

*Combine the two policies, “No Charge Tipping of Storm Damaged Materials at Waste Depots” and “Waste Management - Disaster Recovery Policy”, into one policy.*

The no-charge tipping of storm damaged materials policy was initially adopted in October 2002, following a significant windstorm event, but only relates to waste from windstorms. The disaster recovery policy was introduced in 2016 to cover waste produced as a result of significant flooding but incorporates waste produced through other large scale natural disasters, including flood, windstorm or tempest, earthquake, tsunami, heatwave, landslides, bushfire, plant and animal disease or plague, and pandemic.

The combined policy provides a pre-determined threshold that will empower Council staff to waive the tip fees for disaster generated waste at the Recycling and Waste Depots. This will reduce delays in waiting for a decision and improve customer service.

Any costs incurred by Waste Services need to be accounted for within the Waste Operations annual budget. Costs include staff costs, sorting, transport, machinery, and any material processing costs. The EPA levy may need to be paid to the State Government in instances where they have not acknowledged the event to be a Natural Disaster. Currently a nominal provision of \$50,000 is incorporated in each year’s annual budget

#### *Waste Disposal - No Charge Tipping Vouchers*

The policy previously provided for two no charge tipping vouchers for domestic waste but has been revised to provide for four no-charge tipping vouchers (two vouchers for general domestic waste including green waste and two vouchers for green waste only) to be issued annually for each assessment which is charged for a domestic waste management service and for rural property owners not on a domestic waste management charge.

The equivalent tipping fee value of no-charge vouchers during the 2020/2021 financial year was \$3.53 million. The funding for these vouchers is sourced primarily through the annual domestic waste management charge (DWMC) and should therefore only be distributed to residents who pay the annual DWMC. The policy has been made more explicit on this.

Vouchers are specifically linked to the property paying the DWMC so cannot be used as a solution to provide support to people or groups with specific waste disposal needs.

#### *Garden Waste Mulch - Community Assistance Policy –*

The policy allows for Shoalhaven residents and community to collect processed garden waste mulch from any Recycling and Waste Depot, when available, for no charge. The requirement is for persons to load themselves. However, loading equipment is available at the three larger Depots (West Nowra, Huskisson and Ulladulla) if people would like the mulch to be loaded for them a nominal loading fee placed on the transaction.

The policy allows for non-profit organisations to access the mulch at no charge following an approval process, to be approved by delegated authority to the Waste Services Manager.

The policy also allows for commercial use of the mulch at a charge per tonne.

### **Community Engagement**

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may choose to do so should they consider any changes of significance.

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**Policy Implications**

All policies included in this report are proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the intent of the existing approved policy.

**Financial Implications**

Changes proposed to the Policies will have no financial implications to current approved budget.

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# Waste Management – Disaster Recovery Policy

<b>Adoption Date:</b>	21/07/2016
<b>Amendment Date:</b>	25/07/2017
<b>Minute Number:</b>	MIN17.651
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/119

~~10RFZ7ME.DOCX~~Waste Management – Disaster Recovery Policy

## 1. Purpose

Large scale natural disasters have the potential to generate large amounts of waste. The cost of waste disposal by individual people, businesses, and local councils affected by the disaster can be significant due to costs associated with transport to a licenced waste facility, the waste levy imposed by State Government, and Council tipping fees that are required to cover the cost to manage the facility. All of this waste material can place an additional burden on a community already struggling to cope and a resourcing and financial burden on Council's Waste Services Team.

The purpose of this Policy is to:

- provide a rapid and concise decision matrix to empower staff to respond rapidly to urgent requests for assistance, rather than advising the affected community to wait for a Council decision.
- provide a consistent framework to respond to waste directly generated by a natural disaster;
- assist in providing immediate relief for persons affected by a disaster;
- assist in returning the affected community to its proper level of functioning after a disaster;
- assist Council in meeting its statutory obligations; and
- to provide direction to Council and any established local recovery committees and local recovery coordinators operating within the Shoalhaven Local Government Area with regard to the management of waste following a natural disaster.

## 2. How the Policy Relates to Other Legislation

No provision of this policy or the implementation of this policy can be interpreted or allowed to jeopardise compliance of the Environmental Protection Licences governing the operation of SCC's waste facilities.

This policy does not in any way prevail over the provisions of the *NSW Protection of the Environment Operations Act 1997* and its regulations.

This policy applies only to waste that can be legally accepted at Council's waste facilities.

## 3. Circumstances Where This Policy Applies

The provisions within this policy will apply when an Emergency Operation Centre (EOC) has/had been activated to Operational (Red) level by the Local Emergency Operations Controller (LEOCON) for the management of natural disaster emergencies or an event has reached the levels prescribed in this policy.

For the purpose of this policy, a natural disaster is defined as a major adverse event resulting from natural processes of the Earth causing serious disruption to the community. This includes flood, storm and tempest, earthquake, tsunami, heatwave, landslides, bushfire, plant and animal disease or plague, and pandemic.

~~For less severe storm events, Policy POL16/168 No Charge Tipping of Storm Damaged Materials at Waste Depots applies.~~



~~10RFZ7ME.DOCX~~Waste Management – Disaster Recovery Policy

#### 4. Activation of Policy Provisions

The provisions of this policy will commence once the immediate impact from the disaster has subsided and it is safe for residents and staff to move about. They will remain in place for two full weekends after the disaster or at the discretion of the ~~General Manager~~CEO.

#### 5. Provisions

##### 5.1. Waiving of Tipping Fees

The applicable waste disposal fee may be waived for certain residents in affected areas of the disaster to dispose of waste that has been generated as a result of the event (e.g. flood effected goods or storm damaged trees).

In general, damage to property as a result of a natural disaster and the subsequent disposal of waste is covered by insurance. Residents seeking to dispose of waste as per this policy should confirm with their insurer if disposal costs are covered before requesting Council to waive the fees.

The normal fee will be charged where the resident advises they will claim the costs from their insurer or for any waste not deemed to be as a direct result of a natural disaster.

##### 5.1.1. State Government Waste Levy

Clause 21 of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* allows the NSW Environment Protection Authority (EPA) to waive the waste levy for any waste collected from a natural disaster that is disposed of at a licenced waste facility. This waiver is not automatic and any waiver must be approved by the EPA in writing.

##### 5.2. Increased opening hours at licenced waste facilities

Council's primary waste disposal facility is at West Nowra and operates seven days per week from 8am to 5pm, as do the facilities at Huskisson and Ulladulla. Operating hours at licenced other waste facilities nearest to the natural disaster affected area will may be extended if necessary, to allow for the additional load from that area caused by the disaster. These facilities will be opened to the same hours and days as Council's main facility at West Nowra.

##### 5.3. Household pick-ups

There is no provision for a household pick-up service for other items outside the capacity of the wheelie bins. However, affected residents requesting such service shall be informed of Council's bulky waste on-call pick up service and the ability to utilise a valid no-charge tipping voucher for this purpose.

##### 5.4. Waste staging sites

If necessary, skip bins will be provided by Council within the disaster affected areas for free disposal by residents. The Waste Services Manager will determine the number and location of bins.

Residents without access to transport waste to these bins shall be informed of Council's bulky waste pick up service, including the ability to use a valid no-charge tipping voucher for this purpose.

~~10RFZ7ME.DOCX~~ Waste Management – Disaster Recovery Policy

## 6. Communication

Effective communication to the community affected by natural disasters is critical to rapid recovery. SCC shall utilise the following to inform the community with regard to disaster recovery waste services:

- Facebook and other social media nodes
- SCC website
- Media releases
- Radio announcements/advertisements
- Waste Services telephone on-hold messages
- Information items at recovery centres, recovery committees or recovery coordinators (if established)

Depending on the circumstances, messages could provide information to the community in relation to the resumption of waste collection services (if impacted), extension of operating hours, provision of free tipping and any special instructions in relation to this (e.g. up-front payment, statutory declaration, re-imbursement) and SCC's bulky goods pick up service.

For consistency and accuracy all media releases, social media updates, radio announcements, web pages etc shall be vetted and approved by the Director ~~Assets and Works~~ City Services.

## 7. Staffing

SCC shall make best efforts to ensure staffing levels are increased in order to implement this Policy. This includes increased administration officers in ~~the~~ Waste Services ~~Unit~~ to answer calls from the community and at the licensed waste facilities to monitor loads, assist affected residents, obtain records, and operate weighbridges etc.

## 8. Cost of Implementation

The cost to implement the provisions of this policy will be funded by Council's Waste Reserve. The Waste Services Manager will review tip fees each year and may increase fees to provide a contingency in the reserve to support this policy.

Opportunities to claim costs from the State/Federal Government in response to a natural disaster will be investigated.

## 9. Implementation

~~The Works and Services Section,~~ Waste Unit Services has the responsibility for implementing this policy.

## 10. Review

This policy shall be reviewed every time the Policy is activated or within one year of the election of every new Council.

## Waste Disposal – No Charge Tipping Vouchers

<b>Adoption Date:</b>	29/04/2003, 27/06/2004
<b>Reaffirmed:</b>	24/03/2009, 21/05/2013, 25/07/2017
<b>Amendment Date:</b>	22/02/2005
<b>Minute Number:</b>	MIN03.493, MIN04.850, MIN05.137, MIN09.341, MIN13.488, MIN17.651
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/118

~~10RFZ7MJ.DOC~~ ~~Waste Disposal – No Charge Tipping Vouchers~~

## 1. Purpose

'No Charge Tipping Vouchers' were introduced to help homeowners get rid of excess waste which may accumulate at their properties during the year that cannot be managed by the normal kerbside collection system. This policy sets the framework to ensure that the distribution and use of tipping vouchers is consistent, fair and transparent.

## 2. Statement

This policy statement is based on Council Minute 03.493 of 29<sup>th</sup> April 2003, and Council Minute 04.850 of 27<sup>th</sup> July 2004. Council amended and reaffirmed the policy in its revised format by Minute ~~05.137~~ 17.651 on ~~22<sup>nd</sup> February 2005~~ 25 July 2017.

## 3. Provisions

~~Two~~ Four no-charge tipping vouchers (two vouchers for general domestic waste including green waste and two vouchers for green waste only) will be issued annually for each assessment which is charged for a domestic waste management service and for rural property owners not on a domestic waste management charge. Funding for the management of the vouchers will be accounted for as follows:

- Funding for vouchers issued to those properties on a domestic waste management service will be accounted for through the domestic waste management charge; and
- Funding for vouchers issued to rural properties not on a domestic waste management charge will be accounted for through the waste depot gate fee for car and trailer loads of domestic waste.
- Vouchers will not be distributed to commercial, industrial or other non-residential land types unless they are paying an annual domestic waste charge
- Non owner occupiers (renters) will not receive vouchers directly from Council. They will need to contact their landlord to request the vouchers
- Vouchers may be issued in paper or digital formats

## 4. Implementation

~~The Works and Services Section,~~ Waste Services ~~Unit~~ has the responsibility for implementing this policy

## 5. Review

Policy to be reviewed within one year of the election of a new Council

# Garden Waste Mulch – Community Assistance Policy

<b>Adoption Date:</b>	20/12/2011
<b>Reaffirmed:</b>	21/05/2013, 25/07/2017
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN11.1293, MIN13.488, MIN17.651
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/107

CL22.215 - Attachment 3

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**10RFZ7MS.DOC Garden Waste Mulch – Community Assistance Policy**

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**1. Purpose**

To define Council's eligibility requirements for supply of free garden waste mulch located at Waste Management depots to residents and not for profit community organisations.

**2. Statement**

The policy is based on Council Minute No – MIN11.1293

**2.1. Scope**

This Policy applies to all garden waste mulch held at Council owned Waste Management depots. It sets out how requests from not for profit community groups for free supply of mulch are to be considered under Shoalhaven City Council's delegated authority. It also sets out the eligibility requirements of residents. The Council Waste Depots included in this Policy are:

- West Nowra Depot
- Berry Depot
- Ulladulla Depot
- Huskisson Depot
- Bendalong
- Callala
- Conjola
- Kangaroo Valley
- Kioloa
- Sussex Inlet

The policy also notes fees which would apply for the sale of garden waste mulch to non residents, except non resident ratepayers, and commercial operators. Mechanical loading fees are also noted as being applicable if this service is required at certain facilities

**2.2. Applications**

No application form is required from individual residents for the collection of garden waste mulch from the Waste depots.

Applications for free garden waste mulch are required from community organisations. Applications under this Policy should be made on the attached form "Application for Assistance".

**2.3. Guidelines and Procedures for Applicants**

This Policy should be read in conjunction with Council's "Donations Policy".

**3. Provisions****3.1. Eligibility of Residents**

This Policy allows residents of the Shoalhaven City Council to gain access to free garden waste mulch. Proof of residency ~~will~~ may be required. Examples of proof of residency include, drivers licence, electricity account or telephone account.

~~10RFZ7MS.DOC~~Garden Waste Mulch – Community Assistance Policy

3.2. Eligibility of Organisations

This Policy enables certain organisations to apply for free garden waste mulch material from Council waste depots, provided that the applicant is a bona fide non-profit organisation that meets the following eligibility criteria:

- a) Organisations that are a registered charity and evidence of registration as a charity has been provided to Council, or
- b) Organisations that are a local community or sporting group which are recorded in Council's Community Services Directory, and
- c) Educational institutions

Organisations or individuals that do not fall into any of these categories cannot be granted free garden waste mulch under this delegation

3.3. Conditions

Once an organisation or individual is deemed to meet the eligibility set out in Clause 3.2, free garden waste mulch may only be approved by delegated authority for those activities which meet the following conditions. All requests shall be determined by the General Manager (~~Director, Assets and Works~~Director City Services, Waste Services Manager) in accordance with Clause 3.3 (a), (b) and (c) below unless otherwise determined by Council:

- a) In relation to the supply of free garden waste mulch to either an individual or organisation, the material must not be on sold,
- b) In relation to the supply of free garden waste mulch to an organisation, the proposed use is for a non-commercial based activity, including for the purpose of community development, education and/or awareness activities,
- c) Supply of free garden waste mulch, including where all or part of the proceeds are to be on-donated to another charity or entity, shall not be supported.

- 3.4. In considering a request via 3.2 (a), (b) and (c), the General Manager (~~Director, Assets and Works~~Director City Services, Waste Services Manager) will take into consideration the impact of the decision on the operational budget of the waste unit and any "hard" costs incurred as a result of providing the assistance. Fees associated with "hard" costs include (but are not limited to):
  - Use of equipment
  - Staff costs

- 3.5. The amount of material approved under this Policy for an individual or organisation will be limited as follows-

Eligible residents can receive garden waste mulch up to ~~500kg~~ 5 tonnes or ~~approximately 2m<sup>3</sup>~~ per load.

Eligible non profit organisations will be provided material ~~to a maximum equivalent of 20m<sup>3</sup> per application~~ at no charge. Approval can be provided by the General Manager (~~Director, Assets and Works~~Director City Services, Waste Services Manager).

~~10RFZ7MS.DOC~~Garden Waste Mulch – Community Assistance Policy

All material must be self loaded by resident or community applicants. If loading by Council is required, then charges will apply (refer Clause 3.6). Note: Council loading can only take place at the West Nowra, Ulladulla and Huskisson Waste Depots.

- 3.6. Non residents, except non resident ratepayers, and commercial requests are not eligible to receive free garden waste mulch under this policy. These parties can purchase garden waste mulch at the rates in Council's fees and charges.

All commercial loads must be loaded by Waste Management staff if the purchase takes effect at West Nowra, Ulladulla or Huskisson depots, including a loading fee.

Collection of this material from Waste Depots can take place any time during normal operating hours.

- 3.7. Provision of garden waste mulch is subject to availability.

- 3.8. The General Manager (~~Director, Assets and Works~~Director City Services, Waste Services Manager) cannot grant approval to organisations under this Policy:

- a) If other Council assistance is provided related to the same request
- b) For marketing, advertising or promotion of a commercial entity
- c) Where the assistance to be provided can be self funded

- 3.9. Applications from organisations for free garden waste mulch must be submitted in writing on the form attached to this Policy a minimum of one (1) week prior to the date of the material being required.

- 3.10. No retrospective applications for assistance will be considered.

- 3.11. Applications which do not meet these provisions shall be advised that the request is not eligible for consideration under this Policy and the request reported to Council. Note: these requests may therefore be delayed in approval.

- 3.12. An annual report shall be submitted to Council detailing each organisation granted assistance under this Policy.

#### **4. Implementation**

~~The Assets and Works Group, Works and Services Section~~City Services Directorate, Waste Services ~~Unit~~ will administer this procedure.

#### **5. Review**

To be reviewed within one year of the election of a new Council.



### Application for Free Garden Waste Mulch

(Applicable for organisations that are a registered charity, organisations that are a local community or sporting group or educational institutions)

**-Financial Year** \_\_\_\_/\_\_\_\_

Please note – assistance is subject to budget constraints and may not be approved.

Please complete the following application form

This information is the minimum required for an application.

Date: \_\_\_\_\_

#### Details of Organisation/Individual:

1. Name of Applicant/Organisation : .....  
.....  
Contact person ..... Signature: .....
2. Mailing address: .....
3. Phone: (Home) ..... (Business) .....
4. Amount of mulch being sought: .....
5. Organisation details      Non Profit/Charity/Incorporated/other *(please circle)*

#### Proposed use of mulch

1. Please give a brief description of why the mulch is required:  
.....  
.....
2. Date the assistance is required .....
3. Which waste depot will the mulch be collected from? .....
4. Has Council previously assisted/sponsored your organisation?      YES/NO
5. What was the amount (per annum) of      \$ or Volume.....  
the assistance from Council? .....
6. Detail the Benefit to Council arising from this assistance:  
.....  
.....  
.....

Council Use Only

Fee as stated in the Fees & Charges.....

Is this request over \$1000 - Report to Council required?.....

**Comments:**

☐ Officer .....Date.....

Comments.....

☐ Officer .....Date.....

Comments.....

☐ Officer .....Date.....

Comments.....

**Comments:**

Manager.....Date.....

Comments.....

Supported Yes / No

Section Manager.....Date.....

Comments.....

Supported Yes / No

**Comments:**

Director.....Assets.....and.....WorksWaste.....Services

Manager.....Date.....

Comments.....

Approved / Declined

This form is for the purpose of Shoalhaven City Council sighting insurance requirements and for administrative purposes. The information will be used solely by Council officials for the purpose mentioned above. The applicant understands that this information is provided on a voluntary basis and they may apply to Council for access to, or amendment of, the information at any time.

CL22.215 - Attachment 3

## CL22.216 Electric Vehicle Trial Update

**HPERM Ref:** D22/167650

**Department:** Commercial Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To provide an update to Council on the performance of the electric vehicles and future plans for further adoption.

### Recommendation

That Council:

1. Note the following key report findings:
  - a. Existing range of electric vehicles are well suited and fit for purpose as pool vehicles that are typically used for short, local journeys.
  - b. Existing driving range and charging time of current vehicles available represent a limitation for immediate expansion.
  - c. Operational cost including depreciation is more than non-electric comparator vehicles.
2. Maintain the existing three electric vehicles within the passenger fleet, with the CEO (Director City Services) authorised to continue monitoring of the market to identify suitable fit for purpose electric options to further supplement or expand the fleet as required.

### Options

1. As recommended

Implications: Council will be able to take advantage of new technologies as they launch, reducing emissions, delivering greener services to the community.

2. Maintain current fleet of 3 electric vehicles with no further growth

Implications: Council will miss out on emerging technologies, which could drive down costs, reduce carbon emissions and improve Councils environmental image.

3. Withdraw the vehicles from the fleet and replace with ICE/Hybrid models

Implications: This is not recommended as per Option 2

### Background

Following Council Minute MIN18.916, 3 Hyundai Konas full electric vehicles were purchased and delivered in June 2019. Two vehicles were allocated as pool vehicles for Council staff use, with the third allocated as the Mayoral Vehicle. A report (SA21.97) was provided in May 2021 on the first twelve months of the trial.

This report provides Council with the findings of the trial.

CL22.216

## Update

As reported in May 2021, the first part of the trial found that

- Electric vehicles are well suited for pool vehicles that are typically used for short, local journeys.
- Operators find the vehicles comfortable, safe and drivable.
- The range is a concern being 44% below specification.
- Airconditioning and lights markedly impact the range.
- The recharge is time consuming with fast charges still requiring ~9 hours.
- Greenhouse gas generation is markedly below comparator vehicles.
- Operational cost including depreciation is markedly more than comparator vehicles.
- Servicing in Sydney is a further demonstration of market maturity and limited vehicle numbers resulting in increased cost and reduced availability

These findings continue to remain true, with the exception that a local motor mechanic has been qualified as an authorised electric vehicle service centre. The local servicing has significantly reduced the cost and downtime of servicing, as transportation to Sydney and return is no longer required, with the exception of any warranty or recall work.

To fully assess the cost of the trial, one of the cars was recently sent to Auction for sale, with a reserve figure set at 80% of the purchase price, in line with the other vehicles within the fleet. The vehicle reached a bid of \$48,500 (including GST) and was sold. It is now proposed to replace this vehicle with another fully electric vehicle.

Taking into account the capital, servicing and charging costs, the vehicle cost is still higher than a similarly sized diesel vehicle, however the marked increase in fuel prices over the last six months reduces this difference significantly

The vehicles continue to be popular amongst staff when used and are highly suitable as pool cars. The current make-up of Council's light vehicle fleet makes it difficult to roll out greater numbers of electric vehicles with the models available on the market – of the 177 passenger vehicles, only three meet the classification of "small car", and 41 would be considered small SUVs. Of these, 13 vehicles are hybrid, and this number will continue to grow as current vehicles become due for replacement, with ICE (Internal Combustion Engine) vehicles no longer being offered for these categories.

The lack of local fast charging infrastructure continues to impact the ability for staff to use the vehicles for full days of travel, however there with commitments from the state government, energy distributors and private companies such as ChargeFox, to increase this presence significantly over the next four years, this barrier will reduce over time.

## State of the Market

There were 6752 electric vehicles sold in the first quarter of 2022, accounting for 2.6% of the entire new car market. The Tesla Model 3 accounted for 65% of this number, with the remaining made up of 22 different models. Excluding Tesla – which did not report sales to VFACTS last year – there were 2335 new electric cars reported as sold, an increase of 141 per cent over the same period in 2021. Like their petrol and diesel counterparts, deliveries of electric vehicles have been severely impacted by global supply constraints, and this is expected to continue throughout the remainder of 2022

There are currently about 38 options for electric vehicles available in Australia, compared to 400 worldwide – this limited market is likely due to the lack of government measures like sales targets, phase-out dates for internal combustion engine cars, fuel efficiency standards for new cars and incentives.

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**Moving Forward**

The electric space is a fast-moving and dynamic environment, with new models and technologies launching regularly. Council's Fleet Services department monitor this space through dealer contacts, industry bodies and Local Government contacts.

