

Ordinary Meeting

Meeting Date: Tuesday, 27 April, 2021

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

Attachments (Under Separate Cover)

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CL21.80	RD21/1000 – 15 Vallon Road Woollamia – Lot 3 DP 832984	
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Monthly Report

Shoalhaven City Council

March 2021

CL21.76 - Attachment 1



Market and Economic Review

Leading Economies

US markets soared, setting new records. The S&P500, Dow Jones and NASDAQ gained +4.4%, +6.8% and +0.5% respectively; MSCI World ex-AUS gained +4.3% in local terms. Emerging Markets fell -1.5% in \$US as Chinese stocks dived, offset by the other BRICs. Frontier Markets added +0.3%.

US 10-year bonds crashed again, closing at 1.74% (+30bp). High yield closed at +336bp (-21bp tighter), back to 2018 levels. Distressed credit remained around post-GFC tight. Emerging markets debt underperformed.

COVID-19 deaths passed 2.8m but are slowing in USA (although accelerating elsewhere). Slow vaccine rollouts are stuttering in Europe, with concerns about reported complications extending its lockdowns. USA has fuller coverage but also running into resistance.

Having approved a \$2tr stimulus, the US Admin is examining an infrastructure bill and major tax hikes.

US Q4 GDP was upgraded to +4.3% (from +4.1% p.a.). The year's GDP fell -2.4%. Unemployment eased to 6.2% (-0.1%) in February, with excellent Non-farm Payrolls of +379k and February revised up to +166k. Youth unemployment fell to 10.9% (-0.3%). CPI was +0.4% to be +1.7% YoY although an alarming +2.8% in the 9 months post-COVID. It will peak well over 3%. CPI-linked bonds' breakeven inflation of 2.35% (10-year) is an 8-year high and above the Fed target. Retail sales fell -3% in February after a revised Jan +7.6%.

Eurozone unemployment improved to 8.1% (-0.2%) with participation flat at 56.8%. Prices soared +0.9% to be +1.3% YoY with core inflation at +0.9% YoY. Retail sales dived -5.9% on renewed lockdowns. January's current account surplus of +EUR5.8bn was almost -90% down from December's record.

Domestic News

The NSW government joined the Federal government in minority status.

The RBA reassured markets expecting an early unwinding of stimulus, affirming existing policy settings. Negative rate policy was "extraordinarily unlikely." Inflation was not expected until a tight labour market drives 3%+ wages growth.

The ASX200 returned +2.44% while Smallcaps added +0.79%. The 10-year bond improved +13bp to 1.74%. Listed Property rebounded strongly (+7%) on stabilisation of bonds.

CoreLogic's home price index rose +2.8% in March. House approvals are +57% YoY, but units are down -28.7%.

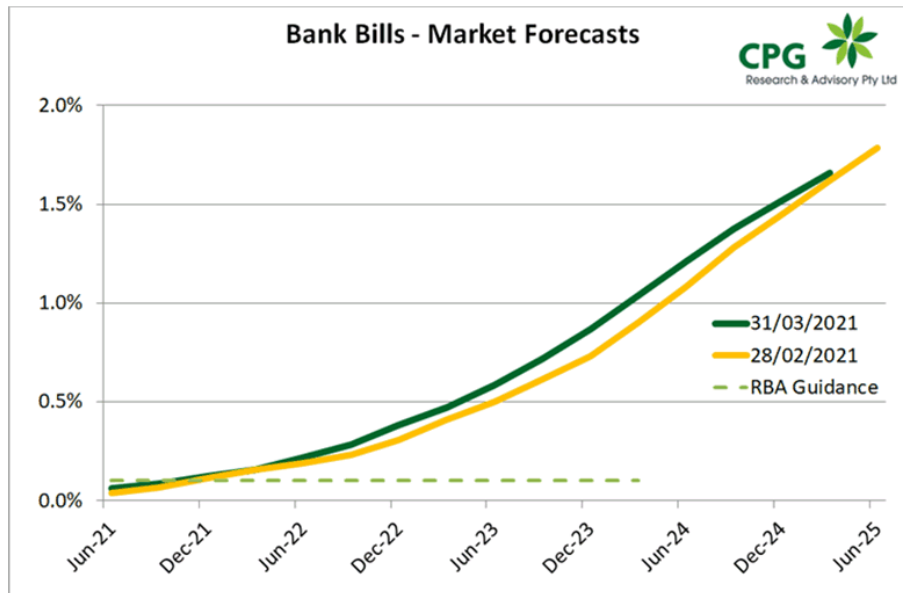
Q4 GDP surprised to the upside at +3.1% to be -1.1% YoY. Exports and imports grew +2% in February, leaving the trade surplus estimated at \$8.1bn vs a revised record \$10.1bn in Jan. Retail sales fell -1.1% in February but are +8.7% YoY. Unemployment plunged to 5.8% in Feb. Underemployment rose to 8.5%. Youth unemployment was 12.9% (-1.1%). JobKeeper subsidies ended after a year.

Other Markets

WTI oil was little changed at \$US61/bbl (-1.7%). Gold fell to \$1708/oz (-1.5%). Iron ore eased to \$162 (-6.1%) from multi-year highs. Base metals Nickel (-13.5%), Tin (-1.2%), Copper (-3.5%), and Zinc (-0.9%) declined while Aluminium gained +0.5%. The \$A closed at US76c (-3%).



Despite long bond weakness, the very cheap middle of the curve was reassured by the RBA affirming its guidance:

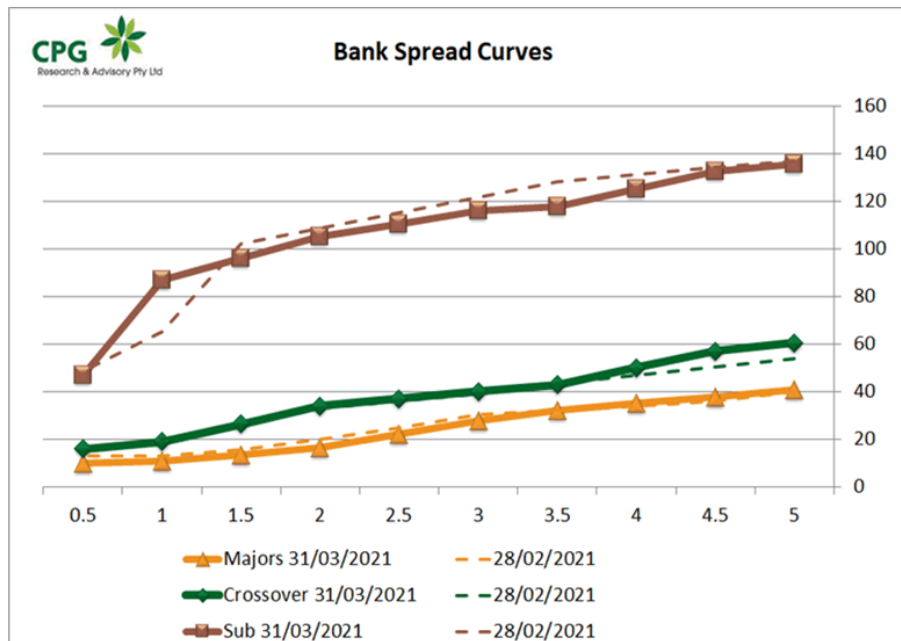


Credit Market

Credit derivatives were flat in March, ignoring some headlines about losses to banks from a failing fund:

Credit Indices	31-Mar-21	28 Feb 21	31 Dec 19
iTraxx Australia 5 Yr CDS	64bp	62bp	47bp
iTraxx European 5 Yr CDS	52bp	51bp	44bp
CDX IG North American 5 Yr CDS	54bp	56bp	45bp
CDX HY North American 5 Yr CDS	308bp	310bp	280bp

Australian banks were unaffected, and credit was mixed with sub-debt at multi-year tights:



Physical high yield **firmed**, closing at +336bp vs +357bp in February (BoAMLHY Index, option-adjusted). **We have a Reduce view** inside 400bp, although moves in leveraged loans have been less extreme and we have a *Neutral* view on loans – near flat at +425bp.

US 10-year bonds crashed to at 1.74% (+30bp), adding to the ½% increase in yield of the prior month and reaching 1¼% for the first time since COVID19. Australian 10-year bonds slid to 1.74% from their US session February close, but improved on the 1.87% at February's Australian close. 3-year bonds were little changed at 0.11% (-1bp), holding near the RBA target and keeping 5-year bonds tightly bound. 3m BBSW was little changed at 4bp.

Financial credit is expensive, at least among domestic banks with access to the TFF, and offshore major banks are also generally now trading at post-GFC record pricing.

There remains some further downside risk to yields in the middle of the bond yield curve (trading far above guidance), but we recommend sales of the majority of the credit securities book.

Investors can budget with reasonable confidence that the Official Cash Rate should not move substantially until 2024. While the RBA reserves the right to make minor adjustments to policy rates, they have done nothing to suggest negative rates are on the table and the 2024 date was reaffirmed in the most recent interest rate announcement.

Changes to monetary policy are now likely to be centred on quantitative easing – programme expansion, more explicit yield targeting. There is no current indication of the RBA expanding the programme, with employment and property prices particularly strong in February.

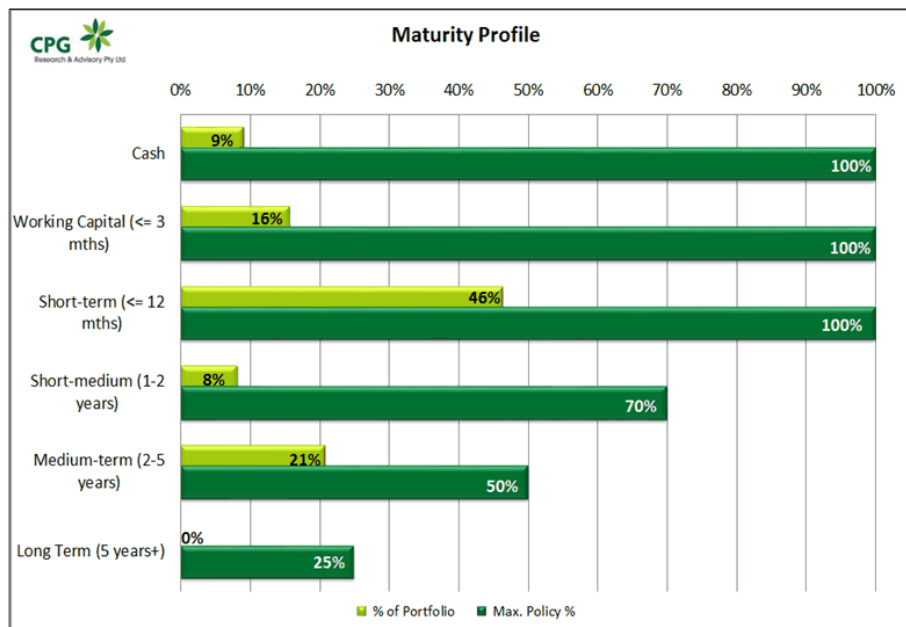


Council's Portfolio

The portfolio has a very high 9% of investments available at-call and a further 16% of assets mature within 3 months. Another 46% of assets mature within 3-12 months. Longer-term allocation at 21% at 2-5 years with recent long term FRN purchases. Major bank paper is extremely expensive. Given the "flight to (domestic) safety" as well as the distortion of the RBA's Term Funding Facility, there is an unprecedented divergence, and foreign issuers significantly overpay for credit quality.

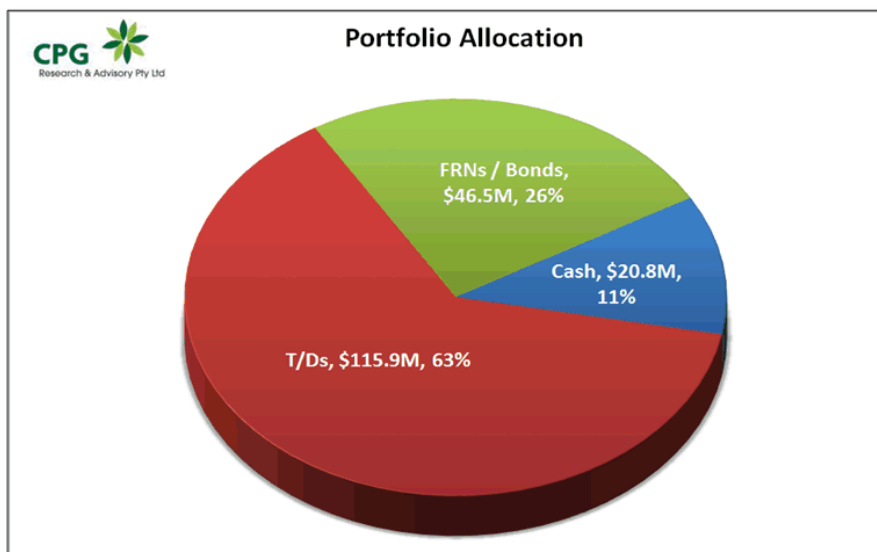
All investments are within the current Minister's Order, having closed out legacy fund positions at their peak. Bank credit lost ground February, but remains close to post-GFC records.

The RBA's most recent meeting confirmed no change to rates guidance, or even inflation outlook. Deposit rates fell in March, with a particularly severe fall at the short end. NAB pays around 1.15% for the longest term with comparable rates from the NT Government. The unusually large gap between highly rated ADIs and others during the panic has converged to pre-COVID historical norms, and then to new post-GFC lows.

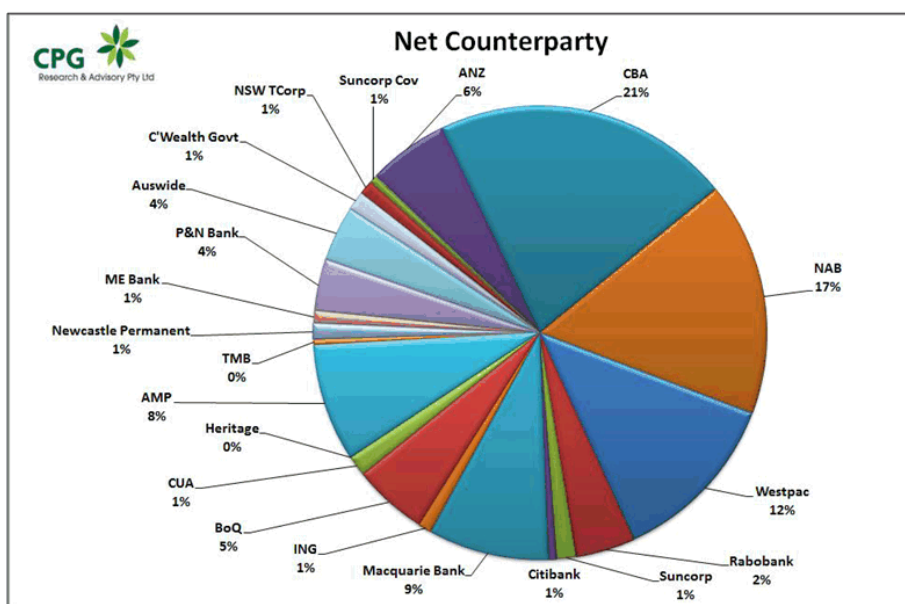


Council's investments are well spread across maturities, and diversified across the highly rated part of the eligible fixed interest universe. Capacity exists in all terms.

Council's portfolio is primarily in deposits (at 63%) along with a substantial liquid portfolio. Of the FRNs, market liquidity is now very strong, and credit funds continue to normalise their credit spreads. A more diverse range of banks have come to market as FY21 progressed. Cash moved to 11% (including AMP 31-day Notice Account). We note a cut to the Notice Account rate.



