

Ordinary Meeting

Meeting Date: Tuesday, 26 October, 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

1. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 28 September 2021
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

CL21.205	Rescission Motion - DE21.114 - Planning Proposal Request - Willinga Park Equestrian Centre, Bawley Point	1
CL21.206	Notice of Motion - DE21.114 - Planning Proposal Request - Willinga Park Equestrian Centre, Bawley Point.....	2
CL21.207	Notice of Motion - Victor Ave, Narrawallee – Access Steps.....	3
CL21.208	Notice of Motion - Viking Festival - Sussex Inlet.....	5
CL21.209	Notice of Motion - Management of Roads within the Shoalhaven Area	7
CL21.210	Notice of Motion - Ratepayer Tip Vouchers	9

CL21.211	Question on Notice - Tomerong Quarry.....	10
11. Committee Reports		
CL21.212	<u>Report of the Development & Environment Committee - 5 October 2021.....</u>	15
DE21.105	Notice of Motion - Ulladulla Milton Lions Club - Local Farmers Producers Markets	
DE21.106	Notice of Motion - Village Green St. Georges Basin	
DE21.110	Proposed Agreement - Delivery of New Key Urban Release Areas Roundabout, Moss Vale Road, Cambewarra	
DE21.119	Proposed Road Closure - Lot 4 DP 872852 (Vincentia) St Georges Basin Country Club and Response to Questions on Notice	
CL21.213	<u>Report of the Strategy & Assets Committee - 12 October 2021.....</u>	17
SA21.199	Notice of Motion - Addition to Original Notice Of Motion, Safety Upgrades - Culburra Beach Public School	
SA21.204	Progress Report - Council Resolution - Housing Crisis	
SA21.207	Proposed Boundary Adjustment and Sale - Lot 2 DP 826924 Church Street Tomerong	
SA21.208	Proposed Road Closure - Cullen Crescent Kangaroo Valley	
SA21.212	Grant of Electricity Easement in favour of Endeavour Energy - Worrigeer Street Carpark	
SA21.220	Management of Dingle Hughes Bequest Collection and Proposal to Establish a Multi Art Storage Facility	
SA21.223	Classification of Council Land - Lot 1075 DP1247845 at Birkdale Circuit Sussex Inlet	
SA21.225	Acquisition of Easement - Sewer Purposes - Lot 502 DP 1221372- C130 Princes Highway Merroo Meadow	
SA21.226	Acquisition of Easement for Sewer Pipeline at Terara - Burruga Island Pty Ltd - REMS Transfer Main	
SA21.227	Acquisition of Sewer Easement - 30 Hollywood Avenue Ulladulla	
CL21.214	<u>Report of the Inclusion & Access Advisory Group - 11 October 2021.....</u>	21
IA21.13	Accessible viewing platform construction; Surfers Avenue Narrawallee	
CL21.215	<u>Report of the Shoalhaven Traffic Committee - 12 October 2021</u>	22
TC21.53	Pedestrian Facility Improvements - Queen Street, Berry (PN 3672)	
12. Reports		
<u>City Performance</u>		
CL21.216	Register - Disclosure of Pecuniary Interest Returns - 2020/21	34
CL21.217	Investment Report - September 2021.....	44
<u>City Futures</u>		
CL21.218	Update - NSW Government's Regional Housing Taskforce.....	54

CL21.219	Grant Offer to Council - Building Better Regions Fund Round 5 - Ulladulla Harbourside	66
CL21.220	Jervis Bay Regional Boat Ramp Master Plan (option H) - Construction - Boat Maintenance Facility - Woollamia - Operational Procedures / Leasing Arrangements	69
CL21.221	Tenders - Placemaking at Vincentia Shopping Village	73
<u>City Services</u>		
CL21.222	Pathway - Callala Beach to Callala Bay – Beach Rd & Emmett St - Options Investigation / Costs - Staged plan - Community Consultation	75
CL21.223	Additional Car Parking - Basin View Boat Ramp	79
CL21.224	Natural Areas Volunteers - Parkcare Action Plans - Barker Reserve / Burrill Lake Lions Park / Valley Drive Reserve	82
CL21.225	Expression of Interest - Lease - 100 St Vincent St. Ulladulla	100
CL21.226	Tenders - Construction of Havilland Street Boat Launching Ramp & Carpark, Conjola Park.....	102
CL21.227	Tenders - Design, Install and Commission Materials Recovery Facility ...	104
CL21.228	Tenders - Management & Operation Holiday Haven Shoalhaven Heads	106
<u>City Development</u>		
CL21.229	Variations to Development Standards - September Quarter 2021	108
CL21.230	DA16/1465 - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114	110
CL21.231	DA21/1673 - 116-118 St Vincent Street, Ulladulla - Advice Addendum Report to be submitted.....	154
DE21.122	Development Application - DA21/1392 – Old Southern Rd South Nowra – Lot 2 DP 1065105 & Lot 28 DP 17310	155
CL21.232	Lake Conjola - Crown Land Licence.....	181
<u>City Lifestyles</u>		
CL21.233	The Bob Proudfoot Pavilion - Public Exhibition Summary and Way Forward.....	184