As more options become available, both in the passenger vehicle market, as well as plant and equipment spaces, these will be tested and adopted based on fit for purpose and value for money criteria.

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## **CL22.194 Development Application - DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP246986**

**HPERM Ref:** D22/156228

**Department:** Certification & Compliance

**Approver:** James Ruprai, Director - City Development

**Attachments:**

1. s4.15 Assessment Report (under separate cover) [⇒](#)
2. Draft Notice of Determination - Part Approval (under separate cover) [⇒](#)
3. Draft Notice of Determination - Approval (under separate cover) [⇒](#)
4. Draft Notice of Determination - Refusal (under separate cover) [⇒](#)
5. Architectural Plan Set & Colour Schedule (under separate cover) [⇒](#)

This report was deferred from the Ordinary Meeting 26 April 2022.

**Description of Development:** Demolition of existing structures, Construction of a Single Storey Dwelling and Detached Shed

**Owner:** V A Tracy & G G Tracy

**Applicant:** Hotondo Homes

**Notification Dates:** 17 August 2021 – 2 September 2021

**No. of Submissions:** Seven (7) were received

### **Purpose / Reason for Consideration by Council**

On 7 February 2022 Council resolved to call in development application DA21/1834 for determination citing public interest (MIN22.53). The application is for a new dwelling and detached shed.

The application was previously reported to the Ordinary Council meeting on 26/4/2022 where it was resolved to defer the item to the Ordinary meeting of Council to be held on 9 May 2022 to allow Councillors to consider additional information (MIN22.277). This information relates to an amended landscape plan, and this is now incorporated into the report and Attachment 5 has been included for reference to the updated set of architectural plans.

Additional information as referred to in MIN22.277 has been submitted. This additional information removes the driveway access to the rear shed to increase the landscaped/permeable area. However, this additional area would still need to be utilised as a trafficable area for vehicle access to the proposed shed, furthermore, no additional information has been submitted that adequately addresses the wall height or setback issues. Therefore, the additional information has not materially changed the assessment outcome or recommendation.

As a result of the original and additional information presented, this report recommends the part approval of the dwelling component and refusal of the shed. As the stormwater issues for the site have not yet been resolved, the recommendation for part approval is via deferred commencement.

### **Recommendation**

That Development Application DA21/1834 be determined by way of Part Approval and Part Refusal as follows:

1. The new dwelling component be approved by way of deferred commencement to allow for the resolution of stormwater considerations and subject to the recommended

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- conditions of consent contained in Attachment 2 of this report.
2. The shed component be refused for the reasons outlined in Attachment 4 - DRAFT Notice of Determination, vis.
    - a. The shed is inconsistent with the development controls set out in Chapter G12 of Shoalhaven Development Control Plan 2014.
    - b. The shed fails to adequately demonstrate compliance with the development controls set out in Chapter G2 of Shoalhaven Development Control Plan 2014.
    - c. The shed will have adverse amenity impacts on the built environment in the locality.
    - d. The site is not suitable for the proposed development.
    - e. The shed is not in the public interest.

## Options

### 1. The Application is determined in accordance with the Recommendation.

Implications: The application would be determined by way of part approval with the dwelling component being approved and detached shed component being refused. The application would also be determined via deferred commencement in that the applicant must provide satisfactory stormwater details and evidence that stormwater has been designed and considered in accordance with Chapter G2 of Shoalhaven DCP 2014 to Council prior to the consent becoming operational. If the deferred commencement conditions are not satisfied within the specified timeframe (6 months) the consent would lapse.

Once determined, the applicant has the option to apply for a section 8.2 review of Council's decision and/or could lodge an appeal with the NSW Land and Environment Court against Council's decision.

### 2. Refuse the Application

Implications: The dwelling and shed would be refused on the grounds listed in the draft refusal consent (Attachment 4), having regard to section 4.15(1) considerations. Council would need to provide reasons for the refusal of the dwelling component.

The applicant would be entitled to seek a section 8.2 review of Council's decision and / or could lodge an appeal with the NSW Land and Environment Court against Council's decision.

### 3. Approve the Application by way of deferred commencement subject to recommended conditions of consent.

Implications: Council would have to determine the grounds on which the application is to be approved. This would need to include reasons to support the development having regard to section 4.15 considerations. The application would be determined via deferred commencement in that the applicant must provide satisfactory stormwater details and evidence that stormwater has been designed and considered in accordance with Chapter G2 of Shoalhaven DCP 2014 to Council prior to the consent becoming operational. If the deferred commencement conditions are not satisfied within the specified timeframe (6 months) the consent would lapse.

Under some circumstances, where a third party (i.e., an objector) considers there to have been a breach of law in the granting of a consent or application of the EP&A Act 1979, they may be able to seek to remedy or restrain an approval through the NSW Land and Environment Court under section 9.45 of the Act.

### 4. Alternative Recommendation.

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Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

## Location Map



*Figure 1: Location Map - Locality*



*Figure 2: Location Map - Subject Site*

## Background

### Proposed Development

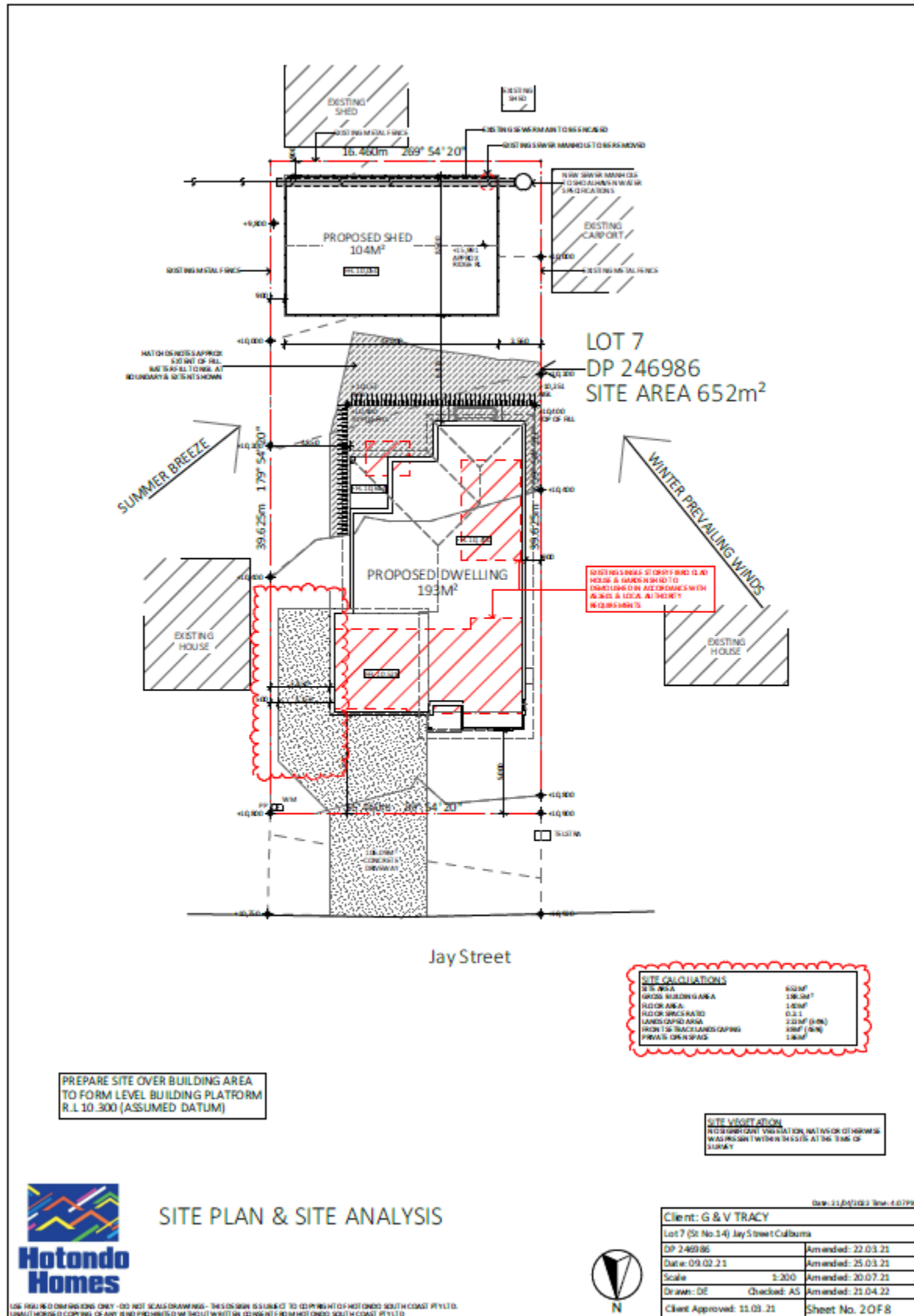
The proposed development includes:

- Demolition of the existing structures
- Construction of a single storey dwelling

CL22.194



- Construction of a detached shed



CL22.194

Figure 3: Site Plan. Additional information as referred to in MIN22.277 showing updated plan removing driveway access to rear shed and increase landscaped/permeable area

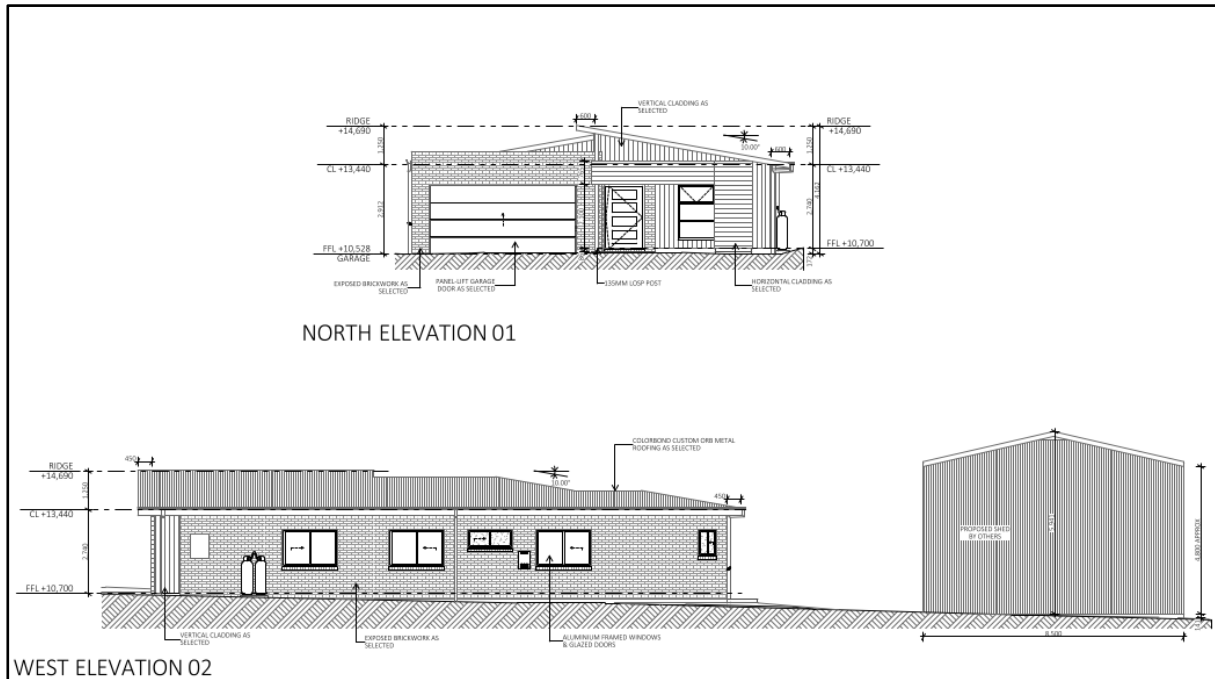


Figure 4: Dwelling & Shed Elevations

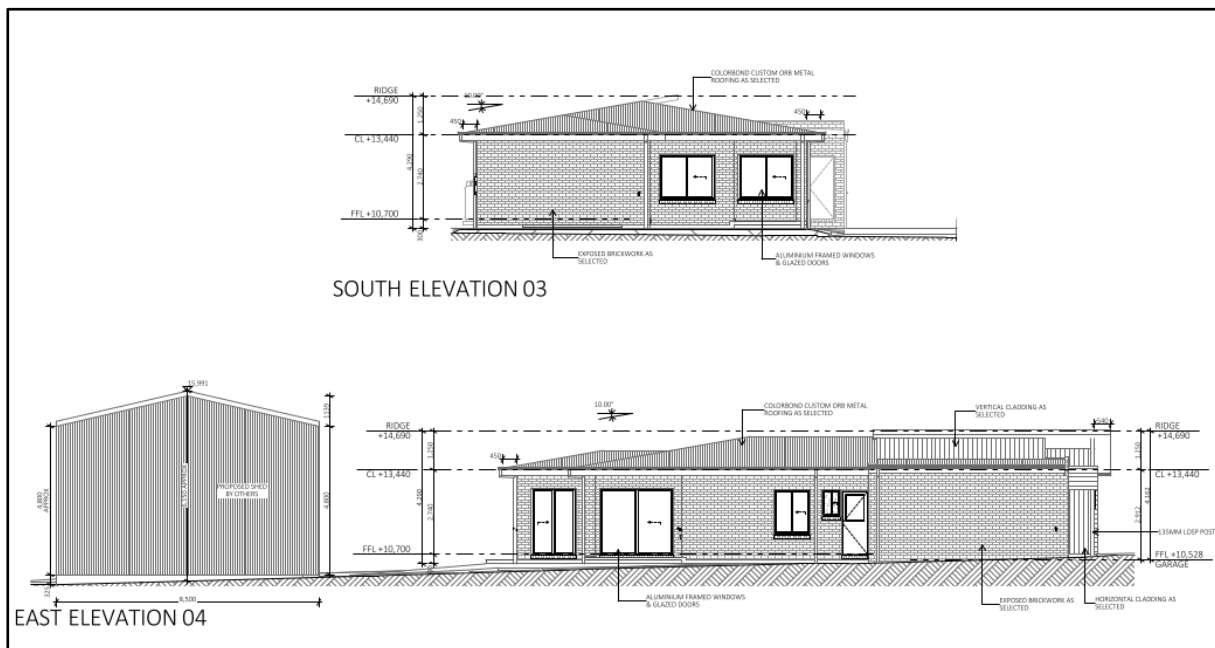


Figure 5: Dwelling & Shed Elevations

### Subject Land

The subject land is located at 14 Jay Street, Culburra Beach (Lot 7 DP 246986).

### Site & Context

The subject site is located on the southern side of Jay Street and is legally identified as Lot 7 DP246986 and described as 14 Jay Street, Culburra Beach.

The site is a regular shaped allotment of 651.29m<sup>2</sup>. The site has connections to town water and a reticulated sewer system. Existing development on the site consists of a single storey dwelling and associated ancillary development. Under the provisions of the Shoalhaven LEP 2014 the subject land is zoned R2- Low Density Residential.

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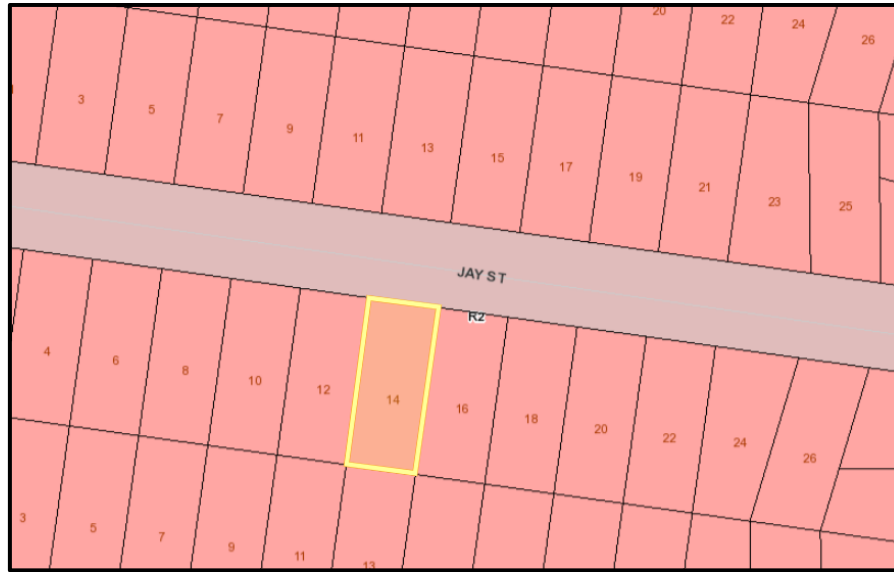


Figure 6: Zoning Map



Figure 7: Photo of existing development on site viewed from Jay Street

### History

The following provides details on pre-lodgement discussions, post-lodgement actions and general site history for context.

- (a) DA20/1067 – previous application for detached metal shed: - Development application DA20/1067 for a detached metal shed on the subject site was lodged on 30 January 2020.

The proposed detached metal shed had a floor area of 104m<sup>2</sup> with a wall height of 4.9m and an overall height of 5.678m. The proposed detached shed was setback 2.5m from the rear boundary.

Council staff advised the following as part of the assessment of DA20/1067 noting the proposed shed height, bulk and scale was not consistent with or sympathetic to the area:

*Having undertaken a site inspection and reviewed the plans and documentation submitted in support of the above application, the following is*

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*required to be able to undertake a determination.*

- 1. Please provide a written statement detailing the proposed use of the detached shed. The application form has been completed stating the proposed use is "other", but the use has not been further specified.*
- 2. Please confirm if a new driveway is proposed as part of this application.*
- 3. As the proposed wall height of 4.900 metres and an overall height of 5.678m is considered excessive within a residential area and not consistent or sympathetic to the bulk and scale of the existing development on the site, a photographic montage of the proposed shed as it relates to the site & surrounding dwellings is required. A written statement detailing how the size of the shed, used in conjunction with the dwelling, is appropriate for the garaging of residents vehicles is also required before a determination can be considered. An alternative to this is to amend the elevations to reduce the height of the shed for the area that sits above the two smaller roller doors. This would assist in reducing the bulk & scale of the detached shed.*
- 4. As the existing dwelling pre-dates our records, no information is available as to the current stormwater disposal system. As the existing system is to be relied upon for the new large roof area, please provide accurate details of the proposed method of stormwater disposal. Or alternatively the stormwater can be diverted to the street.*
- 5. Please provide a landscape plan. Consideration should be given to relocating the shed slightly further to the west of the site to allow for a visual landscaping barrier along the eastern boundary line to assist in reducing the impact of such a large shed within a residential area.*

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Development Application DA20/1067 was withdrawn on 15 April 2020.

- (b) DA21/1834 for a single storey dwelling and detached shed: - This is the current application, and it was lodged with Council on 29 July 2021.

Additional information was requested on 15 September 2021. The applicant was advised the bulk and scale of the proposed shed was excessive and would not be supported in its current form.

On 23 September 2021 the applicant provided a written response to the additional information seeking to justify the proposed detached shed.

On 16 November 2021 Council requested further information from the applicant. In this request, the applicant was advised the bulk and scale of the shed remained an issue together with the proposed stormwater drainage system being inconsistent with Chapter G2 of Shoalhaven DCP 2014.

There was ongoing correspondence between Council staff and the Applicant regarding the proposed development and requirements of Shoalhaven DCP 2014. The Applicant has sought to justify the size, bulk, height and reduced rear setbacks of the proposed detached shed. Council staff have advised the proposed shed is not supportable in its current form as it is not of an appropriate scale and is inconsistent with the objectives and relevant performance criteria set out in Chapter G12 of Shoalhaven DCP 2014.

On 7 February 2022 Council resolved to call in DA21/1834 for determination citing public interest (MIN22.53).

On 29 March 2022 Council staff requested the applicant address the stormwater considerations, previously outlined in the request for information on 16 November

2021. On 6 April 2022 the applicant provided a copy of a letter (dated 30 March 2022) sent to the adjoining landowner at 14 Park Row, Culburra Beach, requesting an easement. To date, a response has not been received from the adjoining landowner.

## Issues

### Landscaping, wall height, rear setbacks, bulk and scale of the proposed detached shed

The proposal does not comply with the acceptable solutions A19.1 (minimum landscaped area) A33.2 (wall height of detached shed) and A35.2 (rear setback for detached shed) in Chapter G12 of Shoalhaven DCP 2014. Council staff have considered the merits of the development and have concluded the proposed detached shed is not consistent with the objectives of the DCP or the relevant performance criteria.

### Additional Information Requested: Landscaped area - Shoalhaven DCP Chapter G12

Additional information as referred to in MIN22.277 has been submitted. This additional information removes the driveway access to the rear shed to increase the landscaped/permeable area (Refer Figure 3). The subject site has an area of 651.29m<sup>2</sup>.

The minimum landscaped area required to comply with the development control is 30% (i.e., 195.4m<sup>2</sup>). The updated site plan now provides 34% landscaped area, and this now complies with the landscaping development controls. It should be noted that although this area is not hardstand it will likely need to be utilised as trafficable area to access the proposed rear shed.

### Wall height of detached shed - Shoalhaven DCP Chapter G12

The proposed shed adopts a compliant gross floor area of 104m<sup>2</sup>. However, the proposed shed has a wall height of 5.125m from natural ground level which does not comply with the 3m wall height acceptable solution. The proposal seeks a 2.125m (70%) departure to the maximum wall height development control set by Acceptable Solution A33.2.

The relevant control DCP objectives, performance criteria and acceptable solutions are noted below:

<b>Objectives</b>	
<ul style="list-style-type: none"> <li>i. Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.</li> <li>ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.</li> <li>iii. Encourage design that ensures that the amenity of surrounding development is properly considered and not adversely impacted.</li> <li>iv. Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.</li> <li>v. Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.</li> <li>vi. Retain the amenity of the public domain.</li> </ul>	
<b>Performance Criteria</b>	<b>Acceptable Solution/s</b>

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**P33.1** The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:

- Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.
- Sympathetic with the streetscape and complements the existing and desired future character of the area.

**P33.2** The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.

**P33.3** The size of the non-habitable structure is appropriate for its purpose.

**A33.2** The gross floor area and eave height of a garage, or other similar structure, complies with the provisions in **Table 4**.