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



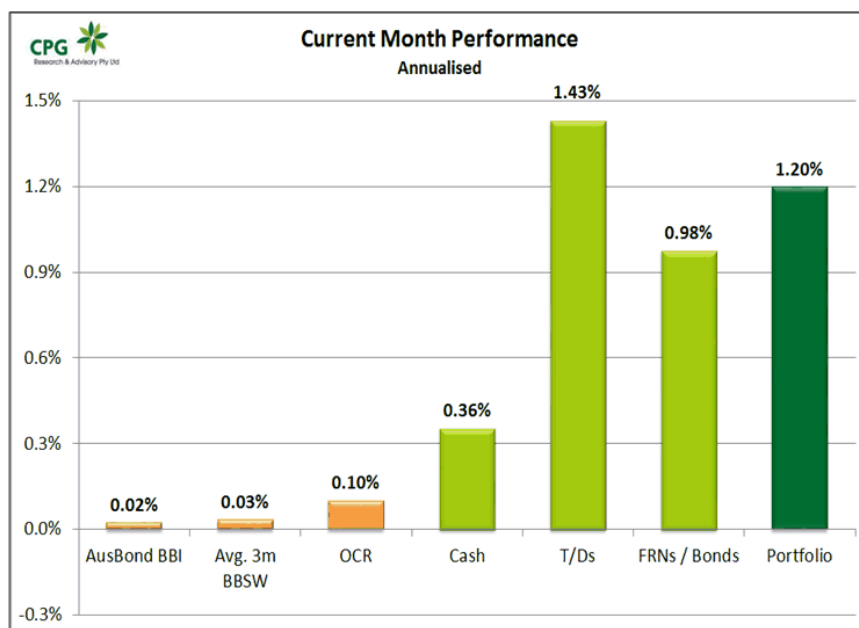


Returns - Accrual

Actual	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	0.01%	0.02%	0.06%	0.13%	0.19%	0.56%	0.87%	1.03%	1.14%
Avg. 3m BBSW	0.00%	0.00%	0.01%	0.04%	0.08%	0.58%	1.05%	1.22%	1.35%
AusBond Bank Bill Index	0.00%	0.00%	0.02%	0.05%	0.11%	0.67%	1.12%	1.27%	1.40%
Council Cash	0.03%	0.09%	0.21%	0.34%	0.52%	1.00%	1.36%	1.54%	1.68%
Council T/Ds	0.12%	0.36%	0.78%	1.29%	1.84%	2.26%	2.58%	2.76%	2.92%
Council FRNs / Bonds	0.08%	0.25%	0.53%	0.83%	1.19%	1.77%	2.27%	2.51%	-
Council Total Portfolio	0.10%	0.30%	0.64%	1.02%	1.47%	1.91%	2.24%	2.41%	2.58%
Annualised	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	0.10%	0.10%	0.13%	0.17%	0.19%	0.56%	0.87%	1.03%	1.14%
Avg. 3m BBSW	0.03%	0.02%	0.03%	0.05%	0.08%	0.58%	1.05%	1.22%	1.35%
AusBond Bank Bill Index	0.02%	0.01%	0.05%	0.07%	0.11%	0.67%	1.12%	1.27%	1.40%
Council Cash	0.36%	0.36%	0.41%	0.45%	0.52%	1.00%	1.36%	1.54%	1.68%
Council T/Ds	1.43%	1.48%	1.58%	1.73%	1.84%	2.26%	2.58%	2.76%	2.92%
Council FRNs / Bonds	0.98%	1.00%	1.06%	1.10%	1.19%	1.77%	2.27%	2.51%	-
Council Total Portfolio	1.20%	1.22%	1.28%	1.37%	1.47%	1.91%	2.24%	2.41%	2.58%

The Investment portfolio returned a solid **1.20% p.a.** for the month of March 2021, exceeding the benchmark AusBond Bank Bill Index (0.02% p.a.) by **+118bp**. It does not include any market value impact – FRN prices were somewhat firmer in the month, and they carry significant gains.

Longer dated deposits continue to hold the total portfolio performance, with yields around ~1.4% – an excellent level, **far above any available deposit**. Council's **relative outperformance expanded through the falling rate cycle**, with cash almost literally paying zero (or even less). Term deposits have anchored very strong outperformance, although the typical 1-year duration mean that protection is also running off rapidly now.





Credit Quality

The aggregate limit for BBB is 30% and in NR is 2% (over-riding single-name limits); there are no current unrated investments. Allocations were very conservative in any case. These are consistent with TCorp's criteria; Policy could readily be aligned to their more complex basis which integrates both tenor and ratio (with more bands). **Without unrated holdings, the migration would be trivial.**

We have tested the portfolio provided against Council's current Investment Policy and report the following:

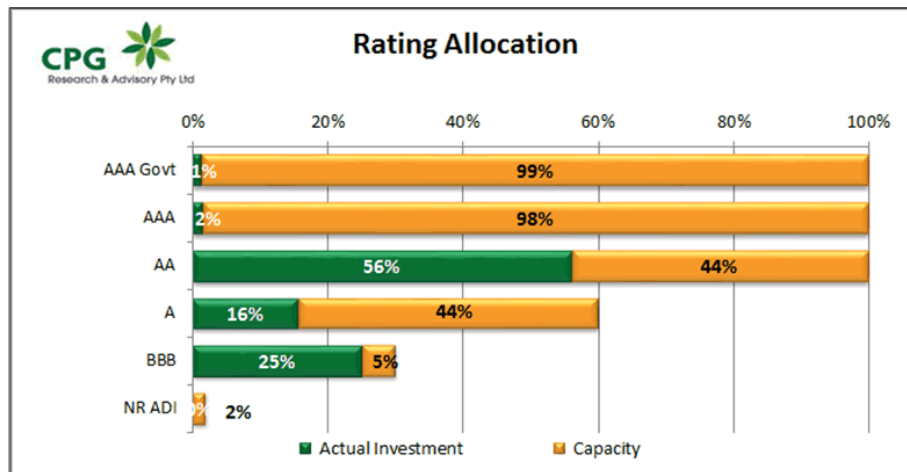
Aggregate credit limits are in compliance:

Rating Category	Actual	Per C/Party	Aggregate	Rating Category	Actual Investment	Capacity
AAA Govt	1%	100%	100%	AAA Govt	1%	99%
AAA	2%	40%	100%	AAA	2%	98%
AA	56%	30%	100%	AA	56%	44%
A	16%	15%	60%	A	16%	44%
BBB	25%	10%	30%	BBB	25%	5%
NR ADI	0%	5%	2%	NR ADI	0%	2%

Credit quality is mostly directed towards the higher rated ADIs, using the limited capacity in lower investment grade (BBB rated). This has been opportunistically utilised by locking in long term fixed rates ahead of dramatic falls in returns. Recent FRN purchases also trade well ahead of par.

AMP Bank downgrade to BBB is reflected in data; the Outlook is now *Stable*. Despite this downgrade, there is BBB capacity.

Given TCorp's more granular classifications subdividing even the BBB category, this could easily be managed towards the BBB+ banks specifically.





Other Compliance

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

All counterparties comply, and all are rated.

Counterparties	Exposure \$M	FCS	Net	Rating	Policy Limit	Actual	Capacity
TCorpIM Cash Fund	\$0.00M	\$0.00M	\$0.00M	AAA	40%	0%	\$73.29M
NSW TCorp	\$1.91M	\$0.00M	\$1.91M	AAA	40%	1%	\$71.38M
Suncorp Cov	\$1.00M	\$0.00M	\$1.00M	AAA	39%	1%	\$69.69M
ANZ	\$10.50M	\$0.00M	\$10.50M	AA-	30%	6%	\$44.47M
CBA	\$39.16M	\$0.25M	\$38.91M	AA-	30%	21%	\$16.05M
NAB	\$30.80M	\$0.25M	\$30.55M	AA-	30%	17%	\$24.42M
Westpac	\$23.00M	\$0.25M	\$22.75M	AA-	30%	12%	\$32.22M
Rabobank	\$8.00M	\$0.25M	\$7.75M	A	15%	4%	\$19.73M
Suncorp	\$2.60M	\$0.00M	\$2.60M	A+	15%	1%	\$24.88M
Citibank	\$1.00M	\$0.00M	\$1.00M	A+	15%	1%	\$26.48M
Macquarie Bank	\$16.00M	\$0.25M	\$15.75M	A	15%	9%	\$11.73M
ING	\$2.00M	\$0.25M	\$1.75M	A	15%	1%	\$25.73M
Bendigo-Adelaide	\$0.00M	\$0.00M	\$0.00M	BBB+	10%	0%	\$18.32M
BoQ	\$10.00M	\$0.25M	\$9.75M	BBB+	10%	5%	\$8.57M
CUA	\$2.70M	\$0.00M	\$2.70M	BBB	10%	1%	\$15.62M
Heritage	\$0.00M	\$0.00M	\$0.00M	BBB+	10%	0%	\$18.32M
AMP	\$15.64M	\$0.25M	\$15.39M	BBB	10%	8%	\$2.93M
TMB	\$0.70M	\$0.00M	\$0.70M	BBB	10%	0%	\$17.62M
Newcastle Permanent	\$2.10M	\$0.00M	\$2.10M	BBB	10%	1%	\$16.22M
ME Bank	\$1.60M	\$0.00M	\$1.60M	BBB	10%	1%	\$16.72M
Defence Bank	\$0.00M	\$0.00M	\$0.00M	BBB	10%	0%	\$18.32M
P&N Bank	\$7.00M	\$0.25M	\$6.75M	BBB	10%	4%	\$11.57M
Auswide	\$7.50M	\$0.25M	\$7.25M	BBB-	10%	4%	\$11.07M
Qbank	\$0.00M	\$0.00M	\$0.00M	BBB-	10%	0%	\$18.32M
	\$183.22M		\$180.72M			99%	
C\Wealth Govt		\$2.5M	\$2.50M	AAA	100%	1%	
Total	\$183.22M		\$183.22M			100%	

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

(Being a major investor in an ADI is not something we find particularly risky, with even these numbers far less than 1% of gross assets – particularly where staggered across a number of maturity dates.)

We report the following:

P&N Bank (marginally) and Auswide are larger than the net assets % threshold for individual counterparty; these will be run down over time and further allocation to these institutions should be frozen.



Counterparties	Exposure \$M	Rating	Max port %	Actual	Net Assets \$M	Max allowed % of net assets	Net Exposure	
AMP	\$15.64M	BBB	10%	9%	\$6,791	2%	0.230%	1.77%
Bendigo-Adelaide	\$0.00M	BBB+	10%	0%	\$5,632	2%	0.000%	2.00%
BoQ	\$10.00M	BBB+	10%	5%	\$3,885	2%	0.257%	1.74%
CUA	\$2.70M	BBB	10%	1%	\$1,037	2%	0.260%	1.74%
Heritage	\$0.00M	BBB+	10%	0%	\$487	2%	0.000%	2.00%
TMB	\$0.70M	BBB	10%	0%	\$493	2%	0.142%	1.86%
Newcastle Permanent	\$2.10M	BBB	10%	1%	\$925	2%	0.227%	1.77%
ME Bank	\$1.60M	BBB	10%	1%	\$1,485	2%	0.108%	1.89%
P&N Bank	\$7.00M	BBB	10%	4%	\$291	2%	2.408%	-0.41%
Qbank	\$0.00M	BBB-	10%	0%	\$78	2%	0.000%	2.00%
Auswide	\$7.50M	BBB-	10%	4%	\$237	2%	3.168%	-1.17%

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

While the long duration is lengthening the final grandfathered asset, we note that the P&N T/Ds were **placed at above 3½% yield, for 5 years**. They have been the best assets in the portfolio.

Term Deposits

At month-end, deposits accounted for approximately 63% of the total investment portfolio. The weighted average duration of the deposit portfolio is ~0.8 year, slightly down from last month. It is comparable to the peer group, at a very high interest rate relative to current offerings.

Council has held its duration through term deposits rather than bonds – avoiding extremely large mark-to-market volatility in months such as February. This placed Council in an extremely strong position in FY20, and FY21 has continued the very strong outperformance. **The current yield is still almost 1½%.** However, the term of these pre-COVID holdings is decaying over time, and the very high yielders will be mostly gone in FY21. FY22 will converge to the interest rate environment of FY21.

Deposit margins contracted to new lows in the month. The gap between A-rated and lower deposits is small, with both at post-GFC lows. We have previously noted that deposit rates lag in both directions. They have not reflected fully a rising interest rate environment.

The worst Policy impact on returns is an environment of steep yield curve. While there was some steepening in the month, low margins are keeping this moderate.

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

Relevant portfolio data follows:

Term Deposit Statistics

Percentage of total portfolio	63%
Weighted Average Yield	1.42%
Weighted Average Duration	0.8 yrs



Credit Quality of Deposits

AAA^	2%
AA	53%
A	17%
BBB	28%
Unrated ADI	0%
Total	100%

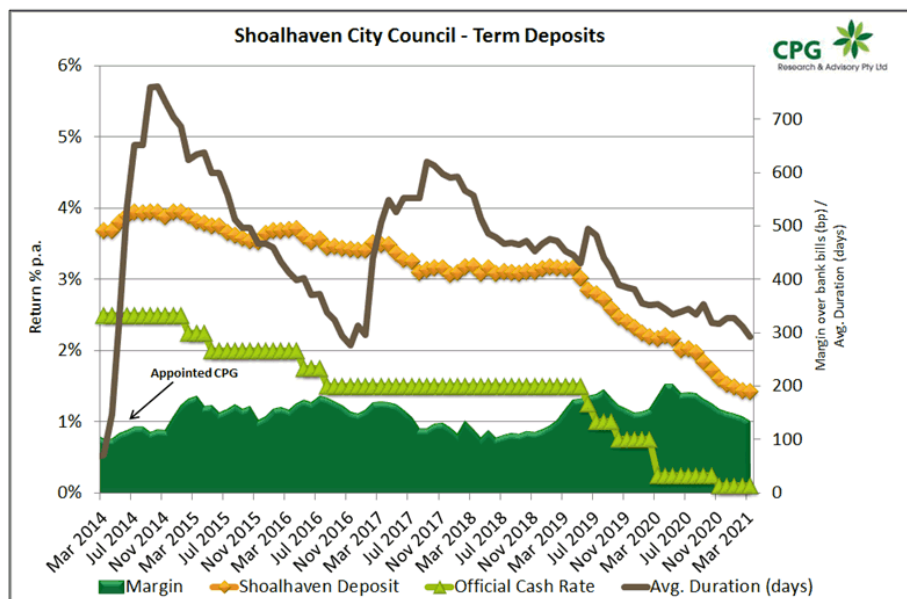
^ Calculation excludes the Financial Claims Scheme (FCS)

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

We also revisit some prior analysis. The long duration strategy was very successful, substantially lifting the average margin. Margins again expanded, with the average duration kept at 1 year until after the impact of the COVID-19 crisis was fully reflected in zero rates.

Duration has since been relatively static around the 300-350 day area.

Deposit margins have consistently exceeded 100bp since early 2019, which set up excellent FY20 – the best in 5 years. As deposits mature, average yield is again gradually reflecting policy interest rates with a lag.



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



Credit: FRNs & Fixed Bonds

Senior major FRN spreads tightened slightly at the 3-year mark.

Australian 10-year bonds firmed to 1.74% from the Australian February close of 1.87%. 3-year bonds were little changed at 0.11% (-1bp), near the rate target. 3m BBSW was little changed at 4bp. US bonds closed at 1.74% (+30bp), adding to the ½% increase in yield of the prior month and reaching 1¼% for the first time since COVID19.

The RBA reiterated around 3 years of zero interest rate policy, to at least 2024, but the market no longer believes this – rapid rate normalisation is now forecast with rising rates from bill futures.

We refer to the detailed analysis in our March **Fixed Interest Analytics** as well as other commentaries following the US election.

With AMP Bank in run-off, the highest returns from complying fixed interest are likely to be from **FRNs outside the major banks. Foreign institutions unable to access the TFF are by far the better value.**

*Council had no new FRN investment during the month, and new domestic issues generally do not offer value. **Foreign institutions unable to access the TFF are by far the better value. We look to sell all existing FRNs from major banks.*** All major bank paper would show **substantial gains**.

Specifically:

- ▶▶ All AA and AAA 2021s (\$4m)
- ▶▶ Subject to suitable bids, the BBB FRNs within a year of maturity
- ▶▶ 2022 FRNs of ANZ and Suncorp (\$1.5m)
- ▶▶ 2023 major bank FRNs (\$10m)
- ▶▶ Early 2024 major bank FRNs, priced as 3-year (\$4.3m)

The spread between AA and the larger BBB names is back to pre-GFC levels – inside +20bp at the long end, and through +10bp for shorter dated securities. This provides the opportunity to also sell benchmark second tier issuers, with **ME Bank, BoQ and Suncorp likely to trade very strongly**. Smaller ADIs will tend to trade considerably wider than benchmark issues.

Given relative pricing, preferred exposures are likely to include major money-centre banks that also have branches (and are therefore eligible under the Minister's Order). **The pricing differential in the Australian market can be substantial.**

This could reflect technical aspects of the RBA's funding and stimulus programme, with banks raising \$200bn from the RBA – **funding which is no longer required from wholesale investors**. Already, banks have been running down overseas funding. During the month, **the TFF rate was further reduced – this has already had a further impact on deposit rates.**



Fixed Interest Outlook

Bonds suffered a second round of losses in USA and emerging markets, although they were strong in Japan and only modestly hit in Europe:

Major 10Y	Yield	Day	Weekly	Monthly	YTD
US	1.74 ▲ 0.02	0.02%	0.13%	0.30%	0.83%
UK	0.82 ▲ 0.03	0.03%	0.06%	0.06%	0.63%
Japan	0.10 ▲ 0.01	0.01%	0.03%	-0.05%	0.07%
Germany	-0.28 ▲ 0.04	0.04%	0.07%	0.06%	0.30%
Greece	0.91 ▲ 0.04	0.04%	0.03%	-0.12%	0.28%
India	6.26 ▲ 0.12	0.12 %	0.10%	0.04%	0.36%
Italy	0.68 ▲ 0.04	0.04%	0.08%	0.02%	0.16%
Australia	1.80 ▲ 0.01	0.01%	0.15%	0.14%	0.83%
Brazil	8.88 ▼ 0.48	-0.48%	0.30%	0.58%	1.90%
Canada	1.53 ▼ 0.00	0.00%	0.04%	0.19%	0.86%
France	-0.03 ▲ 0.04	0.04%	0.06%	0.07%	0.31%
Mexico	6.86 ▲ 0.06	0.06%	0.05%	0.71%	1.56%
Netherlands	-0.29 ▲ 0.04	0.04%	0.06%	0.06%	0.26%
New Zealand	1.84 ▲ 0.06	0.06%	0.30%	0.07%	0.83%
Portugal	0.24 ▲ 0.04	0.04%	0.06%	0.02%	0.18%
Spain	0.35 ▲ 0.03	0.03%	0.04%	0.01%	0.29%
Switzerland	-0.22 ▲ 0.11	0.05%	0.15%	0.13%	0.33%

US bonds are decoupling from the rest of the world – there is fundamental, policy-driven assessment being conducted that is not just instinctive trust in central bank QE to generate further profits. **Longer term, it is unlikely that US inflation or effects on borrowing costs could be quarantined within its borders – it never has been previously.**

While European bonds have been less affected, the deeply negative yields are in the past.