13. Confidential Reports

Committee Reports

CCL21.15 Report of the Strategy & Assets Committee - 12 October 2021

CSA21.45 Expression of Interest - Occupation of 177-179 Illaroo Road. North Nowra

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any

person's legitimate business, commercial, professional or financial interests.

CSA21.46 Covid Rent Relief - 13 July 2021 - 13 January 2022

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

CSA21.47 Tenders – Minor Works & Maintenance to External Finishes –
Reroofing & Repainting – Nowra Showground Pavilion

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

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

CSA21.48 Land Acquisition Matter - Meroo Meadow

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

Reports

CCL21.16 Tenders – Placemaking at Vincentia Shopping Village

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

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

- CCL21.17 Expression of Interest - Lease - 100 St Vincent St. Ulladulla
- Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CCL21.18 Tenders - Construction of Havilland Street Boat Launching Ramp & Carpark, Conjola Park
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CCL21.19 Tenders – Design, Install and Commission Materials Recovery Facility
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CCL21.20 Tenders – Management & Operation of Holiday Haven Shoalhaven Heads
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to*

CL21.205 Rescission Motion - DE21.114 - Planning Proposal Request - Willinga Park Equestrian Centre, Bawley Point

HPERM Ref: D21/427438

Submitted by: Clr Kaye Gartner
 Clr Amanda Findley
 Clr John Levett

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item DE21.114 of the Development & Environment Committee meeting held Tuesday 5 October 2021.

Background

The following resolution (MIN21.688) was adopted at the Development & Environment Committee held Tuesday 5 October 2021.

That Council:

- 1. Support progressing a Planning Proposal (PP) to amend Shoalhaven Local Environmental Plan (SLEP) 2014 (SLEP 2014) to make 'function centre' an additional permissible use (with consent) within the RU2 Rural Landscape Zone on the subject land (Lot 21 DP 1217069 and Lot 33 DP 1259627, being 132 and 123 Forster Drive, Bawley Point) to allow a broader range of functions / events (unrelated to equine activities) at Willinga Park.*
- 2. Support the proponent's request to amend SLEP 2014 to make functions involving less than 351 attendees (excluding staff) 'development without consent'.*
- 3. Prepare the PP and submit to the NSW Department of Planning, Infrastructure and Environment (DPIE) for Gateway determination, in accordance with Part 1.*
- 4. Subject to receiving a favourable Gateway determination, undertake government agency consultation and complete any supporting technical investigations (if required) and publicly exhibit the PP.*
- 5. Receive a report on the outcome of the public exhibition of the PP.*
- 6. Advise the proponent and those who made a submission of this decision.*

CL21.205

CL21.206 Notice of Motion - DE21.114 - Planning Proposal Request - Willinga Park Equestrian Centre, Bawley Point

HPERM Ref: D21/427570

Submitted by: Cllr Kaye Gartner
Cllr Amanda Findley
Cllr John Levett

Purpose / Summary

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

Recommendation

That Council not support the Planning Proposal due to community concern about the impacts on Bawley Point Village.

Note by the CEO

This Notice of Motion will be dealt with if the preceding Rescission Motion is carried.

CL21.206

CL21.207 Notice of Motion - Victor Ave, Narrawallee – Access Steps

HPERM Ref: D21/423401

Submitted by: Cllr Patricia White
Cllr Mitchell Pakes
Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Provide access to Narrawallee Beach off leash area via Victor Avenue Steps.
2. Allow access to the rock area below the Victor Ave Steps to the north.

Background

Council has addressed issues at the off leash area at Narrawallee Beach for a number of years and it is also included in the current review of the Council's Dog Policy.

In February this year Council resolved to prohibit access to the dog off leash area from Victor Avenue steps. The report to Council noted "the approach to remove the access from Victor Avenue has not been tested or consulted on in the community."

Council has also been requested to replace the stairs and in the interim to undertake some maintenance works at the top and side of the stairs. Additionally, requests were made for maintenance of vegetation from the pathway to the beach on Matron Porter Drive that allow access for the dogs.