Table 4: Gross floor area and wall height

	Gross Floor Area	Wall Height From ground level (existing) to eave
R1, R2 and SP3 (2000m <sup>2</sup> ), R3 and RU5 Zones	110m <sup>2</sup>	3.0m Refer to Figure 10
R2 and SP3 (2000m <sup>2</sup> )	To be assessed on merit	To be assessed on merit
RU1, RU2, RU4, E2, E3, E4, and R5 Zones	Site area up to 1 hectare - 140m <sup>2</sup>	To be assessed on merit

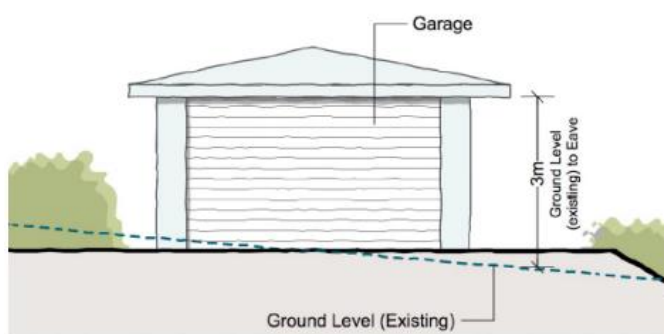


Figure 10: Wall height (example garage)

### Applicant's Submission

The applicant provided the following commentary in support of their application:

Dear General Manager,

**RE: Development Application DA21/1834 | 14 Jay St, CULBURRA BEACH | Lot 7 DP 246986 | Request for Information | Building Height of Shed Structure**

1. I refer to Council's letter dated 15 September 2021.
2. It is unfortunate to receive Council's letter requesting additional information, which does not in fact request additional information. Rather, the letter requests a substantive change to a development application that is already wholly compliant with all relevant development standards and controls.
3. It is also concerning that Council has seemingly not engaged with the detail contained in the Statement of Environmental Effects (SEE) that accompanied the application or the detail of the operation of the Shoalhaven Development Control Plan 2014 (the DCP).

### **Council's request**

4. Council suggests that the height of the proposed shed structure is excessive and is not consistent or sympathetic to the bulk and scale of the development on the site. Council goes on to request that the development be amended so as to reduce the height of the shed structure or remove it altogether as a component of the development.
5. This is not a request for information. Respectfully, this is an unreasonable demand which has no legal or planning basis.

### **How to apply the DCP**

6. Most of the Chapters within the DCP contain 'performance criteria' and 'acceptable solutions'.
7. However, the relevant controls for the purposes of the Environmental Planning and Assessment

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- Act 1979 (**EPA Act**) are those controls identified as the 'performance criteria'. The 'acceptable solutions' are not controls, but rather pre-determined circumstances in which compliance with the standard will be deemed to occur. This is an important distinction to make when determining if the application complies with the DCP.
8. As was set out in the case of *Houghton v Shoalhaven City Council* [2016] NSWLEC 1195, where at [76] Commissioner Morris found [emphasis added]:  
  
The acceptable solutions are not mandatory controls or standards and, in accordance with the provisions of S79C(3A) of the EP&A Act, must be flexibly applied. The acceptable solutions are ways, if implemented ensure that the relevant performance criteria are satisfied.
  9. The same was said of Council's acceptable solutions in the matter of *Thomas v Shoalhaven City Council* [2010] NSWLEC 1264, where at [22] the Court found:  
  
Acceptable solutions are provided as example of what council will accept for achievement of the relevant performance criteria. Alternatives may be proposed, if it can be demonstrated that the alternative will satisfy the design objectives and criteria.
  10. The position was made even more clear in the case of *Platford v van Veenendaal and Shoalhaven City Council* [2018] NSWLEC 27. In that case, Chief Justice Preston held:  
  
39. ... The controls specify the Performance Criteria that must be met for ancillary structures. The Acceptable Solutions are ways in which those Performance Criteria can be met. In a sense, by meeting an Acceptable Solution, the ancillary structure is deemed to comply with the Performance Criteria. But the converse does not apply: ...  
  
40. In this case, the Council Officer assessed that, although the ancillary structure of the boathouse arm, including the screen wall, did not meet the Acceptable Solution A22.1 (because the wall exceeded 3m in height), it nevertheless achieved the Performance Criteria, including P22.1. In this way, the ancillary structure could be described as being "compliant" with the controls for ancillary structures in s 5.3.8 of Shoalhaven DCP.
  11. It follows that, in the Court's opinion, the acceptable solutions are not 'standards' for the purpose of section 4.15(3A), and it is not the acceptable solutions with which an application must comply.
  12. In other words, an application can fail to comply with the acceptable solution but still comply with the relevant standard in the DCP, being the performance criteria. To interpret it another way amounts to 'an incorrect understanding of the controls'.
  13. However, if the acceptable solution is complied with, then the development is deemed to have achieved the performance criteria.
  14. Council cannot require the applicant to comply with a more onerous standard than that which is contained in the DCP. Section 4.15(3A)(a) of the EPA Act provides as follows:  
  
If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—  
  
(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development
  15. If Council predicates a determination to refuse the application on the assertion that it fails to comply with the DCP because it fails to comply with the performance criteria, despite the application complying the acceptable solution, then Council's determination will be in error at law. If my client submits a Class 1 appeal, Council may be ordered to pay my client's costs, even though Class 1 proceedings are ordinarily a no costs jurisdiction.
- The application of the DCP to the present development**
16. Council suggests that the height of the proposed shed structure is excessive. However, the DCP contains a development control with respect to building heights of ancillary structures. The SEE submitted with the application conveniently addresses this control for Council on page 28.

Excerpt from Statement of Environmental Effects:

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8 Ancillary Structures and Non-Habitable Structures on Vacant Land		
8.1 Density, Height and Setbacks		
<p><b>P33.1</b> The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>• Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</li> <li>• Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul> <p><b>P33.2</b> The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.</p> <p><b>P33.3</b> The size of the non-habitable structure is appropriate for its purpose.</p>	<p><b>A33.1</b> The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>• R1 General Residential.</li> <li>• R2 Low Density Residential.</li> <li>• R5 Large Lot Residential, where the site area is less than 2000m<sup>2</sup>.</li> <li>• RU5 Village.</li> </ul> <p><b>A33.2</b> The gross floor area and eave height of a garage, or other similar structure, complies with the provisions in Table 4.</p>	<p>The proposed shed structure complies with A33.1 and A33.2, therefore compliant with P33.</p>
<p>17. <i>P34.1 of Chapter G12 of the DCP requires that the height of the ancillary structure (in this case a shed) is to be compatible with the existing or desired future character of the area. The corresponding acceptable solution to this control is contained at A34.1, which states: 'Building heights must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014'.</i></p> <p>18. <i>The SEE also provides a compliance table on page 10, which identifies the maximum building height for the site under the Shoalhaven Local Environmental Plan 2014 (SLEP) as 8.5 metres.</i></p> <p>19. <i>The proposed shed structure is proposed to be constructed at a maximum height of 6.1 metres which is approximately 70% of the maximum permissible height.</i></p> <p>20. <i>Council's DCP contains a standard with respect to building heights. That standard has a corresponding acceptable solution which requires only that the ancillary structure be no higher than the maximum building height identified in the SLEP.</i></p> <p>21. <i>My client complies with this control.</i></p> <p>22. <i>As a consequence of the operation of section 4.15(3A)(a) of the EPA Act, Council is not permitted to require that my client comply with a more onerous standard than that contained in A34.1.</i></p> <p>23. <i>Council may well have formed the view that bulk and scale of the development being sympathetic to existing development remains a relevant contention. Unfortunately for Council, the DCP already addresses this issue and provides a standard which the application meets. The EPA Act prevents Council from pressing this issue further.</i></p> <p>24. <i>I look forward to receiving Council's positive determination of the application as soon as possible.</i></p>		

### Discussion

A33.2 establishes acceptable solutions for gross floor area and wall height for an ancillary structure based on the zoning of the land (e.g., residential or rural) and lot size.

The Applicant's letter discusses the difference between the acceptable solutions and performance criteria and identifies Shoalhaven DCP 2014 allows for a development to

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propose a performance-based solution where the acceptable solution has not been met, so long as the performance criteria are achieved.

The applicant has suggested in correspondence to Council that the proposal complies with A33.2 (wall height) as the shed does not include any eaves. This interpretation is not supported by staff as the intent of the control is to limit the size of the sheer face of a wall.

Council staff are of the opinion the proposed detached shed is not sympathetic to the low-density residential character of the area and the bulk and scale of the shed is not compatible with the surrounding residential land uses and will have an adverse impact on the amenity of neighbouring residences.

Consideration of the relevant performance criteria for A33.2 by staff is provided below:

<b>Performance Criteria</b>	<b>Commentary</b>
<p><b>P33.1</b> The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</li> <li>Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul>	<p>The proposed shed has a rear wall height of 5.125m and is located 0.9m from the rear boundary. This increased wall height of the proposed shed creates additional bulk and scale which contrasts with the existing development in the locality.</p> <p>The reduced rear setback and topography of the site with the land sloping to the rear exacerbates the bulk and scale of the shed and will make the shed visually prominent from adjoining properties.</p> <p>The development would result in a large Colourbond wall dominating the rear setback which will be prominent from adjoining properties. The bulk and scale and location of the proposed shed will compromise the amenity of adjoining residences and enjoyment of rear yards and private open space.</p> <p>There are sheds on adjoining properties however, these appear to be smaller in height and have floor areas less than 50m<sup>2</sup>. The bulk and scale of the shed is inconsistent with other sheds in the vicinity of the site.</p> <p>If the proposed shed is to be approved, it will likely establish precedent for the local area which is not considered to be consistent with the existing and desired future character of the area.</p>
<p><b>P33.2</b> The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.</p>	<p>The proposed shed consists of an area of 104m<sup>2</sup>, a wall height of 5.125m and an overall height of 6.15m.</p> <p>Three roller doors provide vehicle access to the shed and the dimensions of these are as follows:</p> <ul style="list-style-type: none"> <li>3m (h) x 2.876m (w)</li> <li>3m (h) x 2.876m (w)</li> </ul>

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	<ul style="list-style-type: none"> <li>4.5m (h) x 4.3m (w)</li> </ul> <p>The overall height of the shed is considered to be excessive for residential use in the context of the immediate residential locale.</p>
<b>P33.3</b> The size of the non-habitable structure is appropriate for its purpose.	<p>There is no guarantee that the proposed shed, given its size/scale, would not be converted from or utilised contrary to the garaging of vehicles as ancillary to the premises dwelling. If approved, recommended conditions of consent will require the shed not be used for any commercial, industrial or habitable purposes.</p>

Rear setback for proposed detached shed - Shoalhaven DCP Chapter G12

The proposed shed does not comply with the 3m rear setback acceptable solution (A35.2). The proposed shed is setback 0.9m from the rear boundary for the full length of the shed and as such, seeks a 2.1m (70%) departure to the rear setback development control.

The relevant control objectives, performance criteria and acceptable solutions are as follows:

<b>Objectives</b>
<p>i. Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.</p> <p>ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.</p> <p>iii. Encourage design that ensures that the amenity of surrounding development is properly considered and not adversely impacted.</p> <p>iv. Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.</p> <p>iv. Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.</p> <p>v. Retain the amenity of the public domain.</p>

<b>Performance Criteria</b>	<b>Acceptable Solution/s</b>
<p><b>P18.1</b> The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.</p> <p><b>P18.2</b> The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</p> <p><b>P18.3</b> The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.</p>	<p><b>35.2</b> Setbacks shall comply with the provisions in Table 2 (Section 6.1.2 of this Chapter), where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>R1 General Residential.</li> <li>R2 Low Density Residential, where the site area is less than 2000m<sup>2</sup>.</li> <li>RU5 Village</li> <li>SP3 Tourist</li> </ul> <p><b>(See below table 2)</b></p>

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<p><b>P18.4</b> Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and sunlight access.</p> <p><b>P18.5</b> Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p> <p><b>P18.6</b> The proposal maintains adequate provision for on-site car parking.</p>	
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Table 2: Setbacks in the R1, R2 (< 2000m<sup>2</sup>), RU5 and SP3 zones

Front Setback Primary road frontage	Parallel Road Frontage	Side Setback No road frontage and to public reserve	Side Setback Secondary road frontage	Rear setback	Rear/side setback to foreshore reserve
<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 5m to dwellings.</li> <li>• 4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 6m to dwellings.</li> <li>• 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 7.5m to dwellings.</li> <li>• 6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	3m	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	<p>Lots under 600m<sup>2</sup>: 3m</p> <p>Lots 600m<sup>2</sup> and over: 3.5m</p>	3m (average).	7.5m.

### Applicant's Submission

The applicant provided the following commentary in support of their application in the Statement of Environmental Effects submitted with the application:

*As the requirement to comply with Table 2 is set out in the acceptable solutions, a 3 metre rear setback for the shed is not a standard that it must technically meet.*

*More central to compliance is the need to remain consistent with the existing and desired future character of the area, particularly from the perspective of the street front.*

*The proposed shed only has a setback of 900mm, but it is not a structure used for habitable purposes. Moreover, the 900mm setback is consistent with development immediately south and adjacent to the rear boundary, where an existing shed of comparable style and dimension is also constructed approximately 900mm off the boundary. The existing shed poses no adverse impacts. It stands to reason that the proposed shed will also cause no adverse impacts.*

*As set out in the Note to Table 2, 'Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not*

*prejudiced’.*

*The applicant submits that the shed is in keeping and consistent with the existing character of development in the immediate vicinity and does not affect the street character in any way.*

*No variation is required. It is submitted here that the proposed shed complies with the performance criteria which constitute the control.*

### Discussion

Acceptable Solution A35.2 and the relevant performance criteria establish the setbacks requirements for an ancillary structure.

The Statement of Environmental Effects submitted by the applicant notes the proposed shed has a rear setback of 0.9m and suggests this is consistent with adjoining properties and therefore complies with the performance criteria.

While it is acknowledged some sheds on adjoining properties do have reduced setbacks, the proposed shed presents a different outcome, being a substantially larger shed with an increased wall height. Additionally, the shed takes up the majority of the rear setback as compared to sheds on adjoining properties which appear to be less than 50 percent.



*Figure 8: Aerial imagery of subject site noting small detached ancillary structures on adjoining properties. Subject site highlighted in blue and 12 and 18 Jay Street highlighted in yellow for clarity in discussion below.*

The proposed shed dimensions, include a wall height of 5.125m, an overall height of 6.15m and an area of 104m<sup>2</sup>. The size of the shed, reduced setback and increased wall height have compounding impacts to the amenity of adjoining properties.

For comparison, ancillary structures on adjoining properties typically have floor areas ranging between 30m<sup>2</sup> to 60m<sup>2</sup>, with wall heights of approximately 3m and peak building heights of 3m to 3.5m.

For example, the detached shed at 12 Jay Street is setback 0.9m from the rear boundary and 1.2m from the side boundary and has an approximate floor area of 40m<sup>2</sup> and a wall height of approximately 2.5m to 3m.

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Figure 9: Aerial imagery of existing detached shed at 12 Jay Street



Figure 10: Photo of existing detached shed at 12 Jay Street

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Similarly, the existing detached shed at 18 Jay Street is setback 4.5m from the rear boundary and 0.9m from the side boundary and has a floor area of 42m<sup>2</sup> and a wall height of 2.7m.



Figure 11: Aerial imagery of existing detached shed at 18 Jay Street



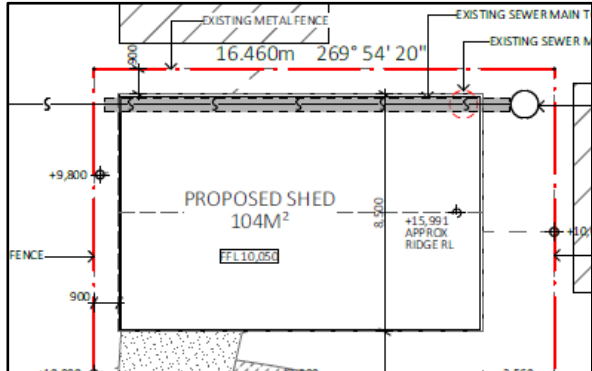
Figure 12: Photo of existing detached shed at 18 Jay Street

This design in its current form would negatively impact on the amenity of the surrounding properties as the dimensions proposed work to exaggerate the visual impact of the development.

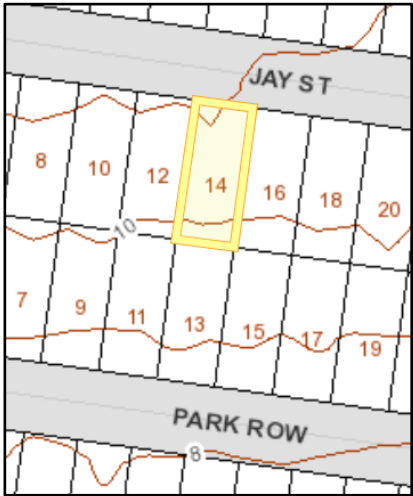
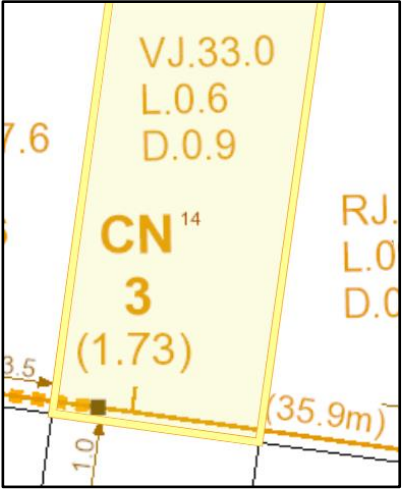
The cumulative effect of the significant wall height in conjunction with the reduced setback proposed is not compatible with the future desired character of the area. The proposed

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development does not achieve the relevant performance criteria for these controls and given the height, size and setbacks, the proposed shed is not considered to be of an appropriate bulk and scale for the development site. Consideration of the relevant performance criteria for A35.2 by staff is provided below:

<b>Performance Criteria</b>	<b>Commentary</b>
<b>P18.1</b> The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.	This is not deemed to be relevant as the proposed shed is located behind the building line.
<b>P18.2</b> The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.	<p>The proposed shed presents as a substantially larger structure in comparison to those observed on adjoining properties; sheds on adjoining properties appear to be less than 50m<sup>2</sup>. This is particularly evident when considering the increased wall height in combination with the length of the shed, which extends for the majority of the rear boundary. Although some sheds are observed on adjoining properties with reduced rear setbacks, these are significantly smaller in height and size.</p> <p>The bulk and scale of the proposed shed is inconsistent with other sheds in the vicinity and the reduced rear setback in this instance would contribute to its prominence when viewed from adjoining properties and would compromise the amenity of adjoining properties and their enjoyment of rear yards and private open space.</p> 
<b>P18.3</b> The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.	This is not deemed to be relevant as the shed is located behind the building line.
<b>P18.4</b> Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and	The visual impacts of the shed are exacerbated by the reduced rear setback. Along the rear boundary, the shed presents with a length of 13m, a rear wall height of 5.125m and an overall height of 6.15m. This

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<p>sunlight access.</p>	<p>would result in the proposed shed dominating above a 1.8m boundary fence. The amenity of the adjoining properties will be unduly impacted by the bulk and scale of the proposed shed.</p> <p>Also, the topography in the immediate vicinity of the location of the proposed Shed slopes towards Park Row with a fall between 1-2m, further exacerbating the amenity impacts for properties located south, south-east and south-west of the development.</p>  <p>The proposed detached shed will reduce solar access to adjoining properties; however, it is not considered to result in overshadowing impacts to habitable rooms and principal private open space above the acceptable levels outlined in Shoalhaven DCP 2014.</p>
<p><b>P18.5</b> Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p>	<p>The proposed shed is located over an existing sewer main with a vertical junction.</p>  <p>The application proposes to encase the sewer main and relocate the sewer manhole in order to accommodate the proposed shed. The applicant will need to apply for a Certificate of Compliance to ensure the Shoalhaven Water</p>

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	infrastructure is protected.
<b>P18.6</b> The proposal maintains adequate provision for on-site car parking.	Adequate car-parking is provided on-site. An attached garage is included as part of the single storey dwelling.

#### Stormwater disposal – Shoalhaven DCP 2014

The development application is proposing a charged line system to the street but has failed to provide the required documentation to support the concept stormwater design required under chapters G2 and G12 of Shoalhaven DCP 2014.

#### Applicant's Submission

The applicant has advised the application complies with the stormwater requirements of Shoalhaven DCP 2014, noting in the Statement of Environmental Effects as follows:

*"The proposal complies. As set out in the notes of the Site Management Plan, guttering will be connected to the stormwater system or the rainwater tank as soon as practicable."*

#### Discussion

On 16 November 2021 the applicant was advised that to justify the use of a charged stormwater drainage system, it needs to be demonstrated that suitable efforts have been made to show that drainage to the street via gravity or creation of a drainage easement is not possible as required by A2.1 in Chapter G2 of Shoalhaven DCP 2014. Chapter G2 outlines the necessary steps to be satisfied that stormwater drainage via gravity or creation of an inter-allotment drainage easement is not possible and that a charged line is satisfactory:

On 6 April 2022 the applicant provided a copy of a letter (dated 30 March 2022) sent to the adjoining landowner at 14 Park Row, Culburra Beach, requesting an easement.

On 21 April 2022 a letter was provided to Council signed by the landowner of the property to the rear (13 Park Row, Culburra Beach). The landowner is not willing to grant an easement. This means the applicant will need to provide a charged stormwater line to the street gutter.

The deferred commencement approval would require the applicant to complete appropriate investigations to support a charge line to the street within six (6) months of the determination date.

#### **Planning Assessment**

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979 (Refer Attachment 1).

#### **Consultation and Community Engagement:**

Seven public submissions were received in relation to Council's notification of the development. All submissions were objections to the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent within a twenty-five metre buffer of the site. The notification was for a two-week period.

Key issues raised as a result of the notification include but were not limited to matters listed below:

Summary of Public Submissions	
Objection Raised	Assessing Officer Comments
<b>Permissibility and intended use of shed</b> Extracts of submissions received: <i>"I also would like to express my concern for the intended</i>	The proposal includes a shed on R2-zoned residential land. A shed is proposed to be used ancillary to the residential use of

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usage of the shed. Given the shed's dimensions and design (i.e., three large roller doors) as well as the applicant(s) ownership of a prime mover for a semi-trailer, it is fair to postulate that the shed is intended for commercial use. Commercial use is not a type of authorised usage within Zone R2 Low Density Residential applications. Should there be amendments reducing the total height of the shed to a maximum of 3M, in line with the Shoalhaven Development Plan 2014 to accompany their single storey dwelling, we would be supportive."

"I think the industrial sized and intended use of the shed (as mentioned in previous application that has now been withdrawn) will ruin the residential zoned area, create noise and most importantly create a danger hazard from the prime mover that will be housed within it. The prime mover with pose a risk because of its size and the limited space they are trying to drive it around in- putting young children from the street and from the community at great risk."

"I am opposed and also disgusted with the development proposal for a large scaled commercial heavy vehicle maintenance shed. Is the exact same shed that was withdrawn by [landowners redacted] in early 2020 DA20/1067. I have several issues with the new DA that was been lodged on behalf [landowners redacted] by Hotondo South Coast. They are renowned for having a prime mover parked in the street or in the bush across the road from their house and I must make aware to you that this street is zoned as R2."

"I have had several other residents speak to me up of their concerns about this development surely a garage this large is more suited to a heavy industrial zoned area as looking at the plans it appears to take up over a third of the property and the proposed house already has a double garage.