The US yield hike is now well over 100bp in this cycle - for 10-year bonds, 30-year bonds and fixed rate mortgages.



This second round of US bond losses followed hints at a \$3tr infrastructure plan – Congressional Democrats are seeking \$10tr, spread over a decade. It is debatable whether a 60-40 majority is required for a third financial bill to clear the Senate.

Australian bonds traded sideways, ignoring largely US issues. There were no major policy developments locally – indeed, temporary COVID19 measures continue to phase out.



With the domestic market stable (even outperforming, after February's disastrous underperformance) the RBA did not need any major interventions. They reaffirmed their rates guidance out to 2024, although **the chart below shows how far the market is from believing it.**

The March meeting kept all policy parameters the same, and this was negatively received by markets, with **bonds weakening again in disappointment on the policy announcement**. But they closed the month stronger than global bonds. As USA moves to increase stimulus, Australia is committed to unwinding temporary measures. The government has resisted the urge to defer unwinding to the never-never; 6-month measures had been extended once but JobKeeper has ended.

We expect a mini fiscal cliff but not the calamity discussed in the media. Employment had been **rebounding strongly in CY21**, with unemployment dropping to 5.8% in February, **down a massive - 0.6% on +89k full time jobs**. And **asset prices are booming** – CoreLogic reported property +5.6% in Q1 (half that in March alone).

To avert true sovereign debt distress, rigorous (and probably painful) fiscal normalisation supported by extended monetary accommodation appears the most plausible path.



Portfolio Listing

Shoalhaven City Council as at 31/03/2021						
Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
Commonwealth Bank Australia	A-1+	TD	\$25,000.00	120	0.37%	1-Apr-21
Commonwealth Bank Australia	A-1+	TD	\$5,000,000.00	180	0.58%	28-Apr-21
AMP Bank	A-2	TD	\$3,000,000.00	182	0.90%	31-May-21
Westpac Bank	A-1+	TD	\$2,000,000.00	734	0.90%	9-Jun-21
Rabobank	A-1	TD	\$2,000,000.00	1464	3.00%	16-Jun-21
National Australia Bank	A-1+	TD	\$3,000,000.00	365	1.00%	22-Jun-21
National Australia Bank	A-1+	TD	\$5,000,000.00	365	1.02%	24-Jun-21
Commonwealth Bank Australia	A-1+	TD	\$5,000,000.00	210	0.41%	21-Jul-21
Westpac Green Bank	A-1+	TD	\$4,000,000.00	367	0.78%	6-Sep-21
Macquarie Bank	A-1+	TD	\$6,000,000.00	271	0.60%	13-Sep-21
National Australia Bank	A-1+	TD	\$4,000,000.00	364	0.75%	17-Sep-21
Commonwealth Bank Australia	A-1+	TD	\$3,000,000.00	365	0.70%	23-Sep-21
Macquarie Bank	A-1+	TD	\$1,000,000.00	266	0.70%	6-Oct-21
State Insurance Regulatory Authority	A-1+	TD	\$1,911,000.00	270	0.42%	21-Oct-21
National Australia Bank	A-1+	TD	\$5,000,000.00	364	0.57%	29-Oct-21
AMP Bank	A-2	TD	\$2,500,000.00	365	0.95%	16-Nov-21
National Australia Bank	A-1+	TD	\$2,000,000.00	247	0.55%	25-Nov-21
Commonwealth Bank Australia	A-1+	TD	\$5,000,000.00	365	0.56%	30-Nov-21
ING Bank (Australia) Ltd	A-1	TD	\$2,000,000.00	365	0.40%	15-Dec-21
Macquarie Bank	A-1+	TD	\$1,000,000.00	301	0.55%	15-Dec-21
Bank of Qld	A-2	TD	\$2,000,000.00	1821	3.85%	15-Dec-21
AMP Bank	A-2	TD	\$2,500,000.00	395	0.95%	16-Dec-21
Macquarie Bank	A-1+	TD	\$1,000,000.00	357	1.55%	5-Jan-22
National Australia Bank	A-1+	TD	\$2,000,000.00	365	0.45%	6-Jan-22
National Australia Bank	A-1+	TD	\$3,000,000.00	365	0.47%	19-Jan-22
AMP Bank	A-2	TD	\$2,000,000.00	365	0.70%	20-Jan-22
Auswide Bank	A-2	TD	\$4,000,000.00	335	0.55%	25-Jan-22
Macquarie Bank	A-1+	TD	\$1,000,000.00	365	0.55%	16-Feb-22
Bank of Qld	A-2	TD	\$5,000,000.00	1827	3.80%	21-Feb-22
Police and Nurses Bank	A-2	TD	\$5,000,000.00	1825	3.74%	22-Feb-22
Westpac Bank	A-1+	TD	\$6,000,000.00	1826	3.00%	2-Mar-22
Bank of Qld	A-2	TD	\$2,000,000.00	1826	3.80%	22-Mar-22
Auswide Bank	A-2	TD	\$2,000,000.00	182	0.40%	1-Apr-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	2.83%	24-Aug-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	3.00%	24-Aug-22
Rabobank	A-1	TD	\$2,000,000.00	1826	3.39%	13-Sep-22
Police and Nurses Bank	A-2	TD	\$2,000,000.00	1836	3.51%	28-Sep-22
Rabobank	A-1	TD	\$2,000,000.00	1828	3.40%	23-Aug-23
Rabobank	A-1	TD	\$2,000,000.00	1826	3.13%	21-Feb-24
Westpac Bank	A-1+	TD	\$4,000,000.00	1827	2.21%	19-Jun-24
Total Term Deposits			\$115,936,000.00			



Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
Members Equity Bank	A-2	FRN	\$1,600,000.00	1095	1.35%	17-Apr-21
National Australia Bank	A-1+	FRN	\$1,000,000.00	1826	1.18%	12-May-21
Bank of Qld	A-2	FRN	\$1,000,000.00	1826	1.49%	18-May-21
Suncorp Metway Ltd Bank	A-1	FRN	\$1,000,000.00	1826	1.13%	22-Jun-21
Teachers Mutual Bank Limited	A-2	FRN	\$700,000.00	1,096	1.46%	2-Jul-21
Commonwealth Bank Australia	A-1+	FRN	\$1,000,000.00	1826	1.29%	12-Jul-21
ANZ	A-1+	FRN	\$1,000,000.00	1826	1.14%	16-Aug-21
Credit Union Australia	A-2	FRN	\$600,000.00	1096	1.29%	6-Sep-21
AMP Bank	A-2	FRN	\$1,500,000.00	1096	1.12%	10-Sep-21
Credit Union Australia	A-2	FRN	\$1,000,000.00	1096	1.26%	4-Mar-22
ANZ	A-1+	FRN	\$1,000,000.00	1826	1.04%	7-Mar-22
Suncorp Metway Ltd Bank	A-1	FRN	\$500,000.00	1826	0.98%	16-Aug-22
Credit Union Australia	A-2	FRN	\$1,100,000.00	1096	0.94%	21-Feb-23
Westpac Bank	A-1+	FRN	\$2,000,000.00	1826	0.87%	6-Mar-23
Auswide Bank	A-2	FRN	\$1,500,000.00	1095	1.08%	17-Mar-23
Commonwealth Bank Australia	A-1+	FRN	\$1,000,000.00	1916	0.86%	25-Apr-23
ANZ	A-1+	FRN	\$1,000,000.00	1826	0.91%	9-May-23
Commonwealth Bank Australia	A-1+	FRN	\$500,000.00	1826	0.94%	16-Aug-23
National Australia Bank	A-1+	FRN	\$1,500,000.00	1826	0.96%	26-Sep-23
ANZ	A-1+	FRN	\$4,000,000.00	1826	1.07%	6-Dec-23
Commonwealth Bank Australia	A-1+	FRN	\$2,000,000.00	1826	1.21%	11-Jan-24
National Australia Bank	A-1+	FRN	\$2,300,000.00	1826	1.07%	26-Feb-24
National Australia Bank	A-1+	FRN	\$2,000,000.00	1827	0.95%	19-Jun-24
Westpac Bank	A-1+	FRN	\$1,000,000.00	1919	0.91%	16-Aug-24
ANZ	A-1+	FRN	\$3,500,000.00	1827	0.80%	29-Aug-24
Citibank	A-1	FRN	\$1,000,000.00	1827	0.93%	14-Nov-24
Newcastle Permanent Building Society	A-2	FRN	\$2,100,000.00	1827	1.13%	4-Feb-25
Macquarie Bank	A-1	FRN	\$2,000,000.00	1827	0.85%	12-Feb-25
Macquarie Bank	A-1	FRN	\$4,000,000.00	1827	0.50%	9-Dec-25
Suncorp Metway Ltd Bank	A-1	FRN	\$2,100,000.00	1826	0.46%	24-Feb-26
Total Senior Securities			\$46,500,000.00			
			\$162,436,000.00			
Shoalhaven City Council as at 31/03/2021						
Grandfathered	ST Rating	Security Type	Current Valuation			Maturity Date
Macquarie Global Income Opportunities	NR	MF	\$0.00			T+3
TCorpIM Cash Fund	AAAm	MF	\$0.00			T+0
			\$0.00			
Product	ST Rating	Security Type	Current Valuation			Maturity Date
AMP At Call	A-2	Cash	\$709.52	0.85%		At-Call
AMP Notice Account	A-2	Cash	\$4,143,972.61	0.90%		31 Days
CBA Operating Account	A-1+	Cash	\$6,455,368.59	0.10%		At-Call
CBA Business Online Saver	A-1+	Cash	\$10,184,175.32	0.30%		At-Call
			\$20,784,226.04			
Total Investment Portfolio			\$183,220,226.04			



Disclaimer

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shoalhaven.nsw.gov.au     

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

Environmental Planning and Assessment Act, 1979
DA19/2165

TO:

I Architecture
50 Junction Street
NOWRA NSW 2541

being the applicant(s) for DA19/2165 relating to:

15 Vallon Road, WOOLLAMIA - Lot 3 - DP 832984

APPROVED USE AND OR DEVELOPMENT:

Construction of six (6) primitive camping sites "glamping" and associated site amenities buildings, fire refuge building, car parking and landscaping

DETERMINATION DATE: TBC

Pursuant to 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: TBC

CONSENT TO LAPSE ON: TBC

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 six (6) primitive camping sites "glamping" and associated site amenities buildings, fire refuge building, car parking and landscaping as documented 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 an 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
Amenities - Roof Plan	Job No. 8512 Sheet No. A405	I Architecture	13/07/2020
Amenities - Floor Plan	Job No. 8512 Sheet No. A406	I Architecture	13/07/2020
Amenities- N.W. + S.E. Elevations	Job No. 8512 Sheet No. A410	I Architecture	13/07/2020
Amenities - S.W. + N.E. Elevations	Job No. 8512 Sheet No. A411	I Architecture	13/07/2020
Amenities - Section A-A	Job No. 8512 Sheet No. A420	I Architecture	13/07/2020
Glamping - Site Plan - Whole Site	Job No. 8512 Sheet No. A500	I Architecture	23/07/2020
Glamping - Site Plan	Job No. 8512 Sheet No. A501	I Architecture	23/07/2020
Bushfire Refuge Structure	Job No. 8512 Sheet No. A510	I Architecture	23/07/2020
Bushfire Hazard Assessment Report	Ref No. BAR 10115/18	Bushfire Building Solutions	15/07/2020
Site Management Plan	Ref N27544 V1	Allen Price and Scarratts Pty Ltd	20/04/2020
Soil And Site Assessment For Onsite Wastewater Disposal	Ref 3266WW	Harris Environmental	10/10/2019
Noise Impact Assessment	Ref 1905014E-R1	Harwood Acoustic Consultants	25/10/2019
Waste Management Plan		I Architecture	28/10/2019

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. Occupation / Use

The development must not be occupied or used before an Occupation Certificate has been issued by the Certifier. If an Occupation Certificate is not required, the use must not commence until all

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conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security).

4. **Section 68 Approval – Operation of Primitive Camping Ground**

An approval to operate a camping ground must be obtained under section 68 of the *Local Government Act 1993* prior to the use of the primitive camping ground.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

5. **NSW Rural Fire Service**

The conditions of the General Terms of Approval issued by the NSW Rural Fire Service, Reference No: DA20200204000446-Original-1 dated 19 August 2020, are included as conditions of this consent and must be complied with.

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

6. **Construction Certificate**

A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.

7. **Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

8. **Notice of Commencement**

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form ['Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'](#)

9. **Toilet Facilities - Temporary**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an onsite effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

10. **Run-off and Erosion Controls**

Prior to the commencement of site works, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

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11. Dilapidation Report

The developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. The repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

12. Endeavour Energy Requirements

No activities or encroachments to occur within its easement areas. However, if any proposed works (other than those approved/certified by Endeavour Energy's Network Connections Branch as part of an enquiry/application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jennie Saban, on mobile 0417484402 or alternately via email Jennie.Saban@endeavourenergy.com.au or easements@endeavourenergy.com.au.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

13. Evidence

A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.

14. Fire Safety Upgrade - Change of building use (cl. 93 of the Regulation)

Council considers pursuant to clause 93 of the Regulation that it is appropriate to require the existing building (amenities building) to be upgraded to total conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 8.2 or amended under section 96 of the Act.

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15. Endeavour Energy Requirements

A Construction Certificate must not be issued until the Certifier has received notification from Endeavour Energy Easements Officer indicating the granting of permission in relation to all the encroachments or activities within the electricity easements.

16. Local Infrastructure Contributions

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
03 AREC 0005	Planning Area 3 - Recreation facilities upgrade various locations	\$274.70	2.4	\$659.28	\$0.00	\$659.28
03 AREC 3003	Bay and Basin Leisure Centre	\$411.76	2.4	\$988.22	\$0.00	\$988.22
CW AREC 0005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,466.63	2.4	\$3,519.91	\$0.00	\$3,519.91
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	2.4	\$325.01	\$0.00	\$325.01
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	2.4	\$475.46	\$0.00	\$475.46
CW MGMT 3001	Contributions Management & Administration	\$563.13	2.4	\$596.79	\$0.00	\$596.79
				Sub Total:		\$6,564.68
				GST Total:		\$0.00
				Estimate Total:		\$6,564.68

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 Construction 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 or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

17. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the [Building and Construction Industry Long Service Payments Act 1986](#) and prescribed by the [Building and Construction Industry Long Service Payments Regulation 2017](#) must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

18. Exterior Materials

Prior to the issue of a Construction Certificate a schedule of colours, building materials and finishes must be provided to the Certifier in the relation to the Fire Refuge Building. Exterior colours, building materials and finishes (excluding windows and other glazing) must be non-reflective and of a texture and colour which blend with the existing surroundings. White or bright colours are not acceptable. Metal roofing, wall cladding, and rainwater tanks must be pre-coloured at the manufacturing stage.

19. Access Driveway Design Standards - Rural

Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a suitably qualified engineer or surveyor and approved by the Principal Certifier. The driveway design must comply with the following:

- Council's Engineering Design Standard Drawings.
- Allowance is to be made in the design to ensure rainwater runoff is not concentrated onto adjoining lots.

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- c) Access shall comply with section 6.8.2 of Planning for Bush Fire Protection 2019.

20. Car Parking Design Standards

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a suitably qualified engineer or surveyor and approved by the Principal Certifier.

The car parking and access design must comply with the following:

- a) Council's Development Control Plan Chapter G21.
- b) A minimum number of ten (10) spaces must be provided on-site.
- c) Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.
- d) Constructed for light vehicular loading to an all-weather gravel standard, with a minimum compacted pavement thickness of 200mm. The driveway carriageway within the site must be 3.0m wide with 0.5m wide gravel shoulders.

21. Landscape Design Standards

Prior to the issue of a Construction Certificate, landscaping design plans and specifications must be prepared by a suitably qualified person and approved by Council.

The landscape design plan must:

- a) Include additional landscaping on the western side of the access driveway commencing from the northern extent of the proposed car parking area south to provide a continuous row of plantings extending from the existing cluster of trees approximately 60m from the southern boundary. The selection of trees shall be in accordance with Shoalhaven Tree Species List – Woollamia and planted to an appropriate density and maturity to enable the screening to provide visual privacy to the adjoining neighbours to the east of the site.
- b) All landscaping within the site shall comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection, 2019'.
- c) Include the following details:
 - i) All existing and proposed infrastructure including underground services
 - ii) Existing site conditions (contours, vegetation, drainage, etc)
 - iii) Approximate location and description of structures and vegetation on adjacent property.
 - iv) Vegetation to be retained including isolated trees or habitat of ecological significance.
 - v) All trees and other vegetation in road reserves are to be removed unless specifically identified to be retained
 - vi) Trees in unformed road reserves, existing or proposed public/drainage reserve areas or pathways and within lots are to be assessed by an arborist and those identified as being dangerous are to be removed. Assessment for removal is to be made on the grounds of being of risk to public or private property or persons.
 - vii) Replacement trees for any trees removed from public reserves.

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- viii) Protective fencing.
 - ix) Type of grass seed or turf to be used (Council prefers Australian native grasses in rural developments and adjacent to natural areas in urban developments.
 - x) Botanic and common names of plantings (and cultivar name if applicable)
 - xi) Size in litres when planted and mature height and spread
 - xii) Years to maturity (to determine possible restriction to sight distance at intersections and other locations as necessary)
 - xiii) Hard landscaping details.
- Note:* Any landscaping proposed to be planted within an existing easement for overhead power is required to comply with the requirements of Endeavour Energy.