I have received representations from many residents on the difficulties now when trying to access the off leash area, even though Council has recently completed a shared pathway on Matron Porter Drive in the area.

A recent visit to Narrawallee Beach over the weekend highlighted the need for the reinstatement of the steps as an access point with the volume of dog owners accessing the area.

The access via Narrawallee Reserve is now infested with ticks and has had an impact on residents walking through the reserve. Recently, a 96 year old gentleman received a tick from taking his dog to the beach via this area.

There are increased number of dog owners in the Shoalhaven mainly due to COVID, wellbeing and companionship. Additionally, once the COVID restrictions are lifted there will be increased activity on the beach with visitors to the area with their dogs.

As the review of the Dog Policy will not be finalised now until March/April 2022, some 6 months, with delays due to COVID and Community Consultation.

We need to address the current issues of access to the Off Leash area by large number of residents and reinstate the Victor Ave steps.

I seek support from all Councillors.

CL21.207

Note by the CEO

This Notice of Motion was submitted to the Ordinary Meeting 28 September 2021 and was lost on the casting vote of the Mayor. Councillors White, Pakes and Watson have resubmitted the Notice of Motion for further discussion.

This Notice of Motion which is proposed by three Councillors is included in the Business Paper in accordance with cl 17.6 of the Council's Code of Meeting Practice:

"17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost."

Note: Clause 17.6 reflects section 372(4) of the Act.

A previous Notice of Motion in February 2021 proposed to close the Victor Avenue Stairs. This was supported by Council. Below is an extract:

"Move the southern boundary of the off-leash area to immediately south of the most southern Narrawallee Inlet Reserve entrance and prohibit access to the dog off-leash area on the southern part of Narrawallee Beach, including Victor Avenue stairs".

If Council determines to support the new Notice of Motion to reopen the Victor Avenue access for dog users, Council Officers will be required to action a number of items. These include:

- A site inspection to ensure the Victor Avenue Stairs are fit for purpose
- Change the dog off leash way finding signage
- Amend the online maps and guide
- Prepare communication to the community on the Council approved changes

Councillors will be aware that the Review of the Access Areas for Dogs has commenced; if this Notice of Motion is supported this will take effect outside the formal review process; however, this change will be incorporated into the work to date.

Ranger Services and the Media and Communications team are being consulted on delivery time frames.

CL21.208 Notice of Motion - Viking Festival - Sussex Inlet

HPERM Ref: D21/447222

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Allocate funding of \$10,000 for the 2022 Viking Festival to be held in Sussex Inlet.
2. Funding source to be determined by the CEO or his nominee by either donation, sponsorship, or allocation.
3. Funding to be recurrent for a period of 3 years.
4. Shoalhaven Tourism to provide in-house ongoing letters of support to the festival organisers.

Background

Councillors and Staff will remember the Sussex Inlet Viking Festival held on the June Long weekend in 2021 where over 3,500 people attended.

The Management Committee for the Sussex Inlet Viking Festival has submitted an application to Shoalhaven Tourism for grant funds of \$10,000 to hold the festival in 2022 and ongoing. Whilst staff advise this is an amazing and unique event, the application is not supported due to the Event Guidelines, which focus on supporting events in the off season. These guidelines aim to increase visitors when the region is not as busy, and do not allow for funding to be provided to events that are held on Long Weekends or during School Holidays.

Sussex Inlet Chamber of Commerce who are the organising event management has a strong relationship with the team at Shoalhaven Tourism and also with Destination NSW Sydney South and Surrounds and plays a proactive role in supporting tourism initiatives across the Shoalhaven.

The Sussex Inlet Chamber of Commerce demonstrated in 2021 its ability to run a high-quality tourism event. They have developed a number of high functioning working groups which include the range of skills required to conduct a safe and innovative event. This event is unique as it highlights the Danish history of Sussex Inlet and uses the Viking theme to create a niche tourism opportunity while at the same time celebrating the linkages to the local Wreck Bay Aboriginal community and the Ellmoos family.

The funding requested will be used for marketing the event to maximise festival ticket sales.

Projected figures have been calculated from the analysis of the data from the 2021 Festival which was constrained by covid restrictions on large events. The feedback received since the 2021 festival has been extremely positive and the organisers are confident that the experience and professional project planning skills of the Chamber of Commerce and Viking Festival working group will enhance the Viking Festival event for 2022 and the goal is to sell 4000 tickets to the event, which would be a 15% increase.

CL21.208

The Chamber of Commerce has developed an online ticketing system for the festival which will include collection of data about location of visitors purchasing tickets and number of visitors staying overnight.