"I am extremely concerned about the development as it appears to be a second attempt to build a massive commercial shed /garage that due to its size makes me concerned that it will be used to work on large trucks as well as cars in a very quiet residential zoned area."

"I welcome the investment in a new residential dwelling in the street, however the inclusion of a large 4.9m tall commercial heavy vehicle maintenance shed at the rear of the property is not in keeping with the residential nature of the surrounding area, and the failure to disclose this significant fact within the development

the land and is therefore a permitted land use within the zone.

If approved, conditions of consent will be imposed requiring the shed not be used for any industrial, commercial or habitable purposes without separate development consent, or unless otherwise exempt under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for a change of use.

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<p>application and SEE analysis is a significant concern.”</p> <p><i>“The size of the shed that is in this application (14 Jay St) is to house a prime mover for a semi-trailer. This is not residential - this is commercial. A truck this size going in and out of this property - a meter from our bedroom and lounge room windows will not only destroy our peaceful existence - but it will no longer feel safe for our children to play and be on their push bikes etc. This is a residential street and should remain this way.”</i></p>	
<p><b>Amenity Impacts resulting from Bulk and Scale of Shed</b></p> <p>Extracts of submissions received:</p> <p><i>“SLEP 2014 P34.1 &amp; 35.1 - Incorrect SEE assessment - height and rear setback of heavy vehicle maintenance shed is not compliant, and the interpretation of previous case history is not applicable to this consent application.”</i></p> <p><i>“The proposed total shed height is 5,939 with an approximate internal peak of 6,150. This is significantly higher than the maximum wall height of 3 metres for a garage in a Zone R2 low residential area (as stipulated in The Shoalhaven Development Control Plan 2014 Chapter G12 Table 4 and Figure 10).”</i></p> <p><i>“I really don't feel a 104m2 large scaled commercial heavy vehicle maintenance shed falls under this category. The size of this shed is also 5.939m at the ridge which exceeds the Height limit for a shed which is stated in The Shoalhaven Development Control Plan 2014 Chapter G12 Table 4 and Figure 10 allows for a maximum wall height of 3 metres for a garage in a Zone R2 Low Residential area.”</i></p> <p><i>“I also feel the proposed development appears to be very close to our boundary fence this appears to be due to the extremely large driveway that I can only assume is of this size due to the size of vehicles that will be using it.”</i></p> <p><i>“The Statement of Environmental Effects (SEE) that supports this DA is primarily focussed on the residential dwelling and has not explicitly considered the size and nature of intended use of the large 4.9m tall heavy vehicle maintenance shed at the rear of the property.”</i></p>	<p>It is view of Council's assessment staff that the bulk and scale of the proposed shed is inconsistent with the development controls.</p> <p>The proposed wall height compounded by the height of the drop edge beam is excessive in the residential context. The visual impacts of the shed are exacerbated by the reduced rear setback.</p> <p>The height, size and setbacks of the proposed shed is not considered appropriate bulk and scale. The Shed is not compatible with the existing or desired future character of the area.</p>
<p><b>Solar Access</b></p> <p>Extracts of submissions received:</p> <p><i>“This application is strikingly similar to DA20/1067 proposed in January 2020. This previous proposal included the shadow effects of the development which seems to be missed in this application. The shed in the</i></p>	<p>The proposed detached shed will reduce solar access to adjoining properties; however, it will not result in overshadowing impacts to habitable rooms and principal private open space above the acceptable levels outlined in</p>

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<p>DA20/1067 application had a height of 5,678; the newly proposed shed is almost 300 taller. This current application will have a dire impact on the environment (not meeting the requirement outlined in paragraph 8.2 around enhancing streetscapes) and will essentially "black out" out property for a significant period each day."</p>	<p>Shoalhaven DCP 2014.</p> <p>The proposed development would maintain at least 3 hours of direct sunlight between 9am and 3pm on 21 June to principal private open space and north facing living room windows and roof surfaces as required by acceptable solution A10.3 in Shoalhaven DCP 2014.</p>
<p><b>Gross floor area</b></p> <p>Extracts of submissions received:</p> <p>"The development has more than 550m2 of either hard standing (driveway) or building (dwelling plus shed) on a lot size of 652m2 - well above the 50% allowed under SLEP 2014."</p> <p>"Site calculations are incorrect - they have not allowed for the floor area of the heavy vehicle maintenance shed. Gross building area including the shed is 297m2 (not including the hard standing driveway), not 188m2 as stated."</p>	<p>Shoalhaven DCP 2014 sets a floor space ratio of 0.5:1 and a maximum floor area for sheds of 110m².</p> <p>The proposed development complies with the FSR and shed GFA acceptable solutions outlined in Shoalhaven DCP 2014.</p>
<p><b>Impervious and hardstand area</b></p> <p>Extracts of submissions received:</p> <p>"SLEP 2014 P6.2.1 - Incorrect SEE assessment - calculations are incorrect. Building area (including heavy vehicle maintenance shed) is 297m2. Hard standing driveway is 256m2. Total area is 550m2 within a 652m2 lot size - this is not compliant."</p> <p>"I have an issue with the amount of hard stand and even to the new fill which is being brought in the raise the ground height this area already has a water issue. No allowance has been made for flood planning. Anecdotal evidence from neighbouring properties that flooding during rainfall is already problematic. The development has more than 550m2 of either hard standing (driveway) or building (dwelling plus shed) on a lot size of 652m2 - well above the 50% allowed under SLEP 2014. Also, the proposed area behind and next the shed and right-hand side next to our property must be taken into consideration as I'm sure it will be concreted, and no grass or soil will be placed there as nothing will grow there."</p> <p>"I also have issue with the lack of green space this will adversely affect the native bird life a real draw card to this area as often there are large flocks of Black Cockatoos, Lorikeets and many other native bird species. They have also spoken about raising the level of the land this ground holds a large amount of water when it rains, and I do not want the ground levels altered as it may</p>	<p>The subject site is not mapped as being Flood Prone Land however, with respect to the increase in hardstand/impervious areas, a development must provide adequate stormwater details and must not result in concentration of water onto adjoining properties.</p> <p>The application has not been supported by sufficient stormwater details and appears to be proposing the use of charged stormwater lines to the street.</p> <p>The departure to landscape area controls further reduces the amount of pervious area available on site.</p>

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<p>result in my property being flooded.”</p>	
<p><b>Privacy Concerns and Siting of the Dwelling</b></p> <p>Extracts of submissions received:</p> <p><i>“The current dwelling has only one window on the right-hand side of the property currently and I must raise now there are 5 windows that will be looking onto no.12 I feel our privacy will be taken away from us.”</i></p>	<p>The proposed single-storey dwelling has provided appropriate setbacks on the western side of the building. Also, the rooms adjoining No. 12 Jay Street consist of bedrooms. Bedrooms are considered low usage rooms, therefore the impact on privacy is considered minimal and consistent with the relevant development controls.</p> <p>The proposed dwelling maintains privacy to adjoining dwellings.</p>
<p><b>Noise generated from gas, water and air-conditioning infrastructure</b></p> <p>Extracts of submissions received:</p> <p><i>“I also am concerned with the gas bottles so close to my boundary and their hot water unit why can’t it be placed at the back of their house near the tank.”</i></p>	<p>Council is satisfied the gas bottles and hot water unit are appropriately located on the site to minimise noise and acoustic impacts to neighbouring properties.</p> <p>If approved, conditions of consent will require this infrastructure not cause “Offensive Noise” as defined by the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i>.</p>

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### Financial Implications:

There are potential cost implications if Council decide to refuse the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

### Legal Implications

A section 8.2 review and/or an appeal with the Land and Environment Court are possible if the application is refused or determined by way of part approval.

### Summary and Conclusion

The proposed detached shed that forms part of the development application seeks significant departures to acceptable solutions A19.1 (minimum landscaped area), A33.2 (wall height) and A35.2 (rear setback).

In addition, the application has not been supported by adequate stormwater justification or detail as required by Chapter G2 of Shoalhaven DCP 2014.

The cumulative impacts of the reduced landscaped area reduced rear setbacks and increased wall height relating to the proposed detached shed is not consistent with the objectives and relevant performance criteria set out in Shoalhaven DCP 2014 and the detached shed is considered to have significant adverse impact on the amenity of the adjoining properties. The application has not demonstrated the development is compatible with the existing low density residential character and desired future character of the locality.

It is recommended the dwelling part of the application should be determined by way of Part Approval via deferred commencement. This will allow for the resolution of the stormwater issues.

It is recommended the departures sought to Chapter G12 of Shoalhaven DCP 2014 in relation to the detached shed should not be supported and this part of the development should be refused. The following reasons for refusal are provided:

1. The proposed detached shed is inconsistent with the objectives and performance criteria specified in Chapter G12 of Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).
2. The development application has not adequately demonstrated that the proposed detached shed will not have adverse amenity impacts on the built environment in the locality. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979).
3. The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed detached shed (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979).
4. Having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act, 1979, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

## **CL22.217 SF10923 – 111 Elizabeth Drive Vincentia – Lot 228 25099**

**DA. No:** SF10923/4

**HPERM Ref:** D22/109221

**Department:** Development Services

**Approver:** James Ruprai, Director - City Development

**Attachments:** 1. Notice of Determination - Draft Conditions of Development Consent [↓](#)  
2. Section 4.15 Planning Report (under separate cover) [⇒](#)

**Description of Development:** One (1) into Two (2) Lot Torrens Title Subdivision

**Owner:** Bruce Whatley & Rosemary Smith

**Applicant:** Allen Price & Scarratts Pty Ltd

**Notification Dates:** Notification not required in accordance with Section 3.3.1, Table 2 of the Community Consultation Policy. (Note: the proposal is for subdivision of an existing approved development. There is no material change to the development.).

**No. of Submissions:** Nil

### **Purpose / Reason for consideration by Council**

In accordance with Planning System Circular No. PS20–002, the Secretary's concurrence may not be assumed by a delegate of Council if the development contravenes a numerical standard by greater than 10% (a 28.42% variation to the development standard is proposed). Variations of this nature are instead required to be considered by the Council.

### **Recommendation**

That Council:

1. Confirm that it supports the clause 4.6 variation of 13.68% for Lot 1 and 28.42% for Lot 2, with respect to the lot size of the proposed subdivision.
2. Approve the Development Application SF10923 for a one (1) into two (2) lot Torrens title subdivision of an existing and approved Dual Occupancy development at Lot 228 DP 25099 111 Elizabeth Drive, Vincentia, as detailed in the draft conditions of consent (Attachment 1) to this report.

### **Options**

1. That Council approve the recommendation as printed.

Implications: This would permit the subdivision of the subject site to go ahead.

It is considered that support of the development would not jeopardise or lead to an abandonment of the minimum lot size requirement under cl. 4.1.

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This is due to the subdivision of dual occupancy development beneath the minimum lot size in the R1 General Residential and R2 Low Density Residential zone is permitted under cl. 4.1A(4).

Council has recently approved a similar DA at 68 Yeovil Drive Bomaderry (SF10873) at the Development & Environment Committee on 7 September 2021 [MIN21.623].

2. Refuse the Development Application (DA).

Implications: The development is unable to proceed as applied for. The applicant can, however, apply for a section 8.2A review of Council's decision and/or could lodge an appeal with the NSW Land and Environment Court (LEC) against Council's decision.

3. Adopt an alternative recommendation.

Implications:

Council will need to specify an alternative recommendation and advise staff accordingly.

### Location Map



Figure 1 – Locality Map

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**Figure 2 – Site Location**

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## **Background**

### Proposed Development

The proposed development is for a two (2) lot Torrens title subdivision of an approved detached dual occupancy via Clause 4.1 of the Shoalhaven Local Environmental Plan (SLEP) 2014.

The dual occupancy development was approved on Lot 228 DP 25099 under DA19/2239 on 20 February 2020.

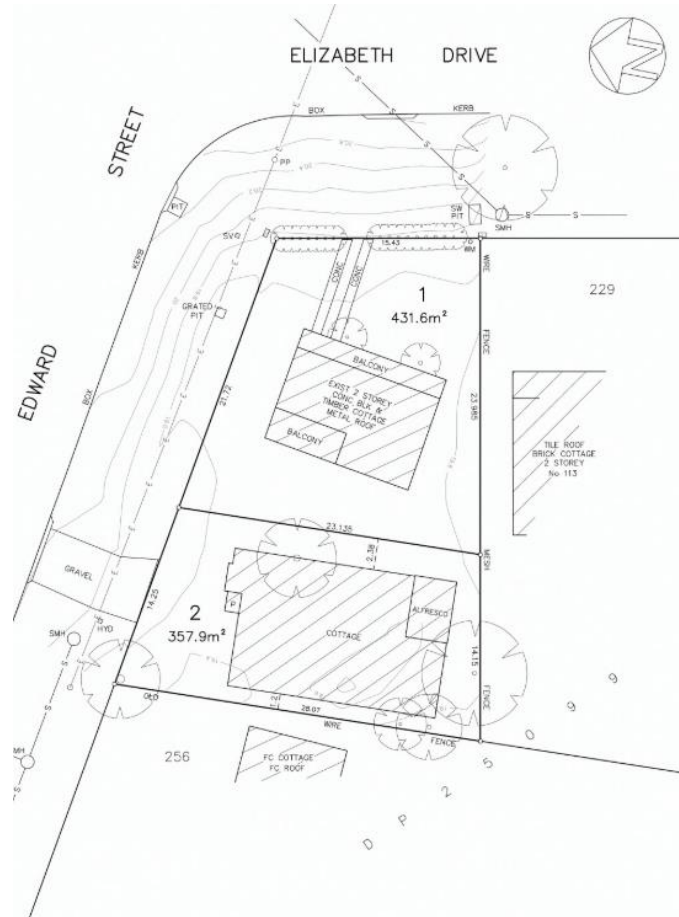
A subdivision plan prepared by Leslie & Thompson dated 8 October 2021 accompanies this proposal.

A summary of the proposed lots is as follows:

- Proposed Lot 1 – is approximately 431.6m<sup>2</sup> with approximate average width of 19.3m and depth of 22.9m that fronts Elizabeth Drive. This lot increases in width to the rear.
- Proposed Lot 2 – is approximately 357.9m<sup>2</sup> with approximate average width of 25.6m and depth of 14.2m that fronts Edward Street.

The proposal is for subdivision only and therefore, the physical environment does not change from what was proposed in DA19/2239.

No vegetation removal results from the proposal. The proposed subdivision can be seen below in Figure 3:



**Figure 3 – Proposed Subdivision Layout**

### Lot Size Variation

The proposed subdivision is reliant upon a variation to the minimum lot size development standard under the SLEP 2014.

Under cl. 4.1 of the SLEP 2014 the site is constrained by a minimum lot size of 500m<sup>2</sup>.

The proposed development seeks development consent to vary the minimum lot size development standard pursuant to cl. 4.6 Exceptions to Development Standards.

The parent lot area is approximately 790m<sup>2</sup>. and the subdivision creates the following non-compliant lot areas:

- Proposed Lot 1 – 431.6m<sup>2</sup>
- Proposed Lot 2 – 357.9m<sup>2</sup>

Proposed Lot 1 is 68.4m<sup>2</sup> under the minimum lot size requirement. This is representative of a departure to development standard of 13.68%.

Proposed Lot 2 is 242.1m<sup>2</sup> under the minimum lot size requirement. This is representative of a departure to development standard of 28.42%.

It is worth noting that despite being technically non-compliant with the minimum lot size requirement under cl. 4.1, the proposed development remains consistent with the SLEP 2014.

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Under cl. 4.1A(4), the subdivision of *dual occupancy* development beneath the minimum lot size requirement is permitted with development consent. The provision of the SLEP 2014 was gazetted on the 11 August 2020 under amendment no. 35.

In this regard, if an application was lodged after the gazetting of amendment no. 35 to the SLEP 2014, for the erection of a dual occupancy and its respective subdivision at the subject site, the proposed development would be compliant with the SLEP 2014. However, this proposed subdivision is unable to be undertaken pursuant to this clause, as the dual occupancy approval was issued under a superseded and former version of the SLEP 2014.

Accordingly, under these circumstances, there is no utility in maintaining the minimum lot size development standard under cl. 4.1 in this case, as the respective subdivision for *dual occupancy* beneath the minimum lot size is permitted under cl. 4.1A (4).

### Subject Land

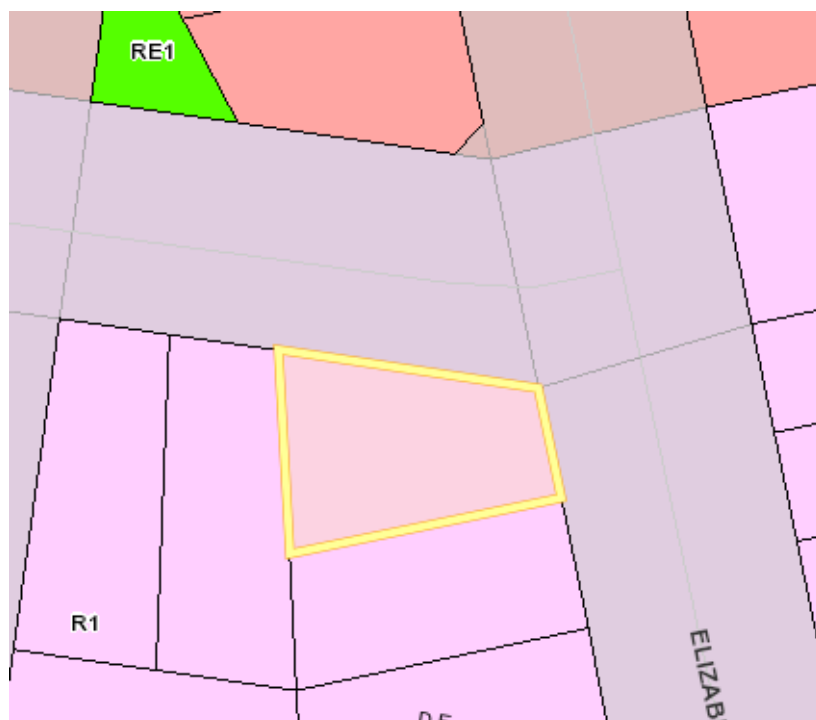
The property is Lot 228 DP 25099 which is located at 111 Elizabeth Drive, Vincentia (Subject Site). The subject site is approximately 500m north from the Vincentia town centre and approximately 150m west of Jervis Bay.

The site has an area of 790.40m<sup>2</sup>, is irregular in shape and slopes slightly from the Eastern boundary to the Western boundary by approximately 0.4m.

### Site & Context

The site currently contains two (2) class one (1) dwelling houses and is bounded by residential development to the north, south, east, and west.

The locality is made of up of a combination of zonings. The subject site and most of the lots south of Edward Street are zoned R1 General Residential and the lots to the north of Edward Street is zoned R2 Low Density Residential (see Figure 4).



**Figure 4 – Zoning Map – SLEP 2014**

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## Issue 1

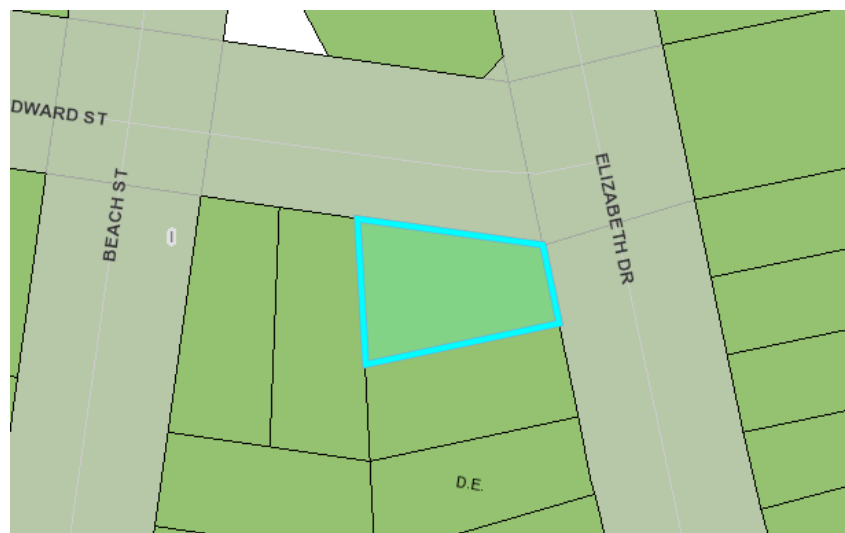
### Clause 4.1 – Minimum Subdivision Lot Size of SLEP 2014

The objectives of this clause are:

- (a) *to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,*
- (b) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (c) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

The SLEP 2014 includes a minimum lot size map, which overlays different minimum lot size requirements for land throughout the Local Government Area (LGA).

A minimum lot size of 500m<sup>2</sup> (I) applies to the site and can be seen in Figure 5.



**Figure 5 - Minimum Lot Size Map – SLEP 2014**

### Development Standard to be Varied

The application seeks a variation to clause 4.1 Minimum subdivision lot size in accordance with clause 4.6 of SLEP 2014.

Clause 4.1 (3) states:

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

### Extent of Variation

The parent lot area is approximately 790m<sup>2</sup> and the subdivision creates the following non-compliant lot areas:

- Proposed Lot 1 – 431.6m<sup>2</sup>

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- Proposed Lot 2 – 357.9m<sup>2</sup>

Proposed Lot 1 is 68.4m<sup>2</sup> under the minimum lot size requirement. This is representative of a departure to development standard of 13.68%

Proposed Lot 2 is 242.1m<sup>2</sup> under the minimum lot size requirement. This is representative of a departure to development standard of 28.42%.

Under clause 4.6(4) of the Shoalhaven Local Environmental Plan (SLEP) 2014, development consent is not permitted to be granted for development that contravenes a standard unless the consent authority is satisfied that:

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

These two items are addressed below.

#### 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 2014 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:*
- 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 the abovementioned clauses have been addressed prior to granting development consent.

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 Land and Environment Court (LEC) has provided guidance in the required assessment.

This guidance has particular reference to the accepted "5 Part Test" for the assessment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 noting also 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 noncompliance 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 land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.

The applicant 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.

- Part 1 The objectives of the development standard are achieved notwithstanding noncompliance with the standard.

The following table outlines the respective objectives of the minimum lot size requirement and the applicant's comments regarding how the proposed development is achieving the objective.