22. Existing Infrastructure

Prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

23. Soil and Water Management Plans (SWMP)

Prior to the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.

All implemented measures must:

- a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO)
- b) be maintained at all times
- c) not be decommissioned until at least 70% revegetation cover has been established

24. Flooding – Construction Certificate Requirements within Flood Prone Land

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must certify that the following items have been detailed on the construction drawings:

- a) That permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES.
- b) There is an area where animals can find refuge above the 1% Annual Exceedance Probability (AEP) flood level.
- c) Certify that the building and associated structure(s) will not become floating debris during a 1% Annual Exceedance Probability (AEP) flood event.

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

NIL

PART F: DURING WORKS

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25. Hours for Construction

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

26. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

27. Noise

The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

28. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately
- b) The Office of Environment, Energy and Science must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

29. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area
- b) In accordance with the *Heritage Act 1997*, the Office of Environment, Energy and Science must be advised of the discovery.

30. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

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- f) At the completion of the works, the work site must be left clear of waste and debris.

31. Stormwater – Onsite Disposal System

Stormwater overflow from all new roofed areas is to be conveyed to an onsite absorption/infiltration system designed and installed by a licenced plumber or suitably qualified practicing engineer.

The stormwater absorption/infiltration system is to comply with the following minimum design standards:

- a) Any absorption system must be a minimum distance of 3 metres to any building on the lot or adjacent lots.
- b) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS3500.3.2015 Plumbing and Drainage – Stormwater Drainage.
- c) All stormwater disposals must not result in diversion of surface water being concentrated onto adjoining property above or below ground.
- d) The stormwater needs to be captured in onsite detention (i.e. rainwater tank, pipes and/or pits) and then overland flows will need to be equivalent to predevelopment overland flows.
- e) The trench(s) must be sufficient capacity to store the inflow of a one in three months average recurrence interval design storm, with an emptying time of less than 24 hours.
- f) The trench is not to require excavation beneath the drip-line of any trees to be retained unless approved by a qualified arborist certifying that such excavation will not affect the longevity of the subject tree(s). Any trees proposed to be removed must be shown on the construction certificate plans and include signed documentation from an arborist certifying that the tree(s) would not survive.
- g) The design of the trench shall include a documented maintenance program, copies of which are to be submitted to Council in hardcopy and PDF format with the design plans for the onsite stormwater disposal system.

32. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

33. Imported Fill - VENM or ENM Only

Where fill is imported to the site it must be characterised as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 of the *Protection of the Environment Operations Act 1997 (POEO Act)*.

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.

34. Earthworks and Excavation

Approved earthworks (including any structural support or other related structure for the purposes of the development):

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- a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
- b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.
- c) that is fill brought to the site, must contain only virgin excavated natural material (VENM) as defined in Part 3 of schedule 1 to the *Protection of the Environment Operations Act 1997 (POEO Act)*
- d) that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

35. Acid Sulfate Soils - Unexpected Finds

The development site is located within an area of land shown as Class 1-5 on the Acid Sulfate Soils Map under Shoalhaven Local Environmental Plan 2014.

If acid sulfate soils are encountered during excavation and/or construction works all work must cease and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.

36. Contamination - Unexpected Finds

- a) If unexpected contaminated soil and/or groundwater is encountered during any works:
 - i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
 - ii) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

37. Colours and Materials

The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.

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38. Damage to Public Assets

Prior to the issue of an Occupation Certificate, any infrastructure within the road reserve, along the frontage of the subject site, or in proximity, which has been damaged as a result of construction works, must be repaired by the developer to the satisfaction of Council.

39. Dilapidation Report – Evidence

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.

40. Landscaping Compliance

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.

The Certifier must be satisfied that any required Street trees have been installed in accordance with requirements.

41. Section 68 Approval to Operate

Prior to the Issue of an Occupation Certificate:

- a) approval is required under section 68 of the Local Government Act 1993 to operate the onsite system of sewage management; and
- b) evidence of approval must be provided to the Principal Certifier.

42. Compliance

The Occupation 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).

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

NIL

**PART I: CONDITIONS THAT MUST BE COMPLIED WITH PRIOR THE USE OF THE SITE
AND FOR THE ONGOING USE OF THE DEVELOPMENT**

43. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation) 2005

The primitive camping ground must comply with the Local Government (Manufacture Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation) 2005 - Subdivision 9 – Primitive Camping Grounds.

44. Flood Management

A Flood Emergency Evacuation Capability Assessment (FECA) and a Flood Emergency Management Plan (FEMP) as per Council's DCP Caravan Parks in Flood Prone Areas is to be prepared by a suitably qualified and experienced person and submitted to Council for approval prior to the issue of an Occupation Certificate for the development.

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45. Primitive Camping Ground

The primitive camping ground is to operate and comply with the following:

- a) The camping ground is limited to a maximum 6 campsites in accordance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation) 2005 at any one time.
- b) All camping must occur within the designated camping sites.
- c) The site must be managed in accordance with the approved *Site Management Plan* prepared by Allen Price and Scarratts Pty Ltd and approved in condition 1.
- d) The glamping sites will be located within designated campsites and there will be no campervans or caravans permitted on the site. A 3-meter separation distance will be maintained at all times between the campsites.
- e) No campsites are to be used as long-term residence sites.
- f) No more than 12 campers are to be accommodated at any one time.
- g) No more than 6 tents are to be erected within the campsites at any one time.
- h) No events, functions or the like are to be held as part of the primitive camping ground use.
- i) Primitive camping is not to occur unless adequate amenities and facilities are provided on-site.
- j) Adequate provisions are to be taken to ensure that catering services have access to toilet facilities, hand washing facilities, and washing up facilities as per the requirements of Chapter 3 of the Australia/New Zealand Food Standards Code.
- k) A drinking water treatment system and details of installation of tanks shall be included in a quality assurance plan (QAP) to be submitted to NSW Health. This plan shall outline how the treatment system will ensure drinking water supplied for events complies with the Australian Drinking Water Guidelines.
- l) No unoccupied tents are permitted to remain on site for more than 24 hours. When not in use all tents and temporary structures must be dismantled and removed from the camp site area.
- m) The camping ground must operate on a prior booking basis as per the Operational Management Plan. No "drop-in" primitive camping is permitted and all campers attending the site must do so with prior arrangement.
- n) The operator or a management representative for the primitive camping ground is to be available on site at all times while the primitive camping ground is operating. The managers residence is not to be separately let or occupied by anyone other than the site manager while the camping ground is in operation.
- o) No amplification of noise and no power generators are permitted to be used.
- p) Lighting will be limited to the immediate camping area only. This lighting will be directed to avoid spillage onto any area outside of the camping area.
- q) Maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent.
- r) Ongoing waste and recycling is to be managed in accordance with the approved Waste Management Plan (Operational). Waste bins are not to be stored within the loading area/space that is visible from a public place.
- s) Maintenance of buildings, fencing, signage/markings to the standards specified in this consent.

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46. Noise Management

The following Conditions are imposed to manage potential noise impact associated with the ongoing use of the site as a primitive camping ground:

- a) The use of any machinery, plant and/or equipment within, on or in connection with the construction, operation and use of the premises to be carried out so as not to cause:
 - (i) transmission of vibration to any place of different occupancy; or
 - (ii) 'Offensive Noise' as defined in the *Protection of the Environment Operations Act 1997*.
- b) No amplified music is permitted at the camp sites
- c) No mechanical plant is to be installed at the camp sites.
- d) The noise from the use shall not be audible within any habitable room in any residential premises between the hours of 12 midnight to 7am.
- e) A complaints register must be kept by the property manager. The register will detail the dates and times of all functions, the numbers of patrons attending, the responsible staff member for each event and any noted amenity issues for each event. The complaints register is to be available for council staff to review on request.
- f) The contact name and number of the onsite property manager will be made available to neighbouring properties and the onsite property manager be available during events held at the property.
- g) Induction information will be provided to guests such as appropriate parking locations, amenities available to guests and the responsible use of the premises. A copy is to be provided to Council upon request.

47. Warning Signs -Effluent Application Area

Warning signs must be erected within the effluent application area in accordance with AS1547:2012 and AS 1319:1994.

48. Habitat Modification, Removal and Management

This consent does not permit removal or disturbance of native vegetation on the property, including but not limited to, canopy trees, understorey and groundcover vegetation.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

1. Approval to Install Aerated Wastewater Treatment System with Subsurface Irrigation

Approval for Sewerage, Plumbing and Stormwater Drainage is granted subject to the following conditions:

- a) All plumbing and drainage work must comply with the Plumbing Code of Australia and AS/NZS 3500 Plumbing and Drainage.
- b) In accordance with the Plumbing and Drainage Act 2011, plumbers and drainers must submit the following documents to Shoalhaven City Council and to the person for whom the work was carried out:
 - (i) Notice of Work no later than two (2) business days prior to the commencement of any work.

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- (ii) J*S688A Certificate of Compliance for plumbing & drainage works must be provided within seven days (7) after the external drainage works have been completed.
- c) A sewer service diagram, one for each dwelling, must be provided within seven days (7) of the drainage works have been completed.

2. Operational Approval for On-site Effluent Disposal System

The sewage management facility, including all works associated with the effluent disposal area, must be completed to the satisfaction of Council to enable Council to issue an Operational Approval for this facility.

3. Inspections de

Council, as the water authority, must be given at least 24 hours' notice to allow for the inspection of:

Type of Inspection:	Stage of Construction:
Internal Drainage	All internal drainage pipework, including stackwork, installed and under test as per AS 3500.2 Section 15, including any required bedding material, and prior to any backfilling of the drainage lines. All pipework must be visible to the inspector.
Hot and Cold-Water Service (appropriately colour coded or identification markings)	All pipework installed and under hydraulic / pressure test, as per AS 3500.1 Section 18 - 18.3 – 18.3.1 prior to the installation of any insulation or any internal lining.
External Drainage	Pipework installed and under test as per AS 3500.2 Section 15, including any required bedding material, sewer connected (which ever applicable), prior to any backfilling of the drainage lines. All pipework must be visible to the inspector.
Installation of Treatment Unit (ie AWTS, Septic Tank, worm farm system)	Unit installed and accreditation stamp visible for inspection. Where tank restraints are specified by the manufacturer, they must visible.
Installation of Effluent Management Area	Effluent management area installed and ready to cover/backfill.
Operational Approval Inspection	Effluent Management System fully completed site landscaped and stabilised. Warning signs in place where required.
Final Inspection of Drainage Works	All drainage works, including stormwater where Council is the Principal Certifier, to be completed prior to the issue of an Occupation Certificate.

- 4. The aerated wastewater treatment system including the effluent irrigation area must be designed, located and installed in accordance with the recommendations in the wastewater report prepared by Harris Environmental Consulting – Soil and Site Assessment for Onsite Wastewater Disposal – 15 Vallon Rd, Woollamia – REF:3266WW, dated 10 October 2019 but with the following specific requirements and modifications:
 - a) the effluent disposal area is to have a minimum size of 70.8 square metres in the following configuration – 2 x 1.8m x 20m long beds;
 - b) the effluent disposal area must have a 100% reserve disposal area set aside;
 - c) the irrigation disposal must be by subsurface means using either a wick-based system or pressure compensating drip emitters with root barriers;

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- d) the irrigation system must be fitted with an automatic sequencing valve that enables different fields or parts of the irrigation area to be utilised at any one time;
- e) the effluent irrigation system must be hydraulically designed and tested to ensure there is uniform delivery to all parts of the irrigation areas;
- f) the effluent irrigation area must be fenced off from livestock, foot traffic and vehicles;
- g) the effluent irrigation area is to be mown regularly with grass clippings to be disposed of outside the irrigation area;
- h) the effluent distribution pipe from the tank to the irrigation area must be fitted with non-return valves and is to be buried at a minimum depth of 300mm and in a manner that provides protection against mechanical damage or deformation;
- i) a pump with sufficient capacity is to be provided to ensure effective and even delivery of effluent to and throughout the delivery area;
- j) all run-on and stormwater collected from roofs, access ways and other hard surface areas is to be diverted away from the effluent irrigation area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion;
- k) The on-site wastewater management system must be maintained according to Section 5 of the Department of Local Government's guidelines On-site Sewage Management for Single Households (1998) and AS/NZS 1547:2000 On-site Domestic Wastewater Management and the manufacturer's specifications;
- l) All effluent must be assimilated within the boundaries of the property;
- m) No effluent irrigation areas are to be located within 150 metres of a named river, 100 metres of any perennial or intermittent creek or watercourse, or within 40 metres of a dam or drainage depression;
- n) Appliances and fixtures with at least a four star ratings are to be installed in the dwelling to minimise the volume of wastewater produced;
- o) No interim or permanent occupation certificate is to be issued until Council has approved the onsite wastewater management system under the Local Government Act 1993 as being consistent with these conditions;
- p) These conditions of consent relating to wastewater management must be provided to the installer of the on-site wastewater management and effluent disposal system;

5. Yard Gully

A minimum height of 150mm must be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height must be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in National Construction Code. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level must be 75mm, except where the gully riser is located in a path or a paved area where it must be finished at a level so as to prevent the ponding and ingress of water into the drainage system.

6. Rainwater Facility

Water stored in the tank must be plumbed into the building. Plumbing must be in accordance with the current edition of *AS/NZS 3500 Plumbing and Drainage*.

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It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of *AS/NZS 3500 Plumbing and Drainage*, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:

- a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.
- b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab.
- c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.
- d) Overflow from the tank must be directed into the approved stormwater system.
- e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, *AS/NZS 3500 Plumbing and Drainage – Minimum air gap requirements*.
- f) Marking and labelling of rainwater services must be in accordance with *AS 1345 – Identification of the contents of pipes, conduits and ducts, including distribution pipes, rainwater pipes and tank outlets*.
- g) The charged line to the above-ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked.
- h) For subsurface or semi subsurface rainwater tanks, the property owner is required to have a non-testable vented dual check valve backflow prevention device installed at the boundary water meter. The backflow prevention device must be installed by a licensed plumber in accordance with *AS/NZS 3500 Plumbing and Drainage*.

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:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) 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

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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:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) 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.

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.

Review of Modification Decision

An application for a review under section 8.3 of the Act is to be made 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.

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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 *Australian Standard 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 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:

Choose an item.

Choose an item.

Planning, Environment & Development Group

Planning Report – s8.2 Assessment - 15 Vallon Rd, WOOLLAMIA - Lot 3 DP 832984

Planning Report – s8.2, 15 Vallon Rd, WOOLLAMIA – Review of Reasons for Refusal

A section 8.2 application allows an applicant to request a consent authority to review a determination or decision made by them. After conducting its review, the consent authority (in this instance Council) may confirm or change the determination or decision.

It is noted that in accordance with the provisions of s. 8.10(1) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

Council is to assess the s8.2 Review before 27 April 2021 being the date of the Ordinary Council meeting this application is to be considered at. The applicant may in the interim period file a Class 1 appeal in the Land and Environment Court in accordance with s. 8.10 of the EP&A Act. Council has not been served with appeal papers relating to the refusal to date.

Reasons for Review of Development Consent No. DA19/2165

The applicant seeks a review of the refusal to grant development consent. The reasons for refusal provided in the Notice of Determination (D20/505996) are extracted below:

1. *General community concern about the application being out of character with the local area.*
2. *The application is located adjacent to two flood ways and becomes isolated during heavy rain.*
3. *The intersection with Vallon Rd and Jervis Bay Road does not provide contemporary standards of intersection design and will be particularly dangerous for visitors and patrons visiting the site.*
4. *The proposal is in a high hazard bushfire corridor.*
5. *The proposal will have a highly disruptive impact on the quite residential amenity of area.*
6. *The application does not comply with the SLEP definition of a 'camping ground' – "an area of land on which tents or similar portable, lightweight temporary shelters are placed" as it proposes very large permanent timber platform structures for the 6 'tent' sites.*
7. *The proposed luxury accommodation and extensive facilities provided close to neighbouring properties and only a few minutes drive from Huskisson do not align with the nature of a 'primitive camping ground' (PCG) as listed under Subdivision 9 of Part 3, Division 3 of the Local Government (Caravan Parks and Camping Grounds) Regulation 2005.*
8. *Being within 10kms of Huskisson, a major town centre in the Bay and Basin Area, the development is not commensurate with DPIE guidelines which state Primitive Camping Grounds 'are generally remote from urban areas with only a limited range of facilities'.*

The applicant has provided the following response to support their request for review of the refusal and reasons for the refusal (D20/415316) as follows:

1. ***General community concern about the application being out of character with the local area.***

Applicant's response:

Objections from three immediate neighbours do not constitute "general community concern" and the concern about being out of character are not accepted by the Applicant.

In Salvation Army v Newcastle CC [2000] NSWLEC 36, Pearlman CJ in the Land and Environment Court said:

Planning Report – s8.2 Assessment - 15 Vallon Rd, WOOLLAMIA - Lot 3 DP 832984

55. I mean no disrespect to them when I summarise their concerns rather than setting them out individually, but I do so because they had common themes. They all felt that the proposed development would be likely to result in the following adverse impacts:

- a decrease in the quality of life of the neighbouring residents;
- an increase in anti-social behaviour in the community perpetrated by participants in the rehabilitation programme;
- an increase in criminal activity in the community (such as break-ins), also perpetrated by the participants in the rehabilitation programme. In this connection, they were particularly concerned that some participants would be undergoing the programme voluntarily in lieu of receiving a gaol sentence, and some participants would have already served time in gaol;
- a decrease in property values by reason of proximity of the proposed development;
- a threat to the safety of the elderly and young children (this being, in particular, a community of retirees and young families);
- a development which would be out of character with the area, particularly because the surrounding development is residential; and
- a development which would itself provide a danger to its participants by reason of its proximity to hotels and clubs.