The Chamber of Commerce has built a funding model that relies less on external funding as the festival matures over the next 3-5 years. As the Festival matures the Chamber will reinvest the surplus funds each year with the goal for these funds to grow to \$35,000 by 2025 where the event should be self-funding.

The Viking festival has targeted strategy to attract visitors to the festival - overnight visitors from southern and southwestern Sydney, ACT, regional NSW, far south coast - day visitors from Wollongong, Shellharbour, Shoalhaven, Eurobodalla.

The key target are families and people interested in historical themed events such as Viking and Danish history.

The Viking Festival is an annual winter event designed to increase visitation during the winter months to support our large number of accommodation operators and hospitality venues such as clubs and cafes.

It is critical for the local accommodation sector that the festival stays on the June long weekend to gain 3 nights of accommodation and the festival timing also provides 2 additional days to enjoy the Sussex Inlet area as well as the surrounding areas of Milton, Huskisson, and Jervis Bay. The Viking Festival has been planned as an annual event on the June long weekend as historically winter accommodation visitation is only about 45-50%. The Viking Festival increased this in 2021 to over 90% of Sussex Inlet accommodation being filled.

As part of the 2022 festival the Committee are planning additional cultural tourism opportunities in partnership with the Indigenous Wreck Bay community both on the festival main day and also promotion of tours to Booderee National Park.

I seek support from all Councillors to support the Viking Festival Committee request for funding in the initial 3 years to ensure growth and longevity of this wonderful historical cultural event in the Shoalhaven

CL21.209 Notice of Motion - Management of Roads within the Shoalhaven Area

HPERM Ref: D21/447802

Submitted by: Cllr Nina Digiglio

Purpose / Summary

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

Recommendation

That Council

1. Receives a report outlining how staff manage and monitor the upkeep of roads across the region by answering the questions provided by the community below:
 - a. What comprehensive data has the council already collected about the challenges on the 1000km+ of (1366km of sealed roads in the Shoalhaven) Shoalhaven roads that they can immediately make publicly available to Shoalhaven residents via the SCC Website?
 - b. How does council specify the strength, durability, water resistance of pavement material purchased for the creation and repair of Shoalhaven roads, including grading and knowing the likely rate of traffic density?
 - c. What testing takes place by SCC to ensure the pavement material supplied by the supplier/quarry meets a particular NSW State Standard to ensure the subsequent road stands up to the heavy traffic and does not lose integrity and fail? Especially noting the high rate of truck movements in certain areas within the Shoalhaven region.
 - d. Are there different qualities of road base blends (based on; sandstone, shale or Wandrawandian siltstone, blended with Slag or Fly Ash, crushed concrete/brick or Clay to gain rigidity and water resistance) and where does Council source it? Is it normal for road base to be a blend of materials or additives to mined material to increase its quality and longevity? Do some road base materials absorb more water than others and so become unstable and deteriorate more quickly when the bitumen coating is compromised, or damaged by heavy truck movements? If so where does that material come from and what is that material being used?
 - e. Are roads graded per their classification and as such vary in the quality of their composition? (Freeway/Highway/Main Roads/Local Roads? Sealed/Unsealed etc). What is the expected lifecycle of the different grades of road?
 - f. What is the Council's coordinated strategic vision and plan of action to deliver first class roads and their upgrades, repair and general maintenance of aging infrastructure over the next 5 years and beyond?
 - g. What percentage, if any of the road construction work is done under contract by private companies? As a best practice do Council engineers routinely oversee and check the quality of materials and construction during any road process, whether private or SCC by i.e., Audit and Certify the end product as being "fit for use and purpose" and desired composition for longevity?

CL21.209

- h. An updated and inclusive report in relation to the direct and indirect impact pertaining to the historic dealings of Comberton & Tomerong quarries. The report should address the health, social, financial and environmental impacts on community and any onflow effect on the state of our Shoalhaven roads.
2. Communicates this to the community clearly and comprehensively as a matter of the public interest on this very core function.

Background

One of the most common things asked of Councillors is to explain the poor condition of Shoalhaven roads. The reasons are likely to be both budgetary and historic. However, a better understanding could be found by way of a report from the CEO answering the questions listed above.

Note by the CEO

Given the detailed nature of the questions, a report will be provided as soon as possible.

CL21.210 Notice of Motion - Ratepayer Tip Vouchers

HPERM Ref: D21/447969

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council allow the use by holders of any unused 2019/20 of 2020/2021 free tipping vouchers in the financial year 2021/2022 year.