Clause 4.1 – Minimum Subdivision Lot Size	
Objective	Applicant Comment
To ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,	<i>The proposed subdivision provides two lots that are capable of supporting individual dwellings which have subsequently approved and built under DA19/2239.</i>
To minimise any likely impact of subdivision and development on the amenity of neighbouring properties,	<i>The proposed subdivision will not have a negative impact on the existing amenity of the area or impact neighbouring properties. There are no physical works proposed as a result of the subdivision. Proposed Lot 1 and 2 will remain consistent with the neighbouring properties and retain the amenity of residential uses surrounding the site.</i>
To ensure that lot sizes and dimensions are able to accommodate development	<i>Proposed Lot 1 at 431.6m<sup>2</sup> is 13.6% deficiency in area when compared to the 500m<sup>2</sup> minimum</i>

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consistent with relevant development controls.	<p><i>lot area; and</i></p> <p><i>Proposed Lot 2 at 357.9m<sup>2</sup> is 27.42% deficiency in area when compared to the 500m<sup>2</sup> minimum lot area.</i></p> <p><i>No variations to the Shoalhaven Development Control Plan (SDCP) 2014 result from this proposed subdivision and the existing dwelling will be retained with compliant setbacks, access and car parking.</i></p>
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Having regard to the applicant's justification it is considered that the proposed subdivision is consistent with the objects of cl. 4.1.

- *Part 2 - The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary*

The underlying objectives and purpose of the minimum subdivision lot size are relevant to the proposed development.

The underlying objective and purpose of the standard (clause 4.1 – Minimum Lot Size) is relevant and the above assessment has revealed that compliance with the objectives has been achieved notwithstanding the non-compliance with the numerical standard.

It is worth noting that compliance in this case is unnecessary, as the respective subdivision for *dual occupancy* development beneath the minimum lot size in the R1 General Residential zone is now permitted under cl. 4.1A (4).

- *Part 3 - The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

There is no utility in maintaining the minimum lot size development standard under cl. 4.1 in this case, as the respective subdivision for the *dual occupancy* beneath the minimum lot size is permitted under cl. 4.1A (4). It is specifically noted that Council has recently approved a similar DA with a cl. 4.6 variation for a two (2) lot subdivision of an existing dual occupancy under similar circumstances at 68 Yeovil Drive Bombaderry (SF10873) at the Development & Environment Committee on 7 September 2021 [MIN21.623].

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* 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:

*It is noted that in addition to the objectives of Clause 4.1, Clause 4.1A (4) of the SLEP 2014 also provides a framework for Council to grant consent subdivision into separate lots for a dual occupancy (detached) in the R1 zone if the parent lot is equal to or greater than 700m<sup>2</sup>.*

*Clause 4.1A (4) explicitly permits variations to the minimum lot size standard subject to both the proposed dual occupancy and subdivision being considered as a single DA.*

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Clause 4.1A (4) was gazetted on 11 August 2020 as Amendment 35 of SLEP 2014 subsequent to the consent for the dual occupancy being issued on 20 February 2020 under DA19/2239. As such, compliance with the Clause 4.1A (4) would render compliance with the minimum lot size standard unreasonable and unnecessary. The proposed development is consistent with Clause 4.1A (4) (demonstrated in the SEE), and therefore compliance with Clause 4.1 is unreasonable and unnecessary as the dual occupancy development already exists.

Comment: The justification is considered acceptable.

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

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 upon 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's Response:

There are sufficient environmental planning grounds to justify a flexible approach to the application of the lot size control as it applies to the site. The following site-specific environmental grounds justify the proposed variation to the minimum lot size standard:

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- *The proposed lot size variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts;*
- *Notwithstanding the proposed lot size variation, the proposal continues to satisfy the objectives of the relevant objectives of the lot size control applying to the site;*
- *The dual occupancy has already been constructed and the proposed subdivision will not physically change the appearance of the surrounding environment; and*
- *The proposed variation will not result in a development which is out of character with that envisioned for the local area.*

*Further to the above, there are no environmental planning grounds that warrant maintaining and/or enforcing the numerical lot size standard in this instance. Rather, there are clear and justifiable environmental planning merits that validate the flexible application of the lot size control allowed by Clause 4.6 of the SLEP 2014.*

Comment: The justification is considered acceptable.

#### 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 2014 the land is zone R1 General Residential, the objectives of which are:

*To provide for the housing needs of the community.*

*To provide for a variety of housing types and densities.*

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

*To identify land suitable for future urban expansion.*

The proposed subdivision will continue to provide for the housing needs of the community. This is exhibited in the proposed subdivision creating separately titled lot for an existing dwelling in a dual occupancy development.

The proposed development is consistent with the objectives of the R1 zone. Under these circumstances 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 minimum subdivision lot size requirement 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

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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 non-compliant lot-size 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

#### **Issue 2:**

#### Departure to A79.2 of Chapter G11 – Subdivision of Land – Shoalhaven Development Control Plan

A79.2 requires the subdivision of land to have the following lot width and dimensions:

<b>A79.2 Lot shape and dimension:</b>	
<b>Rectangular non-corner lots</b>	16m square width minimum 30m minimum depth
<b>Rectangular corner lots</b>	Square width 20 metres Depth 30 metres
<b>Irregular shaped lots</b>	Square width 12m Width at building line 16m Mean width 18 m Depth 30m
<b>Corner Splays</b>	4m minimum

The lot dimensions of proposed Lot 1 as an irregular shaped lot are as follows:

- Square width – 15.43m (Complies)
- Width at building line – 19.7m (Complies)
- Mean width – 19.282m (Complies)
- Depth – 22.8m (Non-compliant)

The lot dimensions of proposed Lot 2 as an irregular shaped lot are as follows:

- Square width – 14.25m (Complies)
- Width at building line – 13.8m (Non-compliant)
- Mean width – 14.2m (Non-compliant)
- Depth – 25.6m (Non-compliant)

Having regard to the above, it is considered that despite being technically non-complaint with components (acceptable solutions) of the SDCP 2014 the proposed lot configuration is reasonable under the circumstances.

Strict adherence to the lot shape and dimension requirements imposed by planning control A79.2 under Chapter 11 of the SDCP is considered to be unreasonable and unnecessary in the circumstances of this particular development. The subdivision of the existing dual occupancy and the resultant lot layouts will have no environmental planning impacts in the circumstances.

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No formal request has been lodged for this variation; however, the objectives of the planning control can be achieved. In this regard, Council can be flexible in the application of the planning controls – as required by sub-section 4.15(3A) (b) of the EP&A Act 1979 and allow the development proposal.

Note: Applicants are able to comply with acceptable solutions or seek an alternative performance-based solution. In this instance, the intent of the lot dimensions is to ensure that a modern dwelling can fit on a lot of land. This has already been demonstrated by virtue of the approved and constructed development.

### **Planning Assessment**

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to Attachment A.

### **Consultation and Community Engagement:**

Pursuant to Section 3.3.1, Table 2 of Council's Community Consultation Policy, development which involves a two (2) lot Torrens subdivision of an approved dual occupancy development is not required to be notified within the surrounding locality. This is because the subject application does not involve any physical works and notification was already carried out as part of the assessment of the dual occupancy development within Council's approved Development Application No. DA19/2239.

### **Financial Implications:**

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

### **Legal Implications**

Pursuant to section 8.2 of the EP&A Act, a decision of the Council may be subject of a review by the applicant in the event of an approval or refusal. If such a review is ultimately pursued the matter would be put to Council for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

### **Summary and Conclusion**

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*.

Having regard to the assessment and the matters described in 'Issues' above, the clause 4.6 variation of the minimum subdivision lot size is acceptable and the proposed DCP variation is considered to warrant support on its merits. As such, it is recommended that Development Application No. SF10923 be approved in accordance with the draft notice of determination at Attachment 1 to this Report.



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

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

Environmental Planning and Assessment Act, 1979  
SF10923

**TO:**

Allen Price & Scarratts Pty Ltd  
PO Box 73  
NOWRA NSW 2541

**being the applicant(s) for SF10923 relating to:**

**111 Elizabeth Dr, VINCENTIA - Lot 228 - DP 25099**

**APPROVED USE AND OR DEVELOPMENT:**

Proposed torrens title subdivision of existing detached dual occupancy development  
(DA19/2239)

**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.

**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.*

**DETAILS OF CONDITIONS:**

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

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## PART A: GENERAL CONDITIONS

### 1. General

The consent relates to the Two (2) Lot Subdivision of an approved *Dual Occupancy* on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Subdivision Plan	Sheet 1 of 1	Leslie and Thompson Surveyors	8 <sup>th</sup> October 2019

*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 under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.*

### 2. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

### 3. Shoalhaven Water - Certificate of Compliance

A Certificate of Compliance 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 an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

An application for a Certificate of Compliance is to be made once the Development Consent has been granted.

## PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

NIL

## PART C: PRIOR TO THE COMMENCEMENT OF WORKS

### 4. Subdivision Works Certificate

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

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**PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

NIL

**PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE****5. Compliance with Conditions**

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

**6. 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.

**PART F: DURING WORKS**

NIL

**PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

NIL

**PART H: PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE****7. Compliance with DA19/2239**

Prior to the issue of a Subdivision Certificate all works for Development Consent DA19/2239 must be completed and all conditions of consent satisfied, including construction of buildings, provision of all civil engineering works external to the site such as roads, driveways and kerb and gutter, fencing, landscaping, and a final Occupation Certificate must be issued for each dwelling.

A copy of the Occupation Certificate and evidence of completion of works must be provided to Council prior to the issue of a Subdivision Certificate.

**8. Subdivision Certificate**

A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.

**9. Schedule of Compliance**

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The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.

10. **Local Infrastructure Contributions - Subdivision**

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Project	Description	Rate	Qty	Total	GST	GST Incl
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	\$282.71	0.4	\$113.08	\$0.00	\$113.08
03AREC3003	Bay and Basin Leisure Centre	\$423.78	0.4	\$169.51	\$0.00	\$169.51
03CFAC0007	Bay & Basin Branch Library	\$562.20	0.4	\$224.88	\$0.00	\$224.88
03CFAC4001	Bay & Basin Community Hub	\$2,735.11	0.4	\$1,094.04	\$0.00	\$1,094.04
03ROAD4021	The Wool Road Bypass, St Georges Basin	\$177.69	0.4	\$71.08	\$0.00	\$71.08
CWAREC5005	Shoalhaven Community and Recreational Precinct ScaRP Cambewarra Road Bomaderry	\$2,529.09	0.4	\$1,011.64	\$0.00	\$1,011.64
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,911.45	0.4	\$764.58	\$0.00	\$764.58
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	0.4	\$516.82	\$0.00	\$516.82
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93	0.4	\$28.37	\$0.00	\$28.37
CWFIRE2001	Citywide Fire & Emergency services	\$139.37	0.4	\$55.75	\$0.00	\$55.75
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89	0.4	\$81.56	\$0.00	\$81.56
CWGMGT3001	Contributions Management & Administration	\$579.56	0.4	\$231.82	\$0.00	\$231.82
				Sub Total:	\$4,363.13	
				GST Total:	\$0.00	
				Estimate Total:	\$4,363.13	

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Subdivision Certificate. Evidence of payment must be provided to the Certifying Authority.

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.

11. **Verification of Works**

Prior to issue of a Subdivision Certificate, all conditions for the development consent **DA19/2239**, are to be addressed to the satisfaction of Council.

12. **Street Numbering of Dwellings**

Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy.

Street numbering for the development must be as follows:

The numbering of the proposed Torrens Title Subdivision with reference to the lodged subdivision plan D22/30752 is:

- Lot 1 – 111 Elizabeth Drive, Vincentia (Existing Dwelling)
- Lot 2 – 2B Edward Street, Vincentia

Where plans and details are provided to service suppliers, numbers must be in accordance with the above.

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**13. Utility Services**

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met.
- b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.
- c) 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.
- d) 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.

*Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.*

**PART I: ONGOING USE OF THE DEVELOPMENT**

NIL

**PART J: OTHER COUNCIL APPROVALS AND CONSENTS**

NIL

**PART K: REASONS FOR CONDITIONS**

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

**Statutory requirements**

The development proposal, subject to the recommended conditions, is consistent with:

the objects of the Environmental Planning and Assessment Act, 1979.

the aims, objectives and provisions of the applicable environmental planning instruments,

the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).



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the aims, objectives and provisions of relevant Council policies.

#### **Public notification**

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

#### **Submissions**

Any submissions received during the public notification period are available on [DA Tracking](#)

#### **Community views**

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

#### **Suitability of the Site**

The application has been approved because the development proposal is considered to be suitable for the site.

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.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

#### **Impacts of the Development**

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- the development will not result in unacceptable adverse impacts on the natural and built environments.
- the amenity and character of land adjoining and in the locality of the development is protected.
- any potential adverse environmental, social or economic impacts of the development are minimised.
- all traffic, car parking and access arrangements for the development will be satisfactory.
- the development does not conflict with the public interest.

### **PART L: 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 and determination of the review must be undertaken within the prescribed period.

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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 the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

**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 the prescribed period.

**PART M: GENERAL ADVICE**

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

**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 *AS1428.1 - Design for Access and Mobility*.

**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 to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

**SIGNED** on behalf of Shoalhaven City Council:

**City Development**

## CL22.218 Regional Development Committee & Southern Regional Planning Panel Membership

**HPERM Ref:** D22/166879

**Department:** Development Services

**Approver:** James Ruprai, Director - City Development

### Reason for Report

The purpose of this report is to outline the role of the Regional Planning Committee and Southern Regional Planning Panel, as well as recommend the cessation of Shoalhaven City Councils Regional Development Committee and recommend membership to the Southern Regional Planning Panel.

### Recommendation

That Council:

1. Not appoint any members to the Southern Regional Planning Panel.
2. Disestablish the Regional Development Committee on the basis that Ordinary Council Meetings will provide the forum to consider Regional Development Applications and respond by way of resolution to the Southern Regional Planning Panel.

### Options

1. As recommended.

Implications: The Southern Regional Planning Panel (the Panel) will not have any Council allocated representatives. The Panel is however still able to function and make decisions, with membership independent of Council.

The disestablishment of the Regional Development Committee, will result in reports being put to an Ordinary Meeting of Council, attended by all Councillors. The Council will be able to consider a matter and express an opinion on a development and provide feedback to the Panel by resolution of Council.

This option will enable all Councillors (and the whole of Council) to consider and express an opinion on regionally significant development applications through formal resolutions (prior to Panel meetings), without any arising conflict by virtue of committee involvement, or as a member of the Panel.

2. Retain the Regional Planning Panel and nominate Councillors and / or community representatives to the Panel.

Implications: The retention of the Regional Development Committee will retain the established Committee.

The Committee is typically convened on an 'as needed' basis. It is just held prior to formal Panel meeting. This practice requires the arrangement of a Regional Development Committee meeting, preparation of a business paper, notification and the like in addition to the current meetings of Council and Committees.

The nomination of Councillors and/or community members will require one of the parties to be an 'expert' in a particular category.

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If Council nominates Councillors, it will also need to nominate an alternate(s) (in the event of interest declarations).

Council is also able to nominate a Councillor and community representatives.

3. An alternative.

Implications: Council would be required to resolve accordingly.

## Background

### Panel Membership

Part 2 Division 2.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) outlines the requirement for and constitution of Sydney District and Regional Planning Panels.

Part 3 of Schedule 2 of the EP&A Act specifies the Southern Regional Planning Panel is specified as the applicable planning panel for Shoalhaven City Council.

### What are the functions of the regional planning panels?

#### The Planning Panels

- determine regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications
- act as the Planning Proposal Authority (PPA) when directed
- undertake rezoning reviews
- provide advice on other planning and development matters when requested
- determine site compatibility certificates under the *State Environmental Planning Policy (Housing) 2021 that replaced former SEPP (Housing for Seniors or People with a Disability) 2004 this year*.

The predominant role is for the determination of regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications.

Regional development, as outlined in Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*:

- Development with a Capital Investment Value (CIV)\* over \$30 million
- Development with a CIV\* over \$5 million which is:
  - Council related
  - lodged by or on behalf of the Crown (State of NSW)
  - private infrastructure and community facilities
  - eco-tourist facilities
- Extractive industries, waste facilities and marinas that are designated development,
- Certain coastal subdivisions
- Development with a CIV\* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days.

\* CIV is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Panel.

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Council's development staff or consultants of Council carry out the assessment of a proposal for a Panel's determination of the DA, including the notification, advertisement, and consideration of any submissions.

Public Panel meetings are held for contentious matters with significant community interest so the Panel can hear from those who wish to express their views on the DA before a decision is made.

## Membership

Section 2.13 "*Members of Sydney district and regional planning panels*" of the EP&A Act outlines the Council membership requirements to be a member of the regional planning panel as follows:

- ***A Regional Planning Panel is to consist of the following 5 members—***
  - (a) 3 members appointed by the Minister (the State members),*
  - (b) 2 nominees of an applicable Council (the Council nominees) who are Councillors, members of Council staff or other persons nominated by the Council. (emphasis added)***
- *Each applicable Council is to nominate 2 persons as Council nominees for the purposes of a Regional Planning Panel.*
- ***If an applicable Council fails to nominate one or more Council nominees, a Regional Planning Panel is not required to include 2 Council nominees for the purposes of exercising its functions in relation to the area of the Council concerned.***
- *A person is not eligible to be a member of a Regional Planning Panel if the person is—*
  - (a) a property developer within the meaning of section 53 of the Electoral Funding Act 2018, or*
    - 1. Note—*
    - 2. Section 53 of the Electoral Funding Act 2018 provides that property developer includes a person who is a close associate of a property developer.*
  - (b) a real estate agent within the meaning of the Property, Stock and Business Agents Act 2002.*

*However, a person is not ineligible to be a member of a Regional Planning Panel merely because the person carries on the business of a Planning Consultant.*

- *At least one of the council nominees of a Regional Planning Panel is to be a person who has expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*
- *For the purposes of exercising the functions of a Regional Planning Panel in relation to a matter, the Council nominees on the panel are to be those nominated by the applicable Council for the land to which the matter relates.*

In summary three (3) members of the Panel are state independent experts appointed by the Minister for Planning. The other two (2) are Council representatives. The Council appointed members can either be Councillors, community members or a combination of both.

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The membership for the 2020-2021 Council members of Panel were as follows:

2020-2021 Council Members
Cllr Watson Cllr White Cllr Alldrick (Alternate) Cllr Kitchener (Alternate)

### Expression of Interest

Council invited written Expressions of Interest (EOI) from suitable qualified persons to fill a potential Community position to represent Council on the Panel from 7 March 2022 – 25 March 2022. The EOI was published in the local papers and on Council's online platforms during this period.

In response Council received one (1) nomination from a community member. Details can be provided if required, however one (1) response is not considered to be a suitable field representative of the broader community interest.

### Upcoming meetings and current applications

To provide an outline of the types of development applications considered by the Southern Regional Planning Panel, the following outlines the current applications being considered by Council.

(To be considered imminently)

- RA17/1000 – Anson Street St, Georges Basin  
Concept masterplan for a mixed-use development (comprising of residential flat buildings, commercial premises and shop top housing) and associated minor boundary adjustment subdivision
- SF10633 – 169 Hockeys Lane, Cambewarra & 121 Taylors Lane, Cambewarra  
Staged residential subdivision to create 127 Torrens Title allotments, including 126 residential allotments, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works.

Other regional applications currently under assessment include:

- RA21/1000 – Terara Road, Terrara  
Extractive Industry (Sand Mining) – Proposed extension to the approved dredge area to the northern and western sides of Pig Island
- RA21/1001 – 17 Norfolk Ave, South Nowra  
Proposed 47 Unit Industrial Development, Ancillary Café, access, signage and landscaping
- RA21/1002 - Flatrock Road, Mundamia  
Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility
- RA21/1003 – 41 Main Road, Cambewarra  
Staged residential subdivision to create 259 Torrens Title allotments, including 258 residential lots, and provision of associated civil infrastructure and landscaping.

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- RA22/1001 – 192 Kerry Street, Sanctuary Point  
Construction of the new two storey Library.
- RA22/1002 – 44-52 Coomea Street, Bomaderry  
Construction of In-fill Affordable Housing Development comprising Two (2) Residential Flat Buildings (39 Dwellings)
- DA21/2330 – 82 Cyrus St, Hyams Beach  
Retaining wall (Coastal Protection Works)

### Regional Development Committee

The Committee was constituted to specifically consider development applications of regional significance, in order to provide Council's view on a matter when the legislation introducing Panels was first introduced.

The details and membership of the Regional Development Committee endorsed by Council on 25 January 2022 (MIN22.13) are as follows:

*"That Council continue the operation of Regional Development Committee for the period to September 2022 as outlined below.*

<u>Meetings per year</u> – As Required <u>No set commencement time</u>	<u>Quorum</u> – Three (3) (39964E)
<b>Objective:</b> To consider staff reports sent to the Southern Regional Planning Panel	
<b>Delegation:</b> To make determinations in support or otherwise in relation to reports sent to the Joint Regional Planning Panel, including making representations to the Southern Regional Planning Panel.	
<b>Chairperson</b> – Appointed by Council	
<b>2022 Membership</b> Mayor Findley (Chairperson) All Councillors CEO or nominee"	

The disestablishment of the Regional Development Committee would remove the Committee and its functions. It would also remove the associated administration (for example, arranging a venue, producing a business paper and the like).

If Council chooses to disestablish the Regional Development Committee, Councillors will consider and provide comment on a development via meetings of the Ordinary Council and the resultant resolution would be support or otherwise to be forwarded to the Panel. In effect, the same function would still occur, without an 'extra' committee.

### Financial Implications

- If Council elects to nominate representatives to sit on the Panel, a sitting fee of \$400.00 per meeting is paid to the Council and Community Representatives.
- The disestablishment of the Regional Development Committee would remove the need for administrative support to the Committee.

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**Conclusion**

Council has options concerning the participation in the membership of the Panel. This report recommends not to appoint any members, leaving the membership to the State appointed experts. The Council would still be able to express an opinion on a development via consideration of reports and resolution of (Ordinary) Council.

The disestablishment of the Regional Development Committee removes a layer of administration. Given that regionally significant applications would be presented to Ordinary Council, Council retains the ability to review, consider and express an opinion on a development which is ultimately determined by the Southern Regional Planning Panel.

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## CL22.199 West Nowra Infrastructure and Recreational Facilities Upgrade Program - Investigations and Way Forward

**HPERM Ref:** D22/74387

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Community Infrastructure Strategic Plan 2017 (under separate cover) [↗](#)  
2. Map - West Nowra Community Infrastructure and Recreational Facilities - Opportunities for Embellishments [↓](#)

This report was deferred from the Ordinary Meeting 26 April 2022

### Reason for Report

This purpose of this report is to update Council on the progress of investigations and funding in the West Nowra area in relation to upgrades to infrastructure and recreational facilities following the Notice of Motion which was submitted to the January Ordinary Meeting of Council, the adoption of MIN22.42, and to seek direction on a way forward.

### Recommendation

That Council:

1. Accept this report as an update on funding options to investigate the provision of community facilities available in West Nowra.
2. Note that further investigation into infrastructure and recreational facilities in the West Nowra area under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council. This is to include investigations into upgrades of the Depot Farm Picnic Area.
3. Note that staff are continuing to investigate opportunities for minor embellishments to existing infrastructure and open space to improve facilities for West Nowra residents and visitors.