56. I can understand these concerns, and I accept them as being genuine and real. I do not accept that these concerns show extreme prejudice or simply a "NIMBY" syndrome. The persons who gave this evidence all did so in a rational and reasonable way, except Mr Roberts, who, I thought, made exaggerated and unjustified claims, although I accept that his concerns were fundamentally genuine and real.

57. I would, however, not be prepared to refuse the development application solely on the grounds which have been put forward by these residents. Their concerns are not borne out by the evidence. In particular, many of their concerns relate to a fear of the consequences of participants in the programme circulating generally in their community, but the evidence is that participants are not free to come and go as they please but are likely only to leave the site only in pursuance of particular appointments or obligations, or en route to their homes after being discharged from the programme. Furthermore, there is no evidence to show that the crime rate or incidents of anti-social behaviour will increase. The evidence put forward by the applicant is to the contrary and I would accept it.

Assessing Officer's response:

Community Concern & Submissions to DA

In reviewing *Salvation Army v Newcastle City Council* [2000] NSWLEC 36 it is assumed that the applicant referenced this case for the purpose of highlighting paragraph 57, being that the submissions received in relation to that case, were "not borne out by the evidence" and that The Court would "not be prepared to refuse the development application solely on the grounds which have been put forward by these residents".

The assessment report of DA19/2165 (D19/419932) reviewed each of the submissions received to the development application. Concerns relating to being "out of character with the local area" were not issues raised to the development application or the deputations received to Council's Development & Environment Committee Meeting on 27 October 2020.

Planning Report – s8.2 Assessment - 15 Vallon Rd, WOOLLAMIA - Lot 3 DP 832984

With regard to being 'borne out of evidence', no information has been submitted in the objections relating to what the existing character of the area is, nor how the proposed development will impact it. A total of six (6) objections were received to the original application from four (4) households. The subject application (s8.2 Review - RD21/1000) has received three (3) submissions, one being from the Berry Forum and two from neighbouring owners. The grounds put forward in the submissions are generally not considered reasons to *solely* refuse the application, with many of the concerns addressed in this section 8.2 review including flooding, bushfire, amenity impacts, and definition and characterisation of the use.

Local Character

The "Local Character and Place Guideline" prepared by the Department of Planning and Environment (February 2019) defines *local character* as:

"Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of land, people, the built environment, history, culture and tradition including Aboriginal and non-Aboriginal, and looks at how they interact to make a distinctive character of an area."

Local character is distinctive, it differentiates one area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere, how it impacts their mood, their emotional response to that place and the stories that come out of peoples' relationship with that place" (p.7).

As outlined in the original assessment report (D19/419932) *"The proposed structures are of a scale and density that is reflective of the rural character of the area with only partial views capable from adjoining properties. It is noted that additional landscaping down the western boundary of the site/driveway will provide an additional landscape screening result in restricted views to the camp sites".* Further, *"The camping ground accommodates six (6) sites and a total of 12 people, restrictions on amplified music and the requirement for on-site management of the cabins will limit the potential noise impacts on adjoining properties"*.

It is considered the scale of the development is such that any impact will be imperceptible from Vallon Rd (refer Figures 1 & 2) and have little if no impact on the way in which the 'neighbourhood' 'looks and feels'. The photographs provided at Figures 3 – 5 show the site and neighbouring properties from Vallon Rd. The low scale nature of the development will mean that from the street there will be limited if any direct views of the camping area, noting that 15 Vallon Road is the last property in the no-thru traffic street meaning no passing traffic would see the development. Further as shown in the site imagery at Figure 4, potential visibility of the use from neighbouring properties will be mitigated through existing and proposed landscaping (shown in dark green shading in the plans).

The site is zoned 'RU2 Rural Landscape' under SLEP 2014 in which 'camping grounds' are permissible and which has the objectives *'To maintain the rural landscape character of the land'* and *'To provide for a range of compatible land uses, including extensive agriculture'*. The proposed development is consistent with these objectives in that the rural landscape character will not be impacted. The low scale simple nature of the development will have minimal impacts on the surrounding area.

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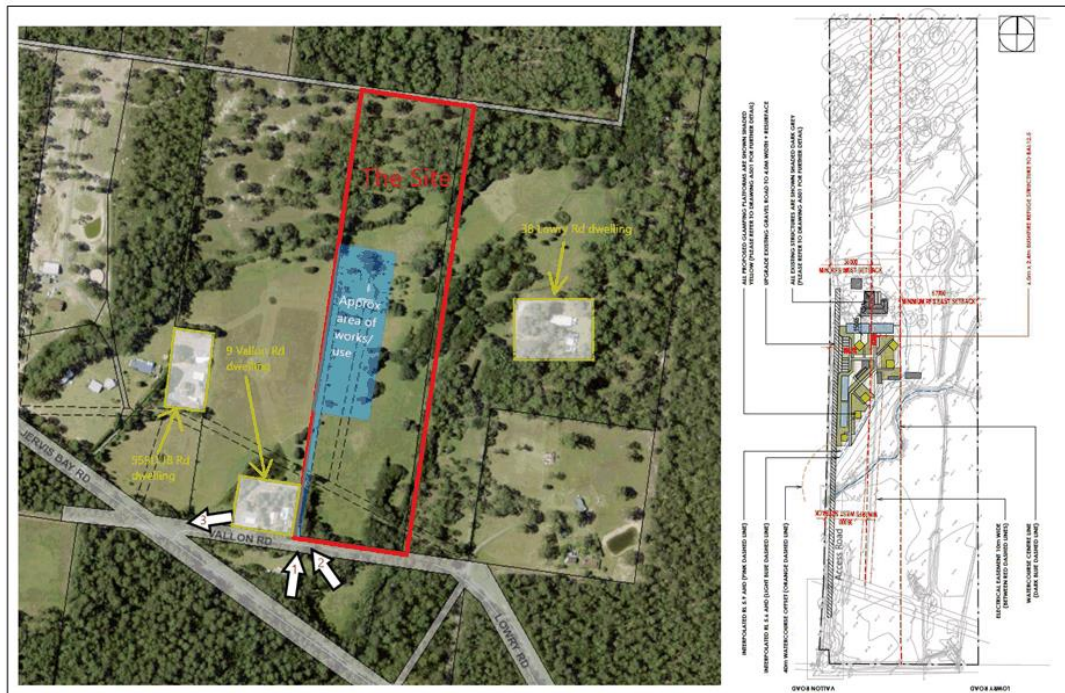


Figure 1- Aerial photograph of site with Site Plan indicating location of works, direction of photographs (Figures 5-8) and location of neighbouring dwellings



Figure 2- Photograph of site entrance – 15 Vallon Road Woollamia (Photo #1 in Figure 4)

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Figure 3- Close up of site entrance and access road – 15 Vallon Road Woollamia (Photo #1 in Fig. 4)



Figure 4 - Photograph of neighbouring property at 9 Vallon Road Woollamia from in front of the subject site on Vallon Street looking north west (Photo #2 in Fig. 4)

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Figure 5 - Photograph of Vallon Road and Jervis Bay road intersection from Vallon Road looking west (Photo #3 in Fig. 4)

Approved Tourist & Visitor Accommodation in the area

With regard to other camping facilities within the area, there are two other approved sites within Woollamia (refer Figure 6 below) within 2.5km of the site. While rural/residential/ environmental protection may be the zoning of the surrounding land, the presence of other approved tourist and visitor accommodation within Woollamia shows that the use is not 'out of character' but will instead contribute towards the existing character of the area which supports a range of existing and future permissible uses.



Figure 6 - Aerial image of the subject site and other approved sites in Woollamia.

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Accordingly, it is not considered that there is significant community concern about the application being out of character with the local area to form a reason of refusal, nor is it considered that the proposed use will be out of character with the local area.

2. The application is located adjacent to two flood ways and becomes isolated during heavy rain.

Applicant's response:

In the Response to neighbours objections" dated April, 2020 and filed with the Portal (the Response) at 2.5 it was noted;

"None of the objectors are professional consultants experienced in these two fields nor have they made available or submitted an alternate report by another professional consultant in these fields, to substantiate their views.... The owner has engaged suitable consultants with professional expertise in their nominated field, and who have significant local knowledge, to provide relevant reports for this site and the application for short term holiday use."

Assessing Officer's response:

The assessment of the development application contained in D19/419932 provided the following statement in relation to clause 7.3 of SLEP 2014 which is based on the assessment provided by Council's Natural Resource & Floodplain Section:

The flood assessment report (D19/419351) has been reviewed and is found satisfactory. It is noted that the proposed development is on flood free portion of the site, however access to the site is restricted in an event of a flood. A flood evacuation plan is to be prepared for this development (conditioned recommended) in line with the recommendations of the flood assessment report (D19/419351).

The recommended condition required *"That permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES".*

Flooding was assessed by the applicant's flood engineers (APS, Ref; N27544, dated September 2019) and Council engineers as not being of concern with regard to the proposed development.

The flood emergency management plan required by recommended Condition 44 requires the arrangements to evacuate the site in the event of a possible flood, in addition to advising advance bookings that the site is to be closed. The proposal includes up to a maximum of 12 guests, with an onsite manager available 24 hours a day. In light of this, it is considered that the low risk, temporary nature of the proposal is capable of being managed with regard to flooding and should not form a reason for the refusal of the application.

1. The intersection with Vallon Rd and Jervis Bay Road does not provide contemporary standards of intersection design and will be particularly dangerous for visitors and patrons visiting the site.

Applicant's response:

In the response, at 2.6 it was stated: "The safety of all local traffic has improved since the lodging of this DA with the speed limit of Jervis Bay Road in the site vicinity being lowered to 90 km/h. This will assist in the sight line safety where Vallon Road enters Jervis Bay Road."

Assessing Officer's response:

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The Traffic Impact Statement submitted by the applicant (APS, Ref. N27544, Rev 0, dated September 2019) stated *"The existing intersection onto Jervis Bay Road is deficient in one direction for SISD. All other aspects are compliant."* This assessment was undertaken with the previous speed limit on Jervis Bay Road of 100km/hr, which has since been reduced to 90km/hr as identified in the applicant's submission. This reduction in speed further reduces the extent to which the intersection is 'noncompliant'.

Further to this it is importantly noted that the site is for 12 guests, which the APS Traffic Impact Statement identifies the "estimated traffic generated by the development is 18 vehicles per day or 2.4 vehicles per peak hour", equating to a 0.6% increase in traffic in peak periods. This increase in traffic is not considered to provide significant impacts on the intersection, and importantly does not draw a nexus between a full upgrade of the intersection and the proposed development.

No further information has been submitted with the application to enable additional engineering assessment of the proposal. The assessment provided in the original assessment report stated the following which is considered to remain valid under this review.

The submissions have raised concerns with the potential traffic impacts associated with the use and safety of the Vallon Road and Jervis Bay Road intersection despite the reduction in the speed limit to 90kph.

The application is supported by a Traffic Impact Statement prepared by Allen Price and Scarratts Pty Ltd (N27544-SK01) Revision P1 (D19/419337) and additional Sight Distances Layout Plan prepared by Allen Price and Scarratts and supporting email (D20/316164).

SDCP 2014 does not provide estimated daily movement rates for camping grounds, however, the RMS Guide to Traffic Generating Developments provides traffic generation averages for motels (most appropriate comparative use) as:

- *Evening peak hour vehicle trips = 0.4 per unit total for 6 camp sites = 2.4 vph*
- *Daily vehicle trips = 3 per unit; total for 6 camp sites = 18 vpd*

The anticipated traffic movements are considered to be satisfactory and will not result in an unreasonable impact on either Vallon Road or Jervis Bay Road.

The operation of the intersection of Vallon and Jervis Bay Road has been considered for efficiency and safe intersection sight distance (SISD). Waiting times to turn right onto Jervis Bay Road is unlikely to exceed 1 minute and a SISD is achieved for the right turn in and right turn out at the intersection of Vallon Road/Jervis Bay Road.

Council's Traffic Engineers have reviewed the submitted information and deem that the traffic impacts are satisfactory and no additional upgrade works are required at the Vallon Road and Jervis Bay Road intersection.

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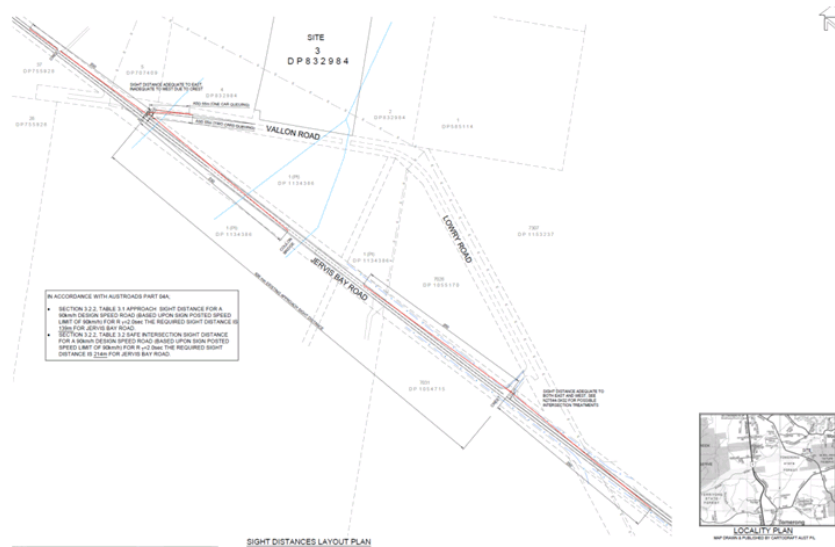


Figure 7 - Sight Distances Layout Plan prepared by Allen Price and Scarratts

Importantly Council's Traffic Engineers have not raised any concern with regard to the safety of the intersection that would warrant the refusal of the application.

4. The proposal is in a high hazard bushfire corridor.

Applicant's response:

In the response, at 2.8 it was stated: "Again, this report has been prepared by a professional consultant, experienced in their field, and familiar with the requirements of the relevant authorities that have jurisdiction over Bushfire matters."

It is therefore considered the concerns raised are personal opinion only and not verified by any alternate professional consultant report offered by the objector".

Assessing Officer's response:

The application is supported by the Rural Fire Service who have issued General Terms of Approval for the proposed development (dated 19 August 2020). Accordingly the site constraint of being a bushfire prone site is not considered reason to refuse the development application given the responsible State agency for bushfire planning assessment has given its approval to the DA.

5. The proposal will have a highly disruptive impact on the quite residential amenity of area.

Applicant's response:

In the response, at 4.0, (it is assumed the word "quite" should be "quiet"). "It has been designed to complement the existing uses on the site and with all reasonable precautions taken will minimise any detrimental effects on existing and future development nearby."

Assessing Officer's response:

The site is zoned RU2 Rural Landscape. The objectives of this zone are:

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

The site is within a rural zone which has key objectives to support primary industry production and extensive agriculture. While home occupation and residential uses are permissible with consent, the overarching objectives are agricultural focused and not residential.

With that in mind, the Department of Planning Environment and Industry define *amenity* as: “the pleasantness, attractiveness, desirability or utility of a place, facility, building or feature” (<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/amenity>). Impacts on amenity, as opposed to character, relate to aspects such as odour, noise, dominance or obtrusiveness of a building within neighbouring view lines or appearance from a public place, and the enjoyment of living and being in a space.

As assessed under the section 4.15 with regard to Built Environment: *The proposed structures are of a scale and density that is reflective of the rural character of the area with only partial views capable from adjoining properties. It is noted that additional landscaping down the western boundary of the site/driveway will provide an additional landscape screening result in restricted views to the camp sites*. View lines and visibility are further addressed earlier in this section regarding character (refer Figure 3).

Aspects such as noise and odour are manageable under the Plan of Management and conditions of consent, and the scale of the development being for a maximum of 12 guests is such that any potential impacts on ‘amenity’ are reasonably managed by onsite management.

This is not considered to be a reason for refusal of the application.

6. The application does not comply with the SLEP definition of a ‘camping ground’ – “an area of land on which tents or similar portable, lightweight temporary shelters are placed” as it proposes very large permanent timber platform structures for the 6 ‘tent’ sites.

Applicant’s response:

The definition of “camping ground” in the Shoalhaven Local Environmental Plan is not as stated by the council but in fact is:

“camping ground” means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park. The “Very large permanent timber platform structures for the 6 ‘tent’ sites: are merely timber platforms on the ground that identify where a tent can be erected so they do fit within the definition of “camping ground”.

Assessing Officer’s response:

The proposal seeks to construct timber platform structures or ‘glamping platforms’ for the erection of tents. The proposed structures are ancillary to the erection of tents and the core use as a ‘camping ground’. On their own they serve no purpose.

The definition for **Camping Ground** under Shoalhaven Local Environmental Plan 2014 is:

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camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

In the first instance, as discussed under the SLEP 2014 assessment earlier in this report, it is noted that the term 'land' as defined under the *Environmental Planning and Assessment Act 1979* includes 'a building erected on the land' (Section 1.4). Further to this the Act also defines 'building' to include 'any structure or part of a structure' (Section 1.4). From this it is deduced that 'land' includes a building erected on the land, and therefore a structure. The definition of a 'camping ground' when referring to 'an area of land' includes the proposed structure and that by erecting tents on the structure does not cause the use to be contrary to the definition.