Background

Because of Covid-19 restriction, the closure of Transfer Stations, and the inability of some property owners to access their properties it would be reasonable to allow the use of old free tipping vouchers still held by recipients – noting that Council will not be reissuing unused 2019/20 vouchers.

CL21.210

CL21.211 Question on Notice - Tomerong Quarry

HPERM Ref: D21/427325

Submitted by: Cllr John Levett
Cllr Nina Digiglio

Question

Response to Questions on Notice 11 May 2021

The Director – City Services supplied written advice to Councillors Nina Digiglio and John Levett dated 17 June 2021 (the response) in regard to our previous questions on notice submitted on 11th May 2021 that were deemed to be inadmissible by the CEO under the Code of Meeting Practice.

We have tendered some revised and hopefully acceptable questions based on the response and the DA90/1912 itself.

Question 1:

The response stated *“Council has confirmed the development approval DA90/1912 (DS02/1087, DS03/1325 & DS06/1039) “...has not and cannot expire. It continues to exist and is capable of being modified into the future”.*

- (a) What is the basis of the answer in the response that the approval of DA 90/1912; *“has not and cannot expire”*, that is, what is the statutory or legal basis of this continuation and is it based on a particular condition or clause in the DA?
- (b) Is this continuation or non-expiry standard for DA's approved by Council or is it peculiar to this DA?
- (c) Given that the actual quarrying activities as part of the DA have expired, what specific sections of the DA are not subject to expiry?
- (d) Is it the contention of the Council that the DA remains in effect in perpetuity?
- (e) Under what circumstances can the DA be revoked or terminated?
- (f) If the DA remains in effect in perpetuity, what is the timeframe Council is using to enforce the rehabilitation requirements at the site?

The response advised *“As at 10/06/2021 Council officers are still in discussions with In-Ja-Ghoondji Lands Inc regarding an application to modify the consent and a further application is expected.”*

Question 2:

- (a) Council in April 2018 stated they were undertaking surveys to ascertain the extent and depth of the quarry in relation to the submitted approved plans. Has that survey been completed, and can Council advise Councillors the siting/status of the excavated area against the plans.?
- (a) If the quarry is shown to be extensively mined out and hence not “significantly the same” as the approved area under the existing DA will a new application be required to be a full new DA and not a s4.55 modification

The response advises in his response regarding penalties for breaches that *“In an email to all Councillors dated 10/10/2017, Council advised that 19 penalty notices to the value of \$114,000 were sent to the Quarry Operators on 09/10/2017 (D17/332411). In general terms, the penalties are as follows”:*

CL21.211

- i. Exceed monthly tonnage (EP&A breach - 6 penalties @ \$6K each = \$36K)
- ii. **Import waste (EP&A breach - 4 penalties @ \$6K each = \$24K)**
- iii. Early starts (EP&A breach - 1 penalty @ \$6K = \$6K).
- iv. **Unlawful transport and deposit of waste (PoEO breach – 4 penalties @ \$4K each = \$16K)**
- v. **Use place as waste facility (PoEO breach – 4 penalties @ \$8K each = \$32K)**

Question 3:

With specific regards to items ii,iv,and v above in bold, can Council advise:

- (a) Did Council ever deposit broken concrete, kerbing etc at Quarry?
- (b) Did Council ever deposit material suitable for overburden/rehabilitation at Quarry?
- (c) Did Council ever purchase/ remove overburden from Quarry?

In regard to the issue of material being imported into the quarry as residents have reported numerous times to Council since 2011, the response “*The importation, blending and exporting of fly ash (Qenos ash) were the subject of investigation and resulted in the issuing of penalty notices.*”

Question 4.

- (a) Did Council ever use this particular product or any other “blended” product in their roadworks?
- (b) Did Council as part of their Tender process request/invite, condone the use of blended products from Shoalhaven Quarries (Tomerong Quarry) in their roadworks?

In response to who is responsible for rehabilitation the response reported:

- a) *At this time the In-Ja-Ghoondji will be required to rehabilitate the site. Council has issued orders under the EP&A Act requiring In-Ja-Ghoondji Lands Inc to submit the details. While plans have been submitted, they have not been of a standard Council could accept and In-Ja-Ghoondji Lands Inc are required to prepare and resubmit plans.*
- b) *In the event the In-Ja-Ghoondji default on the order Council has a number of options available to obtain compliance with the order. These include*
 - i. *Class 4 action in the Land and Environment Court seeking a Court order for the works to be completed: or*
 - ii. *Enter upon the land, complete the works and seek a Court order for payment.*

As at 10/06/2021 Council officers are still in discussions with In-Ja-Ghoondji Lands Inc regarding an application to modify the consent and a further application is expected.