### Options

1. Adopt the above recommendation.

Implications: This provides Council with an update on the progress of investigations and funding in relation to upgrades to infrastructure and recreational facilities in the West Nowra area, in accordance with MIN22.42.

It will also allow for the progression of reviewing infrastructure and recreational facilities in West Nowra area as part of the forthcoming review of the Community Infrastructure Strategic Plan.

2. Adopt an alternative recommendation.

Implications: Pending the significance of the alteration, this may result in delays to the progression of this project and not be in accordance with previous Council resolutions.

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## Background

At Council's Ordinary Meeting on 25 January 2022, a Notice of Motion was reported to Council in relation to infrastructure and recreational facilities upgrades in the West Nowra area.

As a result of the report, Council resolved (MIN22.42):

*That Shoalhaven City Council:*

1. *Prioritise as a matter of urgency an upgrade to infrastructure and recreational facilities for West Nowra;*
2. *Provide Councillors with a report detailing allocated funding in the current and future budgets of Council which addresses the lack of facilities available to residents and visitors to West Nowra that currently pose a severe risk to safety and restrictions to quality of lifestyle;*
3. *Acknowledge the need for community improvements to provide West Nowra residents and visitors with facilities available in many other villages in the Shoalhaven, including but not be limited to:*
  - a. *To immediately undertake the construction of footpaths along Yalwal Road to allow vulnerable and elderly motor scooters users safe passage into Nowra CBD rather than the current situation of navigating Yalwal Road near heavy vehicles. To also allow safe passage for parents and guardians with infants in prams through the village and to access childcare locations.*
  - b. *To investigate the upgrade of the Depot Farm Picnic area to provide picnic facilities as the name suggests and offer more suitable parking access. To provide a recreational area of a standard more suitable to the area adjacent to one of the Shoalhaven's most popular and well-known scenic walks - Bens Walk.*
4. *A Councillor briefing on this matter be held as soon as is possible.*

This report provides an update to Council on the progress of investigations to date, identifies potential embellishment improvements to enhance open space, and details the process to ensure the need for recreational facilities / embellishment in the West Nowra area are considered in the future along with appropriate levels of funding.

## Part 1 - Infrastructure and Recreational Facilities Investigations

*Prioritise as a matter of urgency an upgrade to infrastructure and recreational facilities for West Nowra;*

Council's Community Infrastructure Strategic Plan 2017 (CISP) is the overarching strategic document to guide Council's Social and Infrastructure Planning Team.

The Shoalhaven LGA has been divided into five planning areas within the CISP, consistent with other relevant planning studies, for which Nowra (inclusive of West Nowra) is located within Planning Area One. The CISP is provided as Attachment 1.

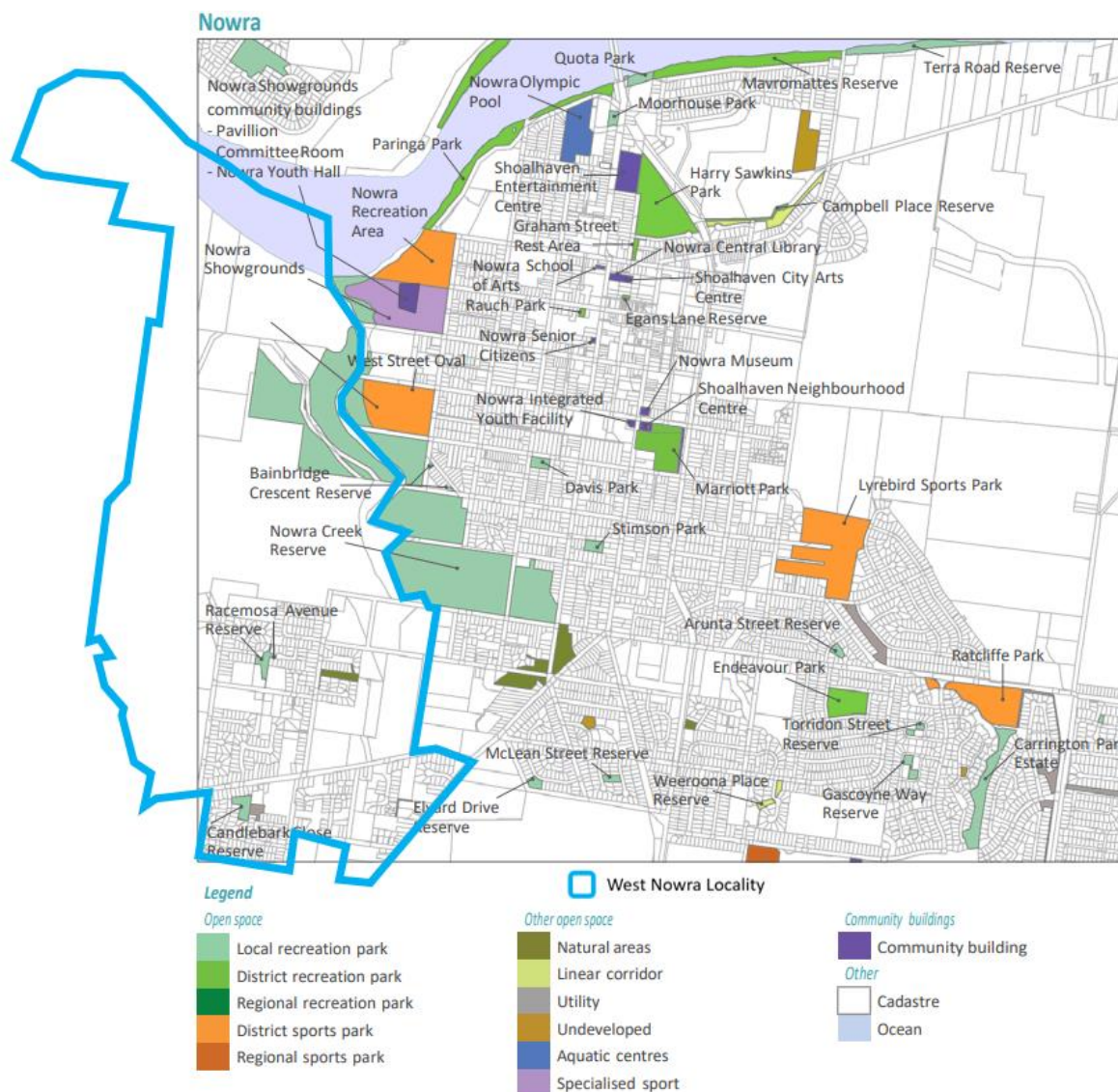
Consultation, along with detailed open space analysis, was undertaken as part of the development of the CISP. An excerpt of the CISP's Community Infrastructure Current Supply Analysis (summary) is provided in Table 1 which identifies Planning Area One as having a general surplus of open space now and into the future.

**Table 1 Planning Area One – Open Space current supply, demand and gap analysis (summary of Table 4 CISP)**

Community Infrastructure Type – Open Space	Provision standard per population	Current supply		Quantity analysis	
		Number	Area (ha)	Current surplus (ha) (2015)	Future surplus (ha) (2036)
Sports parks	1.9ha/1,000	21	141.48	+57.80	+34.44
District	1.3ha/1,000	17	79.26	+22.00	+6.02
Regional	0.6ha/1,000	4	62.22	+35.79	+28.42
Recreation parks	1.3ha/1,000	75	127.60	+70.34	+50.13
Local	0.5ha/1,000	46	78.80	+56.78	+51.02
District	0.6ha/1,000	27	48.19	+21.79	+18.19
Regional	0.2ha/1,000	2	0.62	- 8.19	- 7.55

The current CISP identifies 4 community infrastructure or open space items in the West / South Nowra area (see Figure 1), with an additional 6 community infrastructure/open space items identified by the Social Infrastructure Planning Team through a desktop site investigation. These sites present opportunity for embellishments and upgrades.

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**Figure 1 Excerpt of Council's CISP illustrating identified community infrastructure and open space in Nowra**

It is noted that the current CISP does not capture the entirety of the West Nowra locality, which is depicted in Figure 1. This will be addressed as part of the review of the CISP.

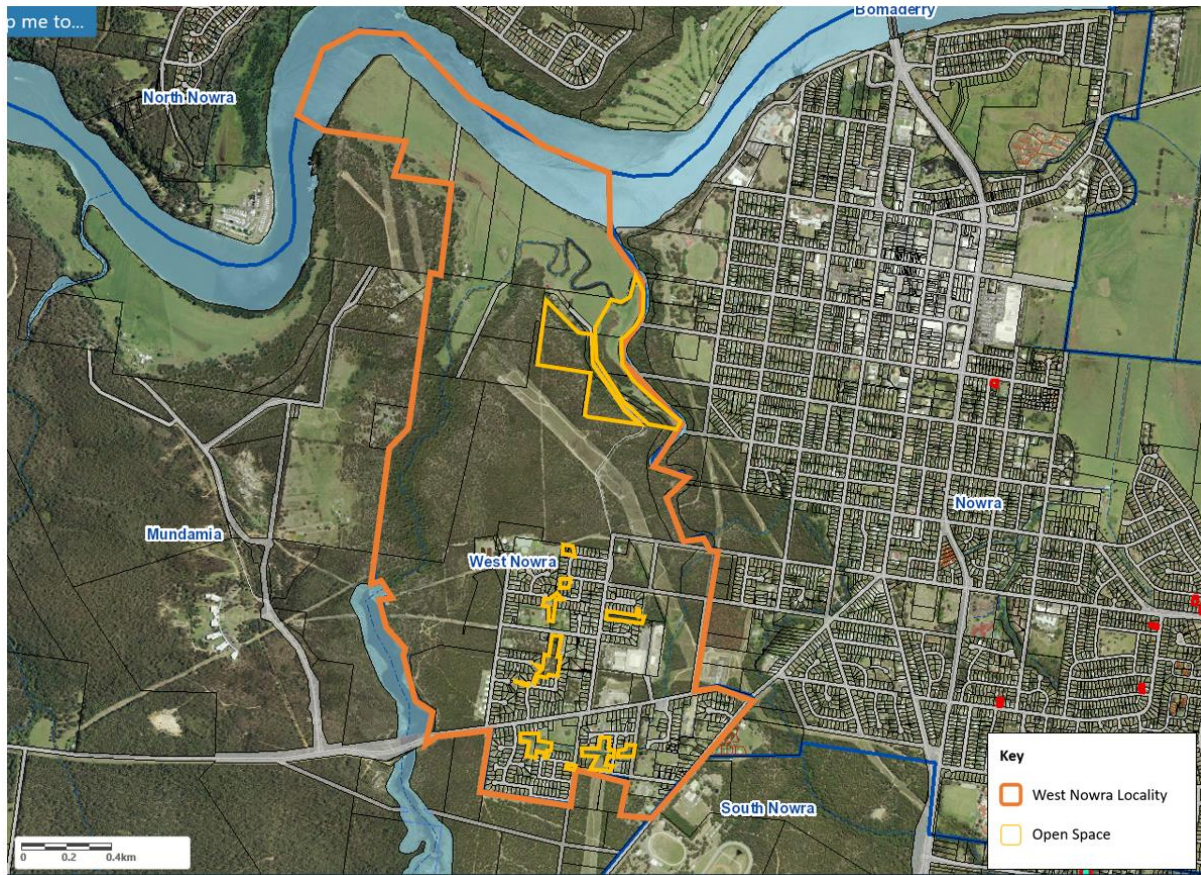
Desktop research identifies a total of 10 community infrastructure/open spaces in the West Nowra area, listed below and illustrated in Figure 2.

- North Lydon Crescent Park
- Racemosa Avenue Reserve
- Racemosa Avenue Reserve North
- Racemosa Avenue Reserve South
- Maybush Way Reserve
- Glenair Avenue Reserve
- Depot Road Reserve
- Rannoch Drive Reserve
- Reserve at Candebark Close

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- Reserve at Rouken Glen Drive



**Figure 2 Open Space / Community Infrastructure in West Nowra area**

The CISP has identified (as per Table 1) that there is sufficient open space to service the residents of West Nowra located within Planning Area One, however, the infrastructure and embellishments may be lacking.

Rannoch Drive Reserve (illustrated in Figure 3) playground has been identified by Council staff as being the priority upgrade for the 2022/23 Financial Year.

In the draft budget for 2022/23 onwards, soon to be considered by Council, it is proposed to allocate funding of \$845,000 each financial year for old and outdated playground replacement. \$175,000 could be included in the 2023/24 budget to deliver a new playground at Rannoch Drive Reserve (local recreation park) after a consultation process in 2022/23.

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Figure 3 Rannoch Drive Reserve

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## Part 2 - Review of the Community Infrastructure Strategic Plan (CISP)

*Provide Councillors with a report detailing allocated funding in the current and future budgets of Council which addresses the lack of facilities available to residents and visitors to West Nowra that currently pose a severe risk to safety and restrictions to quality of lifestyle;*

Council Staff are currently undertaking a review of the CISP, which will involve the strategic review of all recreational and park land within the City of Shoalhaven.

The infrastructure and recreational facilities program for the West Nowra area will be investigated under the review of the CISP, which will ensure the program is strategically planned to connect to surrounding localities. Opportunities have been identified for a connected open space network throughout Council owned community land.

The current community use and future needs for these open spaces will be further investigated during community consultation for the CISP review, which can be incorporated in the strategic development of an integrated infrastructure program.

The outcome of these investigations is anticipated to form the basis of the reviewed CISP with identified actions and estimated required budget to deliver the actions for the whole of the Shoalhaven, including West Nowra.

Currently Council's budget is allocated on a project / program basis rather than by locality.

Council's playgrounds are regularly inspected by the Playground Maintainer. This process identifies and addresses risks and enables replacement parts to be sought to ensure the equipment is safe to use, fit for purpose and well maintained. Feedback is also provided through this process to assist with prioritising the playground replacement program.



### Part 3a - Pedestrian Access and Mobility Plan

*Acknowledge the need for community improvements to provide West Nowra residents and visitors with facilities available in many other villages in the Shoalhaven, including but not be limited to:*

- a. To immediately undertake the construction of footpaths along Yalwal Road to allow vulnerable and elderly motor scooters users safe passage into Nowra CBD rather than the current situation of navigating Yalwal Road near heavy vehicles. To also allow safe passage for parents and guardians with infants in prams through the village and to access childcare locations.*

Council has a Pedestrian Access and Mobility Plan (PAMP) which sets out a strategic ranking methodology, and supporting mapping to plan the expansion of paths, pedestrian crossings and bicycle infrastructure across the Shoalhaven. The purpose of the Plan is to:

- Identify priorities for pedestrians and cyclists*
- Continuously improve the network of footpaths, shared user paths, and pedestrian crossings across the City*
- Assist Council in prioritising works*
- Demonstrate an integrated approach to “active transport” planning across the City*
- Assist Council and the community to obtain grant funding for priority improvements*

Yalwal Road provides key east-west access to the Nowra CBD from the localities of Bamarang, Longreach, Mundamia and West Nowra. At present, Yalwal Road largely lacks connecting formalised footpaths.

Under the PAMP (excerpt for West Nowra locality provided at Figure 4) a footpath, and shared user path (SUP) are proposed along Yalwal Road through West Nowra.

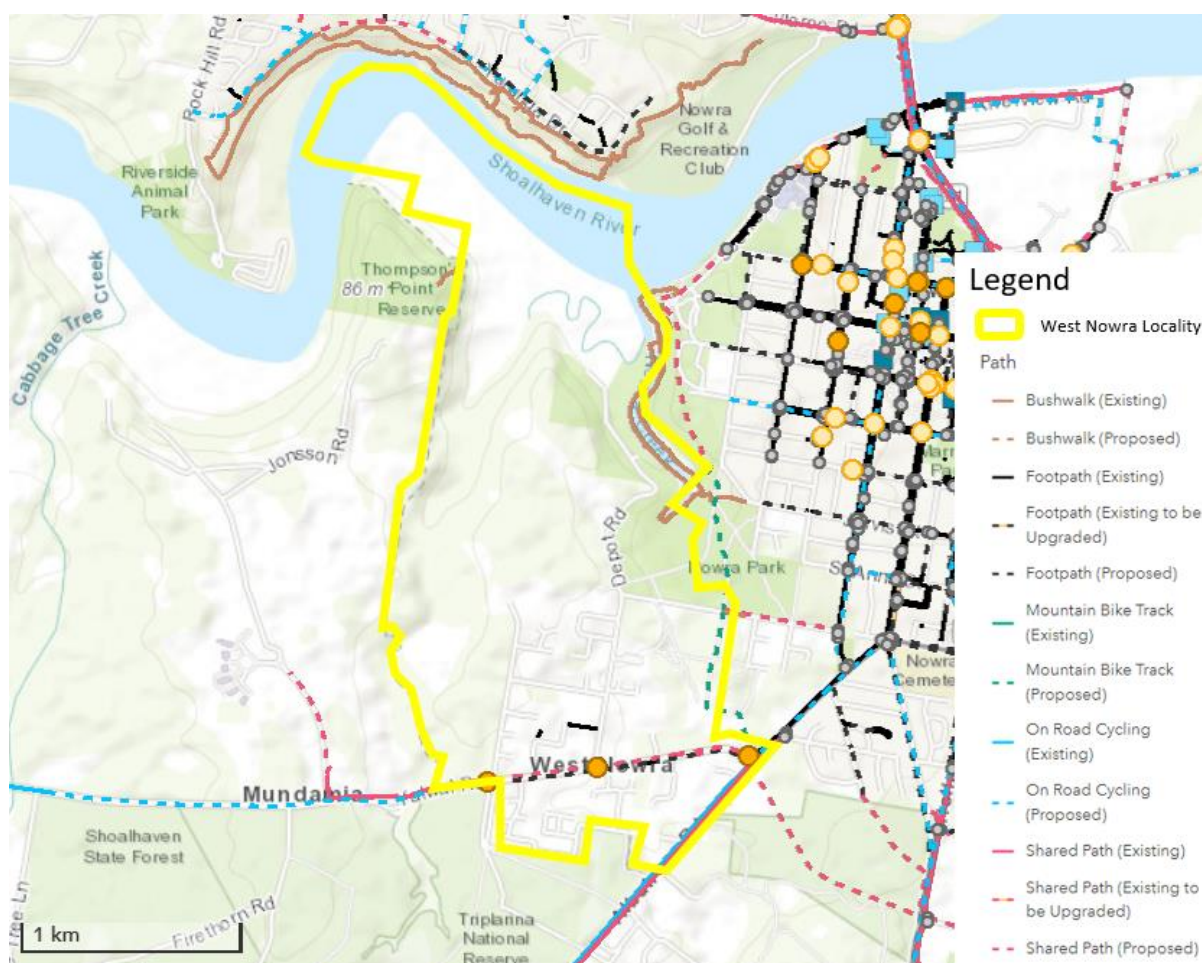


Figure 4 West Nowra Locality (excerpt from Council's PAMP)

The Concept Design for the proposed SUP from Albatross Rd along Yalwal Rd to George Evans Road has recently been completed. However, (as discussed at a Councillor Briefing on 3 February 2022) it has since been identified that further road upgrades are required along Yalwal Road to allow for safe and suitable access that provides for the current and future projected population increase for the locality of West Nowra and surrounds.

It is anticipated the proposed SUP along Yalwal Road will progress to Detail Design in the 2022/2023 Financial Year and a budget of \$100,000 has been proposed for this work in the draft budget papers. This budget will also look at the concept of then extending this path to connect into the Nowra network.

### Part 3b - Depot Farm Reserve

- b. To investigate the upgrade of the Depot Farm Picnic area to provide picnic facilities as the name suggests and offer more suitable parking access. To provide a recreational area of a standard more suitable to the area adjacent to one of the Shoalhaven's most popular and well-known scenic walks - Bens Walk.*

Depot Farm Reserve is identified under the current CISP as a "Local Recreation Park", with no future works proposed, on this basis no funding provision has been sought for any improvements or upgrades.

The CISP defines a "Local Recreation Park" as follows:

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*“Local passive recreation open space (parks) provide a range of recreation opportunities for local residents. These parks contain limited infrastructure, yet offer local community benefits.*

*Local passive recreation parks are intended to offer residents a complementary open space to their backyards. They are likely to attract users from a small catchment area (about 400m radius) and generally cater for short visits by small groups.”*

The review of Council's CISP will provide opportunity for reassessment and re-evaluation for Depot Farm Reserve in a strategic way, ensuring an integrated approach with surrounding localities and infrastructure such as Ben's Walk.

This investigation will involve potential provision of picnic facilities and assessment of suitability for more parking access. The review process will include extensive community consultation and stakeholder engagement to gauge support for the proposed upgrades.

#### **Part 4 - Councillor Briefing**

*A Councillor briefing on this matter be held as soon as is possible.*

It is noted that a Councillor Briefing has been requested on investigations and funding in the West Nowra area in relation to upgrades to infrastructure and recreational facilities. A briefing and presentation will be scheduled in accordance with Council's processes and prioritised with other business of Council for which a briefing has been sought to ensure this matter is discussed further with Councillors.

#### **Embellishment Opportunities**

Council staff have conducted an initial desktop review of possible embellishment opportunities in the West Nowra area. Opportunities have been identified in the open space network of Council owned community land.

Possible embellishment opportunities could include:

- Outdoor Exercise Equipment;
- Inclusive Playground;
- Local Skatepark;
- Modular Pump Track;
- Basketball Halfcourt;
- Outdoor BBQ and Picnic Tables;
- Nature Play;
- Shelters, seating, and shade; and
- A multi-sports cage.

The current community use and future needs for open spaces in West Nowra will require further investigation through community consultation. Upon the identification of desirable sites, the relevant investigations and approvals will be sought in order to deliver the upgraded embellishments.

An overview of the embellishment and open space opportunities in the area can be seen in [Attachment 2](#).

### Worrigee, East Nowra and West Nowra Integrated Recreational Strategic Plan

A similar proposal was submitted to Council's Strategy & Assets Committee meeting of 9 March 2021, in which a Mayoral Minute was reported to Council regarding an Integrated Recreational Plan for Worrigee, South Nowra, and East Nowra. As a result, Council resolved (MIN21.118):

*That Council undertakes a strategic review of all recreational and park land that has been set aside in the areas of Worrigee, East Nowra, and South Nowra, with a view to creating an integrated and connected recreational strategic plan. The aim of the plan would be to deliver different recreational offerings across the three precincts and have them connected with a cycle way and way finding, encouraging residents from each of the precincts to seek a new adventure in each of these areas.*

A Report was presented to Council at its Strategy and Assets Committee meeting on 20 July 2021 in response to MIN21.88, providing an update to Council on the progress of investigations to date, and also the emerging needs of the current and predicated growth of the Worrigee, South Nowra, and East Nowra townships and increase in population.