Further, in establishing the characterisation of a proposed use, Council notes Planning Circular PS 13-001 'How to characterise development' which provides:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed-use development.

It is therefore considered that the proposed use of the site as a camping ground is the dominant purpose of the site. That is, the structures do not require separate/individual categorisation as they are integral to the proposed use as a camping ground, and furthermore do not undermine the definition and characterisation of the use as a camping ground.

7. The proposed luxury accommodation and extensive facilities provided close to neighbouring properties and only a few minutes drive from Huskisson do not align with the nature of a 'primitive camping ground' (PCG) as listed under Subdivision 9 of Part 3, Division 3 of the Local Government (Caravan Parks and Camping Grounds) Regulation 2005.

Applicant's response:

The Local Government (Caravan Parks and Camping Grounds) Regulation 2005 has been repealed.

It has been replaced by the "Local Government (Manufactured home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005".

That contains Reg 132 Primitive camping grounds, which has similar provisions to the repealed regulation, but there are differences. The new regulation does not have a definition of "camping ground" but it does define "camp site" to mean: "an area of land within a camping ground on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground."

Assessing Officer's response:

The development application is made under Part 4 of the EP&A Act. The proposal, for the purpose of permissibility of land use, is assessed under the provisions of the EP&A Act 1979 and relevant environmental planning instruments including SLEP 2014.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is a regulation under the Local Government Act 1993 and accordingly of no relevance to the assessment of the characterisation or permissibility of the proposed use.

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8. Being within 10kms of Huskisson, a major town centre in the Bay and Basin Area, the development is not commensurate with DPIE guidelines which state Primitive Camping Grounds 'are generally remote from urban areas with only a limited range of facilities'.

Applicant's response:

This is also not a valid reason to not approve this application.

In the Development & Environment Committee Planning Report of 06 October, 2020 there was a detailed assessment at pages 505 to 516 which had a similar result to the Response referred to above and it justified the recommendation at page 516:

"This application has been assessed having regard for section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DFA19/2165 be approved subject to appropriate conditions of consent."

The Draft Notice of Determination granting approval with conditions is contained at pages 476-494.

The Applicant submits that in the circumstances here the appropriate review is to grant approval in accordance with that draft Notice of Determination.

Assessing Officer's response:

It is inferred that this relates to Circular PS06-001 Issued 10 January 2006. This Circular states:

What are primitive camping grounds

Primitive camping grounds (PCGs) are one type of camping ground covered by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (the new Regulation). PCGs are lower key than conventional camping grounds. The new Regulation does not require PCGs to have, for example, sealed roads, hot water or laundries. There are about 50 PCGs in NSW — ranging in size from approximately 0.5 hectares to over 600 hectares. They are often in scenic locations such as in bushland, near rivers or on the coast.

The proposed camping ground is in a scenic location in bushland and not far from the coast. This circular goes onto to state: *Some ways in which camp sites might be delineated 'on-the-ground' are by signs, pegs or perimeter logs. It is desirable that the location of camp sites allows campers easy access to the camping ground's water supply, toilet and rubbish disposal facilities.*

The designation of camp sites is in a formal manner with the timber structures delineating the location of tents, and allowing for the management and mitigating the impact of surrounding areas of the site. This is not considered to be a reason for refusal in that the land is zoned for camping grounds, and the type of campground as a 'primitive camp ground' is a LG Act consideration and is not a land use consideration for the purposes of this EP&A Act development assessment.

The original Council Assessment Report to the 06 October 2020 Development and Environment Committee meeting outlined that all site constraints and planning considerations including flooding, effluent disposal, bushfire, noise, traffic, camp ground management, past illegal uses of the site were satisfactorily addressed and conditions of consent would adequately mitigate potential impacts of the development.

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Options

1. Support the application for Review.

Implications: This will enable a development consent to be issued.

2. Not support the Review.

Implications: The refusal as originally issued would stand.

3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly. It is noted that the application must be determined at this meeting as after 27 April 2021 the review period will have lapsed.

Location Map



Figure 8- Location map.

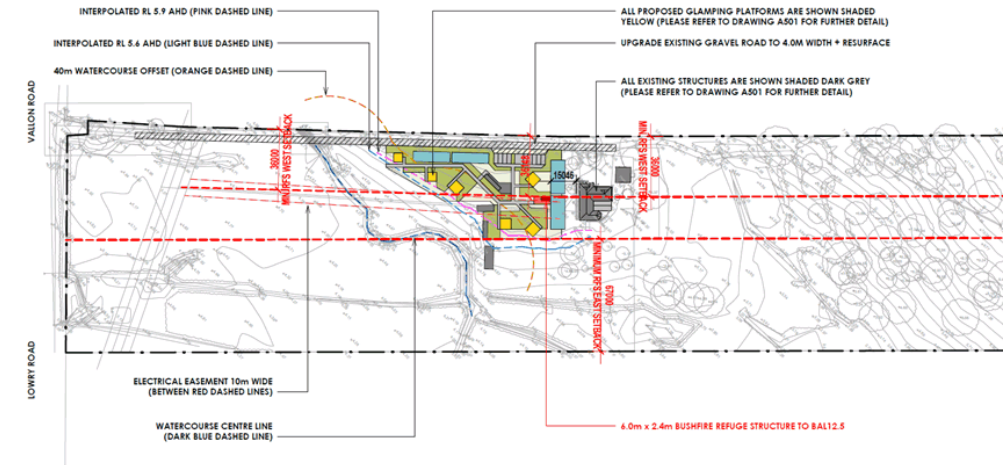
Background

Proposed Development

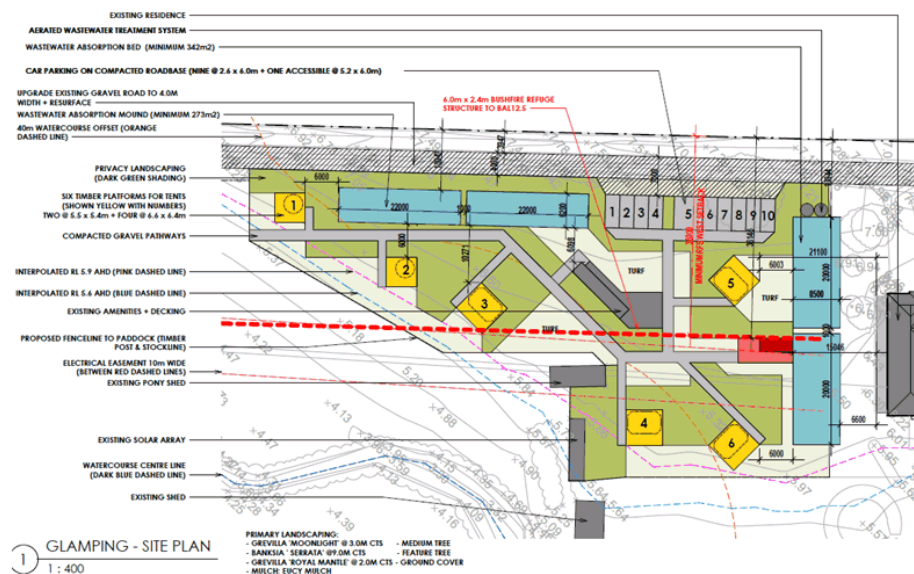
The applicant proposes the construction of six (6) primitive camping sites "glamping" and associated site amenities buildings, fire refuge building, car parking and landscaping. This application is a review of the determination of DA19/2165 which was refused at Council's Ordinary Meeting on 27 October 2020.

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Prior complying development consent (CD19/1474) has been achieved for the cabana on the site which provides primitive camping ground amenities (i.e. toilets, showers, hand basins, storage, BBQ area, etc).



PROPOSED GLAMPING FACILITY
PLEASE REFER TO DETAILED PLAN ON DRAWING A501
Figure 9 - Extract of the proposed site plan.



GLAMPING - SITE PLAN
1 : 400
Figure 10 - Extract of part site plan showing the location of the proposed camping development.

Subject Land

The site is located on the northern side of Vallon Road, 130m east of the intersection with Jervis Bay Road. The land is known as 15 Vallon Road, Woollamia and is legally identified as Lot 3 DP 832984. The site is a regular shaped allotment of approximately 7.3ha in area (560m long by 30m wide). Vallon Road is not a thru-road, with the road ending in front of the subject site.

CL21.80 - Attachment 2

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The site has been partially cleared with scattered vegetation to the Vallon Road Frontage and existing native vegetation to the rear of the property. The site is mapped as containing biodiversity – habitat corridor under the provisions of *Shoalhaven Local Environmental Plan 2014*. A number of unnamed drainage depressions traverse the site, which eventually drain into Currumbene Creek further to the north.

The site has been developed for residential purposes, with a single storey brick and tile roof dwelling being centrally located on the site. Works have been completed within the existing dwelling house without prior planning approval. The works are associated with the fit out and use of the dwelling for additional bedrooms. These works are the subject of a building information certificate (BC19/1091).

The land surrounding the site is primarily characterised by small rural use lots (land zoned RU2 – Rural Landscape) with Large Lot Residential zoned land to the rear of the site. The surrounding land is used primarily for residential purposes with limited use for hobby farming and low scale agriculture.

The site is mapped with bushfire prone land and within a flood planning area subject to flooding.

Application History

- On 27 November 2019, Development Application No. DA19/2165 was lodged with Council for *Construction of six (6) primitive camping sites "glamping" and associated site amenities buildings, car parking and landscaping*.
- On 3 December 2019, additional information was requested from the applicant, including confirmation that the application was not nominated integrated development for the purposes of Section 91 of the *Water Management Act 2000*.
- On 24 January 2020, the application was notified in accordance with the Council's Community Consultation Policy. A total of four (4) submissions were received objecting to the application during the initial notification period. An additional two (2) submissions were received prior to the finalisation of the assessment.
- On 11 August 2020, the Strategy & Assets Committee resolved in relation to Item No. SA20.136 *"[t]hat the following Development Applications be called in for determination by Council on the basis of public interest:*
 1. DA19/2165 - 15 Vallon Road Woollamia - Lot 3 DP 832984 (MIN20.548)
- On 6 October 2020 the application was considered at the Development & Environment Committee (DE20.115). The following resolution (MIN20.730) was adopted at the Development & Environment Committee held Tuesday 6 October 2020.

"That Development Application DA19/2165 for the construction of six (6) primitive camping sites "glamping" and associated site amenities buildings, car parking and landscaping at 15 Vallon Road, Woollamia - Lot 3 DP 832984 be approved subject to the recommended conditions of consent contained in Attachment 2 of this report, with the following amendments:

1. *Condition 46(e) be removed*
2. *Condition 46(f), be amended to remove reference to events (the last 8 words)*
3. *The inclusion of additional compensatory planting which screens the rear of the block, that is compliant with the Rural Fire Services report for replacement planting.*
4. *That the following be noted as guidance for final consent conditions:*
 - a. *A DA condition needs to be imposed requiring internal driveway sign-posting and enforcement of traffic restrictions, including maximum 10km / hour speed limit.*

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- b. A DA condition needs to be imposed requiring the applicant to incur costs for signage on the public roadway of Vallon Road, to restrict vehicular speeds.
 - c. A DA condition needs to be imposed obligating the owners of no. 15 to maintain the driveway so as not to create undue dust emissions or undue nuisances from the increased traffic movements
 - d. A DA condition needs to be imposed requiring the complaints register to include information not less than date and type of complaint, details of complainer and timing and outcome of response actions. This information, at a minimum, must be prescribed for inclusion in the required register."
- A Recission Motion was submitted for Council's consideration at the Ordinary Meeting on 27 October 2020.
- On 27 October 2020 resolution of the Ordinary Meeting of Council– MIN20.770 resolved to determine the development application by way of refusal for the following reasons:
 1. "General community concern about the application being out of character with the local area.
 2. The application is located adjacent to two flood ways and becomes isolated during heavy rain.
 3. The intersection with Vallon Rd and Jervis Bay Road does not provide contemporary standards of intersection design and will be particularly dangerous for visitors and patrons visiting the site.
 4. The proposal is in a high hazard bushfire corridor.
 5. The proposal will have a highly disruptive impact on the quite residential amenity of area.
 6. The application does not comply with the SLEP definition of a 'camping ground' – "an area of land on which tents or similar portable, lightweight temporary shelters are placed" as it proposes very large permanent timber platform structures for the 6 'tent' sites.
 7. The proposed luxury accommodation and extensive facilities provided close to neighbouring properties and only a few minutes drive from Huskisson do not align with the nature of a 'primitive camping ground' (PCG) as listed under Subdivision 9 of Part 3, Division 3 of the Local Government (Caravan Parks and Camping Grounds) Regulation 2005.
 8. Being within 10kms of Huskisson, a major town centre in the Bay and Basin Area, the development is not commensurate with DPIE guidelines which state Primitive Camping Grounds 'are generally remote from urban areas with only a limited range of facilities."
- On 05 March 2021 the subject Section 8.2 Review was lodged with Council. The application was notified and advertised from 17 March 2021 to 16 April 2021. In response one (1) submission was received by way of objection

Issues

Planning Assessment of Original Application

The attached section 8.2 report (Attachment 2) provides a review of the planning assessment of the application, and a review of the reasons for refusal and the applicant's submission in relation to the application.

This review concludes that the application is supportable on its merits and that the planning assessment under the original application (DA19/2165) was accurate in its recommendation of approval.

The review found that the original section 4.15 assessment did not undertake an assessment against State Environmental Planning Policy 21 – Caravan Parks (SEPP 21) or Chapter G10 Caravan Parks

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in Flood Prone Areas of Council's Development Control Plan (DCP) 2014. The environmental planning instrument (SEPP) and DCP are applicable due to the definitions and advisory notes within these documents.

SEPP 21 Clause 6 of SEPP 21 defines caravan park as "*land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed*", while under Part 1 of Chapter G10 of the DCP it states as an Advisory Note: "*Manufactured home estates, caravan parks and camping grounds will all be referred to as caravan parks from here on*". Accordingly an assessment against these planning requirements was warranted.

Despite this however, the further assessment of the SEPP and DCP did not raise any matters of concern or reasons to warrant the refusal of the application.

Shoalhaven Local Environmental Plan (SLEP) 2014 Characterisation and Permissibility

The proposal is best characterised as *camping ground* under the SLEP 2014. The proposal is permitted within the zone with the consent of Council.

A *camping ground* is defined in the Dictionary to SLEP 2014 as follows:

*'camping ground means an area of **land** that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.'* **(emphasis added)**

The proposal involves the temporary erection of tents on permanent wooden platforms, with access to communal amenities.

Land is defined under the EP&A Act (section 1.4) as:

land includes—

- (a) the sea or an arm of the sea,*
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and*
- (c) a river, stream or watercourse, whether tidal or non-tidal, and*
- (d) **a building erected on the land.** (emphasis added)*

Building is defined under the EP&A Act (section 1.4) as:

***building** includes part of a building, and **also includes any structure** or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993. (emphasis added)*

Accordingly while the tents are to be erected on structures, these proposed structures are considered to be both:

- Defined as 'land' for the purpose of the definition of camping ground; and
- Ancillary to the proposed use.

The definition of a 'camping ground' when referring to 'an area of land' includes the proposed structure and that by erecting tents on the structure does not cause the use to be contrary to the definition.

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The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (Caravan and Camping Grounds Reg) defines a *primitive Camping Ground* as follows:

‘primitive camping ground means a camping ground that is specified in its approval as being a primitive camping ground.’

This definition however is not relevant for the purpose of characterisation of the use under the EP&A Act and the subject Part 4 development application. It is considered appropriate for future section 68 Approvals and the requirements under the *Local Government Act 1993* and associated Regulations.

Section 8.2 Review

A section 8.2 application allows an applicant to request a consent authority to review a determination or decision made by them. After conducting its review, the consent authority (in this instance Council) may confirm or change the determination or decision.

It is noted that in accordance with the provisions of section 8.10(1) under the EP&A Act, an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

Accordingly and significantly, Council is required to assess the section 8.2 Review before 27 April 2021 being the date of the Ordinary Council meeting. The applicant may in the interim period file a Class 1 appeal in the Land and Environment Court in accordance with section 8.10 of the EP&A Act. Council has not been served with appeal documents (at the time of writing this report).

Reasons for Review of Development Consent No. DA19/2165

The applicant has provided the following response to support their request for review of the refusal and reasons for the refusal (D20/415316) as follows:

1. General community concern about the application being out of character with the local area.

Applicant's response:

Objections from three immediate neighbours do not constitute “general community concern” and the concern about being out of character are not accepted by the Applicant.

In Salvation Army v Newcastle CC [2000] NSWLEC 36, Pearlman CJ in the Land and Environment Court said:

55. I mean no disrespect to them when I summarise their concerns rather than setting them out individually, but I do so because they had common themes. They all felt that the proposed development would be likely to result in the following adverse impacts:

- a decrease in the quality of life of the neighbouring residents;*
- an increase in anti-social behaviour in the community perpetrated by participants in the rehabilitation programme;*
- an increase in criminal activity in the community (such as break-ins), also perpetrated by the participants in the rehabilitation programme. In this connection, they were particularly concerned that some participants would be undergoing the programme voluntarily in lieu of receiving a gaol sentence, and some participants would have already served time in gaol;*

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- a decrease in property values by reason of proximity of the proposed development;
- a threat to the safety of the elderly and young children (this being, in particular, a community of retirees and young families);
- a development which would be out of character with the area, particularly because the surrounding development is residential; and
- a development which would itself provide a danger to its participants by reason of its proximity to hotels and clubs.