Question 5

How can Council issue orders to prepare a rehabilitation plan whilst in discussions with the landowners to modify the consent and submit a further application... these statements appear to be conflicting; can Council please clarify?

Condition 6 (c) “Overburden to be used to revegetate the quarry walls”

As the DA is acted over the land, the landowner is ultimately responsible for the outcome of the rehabilitation and this overburden set aside for rehabilitation was, by its own admission, sold by the Quarry Operator and advertised on its webpage. Such sale is also evidenced by Google photographs of stockpiles diminishing. Letters from Council advising the operator to desist from selling this material as well as numerous letters of concern from Community groups and residents are on file advising of potential risks to landowners and ratepayers. When asked if Council had consulted with landowner over this the response stated, “*The*

CL21.211

landowners were not included in the discussion for over-burden because this requirement rested with the person in charge of the consent (i.e., the Quarry Operator)."

Question 6.

- (a) Can Council please advise what action it took with the Quarry Operator (before the DA was handed back to InjaGhoondji Lands Inc) over this sale and removal, since 2010 or earlier of material set aside as per consent conditions?
- (b) Does this removal of overburden have financial implications for the landowner or ratepayers?
- (c) Why did Council in the \$114,000 suite of fines not include any fine for the sale of overburden from the site?

Bank Guarantee (refer to 1st Page Condition 13)

"to ensure that long- term site rehabilitation is carried out, the applicant shall enter into an irrevocable Bank Guarantee for the amount of \$30,000 together with a landscape and rehabilitation completion and maintenance deed of agreement. Such documents shall be completed and submitted with the building application."

Question 7.

Can Council please confirm the existence and registration of the above-mentioned Irrevocable Bank Guarantee and Deed of Arrangement and that it is held by Council.?

Model Litigant Penalties

The response addressed this issue in various parts as listed.

- Manager- Certification & Compliance and Director – City Development *had initial discussions concerning the likelihood of success in the Local Court given that no prior regulatory action or formal warnings had been given to the operators."*
- *"Mayor Amanda Findley was briefed, however was not part of any decision-making process."*
- **No specific legal advice was obtained.** *The matter was considered under delegation and was driven by the Manager- Certification & Compliance following discussions with the Director – City Development. Both... have appropriate knowledge, skills and experienced in these matters.*

Comment: Community members were told in Council, by a person involved in the investigation, that the maximum amount of penalties incurred were in the vicinity of \$2 - \$3 Million dollars and were issued under the above model litigant approach at \$114,000. Council through the Director – City Development stated that Council must always take this Model Litigant approach.

Question 8

- (a) Did Council take into account the existence of the following documents before their investigation concluded that no formal warnings had been issued to the operators of the quarry;
 - i. Letter from S. McDiarmid advising of legal prosecution for breach of daily haulage
 - ii. Matrix of complaints to SCC legal dept from S. McDiarmid seeking advice on prosecution
 - iii. Advice from SCC legal dept stating Matrix is very good and acceptable to institute Court Orders
 - iv. Letter from S. McDiarmid re illegal dam and potential removal of a state and federal endangered species
 - v. Court 15 Orders issued for repeatedly breaching daily exportation rates (condition 14 (h))

- vi. Court 15 Orders issued for failing to construct new creek crossing despite it being a consent condition for 3 sec 96 modifications effectively giving the quarry a 17 year operational extension.
- (b) Does Council consider the issues above formal warnings?
- (c) Given the high profile of this issue, why wasn't the Investigation Report of the Manager- Certification & Compliance brought to a confidential meeting of Councillors with a recommendation for consideration?
- (d) Legal advice was recently sought regarding the expiration of the DA. Why was no specific legal advice obtained in regard to the penalties/investigation?
- (e) Can Council please confirm that a similar model litigant approach was employed in the Court Action between SCC & SCCCR and that appropriate formal warnings were issued to SCCCR?

Asbestos

The Asbestos buried outside the quarry extraction area is on part of the land leased by Shoalhaven Quarries. A s9.22 report under the EPA Act of 1979 No 203 on the asbestos was presented to Council in which it was reported that the Operations Manager of the parent company of the Quarry operators was responsible for the commercial quantities of asbestos being buried around the adjoining area outside the quarry excavation. Asbestos was found in 5 of the 6 test holes.

The response states: *"The asbestos dumping sites were not associated with the quarrying activities and are being dealt with separately with the landowners. Council has issued orders in relation to this issue, and it remains an on-going compliance matter"*.