Upon consideration of the Report, it was resolved (MIN21.509):

*That Council:*

- 1. Further investigate the opportunities for a Public Private Partnership in discussion with the Shoalhaven Ex-Servicemen's Club (Worrigee Sports) and receive a further report at the conclusion of these discussions;*
- 2. Further investigate the need for a community centre / facility for the Worrigee, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan and continue discussions with Schools Infrastructure NSW regarding access to Department of Education premises;*
- 3. Include the creation of an integrated and connected recreational plan for the Worrigee, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council.**

It is proposed that any opportunities for West Nowra be considered under the review of the CISP along with West, South and East Nowra and Worrigee. This will allow for a holistic approach to planning across this part of the City with an integrated and connected recreational strategic plan.

This would be consistent with the adopted approach for the localities noted above to address the provision of facilities. The need for community improvements in the West Nowra locality under the CISP review would ensure further investigations will extend and connect to the wider Shoalhaven.

### **Community Engagement**

It is proposed that community engagement for infrastructure and the recreational facilities program would occur as part of the review of the CISP, with targeted consultation to occur in West Nowra area. This will ensure a thorough community engagement and consultation process is undertaken with a range of stakeholders, community groups and residents.

Community engagement is anticipated to be an opportunity to identify community improvements and provide embellishments to existing infrastructure to create an area that offers appealing places to gather, socialise, exercise and relax.

### Policy Implications

Council's CISP was developed and endorsed by Council in 2016 to provide a strategic framework to guide the direction, actions, and priorities for the provision of community infrastructure in the present and for the next 20 years, with reviews every 5 years to ensure relevancy.

The CISP identifies that the Shoalhaven LGA is well provided for with community facilities overall, however when considered in the context of local communities, the quality of embellishments in the West Nowra locality are lacking variety, and multiuse and ageing options.

Upon review of the CISP, it will be ensured that West Nowra is better represented, and all open spaces are identified, with recommendations provided for future vision and needs.

### Financial Implications

The investigations of recreational facilities in West Nowra to date are 'desktop' based, along with preliminary site visits and have been funded through the Community Planning and Projects Department operational budget.

Council does not currently have an identified budget to design, upgrade or create recreational facilities, or provide upgraded embellishments to open space that are located in the West Nowra Area. It is proposed that this is included in the scope of works to be undertaken with the review of the CISP to ensure a strategic approach and alignment with other social infrastructure planning across the City.

Subject to confirmation of the draft budget and allocation of funding for the CISP review, investigation, and planning of recreational facilities in West Nowra will be included in this project along with other areas of the Shoalhaven.

In the draft budget for 2022/23 onwards, soon to be considered by Council, it is proposed to allocate funding of \$845,000 each financial year for old and outdated playground replacement. \$175,000 could be included in the 2023/24 budget to deliver a new playground at Rannoch Drive Reserve (local recreation park) after a consultation process in 2022/23.

It is anticipated the proposed SUP along Yalwal Road will progress to Detail Design in the 2022/2023 Financial Year and a budget of \$100,000 has been proposed for this work in the draft budget papers. This budget will also look at the concept of then extending this path to connect into the Nowra network.

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## CL22.219 Draft - Disability Inclusion Action Plan 2022-2026 - Public Exhibition

**HPERM Ref:** D22/137692

**Department:** Community Connections

**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Implementation Table [↓](#)  
2. Draft Disability Inclusion Action Plan 2022-2026 (under separate cover) [⇒](#)

### Reason for Report

Each Local Government Area is required to have a Disability Inclusion Action Plan (DIAP) that has been developed and endorsed by Council on behalf of its community.

The *NSW Disability Inclusion Act 2014* requires each Local Government in NSW to have a DIAP in place at all times. As the current DIAP expires at the end of June 2022, the revised DIAP 2022-2026 needs to be adopted to allow commencement on 1 July 2022 and submitted to NSW Disability Council.

### Recommendation

That Council

1. Endorse the Draft Disability Inclusion Action Plan 2022-2026 for the purpose of placing on Public Exhibition for a period of 28 days to seek further community feedback.
2. Receive a report on feedback from the community on the Draft Disability Inclusion Action Plan 2022-2026 following the 28 days public exhibition period.
3. Thank the community for their participation to date and invite further feedback during the public exhibition period.

### Options

1. Adopt the recommendations

Implications: This is the preferred option as it will allow the community the opportunity to comment on the Draft Disability Inclusion Action Plan 2022-2026 prior to the Plan being adopted by Council for implementation on 1 July 2022, and copy given to NSW Disability Council.

2. Council does not adopt the recommendations and provides further direction to staff

Implications: There is a legislative requirement for the new Shoalhaven Disability Inclusion Action Plan to commence from 1 July 2022. The Plan must be on public exhibition for a 28-day period and staff require appropriate time to incorporate public feedback into the final plan before the plan commences. If Council does not endorse the public exhibition period at the 9 May 2022 Ordinary Meeting, there will be insufficient time for Council to incorporate community feedback before the plan commences.

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## Background

The Shoalhaven Disability Inclusion Action Plan is Council's strategy to remove barriers to accessing infrastructure, services and employment as well as promote the rights of people living with a disability.

Since 2017, NSW local governments have been required by the *NSW Disability Inclusion Act 2014* to undertake disability inclusion action planning every four years and have a Disability Inclusion Action Plan (DIAP) in place at all times. The Act requires Local Government organisations to review their plan before the end of the 4-year plan period. The review must involve a consultation process, evaluation and updated DIAP as outlined in the Act.

As all NSW Local Government organisations were granted a 12-month plan extension due to the impacts of Covid-19, the current Shoalhaven Disability Inclusion Action Plan 2017-2021 expires in July 2022.

In 2021, Council's Community Connections team commenced review of the 2017-2021 DIAP and development of the new plan. Council engaged a consultant, The Flagstaff Group, and extensive community engagement was used to identify the priority areas for Council's inclusion work over the next four years. Community Connections worked with teams across Council to develop actions that will address the identified priorities. By developing the actions with the teams who will deliver them, we could ensure that the actions reflect the expert knowledge and experience of Council's teams.

The Shoalhaven Disability Inclusion Plan 2022-2026 represents Council's commitment to integrating inclusion into our work, with the aim of ensuring that people living with disability have fair access to services and can participate in life in the Shoalhaven.

To reflect the four key outcome areas recommended across the state, the DIAP is structured into the following focus areas:

1. Create Positive Attitudes and Behaviours Within Community
2. Create Accessible and Liveable Communities
3. Improve Access to Our Systems and Processes
4. Support Access to Meaningful Employment

Across the four focus areas, the Shoalhaven DIAP 2022-2026 identifies 15 priorities and 43 actions that will be undertaken. These actions are set out in the attached DIAP document, with further details on implementation resourcing provided in the document's Appendix 1.

In terms of the Integrated Planning and Reporting framework, the DIAP actions are integrated into Council's Delivery Program and Operational Plan for work across the organisation, as well as long-term financial planning and ongoing budget processes.

The DIAP also uses Council's Annual Reports, required by the IP&R framework, to monitor and report annually on progress made in implementing the DIAP. This reporting informs the community on progress, and a copy is provided to NSW Disability Council to meet legislative requirements for DIAP's.

## Community Engagement

To ensure the development of the DIAP met the needs of Council and the community, the Community Connections team and The Flagstaff Group undertook internal consultation with representatives from across the organisations prior to beginning external consultation.

This process ensured staff had an opportunity for input on future actions and responsibilities under the DIAP as adopted by Council. This process also set expectations for community consultations and requirements when developing the new DIAP.

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The following internal consultation occurred:

- One-on-one conversations with the CEO and each Director to determine outcomes, challenges, threats, and opportunities for the review
- Staff workshop with 34 staff from across the organisation to determine inclusion aspirations within the organisation
- Management representatives from each of the five Directorates and Shoalhaven Water sat on the Project Control Group to support the action plan development
- Individual meetings with each department manager responsible for implementing actions to ensure future work aligned with the strategic direction and future planning for each department of Council

These internal consultations ensured that senior management, middle management, and operational staff from across the organisation had opportunity for input. This allowed development of a DIAP that has organisation-wide support from the earliest stage.

An extensive community engagement process was led by The Flagstaff Group and engaged with over 300 people, including:

- 120 people completed online survey
- 6 face-to-face community workshops
- 20 face-to-face individual meetings, including with Councillors
- 2 meetings with Federal and State MPs
- 9 meetings with disability service providers
- 14 disability employment providers consulted
- 5 representatives of Indigenous disability organisations
- 52 employees with disability from various organisations
- Community Consultative Bodies contacted, and one formal submission received
- Social media and media relations campaign including a Mayoral video and interviews

Council used a range of methods to engage with community to identify communities' aspirations, these methods included.

- Electronic Direct Mail
- Production of Mayoral video for web and social media
- Social media stories and notices
- Creation of a Council Get Involved page
- Posters across Council facilities
- Direct invitation to partners in the not-for-profit disability sector
- Face-to-face drop-ins to Disability Employment Providers
- One-on-one telephone interviews to support people with disability
- Group sessions with providers and stakeholders across the City including Nowra, Bay and Basin (2), and Ulladulla
- Indigenous disability providers group
- Articles in Council's newsletter "In Your Neighbourhood"
- Group session with Council staff
- Face-to-face interviews with Council's Executive Leadership Team
- Face-to-face and phone interviews with Councillors
- Media releases

It should be noted that the delivery of community engagement and action planning was delayed due to NSW restrictions and staff absences due to Covid-19. These delays were used to offer an extended community engagement process and allowed for a greater action planning process with Council departments.

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A wealth of community input and insights was provided by the extensive engagement. This was used to identify the priority areas for Council's future inclusion work and used as the basis for developing actions that will be undertaken to address the identified priorities.

### Policy Implications

The DIAP is a strategic document required by all public authorities, including Local Government organisations, under the *NSW Disability Inclusion Act 2014*. The Act states that all public authorities must have a Disability Inclusion Action Plan in place at all times and review the document every 4 years.

There are several standards set by relevant legislation, that are important to the development of a DIAP, these are:

- Disability Standards for Accessible Public Transport
- Disability Standards for Education
- Disability (Access to Premises - Buildings) Standards, 2010 (Premises Standards).
- Carers (Recognition) Act, 2010 (NSW)
- Web Accessibility National Transition Strategy, 2010 (Commonwealth)
- National Standards for Disability Services, revised 2013 (Commonwealth)
- Disability Services Standards, revised 2012 (NSW)
- Anti-Discrimination Act, 1977 (NSW)
- The Local Government Act, 1993

As a part of the review, Council have ensured all documentation developed complies with the above legislations and standards.

### Financial Implications

The actions that make up the DIAP were developed with the Lead Teams, the teams who will deliver them. This ensures that the actions reflect the expert knowledge and experience of Council's teams. It also allowed each Lead Team to identify the most suitable resourcing for implementation.

By working in this way, we are integrating inclusion into Council's way of working and ongoing business planning. This includes:

- Improving how we carry out existing processes to be more inclusive
- Identifying grant funding available to deliver inclusion projects
- Recognising that many teams and projects across Council are already working to improve accessibility and inclusion

Each Lead Team responsible for delivering actions in the Shoalhaven DIAP 2022-26 has identified the resourcing that will be used to implement their actions. This is detailed in the attached Appendix 1 to the DIAP.

Of the 43 actions:

- 27 actions are not expected to incur costs
- 2 will be entirely funded by grants
- 14 actions will be delivered using budgets identified by the Lead Team, including 2 that will use also grant funding where available

There is no request for financial allocation for delivering the DIAP as the action costs are integrated into ongoing work planning processes across the organisation. Many actions are not expected to incur costs, and the remainder will make use of grant funds and/or budgets identified by the Lead Teams.



If additional funding is required to deliver any DIAP action, Lead Teams will use the established business processes for financial requests / funding considerations.

### **Risk Implications**

The legislative requirements for local government in relation to preparing an updated DIAP are:

- NSW Councils to prepare a DIAP by 30 June 2022
- Consultation with people with disability must be undertaken and documented as part of the planning process
- Councils must give a copy of their DIAP to the Disability Council NSW
- Councils must report on implementation of their DIAP in their Annual Report, and forward a copy to the Minister
- Council must review their DIAP every four years.

There is a reputational risk to Council if these legislative requirements are not met.

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Shoalhaven Disability Inclusion Action Plan 2022-26 – Implementation Table

Focus Area 1: Create Positive Attitudes and Behaviours Within Community						
Outcome: Build a welcoming and inclusive community by improving understanding of people with a disability						
Priority	Action	Lead Team	Supporting Teams	Delivery period	Measurable/s	Budget source
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.1 Deliver a campaign with lived experience ambassadors to tell stories of inclusion and experiences of living with a disability	Community Connections	Media & Communications	2022/23	No. ambassadors; No. campaign initiatives delivered; Campaign engagement; Community feedback	Grant funding
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.2 Update and increase useability of the 'Inclusive Shoalhaven holidays' page to raise awareness of accessible tourism	Tourism & Economic Development		2022/23 Q2, 2023/24 Q2, 2024/25 Q2, 2025/26 Q2	Leads to landing page (Google analytics data)	N/A
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.3 Increase image and video library of diverse people available for use in Council documents/material	Media & Communications, Community Connections		2022/23, 2023/24	No. images/videos created and added to library (if DAM developed); No. created images/videos used	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.1 Create a comprehensive (one-stop-shop) SCG webpage to link all accessible Council services	Community Connections	Digital Services & all service teams	2024/25, 2025/26	Creation of the web page; number of unique visitors to webpage	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.2 Improve how Council uses the Annual report to raise community awareness of our inclusion work	Corporate Performance and Reporting	Community Connections	2022/23 Q2	Annual report includes information to raise awareness of inclusion (eg. infographic)	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.3 Raise awareness of IAAG and their work within the Shoalhaven community	Community Connections, Media & Communications, People & Culture		2022/23, 2023/24, 2024/25, 2025/26	No. initiatives, sentiment/reach (dependent on initiative e.g. attendance, click etc)	IAAG Budget
1.3 Deliver training and consult the community to improve skills and understanding of Council staff and Councillors	1.3.1 Deliver training for front line staff and Councillors on disability awareness and education	Community Connections	Community Connections	2022/23, 2023/24	No. staff and Councillors attended training	Organisational Development budget
1.3 Deliver training and consult the community to improve skills and understanding of Council staff and Councillors	1.3.2 Consult the community about their perceptions and understanding of neurodiversity to inform future work to make the Shoalhaven neurodiverse friendly	Community Connections		2025/26	No. consultation participants (community and business)	Social Planning budget
1.4 Encourage businesses to improve inclusion through improved understanding of disability	1.4.1 Advocate for applicant businesses to address inclusion as part of the Shoalhaven business awards assessment	Tourism & Economic Development	Community Connections	2022/23	Inclusivity question incorporated into the assessment process for the Shoalhaven Business Awards	N/A
Focus Area 2: Create Accessible and Liveable Communities						
Outcome: Create a community where people with disability can participate by improving access to places and activities						
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.1 Prepare an updated Pedestrian Access and Mobility Plan (PAMP) and ranking criteria to identify projects that need action and funding to address access improvements	Principal Traffic Engineer	Works & Services (District Engineers), Technical Services	2022/23	Completion of PAMP/Bike Plan strategy updates	\$30,000 PAMP budget (subject to approval); \$60,000 TfNSW grant application (subject to approval)

2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.2 Use the Pedestrian Access and Mobility Plan (PAMP) and ranking criteria to deliver projects that improve access.	Works & Services (District Engineers)	-	2023/24, 2024/25, 2025/26	No. or length of accessibility projects delivered	Pedestrian Facilities budget (plus available grant funds)
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.3 Use an annual IAAG workshop to seek input on kerb ramp projects to improve accessibility.	Works & Services (District Engineers)	Community Connections, Principal Traffic Engineer	2022/23 Q1, 2023/24 Q1, 2024/25 Q1, 2025/26 Q1	Workshop completed; No. projects input sought on	N/A
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.4 Use kerb ramp budget to deliver priority kerb ramp projects, including those identified by annual committee workshop	Works & Services (District Engineers)		2022/23, 2023/24, 2024/25, 2025/26	No. projects delivered; No. projects delivered aligned to locations identified in 2.1.3	100% internally funded under FN103863 -
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.1 Inspect and review destination and regional parks for the need for fenced areas to make inclusive parks friendlier to parents and carers with children and people with disability	Swim, Sport & Fitness, Works & Services (District Engineers)	Community Planning & Projects	2022/23, 2023/24, 2024/25, 2025/26	No. parks audited; No. parks identified for fencing upgrades at renewal	SSF asset management budget
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.2 During refurbishment and renewal projects, budget is allocated to make inclusive parks friendlier to parents and carers with fenced areas for children and people with disability	Swim, Sport & Fitness, Planning & Projects	Works & Services (District Engineers), Community Connections	2022/23, 2023/24, 2024/25, 2025/26	No. fencing upgrades completed; No. park renewals not needing fencing upgrade	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.3 Development/redevelopment of destination parks will include inclusive and accessible playgrounds	Community Planning & Projects	Community Connections, Swim Sport & Fitness	2022/23, 2023/24, 2024/25, 2025/26	% of Master Plans developed that include inclusive and accessible playgrounds.	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.4 Formalise an accessibility advocate to be involved in the development of tenders & RFQ's for playgrounds	Community Planning & Projects	Community Connections	2022/23 Q2	Accessibility advocate assigned; No. assessment panels advocate has participated in	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.5 All new masterplans will make social infrastructure inclusive for people living with a disability	Community Planning & Projects		2022/23, 2023/24, 2024/25, 2025/26	% of Master Plans developed that make social infrastructure inclusive	N/A
2.3 Provide inclusive events for the whole community	2.3.1 Develop and use resources that support Council to plan accessible events	Community Connections	Civic Events (input in developing resources), teams across Council that engage	2022/23, 2023/24	Resources developed; No. events planned using resources	N/A
2.3 Provide inclusive events for the whole community	2.3.2 Develop and use resources that support the community to plan accessible events	Community Connections	Tourism, Swim Sport & Fitness	2022/23, 2023/24	Resources developed; No. organisations provided with resources	Partnerships Budget
2.3 Provide inclusive events for the whole community	2.3.3 Include accessibility information in the promotion of events	Media & Communications	Community Connections	2022/23, 2023/24, 2024/25, 2025/26	% of events that include accessibility information	N/A
2.3 Provide inclusive events for the whole community	2.3.4 Seek community feedback to evaluate Community Connections events for venue and event accessibility	Community Connections	-	2022/23, 2023/24, 2024/25	No. people feedback sought from; No. feedback responses received and used	N/A

2.3 Provide inclusive events for the whole community	2.3.5 Update the event policy (for events run by community groups and businesses) to encourage improved accessibility for events in the Shoalhaven	Tourism & Economic Development	-	2022/23	Policy update adequately references and covers accessible and inclusive events	N/A
2.4 Improve accessibility in Council buildings	2.4.1 Conduct accessibility audits of priority Council buildings and use existing asset maintenance and renewal budgets to upgrade	Building Services	-	2022/23, 2023/24, 2024/25, 2025/26	No. of audits conducted; No. of buildings upgraded; Feedback on upgrades	Building Services OPEX (\$10,000), Building Services CAPEX (\$200,000)
2.4 Improve accessibility in Council buildings	2.4.2 For all new publicly-accessible buildings, accessibility feedback on the design will be sought from the IAAG	Building Services		2022/23, 2023/24, 2024/25, 2025/26	No. designs feedback is sought on	N/A
2.5 Improve accessibility in the community	2.5.1 Review development controls in Shoalhaven DCP with a view to improving accessibility outcomes and implement amendments to Shoalhaven DCP with support from Council	Strategic Planning	City Development	2022/23, 2023/24, 2024/25, 2025/26	Report to Council on completion of review and recommended amendments; Report to Council post exhibition (if amendments supported).	Strategic Planning budget (except supporting consultancy work, if required)
2.5 Improve accessibility in the community	2.5.2 Work with TfNSW to improve accessible transport in the Shoalhaven	Works & Services (District Engineers)	Principal Traffic Engineer	2022/23, 2023/24, 2024/25, 2025/26	No. grant applications; No. successful grant projects	100% grant funded
2.5 Improve accessibility in the community	2.5.3 Support the IAAG to provide advice on accessible parking requests from the community to the Traffic Committee	Community Connections	Works & Services (District Engineers)	2022/23, 2023/24, 2024/25, 2025/26	No. times advice provided to the Traffic Committee	N/A
2.5 Improve accessibility in the community	2.5.4 Provide training to Council staff on disability access standards and legislation	Certification & Compliance		2022/23	No. staff attended training	City Development CPD budget

Focus Area 3: Improve Access to Our Systems and Processes						
Outcome: Provide equitable access to services and information by ensuring Council systems and processes are inclusive for people with disability and address barriers to access						
3.1 Improve useability of Council websites	3.1.1 Upgrade the foundations of our website technology and use improved capability to improve all Council websites to meet WCAG 2.1 AA standards	Information Services/Business Systems	-	2022/23 Q3	Platform transition completed; Websites meeting WCAG 2.1 AA standard (website access audit reports); Website access statistics for disability pages; User experience feedback	Information Services licensing budget
3.1 Improve useability of Council websites	3.1.2 Create a framework for the transition to online accessible forms	Information Services/Business Systems	-	2021/22 Q4	No. of electronic form submissions (reduction of paper/pdf submissions)	Information Services staffing
3.1 Improve useability of Council websites	3.1.3 Deliver training for content author staff to understand accessibility standards and improve digital inclusion	Media & Communications	Digital Services	2022/23	% of content authors trained	CEO group CPD budget
3.2 Improve inclusion in advisory committees and community engagement and events	3.2.1 Improve inclusion and accessibility of Council's community engagement activities by ensuring the Engagement Strategy reflects best practice	Media & Communications		2022/23	Engagement strategy reflects Council's commitment to inclusion and accessibility	N/A
3.2 Improve inclusion in advisory committees and community engagement and events	3.2.2 Increase opportunities for participation in the IAAG and build group capacity	Community Connections	Business Assurance & Risk (Governance)	2022/23, 2023/24, 2024/25, 2025/26	No. new committee members; No. new opportunities (working groups meetings/actions, capacity-building offered)	IAAG budget

3.2 Improve inclusion in advisory committees and community engagement and events	3.2.3 Add agenda item for relevant advisory committee meetings to review and improve inclusion	Community Connections	Business Assurance & Risk (Governance)	2022/23, 2023/24, 2024/25	No. committees with Inclusion as an agenda item	N/A
3.3 Improve consideration of social outcomes in procurement processes	3.3.1 Use the procurement policy review to improve consideration of social and sustainability outcomes in procurement processes	Finance (Procurement)	-	2023/24	Policy updated to support social and sustainable procurement processes	N/A

Focus Area 4: Support Access to Meaningful Employment						
Outcome: Improve access to employment for people with disability in the Shoalhaven						
4.1 Provide an accessible recruitment and onboarding process for new employees	4.1.1 Review the employment application process for accessibility and raise awareness of available support and alternative processes	People & Culture	-	2022/23 Q2	Review completed; No. applicants provided with info on available support; No. applicants using available support; Community feedback	N/A
4.1 Provide an accessible recruitment and onboarding process for new employees	4.1.2 Provide training on disability awareness to teams where a person with a disability has been recruited	People & Culture	Community Connections	2023/24	No. staff attended training	Organisational Development budget
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.1 Actively promote work experience, traineeships and volunteer roles to people with disability	People & Culture	-	2022/23, 2023/24, 2024/25, 2025/26	No. times opportunities promoted using targeted promotion; No. targeted promotion contacts	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.2 Engage with Council teams to identify and support development of opportunities for people with disability, including work experience, traineeship, volunteer and employment roles, and project work	Community Connections	People & Culture	2022/23, 2023/24, 2024/25, 2025/26	No. inclusive opportunities identified	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.3 Identify or create inclusive employment opportunities, including through use of flexible working arrangements and by partnering with disability employment providers for identified roles	People & Culture	Community Connections?	2022/23, 2023/24, 2024/25, 2025/26	No. inclusive opportunities identified; No. positions advertised as identified for a person with disability; No. positions filled as identified for a person with disability	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.4 The tender evaluation process for providers of trainee and apprentice programs will include criteria to consider improvement of opportunities for people with disability	People & Culture	-	2023/24	Tender criteria updated to include criteria to improve opportunities for people with disability	N/A
4.3 Support Shoalhaven businesses to employ people with disability	4.3.1 Provide ongoing advocacy and promotion of resources to businesses to raise awareness of the benefits and supports for employing people with disability	Tourism & Economic Development	Community Connections	2022/23, 2023/24, 2024/25, 2025/26	No. times advocacy information provided (print and electronic media); No. times resources promoted (print and electronic media)	N/A

## CL22.220 Tenders – Various Mains Relining Project

**HPERM Ref:** D22/151548

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

### Reason for Report

To inform Council of the tender process for the Various Mains Relining Project.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### Recommendation

That Council consider a separate Confidential Report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation

Implications: Consider a separate Confidential Report on the matter

2. Council resolves an alternative to the recommendation.

Implications: This is not recommended as an extensive tender evaluation process has been undertaken comprising price and non-price criteria in accordance with the Procurement Evaluation Plan; with a Targeted Tender to a pre-established panel of suitably qualified contractors conducted.