56. I can understand these concerns, and I accept them as being genuine and real. I do not accept that these concerns show extreme prejudice or simply a "NIMBY" syndrome. The persons who gave this evidence all did so in a rational and reasonable way, except Mr Roberts, who, I thought, made exaggerated and unjustified claims, although I accept that his concerns were fundamentally genuine and real.

57. I would, however, not be prepared to refuse the development application solely on the grounds which have been put forward by these residents. Their concerns are not borne out by the evidence. In particular, many of their concerns relate to a fear of the consequences of participants in the programme circulating generally in their community, but the evidence is that participants are not free to come and go as they please but are likely only to leave the site only in pursuance of particular appointments or obligations, or en route to their homes after being discharged from the programme. Furthermore, there is no evidence to show that the crime rate or incidents of anti-social behaviour will increase. The evidence put forward by the applicant is to the contrary and I would accept it.

Assessing Officer's response:

Community Concern & Submissions to DA

In reviewing *Salvation Army v Newcastle City Council* [2000] NSWLEC 36 it is assumed that the applicant referenced this case for the purpose of highlighting paragraph 57, being that the submissions received in relation to that case, were "not borne out by the evidence" and that The Court would "not be prepared to refuse the development application solely on the grounds which have been put forward by these residents".

The assessment report of DA19/2165 (D19/419932) reviewed each of the submissions received to the development application. Concerns relating to being "out of character with the local area" were not issues raised to the development application or the deputations received to Council's Development & Environment Committee Meeting on 27 October 2020.

With regard to being 'borne out of evidence', no information has been submitted in the objections relating to what the existing character of the area is, nor how the proposed development will impact it. A total of six (6) objections were received to the original application from four (4) households. The subject application (s8.2 Review - RD21/1000) has received one (1) objection submitted by the Berry Forum. The grounds put forward in the submissions are generally not considered reasons to *solely* refuse the application, with many of the concerns addressed in this section 8.2 review including flooding, bushfire, amenity impacts and definition of the use.

Local Character

The "Local Character and Place Guideline" prepared by the Department of Planning and Environment (February 2019) defines *local character* as:

"Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of land, people, the

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built environment, history, culture and tradition including Aboriginal and non-Aboriginal, and looks at how they interact to make a distinctive character of an area.

Local character is distinctive, it differentiates one area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere, how it impacts their mood, their emotional response to that place and the stories that come out of peoples' relationship with that place" (p.7).

As outlined in the original assessment report (D19/419932):

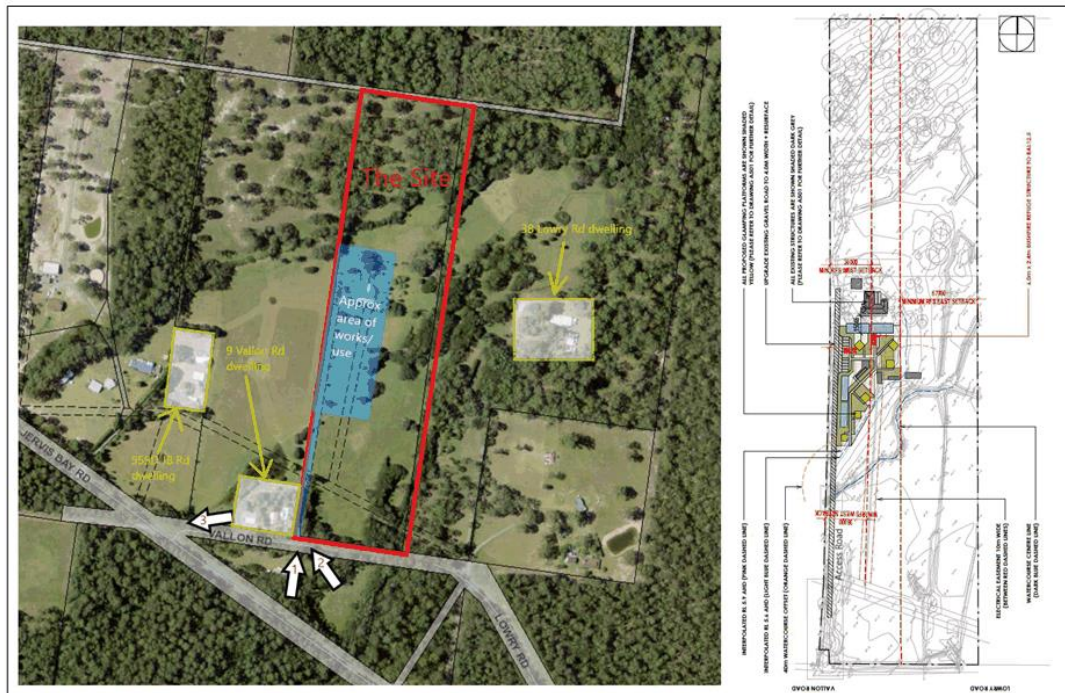
"The proposed structures are of a scale and density that is reflective of the rural character of the area with only partial views capable from adjoining properties. It is noted that additional landscaping down the western boundary of the site/driveway will provide an additional landscape screening result in restricted views to the camp sites". Further, "The camping ground accommodates six (6) sites and a total of 12 people, restrictions on amplified music and the requirement for on-site management of the cabins will limit the potential noise impacts on adjoining properties".

It is considered the scale of the development is such that any impact will be imperceptible from Vallon Rd (refer Figures 4 & 5) and have little if no impact on the way in which the 'neighbourhood' 'looks and feels'. The photographs provided at Figures 5 – 8 show the site and neighbouring properties from Vallon Rd. The low scale nature of the development will mean that from the street there will be limited if any direct views of the camping area, noting that 15 Vallon Road is the last property in the no-thru traffic street meaning no passing traffic would see the development. Further as shown in the site imagery at Figure 4, potential visibility of the use from neighbouring properties will be mitigated through existing and proposed landscaping (shown in dark green shading in the plans).

In particular it is noted that no new buildings are proposed to be constructed. Proposed works are limited to minor works to the existing amenities building, the proposed timber structures (shown as yellow squares on the plans), ancillary compacted gravel pathways, wastewater absorption mounds (shown as light blue rectangles on the plans) and carparking on compacted road base. The erection of tents will be on a temporary basis only when guests are occupying the site. In this manner the proposed development as viewed from neighbouring properties will be minimal and not cause impact to the overall character of the area.

The site is zoned 'RU2 Rural Landscape' under SLEP 2014 in which 'camping grounds' are permissible and which has the objectives 'To maintain the rural landscape character of the land' and 'To provide for a range of compatible land uses, including extensive agriculture'. The proposed development is consistent with these objectives in that the rural landscape character will not be impacted. The low scale simple nature of the development will have minimal impacts on the surrounding area.

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Figure 13- Close up of site entrance and access road – 15 Vallon Road Woollamia (Photo #1 in Fig. 4)



Figure 14 - Photograph of neighbouring property at 9 Vallon Road Woollamia from in front of the subject site on Vallon Street looking north west (Photo #2 in Fig. 4)

CL21.80 - Attachment 2

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Figure 15 - Photograph of Vallon Road and Jervis Bay road intersection from Vallon Road looking west (Photo #3 in Fig. 4)

Approved Tourist & Visitor Accommodation in the area

With regard to other camping facilities within the area, there are two other approved sites within Woollamia (refer Figure 8 below) within 2.5km of the site. While rural/residential/ environmental protection may be the zoning of the surrounding land, the presence of other approved tourist and visitor accommodation within Woollamia shows that the use is not 'out of character' but will instead contribute towards the existing character of the area which supports a range of existing and future permissible uses.



Figure 16 - Aerial image of the subject site and other approved sites in Woollamia.

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Accordingly, it is not considered that there is significant community concern about the application being out of character with the local area to form a reason of refusal, nor is it considered that the proposed use will be out of character with the local area.

2. The application is located adjacent to two flood ways and becomes isolated during heavy rain.

Applicant's response:

In the Response to neighbours objections" dated April, 2020 and filed with the Portal (the Response) at 2.5 it was noted;

"None of the objectors are professional consultants experienced in these two fields nor have they made available or submitted an alternate report by another professional consultant in these fields, to substantiate their views.... The owner has engaged suitable consultants with professional expertise in their nominated field, and who have significant local knowledge, to provide relevant reports for this site and the application for short term holiday use."

Assessing Officer's response:

The assessment of the development application contained in D19/419932 provided the following statement in relation to clause 7.3 of SLEP 2014 which is based on the assessment provided by Council's Natural Resource & Floodplain Section:

The flood assessment report (D19/419351) has been reviewed and is found satisfactory. It is noted that the proposed development is on flood free portion of the site, however access to the site is restricted in an event of a flood. A flood evacuation plan is to be prepared for this development (conditioned recommended) in line with the recommendations of the flood assessment report (D19/419351).

The recommended condition required

"That permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES".

Flooding was assessed by the applicant's flood engineers (APS, Ref: N27544, dated September 2019) and Council engineers as not being of concern with regard to the proposed development.

The flood emergency management plan required by recommended condition 44 requires the arrangements to evacuate the site in the event of a possible flood, in addition to advising advance bookings that the site is to be closed. The proposal includes up to a maximum of 12 guests, with an onsite manager available 24 hours a day. In light of this, it is considered that the low risk, temporary nature of the proposal is capable of being managed with regard to flooding and should not form a reason for the refusal of the application.

2. The intersection with Vallon Rd and Jervis Bay Road does not provide contemporary standards of intersection design and will be particularly dangerous for visitors and patrons visiting the site.

Applicant's response:

In the response, at 2.6 it was stated: "The safety of all local traffic has improved since the lodging of this DA with the speed limit of Jervis Bay Road in the site vicinity being lowered to 90 km/h. This will assist in the sight line safety where Vallon Road enters Jervis Bay Road."

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Assessing Officer's response:

The Traffic Impact Statement submitted by the applicant (APS, Ref. N27544, Rev 0, dated September 2019) stated "The existing intersection onto Jervis Bay Road is deficient in one direction for SISD. All other aspects are compliant." This assessment was undertaken with the previous speed limit on Jervis Bay Road of 100km/hr, which has since been reduced to 90km/hr as identified in the applicant's submission. This reduction in speed further reduces the extent to which the intersection is 'noncompliant'.

Further to this it is importantly noted that the site is for 12 guests, which the APS Traffic Impact Statement identifies the "estimated traffic generated by the development is 18 vehicles per day or 2.4 vehicles per peak hour", equating to a 0.6% increase in traffic in peak periods. This increase in traffic is not considered to provide significant impacts on the intersection, and importantly does not draw a nexus between a full upgrade of the intersection and the proposed development.

No further information has been submitted with the application to enable additional engineering assessment of the proposal. The assessment provided in the original assessment report stated the following which is considered to remain valid under this review.

The submissions have raised concerns with the potential traffic impacts associated with the use and safety of the Vallon Road and Jervis Bay Road intersection despite the reduction in the speed limit to 90kph.

The application is supported by a Traffic Impact Statement prepared by Allen Price and Scarratts Pty Ltd (N27544-SK01) Revision P1 (D19/419337) and additional Sight Distances Layout Plan prepared by Allen Price and Scarratts and supporting email (D20/316164).

SDCP 2014 does not provide estimated daily movement rates for camping grounds, however, the RMS Guide to Traffic Generating Developments provides traffic generation averages for motels (most appropriate comparative use) as:

- *Evening peak hour vehicle trips = 0.4 per unit total for 6 camp sites = 2.4 vph*
- *Daily vehicle trips = 3 per unit; total for 6 camp sites = 18 vpd*

The anticipated traffic movements are considered to be satisfactory and will not result in an unreasonable impact on either Vallon Road or Jervis Bay Road.

The operation of the intersection of Vallon and Jervis Bay Road has been considered for efficiency and safe intersection sight distance (SISD). Waiting times to turn right onto Jervis Bay Road is unlikely to exceed 1 minute and a SISD is achieved for the right turn in and right turn out at the intersection of Vallon Road/Jervis Bay Road.

Council's Traffic Engineers have reviewed the submitted information and deem that the traffic impacts are satisfactory and no additional upgrade works are required at the Vallon Road and Jervis Bay Road intersection.

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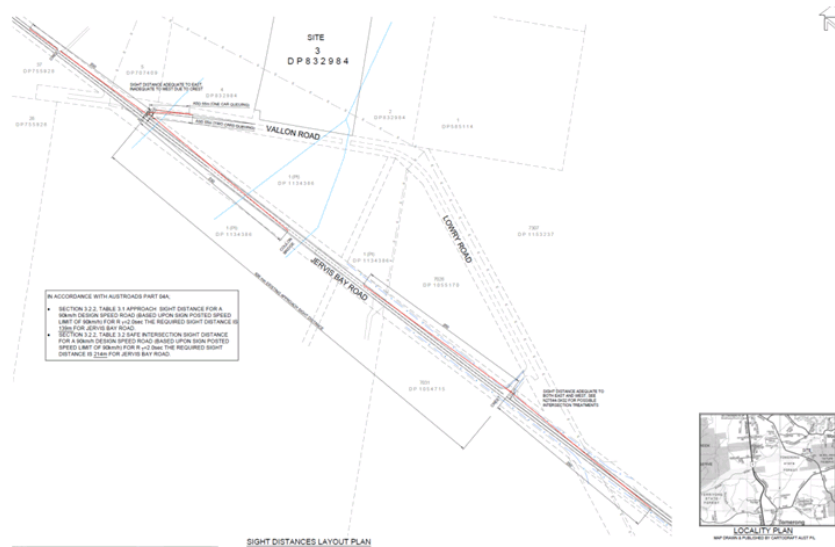


Figure 17 - Sight Distances Layout Plan prepared by Allen Price and Scarratts

Importantly Council's Traffic Engineers have not raised any concern with regard to the safety of the intersection that would warrant the refusal of the application.

4. The proposal is in a high hazard bushfire corridor.

Applicant's response:

In the response, at 2.8 it was stated: "Again, this report has been prepared by a professional consultant, experienced in their field, and familiar with the requirements of the relevant authorities that have jurisdiction over Bushfire matters."

It is therefore considered the concerns raised are personal opinion only and not verified by any alternate professional consultant report offered by the objector".

Assessing Officer's response:

The application is supported by the Rural Fire Service who have issued General Terms of Approval for the proposed development (dated 19 August 2020). Accordingly the site constraint of being a bushfire prone site is not considered reason to refuse the development application given the responsible State agency for bushfire planning assessment has given its approval to the DA.

5. The proposal will have a highly disruptive impact on the quite residential amenity of area.

Applicant's response:

In the response, at 4.0, (it is assumed the word "quite" should be "quiet"). "It has been designed to complement the existing uses on the site and with all reasonable precautions taken will minimise any detrimental effects on existing and future development nearby."

Assessing Officer's response:

The site is zoned RU2 Rural Landscape. The objectives of this zone are:

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

The site is within a rural zone which has key objectives to support primary industry production and extensive agriculture. While home occupation and residential uses are permissible with consent, the overarching objectives are agricultural focused and not residential.

With that in mind, the Department of Planning Environment and Industry define *amenity* as: “the pleasantness, attractiveness, desirability or utility of a place, facility, building or feature” (<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/amenity>). Impacts on amenity, as opposed to character, relate to aspects such as odour, noise, dominance or obtrusiveness of a building within neighbouring view lines or appearance from a public place, and the enjoyment of living and being in a space.

As assessed under the section 4.15 Heads of Consideration’ with regard to Built Environment:

“The proposed structures are of a scale and density that is reflective of the rural character of the area with only partial views capable from adjoining properties. It is noted that additional landscaping down the western boundary of the site/driveway will provide an additional landscape screening result in restricted views to the camp sites”.

View lines and visibility are further addressed earlier in this section regarding character (refer Figure 3).

Aspects such as noise and odour are manageable under the Site Management Plan and conditions of consent, and the scale of the development being for a maximum of 12 guests is such that any potential impacts on ‘amenity’ are reasonably managed by onsite management.

6. The application does not comply with the SLEP definition of a ‘camping ground’ – “an area of land on which tents or similar portable, lightweight temporary shelters are placed” as it proposes very large permanent timber platform structures for the 6 ‘tent’ sites.

Applicant’s response:

The definition of “camping ground” in the Shoalhaven Local Environmental Plan is not as stated by the council but in fact is:

“camping ground” means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park. The “Very large permanent timber platform structures for the 6 ‘tent’ sites: are merely timber platforms on the ground that identify where a tent can be erected so they do fit within the definition of “camping ground”.

Assessing Officer’s response:

Council staff have obtained legal advice on another similar matter regarding the characterisation of camping grounds. This advice has not been attached as it may affect legal privilege and the matter is still in progress. Upon review of this advice, it is considered the approach taken by staff concerning characterisation is sound.

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There are two factors to consider in this regard, the permissibility of the proposed development, and the definition of the use as a 'camping ground'.

In summary, with regard to permissibility, the first question is not whether the proposed use meets the definition of 'camping ground', but whether the use falls within any permissible use within the RU2 Rural Landscape zone. Clause 2.3 of SLEP 2014 and the Land Use Table outlines the respective land uses permitted without consent, permitted with consent, or prohibited.

Accordingly, in the RU2 Rural Landscape zone, if the development cannot be characterised as a land use identified as "development that may be carried out without development consent", or "development that may be carried out with development consent" land uses, the development will be prohibited, being "Any other development not specified in item 2 or 3".