Question 9.

- (a) Can Council confirm they investigated the 9.22 report fully and instigated 119J duty to declare information on the alleged offender or company?
Under the Act Council has 18 months to investigate and commence prosecution after a complaint is lodged.
- (b) If not, what action did Council take to fully investigate the matter and protect the landowner from possible repatriation costs?

Background History.

DA 90/1912 was approved in 1990 by Shoalhaven City Council, and the "consent or approved use" was for the quarrying and processing of shale as illustrated on the plans submitted with development application number 90/1912, referred to as the submitted plans.

There were nineteen conditions, including sub conditions included in the approval and some are mentioned below as written.

Condition 6. (c) Overburden to be used to revegetate quarry walls;

Condition 6. (d) Revegetation and rehabilitation to keep pace with quarrying operations;

Condition 8. The applicant shall apply to the SPCC for a licence under the SPCC Act, with regard to the Clean Air ACT 1961.

Condition 9. (b) All stockpiled soil and overburden shall be suitably shaped and revegetated;

Condition 9. (c) The crushing plant shall be fitted with a water spray system which shall be activated so as to prevent excessive dust build- up;

CL21.211

Bank Guarantee

Condition 13.

*To ensure that the landscaping and initial rehabilitation is both carried out and maintained for at least twelve (12) months following the endorsement date of the consent, **and to ensure that long- term site rehabilitation is carried out**, the applicant shall enter into an irrevocable Bank Guarantee for the amount of \$30,000 together with a landscape and rehabilitation completion and maintenance deed of agreement.*

Such documents shall be completed and submitted with the building application.

Parking and Standing Areas

Condition 15

The applicant shall provide an all-weather, dust- free carparking area on the site, capable of accommodating at least ten (10) vehicles.

Such carparking facilities shall be constructed and drained to the satisfaction of the City Engineer.

Condition 16

All machinery standing/parking areas shall be constructed to a all-weather dust-free standard and drained to the satisfaction of the City Engineer.

Advice to Applicants

- (b) A building application, which is a requirement under Part X1 of the Local Government Act, 1919 as amended, together with plans and specifications, in accordance with Ordinance 70 must be submitted to and approved by Council prior to works proceeding.*

Comments and known facts from above.

1. Council was and is the Consent Authority in charge of enforcing DA90/1912 consent approved use conditions, some as listed above.
2. The DA90/1912 consent did not allow for the importation of any material whatsoever.
3. The DA90/1912 consent did not allow for exportation of material other than the quarried shale.
4. The DA90/1912 consent did not allow for the blending of materials in any form.
5. Previous and current executive staff have rightly stated that the DA is acted over the land, hence the landowner is the major stakeholder in this as it was when Peter Cowman submitted the application on behalf of John M Herbert the owner of the property at the time.

Response

A report will be provided with responses to the questions.

CL21.212 Report of the Development & Environment Committee - 5 October 2021

HPERM Ref: D21/433402

DE21.105 Notice of Motion - Ulladulla Milton Lions Club - Local Farmers Producers Markets

HPERM Ref:
D21/414855

Recommendation

That Council provide a donation of \$2,200 from the unallocated donations budget to the Ulladulla Milton Lions Club for the Local Farmers Producers Markets to be held at Burrill Lake.

DE21.106 Notice of Motion - Village Green St. Georges Basin

HPERM Ref:
D21/415518

Recommendation

That Council:

1. Resolve to reclassify 132 Island Point Road, St Georges Basin (Lot 10 DP1143842) from operational to community land, following the registration of a sewer easement to Shoalhaven Water on the northern boundary.
2. Undertake house-keeping amendments to the DCP/LEP as required to remove the future proposed car-parking and other services and adjust the zoning if necessary, at an appropriate time determined by Council staff.
3. Notify Basin Villages Forum of the changes.

DE21.110 Proposed Agreement - Delivery of New Key Urban Release Areas Roundabout, Moss Vale Road, Cambewarra

HPERM Ref:
D21/401521

Recommendation

That Council:

1. Provide 'in-principle' support to finalise and enter into an agreement with the owner/developer of stage 1 of Moss Vale Road South Urban Release Area to fund the construction of the new release areas roundabout on Moss Vale Road using the HAF grant funding, consistent with the following key terms:
 - a. The agreement is subject to Council receiving access to the remaining \$2M HAF funding (plus possible contingency) allocated to construction.
 - b. Council will reimburse the developer's costs of constructing the roundabout up to a maximum of \$2M (plus possible contingency).
 - c. If Council does not receive access to the remaining HAF funding (plus possible contingency), the agreement will be terminated and Council will consider other options to assist with the developers costs of constructing the roundabout.