### Details

#### ***Project Description***

Shoalhaven Water's Asset Management Unit has identified a number of water and sewer mains that are reaching/have reached their end of life and therefore require renewal. In order to maintain the structural integrity of the subject pipes, the proposed renewal methodology is by pipeline re-lining. Due to the quantum of works, it is intended that an annual prioritised relining program be established for the sewer mains renewals.

The mains identified for this package of works are primarily sewer pipelines located in the Nowra region, although it also includes some other high priority sewer mains within the Local Government Area, and a significant water main which crosses Currambene Creek (refer below for listings of all mains forming part of the intended Contract):

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### Separable Portion 1: Wastewater Mains – Gravity

Wastewater Main(s)						
Package	Area	Location/Description	Approx. Length (m)	Diameter (mm)	Current Type	Pipe
SEW-1A	Nowra	Between Colyer Av/Shoalhaven Street	16	150	VCP	Gravity
SEW-1B	Nowra	North Street Between Collins Way and Shoalhaven Street	133	150	AC/D	Gravity
SEW-1C	Nowra	North Street Between Osbourne Street and Kinghorne Street	343	225	AC/D	Gravity
SEW-1D	Nowra	Corner of Jane Street and Nowra Lane	32	150	VCP	Gravity
SEW-1E	Nowra	Nowra Lane to Jane Street	24	150	VCP	Gravity
SEW-1F	Nowra	Council Land Adjacent to Hyam Street	91	150	CICL	Gravity

### Separable Portion 2: Wastewater Mains – Gravity

Wastewater Main(s)						
Package	Area	Location/Description	Approx. Length (m)	Diameter (mm)	Current Type	Pipe
SEW-1G	Nowra	North Street at Corner of Kinghorne Street	40	300	AC/D	Gravity
SEW-1H	Nowra	North Street Between Princes Highway and Brereton Street	70	300	AC/D	Gravity
SEW-1I	Nowra	Nowra Lane to Jane Street	65	300	CICL	Gravity
SEW-1J	Nowra	Worrige Street to Jane Street	80	300	CICL	Gravity
SEW-1K	Nowra	Stockland to Princes Highway	78	300	CICL	Gravity
SEW-1L	Nowra	Nowra Pool	26	150	CICL	Gravity

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### Separable Portion 3: Wastewater Mains – Pressure

Wastewater Main(s)						
Package	Area	Location/Description	Approx. Length (m)	Diameter (mm)	Current Type	Pipe
SEW-1M	Callala Bay	Callala Creek Crossing Along Lackersteen Street and Silkwood Walk	600	300	DICL	Pressure

### Separable Portion 4: Water Mains – Pressure

Water Main(s)						
Package	Area	Location/Description	Approx. Length (m)	Diameter (mm)	Current Type	Pipe
WAT-1A	Currambene Creek	Currambene Creek Crossing near Streamside Street	600	450	MSCL	Pressure

### Tendering

Council called tenders for Various Mains Relining Project on 24 February 2022 which closed at 10:00am on 31 March 2022. One (1) tender was received at the time of closing. Tenders were received from the following:

Tenderer	Location
Interflow Pty Ltd	254 Toongabbie Road, Girraween, NSW, 2145

Details relating the evaluation of the tenders are contained in the confidential report.

### Community Engagement:

Works are expected to have minimal impact on residential properties, however residents and landowners who may be affected have been notified as part of initial investigation works.

Additional community and stakeholder engagement prior to and during construction is proposed, with a dedicated project webpage to be established under Council's 'Major Projects & Works' Portal.

### Policy Implications

The tender process has followed the requirements under the provisions of the Local Government Act 1993 and Council's procurement procedure.

### Financial Implications:

Sufficient funds have been allocated in the water and sewer funds for the Various Mains Relining Project within the 2021/22 and 2022/23 financial years. Funding is available to cover the tender amount including other project costs.

CL22.220



## CL22.221 Review of Shoalhaven Water Group Policies – Round Four

**HPERM Ref:** D22/163307

**Department:** Water Business Services

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Non-urban Wastewater Connection Policy [↓](#)  
2. Non-urban Water Supply Connection Policy [↓](#)

### Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of a new Council. This is the fourth round of policies proposed for reaffirmation with respect to Shoalhaven Water responsibilities.

### Recommendation

That Council reaffirm the following policies with minor changes

1. Non-urban Wastewater Connection Policy
2. Non-urban Water Supply Connection Policy

### Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency. Specific details of changes are outlined further below.

2. Not adopt the recommendation.

Implications: Council can request further details, seek further community input or make other changes.

### Background

Minor changes (tracked) have been made to the two subject policies as shown in the attachments to this Report. A summary of these changes are outlined below.

- **Non-urban Wastewater Connection Policy**

- Change to Policy title from “Rural” to “Non-urban Wastewater Connection Policy”
- Minor changes for spelling and/or grammar
- Wording changes to exemptions but no change to intent
- Change of officer title to match current organisation structure
- Items added to Criteria for determination of an application, for clarity to applicants.

- **Non-urban Water Supply Connection Policy**

- Change to Policy title from “Rural” to “Non-urban Water Supply Connection Policy”.
- Minor changes for spelling and/or grammar

CL22.221

- Change of officer title to match current organisation structure

**Community Engagement**

There is no statutory requirement to publicly exhibit any of the policies contained in this Report. Council may choose to do so should they consider any changes of significance.

**Policy Implications**

All policies included in this Report are proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the existing intent of the current approved policies.

**Financial Implications**

Changes proposed to the policies will have no financial implications to current approved budget.

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# **Rural Non Urban Wastewater Connection Policy**

**For more information contact  
Shoalhaven Water**

**City Administration Centre**

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Policy Number: POL22/135

Adopted: 23/07/2002

Reaffirmed: 21/12/2004, 18/07/2017

Amended: 21/09/2009, 14/12/2012

Minute Number: MIN02.968, MIN04.1655, MIN09.1270, MIN12.1403, MIN17.631

File: 12039E

Review Date: 1/12/2024

## 1 PURPOSE

The objectives of the policy are to:

- Detail the circumstances in which ~~rural-non urban properties~~ ~~properties~~ may be considered for connection to Council's sewerage system
- Detail the circumstances in which ~~rural~~ properties will be exempt from the sewer availability charge.
- Provide direction to ~~rural~~ property owners making application for connection to Council's sewerage system.
- Provide direction to staff assessing applications for connection of ~~rural~~ properties to Council's sewerage system.

## 2 STATEMENT

This policy statement is based on Council Minute 02.968 of 23 July 2002.

This policy does not apply to major extensions relating to rezoning's and other major developments. This policy should be read in conjunction with Council's Rural Water Supply Policy and Liquid Trade Waste Discharge to the Sewerage System Policy.

## 3 PROVISIONS

### 3.1 Applications

Applications for connection to Council's sewerage system must be made in writing. As part of the written application the property owner/s as a minimum shall provide the following information:

- Details of the property/s to be served including all owner names.
- ~~i. Details of the property/s to be served including all owner names,~~
- ~~ii. What infrastructure is required,~~
- ~~iii. Copy of building entitlement (if required),~~
- ~~iv. Description of the development that exists upon the land/s (if developed),~~
- ~~v. Copy of Occupation Certificate ~~where~~ ~~where~~ granted for the existing development,~~
- ~~vi. The availability charge that the property pay,~~
- ~~vii. A scaled plan showing the location of the property and nearest existing Council infrastructure and which infrastructure the applicant seeks connection to,~~
- ~~viii. Does the proposed extension require approval from another authority (eg. Roads and Maritime Service or NSW Crown Lands Department),~~
- ~~ix. Any other information that is pertinent to the application.~~

### 3.2 Exemption Circumstances for Sewer Availability Charge.

~~Rural-p~~ Properties shall be exempt from the sewer availability charge in the following circumstances:

- ~~The property is beyond 75 metres land which is more than 75 metres from a sewer of the council and is not connected to the sewer.~~

- ~~Land from which sewage could not be discharged into any sewer of the council.~~

~~of a Council sewer main and is not connected to Council's sewerage system.~~

- ~~The property is located within 75 metres of a Council sewer main and cannot be connected by gravity means to Council's existing sewerage system.~~

~~Rural-p~~ Properties will not be exempt from the sewer availability charge in the following circumstances:

- The property is connected to Council's sewerage system (by gravity or pressure sewer systems).
- The property is within 75 metres of Council's sewerage system and can be connected to the system by a gravity sewer or pressure sewer.

Consideration for exemption from the wastewater availability charge will be given, upon written application, in all circumstances not included above. The determination of an application shall be at the discretion of the ~~General Manager~~ Chief Executive Officer or Executive Manager (Shoalhaven Water).

### 3.3 CRITERIA FOR DETERMINATION OF AN APPLICATION FOR A ~~RURAL~~ PROPERTY TO CONNECT TO COUNCIL'S SEWERAGE SYSTEM

Connection to Council's sewerage system will only be made available to ~~rural~~ properties upon written application in the following circumstances:

- Where capacity exists in the existing system, and
- Where the current levels of service can be provided, and
- Where the property is paying the wastewater availability charge.

Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if:

- ~~it is not possible to manage wastewater by on site treatment and.~~
- ~~The application is supported by a detailed report from a suitably qualified professional and.~~
- ~~The application is approved or recommended by Council Environmental Services team~~

~~Approval in this situation is subject to Council resolution.~~

### 3.4 OTHER CONDITIONS

- The applicant(s) shall meet all costs associated with the provision of the wastewater service including ~~but not limited to:~~
  - Connection from the property to the sewer reticulation system.
  - ~~Written p~~ Provision of access and necessary easements;

- Any other conditions considered applicable for the particular application, eg ~~headworks~~ separate system connection fees ~~contributions~~, Tradewaste Agreement etc.
- Any sewer reticulation extensions are to be designed and constructed to the current Council standards at the applicant's cost.
- Where private pipelines are to be extended in a road reserve approval must be obtained from ~~Assets and Works Group~~ City Service or Property teams.
- A Service by Agreement may be necessary.

#### 4 APPLICATIONS

~~Applications for connection to Council's sewerage system must be made in writing, providing a description of the land and what is proposed to be discharged to sewer (domestic waste or tradewaste).~~

~~The charges for Council services such as works, contributions and connections are shown in Council's Fees and Charges. The charges are those applicable at the time of payment.~~

#### 54 OTHER MATTERS

##### 5.1 Review

In accordance with S165 (4) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.

##### 5.2 Application of ESD Principles

To minimise the potential of environmental damage from onsite systems and improve public health, by allowing extensions to Council's sewerage system under the provisions of this policy.

~~To improve public health.~~

##### 5.3 Definitions

**~~Rural-Non Urban~~** – any rural zone, environmental zoned or other zones specified in the current Shoalhaven Local Environment Plan (RU1 – RU5) which are not currently within the existing wastewater service area.

**Property/Land** – A parcel of land comprised of a lot in a DP.

**Easement** – Legal restriction placed over a parcel of land to benefit another property/s or authority/s.

**Availability Charges** - Annual charge levied by Council for the provision of a water supply or wastewater service under the Local Government Act.



# **Rural Non-Urban Water Supply Connection Policy**

For more information contact  
Shoalhaven Water

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[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL22/136

Adopted: 27/01/1998

Amended: 21/12/2004, 28/07/2009, 14/12/2012, 18/07/2017

Minute Number: MIN98.18, MIN04.1655, MIN09.957, MIN12.1403, MIN17.631

File: 12039E

Review Date: 1/12/2024

## PURPOSE

- To detail the circumstances in which ~~rural~~ non-urban properties may be considered for connection to town water supply.
- To detail the circumstances in which ~~rural~~ properties will be exempt from the water availability charge.
- To provide direction to ~~rural~~ property owners making application for the connection to town water supply.
- To provide direction to staff assessing applications for connection of ~~rural~~ properties to town water supply.

## STATEMENT

This policy statement is based on Council Minutes 93.290 of 16 February 1993 and 98.18 of 27 January 1998.

## PROVISIONS

### 1 Exemption Circumstances for Water Availability Charge.

~~Rural-Non-Urban~~ properties shall be exempt from the water availability charge in the following circumstances:

- The property is beyond 225m of a town water main and is not connected to the town water supply.
- The property (not currently connected) cannot be supplied to the current levels of service.
- ~~The property (not currently connected) can only connect to a trunk water main. Connection to Council trunk mains are not recommended for connection to property service lines, therefore properties within 225m of trunk mains are exempt from paying availability charges.~~

~~Rural-Non-Urban~~ properties will not be exempt from the water availability charge in the following circumstances:

- The property is connected to the town water supply.
- The property can be connected to the town water supply by a standard long or short water service and the dwelling on the property is within the serviceable limit.

Consideration for exemption from the water availability charge will be given, upon written application in all circumstances not included above. The determination of an application shall be at the discretion of the General Manager (Shoalhaven Water).



## 2 CRITERIA FOR DETERMINATION OF AN APPLICATION FOR A ~~RURAL NON-URBAN~~ PROPERTY TO CONNECT TO TOWN WATER SUPPLY

### 2.1 Application

Applications for a water supply in ~~rural- non-urban~~ areas must be made in writing, providing the following information and proposed water use(s).

- i. Details of the property/s to be served including all owner names,
- ii. What infrastructure is required,
- iii. Copy of building entitlement (if vacant and required),
- iv. Description of the development that exists upon the land/s (if developed),
- v. Copy of Occupation Certificate where granted for the existing development,
- ~~vi. The availability charge/s that the property pay,~~
- vii. A scaled plan showing the location of the property and nearest existing Council infrastructure and which infrastructure the applicant seeks connection to,
- ~~viii. Does the proposed extension require approval from Approval or advice on approvals from relevant government agencies including another authority (eg. Roads and Maritime Service, NPWS or NSW Crown Lands Department),~~
- ~~ix-viii. Any other information that is pertinent to the application.~~

### 2.2 Town water supply will only be made available to ~~rural-non-urban~~ properties upon written application in the following circumstances:

- Where capacity exists in the existing system, and
- Where the current levels of service can be provided, and
- Where it can be demonstrated that the ~~rural~~-water supply will be of positive economic benefit (at the time of application) to the city by applying the following formula;

**Benefit = (Income from usage + Availability Charge) – Operating cost**

- Where the income from usage is based on the expected annual water usage (provided ~~from the Shoalhaven Waters' data~~) in kL times the cost per kL (per Council's current Management Plan)
- The annual water availability charge (per Council's current Management Plan)
- Operating cost is the latest available at the time of the application (per the ~~NOW~~ Performance Report and asset register). See worked examples below.

#### Example 1

An applicant requests consideration for a water main extension to serve their ~~rural~~ property. The length of extension required is 100m and their expected annual water usage is 200kL. Assuming the application has satisfied all other criteria and the application is for a 20mm meter.

Using the ~~2015-16 Operational Plan and Performance Report~~Delivery Program-/Operation Plan figures:

Income from usage = 200kL x \$1. ~~65-80~~ per kL  
= \$ 330360

$$\begin{aligned}
 \text{Availability Charge} &= \$8084 \\
 \text{Operating Cost per metre} &= \frac{\text{Mains operation cost} + \text{Mains maintenance cost}}{\text{Total length of mains (m)}} \\
 &= \$2,500,000 / 1,600,000 \\
 &= \$1.56 \text{ per metre}
 \end{aligned}$$

Therefore total annual operating cost for a 100m extension = \$156

$$\begin{aligned}
 \text{Benefit} &= \text{Income} - \text{Operating Cost} \\
 &= \$440,444 - \$156 \\
 &= \$254,288
 \end{aligned}$$

Therefore main extension would be approved in this case.

#### Example 2

Applicant requests 200m extension and proposes 100kL usage through a 20mm meter. Assuming all other criteria satisfied.

$$\begin{aligned}
 \text{Income} &= \text{usage} + \text{availability} \\
 &= \$465,180 + \$8084 \\
 &= \$245,264
 \end{aligned}$$

$$\begin{aligned}
 \text{Total operating cost} &= \$245,200\text{m} - \times \$3421.56 \\
 &= \$288,312
 \end{aligned}$$

$$\begin{aligned}
 \text{Benefit} &= \$247,264 - \$288,312 \\
 &= -\$67,48 < 0
 \end{aligned}$$

Therefore main extension would **not** be approved in this case.

## 2.2 Other Conditions

- The applicant(s) shall meet all costs associated with the provision of the water supply including;
  - Preparation of water supply design and any environmental assessment.
  - Necessary construction extension of the reticulation system.
  - Service connection including meter assembly.
  - Provision of access and necessary easements.
  - Separate system connection fees or Developer contribution charges.
  - Any other conditions considered applicable for the particular application, and
- One 20mm service only will be provided as a standard. A larger or additional service may be provided upon application and if capacity is available. Other special conditions may apply to larger services. Charges per Council's current Fees & Charges -apply, and
- Mains shall only be extended in a road reserve and where "all weather" access is available. Mains are to be installed at the standard property offset and to be outside the road formation. A hydrant shall be located at the end of the main for flushing, and

- Connection to trunk water mains will only be permitted in exceptional circumstances, at the discretion of the Executive Manager, Shoalhaven Water.
- A backflow prevention device may be required and be subject to Council's Cross-Connection Control / Backflow Prevention Policy.
- In special circumstances a supply by agreement may be necessary. Such cases will require Council resolution.

### 2.3 Private Service extensions from the end of a main may be approved subject to –

- not passing another property; and
- the nearest boundary of the property is within 225m of the end of the **water** main; and
- there is no likelihood of further development (eg land locked); and
- approval is obtained by the applicant from Council's Assets & Works Group (and any other authority) to locate the meter assembly and private extension within the road reserve. Alternatively the applicant will need to acquire legal access via services easement(s) through private property(s).
- **Levels of service can be achieved at the frontage of the property.**

*Note: Construction and maintenance of the pipe extension from the meter will be the responsibility of the applicant/owner.*

### 2.4 ~~Application~~

~~Applications for a water supply in rural areas must be made in writing, providing a description of the land and proposed water use(s).~~

## 3 OTHER MATTERS

### 3.1 Implementation

Shoalhaven Water Group's Water Asset Planning & Development Section has responsibility for processing an application.

### 3.2 Review

In accordance with S 165 (4) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.

### 3.3 Application of ESD Principles

To ensure the quality and supply of water to urban areas is sustained and conserved.

### 3.4 Definitions

~~Rural-Non-Urban~~ – any rural zone, environmental zoned or other zones specified in the current Shoalhaven Local Environment Plan (RU1-RU5) which are not currently within the existing water service area

**Property/Land** – A parcel of land comprised of a lot in a DP.

**Easement** – Legal restriction placed over a parcel of land to benefit another property/s or authority/s.

**Availability Charges** - Annual charge levied by Council for the provision of a water supply or wastewater service under the Local Government Act.

CL22.221 - Attachment 2

## CL22.222 Notice of Motion - Ward Boundary Review - Community of Interest

HPERM Ref: D22/180061

Submitted by: Cllr Greg Watson

### Purpose / Summary

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

### Recommendation

That Council review the Ward Boundaries with a view of bringing areas of community interest together, which may require an increase in the number of Wards.

### Note by the CEO

Council last considered and adjusted Ward Boundaries on 26 November 2019 in preparation and for implementation for the December 2021 Local Government Election.

Shoalhaven City Council ward boundaries continue to meet legislative requirements.

The process for the adoption of revised ward boundaries is as follows:

1. Upload of current ABS Data to council's mapping system
2. Modelling is undertaken by council staff based on the specific criteria and outcomes required by the Council and legislative requirements
3. The Elected Council resolves to endorse a preferred model for public exhibition
4. Approval for the model is obtained from the NSW Electoral Commission and Australian Bureau of Statistics.
5. A public exhibition / submission period is undertaken (42 days), consulting directly with all electors impacted by the proposal.
6. Council considers submissions and determines final model to proceed with.
7. NSW Electoral Commission approval sought for final Model
8. Once approved, the Electoral Roll is updated for the next election

Should there be changes to the number of Councillors required related to an increased or decreased number of wards, a constitutional referendum would need to occur at the 2024 Council election to allow the new ward arrangements to be in place for the 2028 election.

It is suggested that if Council is of a mind to support the intent of the Notice of Motion a suitable recommendation for the Council to review ward boundaries at this time would be:

*That the CEO prepare a report for the Council on a review of ward boundaries to achieve bringing areas of community interest together.*

It should be noted that Council will need be specific as to the 'community interest' criteria to be applied in such a review.

CL22.222

## LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

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

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

#### (2) Decision-making

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

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

#### (3) Community participation

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

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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