Review of permissible uses that may be applicable to the proposed use include camping grounds, caravan park, eco tourist facility and tourist and visitor accommodation. The best characterisation of the use is considered to be 'camping ground', however, more broadly, it is also noted that the 'group' or 'parent' term of tourist and visitor accommodation is also a permissible use. Accordingly, all terms within the 'group term' definition in the SLEP 2014 Dictionary are permissible, with the exception of any 'child term' listed as prohibited in the Land Use Table. The definition for tourist and visitor accommodation is produced below:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

The proposal could accordingly also be considered a 'Tourist and Visitor accommodation' being "a building or place that provides temporary or short-term accommodation on a commercial basis" (noting the use does not have to exactly fit within any of the 'included' child terms listed at (a) to (e) to fit the definition). The only prohibited 'child' terms of tourist and visitor accommodation in the RU2 Rural Landscape zone are hotel or motel accommodation and serviced apartments, which the proposed development is not.

Accordingly it is considered the proposal is a permissible use, and the use could properly be characterised as tourist and visitor accommodation or camping ground, however that camping ground is still considered the best characterisation of the use as outlined below.

Definition of camping ground

The proposal seeks to construction of six (6) primitive camping sites "glamping" and associated site amenities buildings, fire refuge building, car parking and landscaping.

The proposed structures are ancillary to the erection of tents and the core use as a 'camping ground'. On their own they serve no purpose.

The definition for **Camping Ground** under Shoalhaven Local Environmental Plan 2014 is:

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

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In the first instance, as discussed under the SLEP 2014 assessment earlier in this report, it is noted that the term 'land' as defined under the EP&A Act is "a building erected on the land" (Section 1.4).

The Act also defines 'building' to include "any structure or part of a structure" (Section 1.4). From this it is deduced that 'land' includes a building erected on the land, and therefore a structure.

The definition of a 'camping ground' when referring to 'an area of land' can include the proposed structures and that by erecting tents on the structure does not cause the use to be contrary to the definition.

Further, in establishing the characterisation of a proposed use, Council notes Planning Circular PS 13-001 'How to characterise development' which provides:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed-use development.

It is therefore considered that the proposed use of the site as a camping ground is the dominant purpose of the site. That is, the structures do not require separate/individual categorisation as they are integral to the proposed use as a camping ground, and furthermore do not undermine the definition and characterisation of the use as a camping ground.

Conclusion – permissibility

The reason for refusal states that "The application does not comply with the SLEP definition of a 'camping ground' – "an area of land on which tents or similar portable, lightweight temporary shelters are placed" as it proposes very large permanent timber platform structures for the 6 'tent' sites".

Based on the review above, it is first considered that the proposed development is a permissible use as a tourist and visitor accommodation or a camping ground, with camping ground still considered to be the best characterisation of the use as requested by the applicant. Further to that, the construction of structures on which to erect tents does not affect the ability for the proposed use to be defined as a camping ground.

7. The proposed luxury accommodation and extensive facilities provided close to neighbouring properties and only a few minutes drive from Huskisson do not align with the nature of a 'primitive camping ground' (PCG) as listed under Subdivision 9 of Part 3, Division 3 of the Local Government (Caravan Parks and Camping Grounds) Regulation 2005.

Applicant's response:

The Local Government (Caravan Parks and Camping Grounds) Regulation 2005 has been repealed.

It has been replaced by the "Local Government (Manufactured home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005".

That contains Reg 132 Primitive camping grounds, which has similar provisions to the repealed regulation, but there are differences. The new regulation does not have a definition of "camping ground" but it does define "camp site" to mean: "an area of land within a camping ground on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground."

Assessing Officer's response:

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As stated above, Council staff have obtained legal advice on another similar matter which also reviews the relevance of the Caravan and Camping Grounds Reg relating to “primitive camping grounds”. This advice has not been attached as it may affect legal privilege and the matter is still in progress. Upon review of this advice, it is considered the approach taken by staff concerning characterisation is sound.

The development application is made under Part 4 of the EP&A Act. The proposal, for the purpose of permissibility of land use, is assessed under the provisions of the EP&A Act 1979 and relevant environmental planning instruments including SLEP 2014. “Camping ground” is defined under SLEP 2014. “Primitive camping grounds” are not a term defined under SLEP 2014 or the EP&A Act.

The Caravan and Camping Grounds Reg. is a regulation under the *Local Government Act 1993*. SEPP 21 Clause 10(f) requires the assessing authority to consider the Caravan Parks Regulation in the development assessment of an application. However, this is for the purpose of establishing that the proposed meet the standards set in Subdivision 9 of Division 3 of Part 3 of the Caravan Parks Regulation, not for permissibility. It is noted in this regard the assessment of the application under SEPP 21 has not identified any reasons for the refusal of the application or inconsistencies with the Caravan Parks Regulation that would inhibit a future application under that instrument (refer assessment report at Attachment 2).

- 8. Being within 10kms of Huskisson, a major town centre in the Bay and Basin Area, the development is not commensurate with DPIE guidelines which state Primitive Camping Grounds ‘are generally remote from urban areas with only a limited range of facilities’.**

Applicant’s response:

This is also not a valid reason to not approve this application.

In the Development & Environment Committee Planning Report of 06 October, 2020 there was a detailed assessment at pages 505 to 516 which had a similar result to the Response referred to above and it justified the recommendation at page 516:

“This application has been assessed having regard for section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DA19/2165 be approved subject to appropriate conditions of consent.”

The Draft Notice of Determination granting approval with conditions is contained at pages 476-494.

The Applicant submits that in the circumstances here the appropriate review is to grant approval in accordance with that draft Notice of Determination.

Assessing Officer’s response:

It is inferred that this relates to Circular PS06-001 Issued 10 January 2006. This Circular states:

What are primitive camping grounds

Primitive camping grounds (PCGs) are one type of camping ground covered by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (the new Regulation). PCGs are lower key than conventional camping grounds. The new Regulation does not require PCGs to have, for example, sealed roads, hot water or laundries. There are about 50 PCGs in NSW — ranging

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in size from approximately 0.5 hectares to over 600 hectares. They are often in scenic locations such as in bushland, near rivers or on the coast.

The proposed camping ground is in a scenic location in bushland and not far from the coast. This circular goes onto to state:

"Some ways in which camp sites might be delineated 'on-the-ground' are by signs, pegs or perimeter logs. It is desirable that the location of camp sites allows campers easy access to the camping ground's water supply, toilet and rubbish disposal facilities."

The designation of camp sites is in a formal manner with the timber structures delineating the location of tents, and allowing for the management and mitigating the impact of surrounding areas of the site. This is not considered to be a reason for refusal in that the land is zoned for camping grounds, and the type of campground as a 'primitive camp ground' is a *Local Government Act 1993* consideration and is not a land use consideration for the purposes of development application assessment under the EP&A Act.

The original Council assessment report to the 06 October 2020 Development and Environment Committee meeting outlined that all site constraints and planning considerations including flooding, effluent disposal, bushfire, noise, traffic, camp ground management, past illegal uses of the site were satisfactorily addressed and conditions of consent would adequately mitigate potential impacts of the development.

Planning Assessment

The DA was previously assessed under s4.15 and found to be capable of support. Council at its meeting on 27 October 2020 resolved to refuse the DA.

The applicant has requested a review of the determination under Section 8.2 of the EP&A Act. This review has found that the applicant has satisfactorily addressed the reasons for refusal. Accordingly, the proposal is capable of support.

Consultation and Community Engagement

Notification was undertaken in accordance with Council's Community Consultation Policy with letters being sent within a 100m buffer of the site, during the period 24 January and 10 February 2020 for the original application and 17 March 2021 to 16 April 2021 for the Section 8.2 Review of Determination.

Six (6) public objections from four (4) households were received in relation to Council's notification during the assessment of the original DA. Three (3) public objections were received to the section 8.2 application notification period by the Berry Forum and the owners of two (2) neighbouring properties which are addressed below.

1. Permissibility & Characterisation

- The DA is not permissible in the zone.
- Primitive camping is the opposite of what is being proposed for the luxury glamping sites.
- The proposal is not in a remote area, but very close to neighbouring properties. The site is just 8 mins drive from Huskisson.
- The characterisation as 'primitive camping ground' is for the purpose of exempting the development from compliance with the requirements under the Local Government (Caravan Parks and Camping Grounds) Regulation 2005.

Assessing Officer's response:

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The assessment of the application considers the use permissible as either 'tourist and visitor accommodation' or 'camping ground', with 'camping ground' considered the best fit for the definition of the proposed use.

As discussed earlier in this report, the term 'primitive camping grounds' is not a land use term defined under the EP&A Act or SLEP 2014 and is not a suitable term in which to categorise development for the purpose of a development application. The categorisation of the use as 'primitive camping ground' is a consideration under a future Section 68 application under the Local Government Act 1993 and Local Government (Caravan Parks and Camping Grounds) Regulation 2005, and not for the purpose of the subject DA and permissibility of the use.

Camping grounds are a permissible use in the site's RU2 Rural Landscape zone and the proposed development is considered to be consistent with the Objectives of the zone under SLEP 2014. The site is considered suitable for the proposed development under Section 4.15(c) of the EP&A Act, with potential impacts addressed in the assessment and design of the development or capable of being conditioned.

It is further noted that the term "glamping" is not a term defined in the relevant planning instruments or planning guideline documents. However, if the premises is approved for use as a camping ground, with subsequent approvals under the Local Government (Caravan Parks and Camping Grounds) Regulation 2005 for a 'primitive camping ground', the operations of the business will be required to comply with the requirements of those approvals regardless of the style, rate and manner in which primitive camping occurs.

2. Characterisation and competition with other camping ground and caravan parks

- *"The Forum Committee has no issue with genuine applications for glamping sites and supports the establishment of micro-business ventures. Glamping sites compete with existing camping sites and caravan parks, but owners are able to charge premium rates of around \$400 a night".*

Assessing Officer's response:

The specific amounts charged by an owner/operator for operation of any commercial venture is not a consideration under Section 4.15 of the Act or any applicable planning controls. In particular, no Departmental guidance or State or local planning controls relating to camping grounds link the categorisation or description of the land use against the potential future rate charged to guests.

It is noted that it is not considered the proposed development will compete with other camping sites and caravan parks in the area, particularly if there is a significant price difference, with each site offering a different product for different customers.

3. Compliance with Local Government (Caravan Parks and Camping Grounds) Regulation 2005 for Primitive Camping Grounds

- Council must ensure that a proposal for camping complies with the Caravan Parks and Camping Grounds Regulation.
- The Department of Planning Guide on primitive camping grounds states -
 - o *"A PCG is generally remote from urban areas, with only a limited range of facilities*
 - o *PCGs are lower key than conventional camping grounds and are not required to have, for example, sealed roads, hot water or laundries".*
- The proposal is not a true primitive camping ground because it will charge more than the typical overnight rate for primitive camping grounds in NSW, which *"is either free or around just \$10"*.
- Primitive camping activity should leave the site in its natural state and have no impact on the surrounding area due to the basic nature in remote locations.

Assessing Officer's response:

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The specific amounts charged by an owner/operator for operation of any commercial venture is not a consideration under Section 4.15 of the EP&A Act or any applicable planning controls. In particular, no Departmental guidance or State or local planning controls relating to camping grounds link the categorisation of the land use against the potential future rate charged to guests.

The proposed works proposed are minimal with physical works limited to pathways, waste water absorption mounds and compacted gravel/road base roads and parking areas. These are all small scale ancillary works to facilitate the temporary erection of tents within specified areas on the site.

An assessment of the proposal under the applicable sections of the Caravan Park and Camping Ground Regs was undertaken in the original Section 4.15 assessment report for the application which found no reason to refuse the application.

4. The Applicant & Existing use of the site

- *"The applicant is Canaan Capital, a China-based investment company aiming to maximise the capital return from the land use.*
- *The property is currently being promoted with accommodation for 'four to five families', a separate 'fun house' with an additional 7 double beds, and 'parties and events allowed'".*

Assessing Officer's response:

- The ownership of the site is not a matter for consideration under this application with regard to land use or intent. For clarity it is noted Council's records show the owner of the site to be '15 Vallon Road Wollamia Pty Ltd'.
- The existing dwelling house on the site will be used as the accommodation for the existing manager who is to be available on site at all times while the camping ground is operating per recommended Condition 45(n) (refer Attachment 1). Accordingly if the camping ground use is in operation, the dwelling would be required to be occupied by the manager and not leased out separately.
- It is further noted for the purposes of the *current* use of the site, that SLEP 2014 Clause 7.13 permits that residential accommodation may be used as tourist and visitor accommodation for short-term rental accommodation for a maximum period of 45 consecutive days in any 12 month period. No information has been provided to suggest the site at present is not operating in compliance with this clause. For the purpose of DA however these matters are irrelevant for the assessment of the *proposed future use*.

5. Impacts of the development

- Concern is raised regarding antisocial behaviour and impact on surrounding properties from guests staying.
- There have been a number of incidents of antisocial behaviour, trespassing, noise impacts, large fires by guests of the existing residents while it is being rented for short term accommodation.

Assessing Officer's response:

The existing use of the site for short term accommodation is a separate matter to the future proposed use of the site as a camping ground being assessed under this application.

Matters of compliance, noise impacts and trespassing are issues that should be reported to Council's Compliance Section and/or the NSW Police to investigate.

The proposed use as a camping ground will be managed by a Site Management Plan and conditions of consent. In this manner a development consent indicates clear standards in which the use of the property must operate and comply. It is considered the existing operations and management of the premises are not reflective of the proposed use as a camping ground given they are two distinctly different and separate uses.

6. Status of applicant's consultant reports

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- Concern is raised that the submitted expert reports were prepared prior to the 2019/2020 Bushfires and recent major flooding events.

Assessing Officer's response:

The subject Section 8.2 Review is a review of the application as lodged and determined to establish if the original reasons for the determination are warranted and if the new information submitted changes that determination. The applicant is not required to update the information submitted with the development application, however they are able to do so to support their application.

The submitted consultants reports were prepared against the current bushfire planning and flood controls available and applicable at the time of the preparation of the DA. Both Council's flooding engineers and the NSW RFS support the proposal and have not raised any concerns that would warrant the refusal of the application.

7. Traffic safety concerns

- There is a risk of collision due to increased traffic.

Assessing Officer's response:

The matter of traffic safety is addressed earlier in this report. Council's traffic engineers have reviewed the subject application and do not raise any matters of concern that would warrant the refusal of the application.

8. Real estate listing of property

- The subject property is currently listed for sale stating, *"currently in the process of being approved for luxury camping and cabins"*.

Assessing Officer's response:

Real estate listings are not considered to be relevant for the assessment of the subject application.

Delegations

Guidelines for use of Delegated Authority

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

As per section 8.3 (4) of the EP&A Act 1979, the review of a determination or decisions made by a delegate of Council is to be conducted by the Council or by another delegate of the Council who is not subordinate to the delegate who made the determination.

Recommendation

This application has been assessed having regard for section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended support the applicant's review under section 8.2 of the EP&A Act be supported and Council should approve Development Application No. DA19/2165 subject to conditions in the Notice of Determination.

Attachment 1 - SEPP 21 – Caravan Parks

Clause 6 of SEPP 21 defines *caravan park* as *land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed. (emphasis added).*

Clause 7 of SEPP 21 states:

7 Application of certain planning controls to places licensed for movable dwellings

In any environmental planning instrument (whether made before or after this Policy), references (however expressed) to caravan parks or to camping grounds, or to caravan parks and camping grounds, include references to caravan parks, within the meaning of this Policy.

The inclusion of the words “including a camping ground” is accordingly taken to include camping grounds, and the term ‘caravan parks’ intended to capture the camping ground use, and thus the provisions of SEPP 21 apply to the proposed development. This is further established through *Wygiren Pty Limited v Kiama Municipal Council* [2008] NSWLEC 56 and *Najask Pty Ltd v Palerang Council* [2009] NSWCA 39.

Clause 8 and 10 of SEPP 21 applicable clauses which are further assessed below:

8 Development consent required for caravan parks	
(1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.	The subject application seeks consent for a camping ground which as noted above is captured under the definition of ‘caravan park’.
(2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—	
(a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and	N/A No long term sites proposed The Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 has been repealed and replaced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
(b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.	All sites are for short term purposes.
(3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.	A condition may be imposed to address this. Condition 45(e) on the recommended draft consent covers this item.
(4) The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land— (a) for a continuous period of more than 3 months, except as provided by paragraph (b), or (b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.	Condition 4 on the draft consent requires a section 68 approval to be obtained under the LG Act prior to operating. This approval will set out the requirements for the length of stay for a person occupying sites.
(4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on	Noted.

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land on which development for the purposes of a caravan park is being lawfully carried out.	
(5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No 36—Manufactured Home Estates or dedicated or reserved under the National Parks and Wildlife Act 1974 .	N/A

10 Matters to be considered by Councils	
A Council may grant a development consent required by this Policy only after it has considered the following—	
(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,	The site, as outlined in this assessment report is considered suitable for the purpose of short term tourist use. The site is zoned to permit camping grounds and the small scale of the proposed development has demonstrated that there will be minimal impacts associated with the use and any potential impacts are able to be satisfactorily managed through design or conditions of consent.
(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,	The region in which the camping ground is proposed has capacity for tourist development and no existing or potential tourist accommodation will be displaced through the approval of this application.
(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,	N/A
(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,	The site has an existing amenities building with bathrooms, BBQ area and seating areas (deck). This is considered suitable for the proposed primitive camping ground use.
(e) any relevant guidelines issued by the Director, and	N/A
(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.	Considered in the original assessment report. An assessment against the relevant provisions of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>

In light of the above assessment the proposal is considered to satisfactorily meet the provisions of SEPP 21 and raises no reasons for the refusal of the application.