If further negotiations result in substantial changes to the proposed agreement, Council will receive a further report prior to proceeding.

CL21.212

2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into an agreement consistent with the key terms at 1(a) - (c).
3. Notify the Owner/Developer of this resolution.

**DE21.119 Proposed Road Closure - Lot 4 DP 872852
(Vincentia) St Georges Basin Country Club and
Response to Questions on Notice**

**HPERM Ref:
D21/354817**

Recommendation

That Council:

1. Resolve to close the road reserves that adjoin Lot 4 DP 872852 Vincentia and sell to the owner of Lot 4 being the St Georges Basin Country Club with compensation for the sale of the land payable based on Independent Valuation advice.
2. Impose the conditions on the proposed closed road requested by Council's Environmental Services Department as shown below:
 - a. The 88B Instrument must contain a provision that it cannot be varied, modified, or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.
 - b. The covenant must stipulate that:
 - All native vegetation must be retained unless subject to a formal development application approval under the NSW EP&A Act 1995.
 - All retained native vegetation must be declared off limits to course users pertaining to Development Application DA 01/1213 and the Environmental Management Plan.
 - c. Upon endorsement by Council the covenant must be registered with LRS or the appropriate land registration body at the time of registration.
3. Require the portion comprised in the road closure be consolidated into one lot with the parent Lot being Lot 4 DP 872852.
4. Require all costs associated with the road closure, registration of documents and sale to be borne by St Georges Basin Country Club.
5. Authorise the Chief Executive Officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CL21.212

CL21.213 Report of the Strategy & Assets Committee - 12 October 2021

HPERM Ref: D21/444793

SA21.199 Notice of Motion - Addition to Original Notice Of Motion, Safety Upgrades - Culburra Beach Public School

**HPERM Ref:
D21/426956**

Recommendation

That in addition to the original Notice of Motion carried by Council the following be added:

1. Council cover the full cost of the kerb and guttering required to ensure pedestrian access and safety, noting that as it is a Council initiative, the circumstances warrant this to be dealt with as a variation by the Council to the *Kerb and Guttering - Charges Applicable policy POL16/148*.
2. Due to parking constraints and storm water runoff issues, continue the kerb and guttering on the Southern side of Fairlands Street to the corner of Cross Street and Fairlands Street.
3. Council seek further clarification on the letter that was sent to the Minister regarding reimbursement.

SA21.204 Progress Report - Council Resolution - Housing Crisis

**HPERM Ref:
D21/405196**

Recommendation

That Council:

1. Note the updates on housing affordability and homelessness actions arising from MIN21.302.
2. Subject to finalisation of an Agreement with SALT Ministries (including detail on siting locations), donate, under the provisions of section 356 of the *Local Government Act 1993*, two cabins and remaining furniture and fittings annually to SALT Ministries for emergency accommodation (valued at ~\$10,000 this year), with a review conducted into the scheme after 5 years.
3. Continue to investigate how Council can support people experiencing (or at risk of) homelessness in Shoalhaven through the reconvened Homelessness Taskforce.
4. Continue to take steps to implement actions from the *Shoalhaven Affordable Housing Strategy* and advocate for Federal and State Government support to positively influence housing affordability and availability locally.

CL21.213

**SA21.207 Proposed Boundary Adjustment and Sale - Lot 2 DP
826924 Church Street Tomerong**

**HPERM Ref:
D21/306920**

Recommendation

That:

1. Council approve the boundary adjustment and sale of approximately 76 square metres to the adjoining landowners of Lot 1 DP 826924 Church Street, Tomerong.
2. Monies from the sale be placed in the Property Reserve.
3. Council authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the Chief Executive Officer be authorised to sign any documents necessary to give effect to this resolution.

**SA21.208 Proposed Road Closure - Cullen Crescent Kangaroo
Valley**

**HPERM Ref:
D21/393386**

Recommendation

That Council:

1. Close approximately 924 square metres of the unformed road reserve at the northern end of Cullen Crescent Kangaroo Valley (as shown in red in Figure 1 below) by a notice published in the Government Gazette.
2. Authorise the Chief Executive Officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA21.212 Grant of Electricity Easement in favour of
Endeavour Energy - Worrige Street Carpark**

**HPERM Ref:
D21/412888**

Recommendation

That Council:

1. Grant an Electricity Easement in favour of Endeavour Energy for a Pad Mount Substation 5.5 metres by 2.75 metres over Council land - Lots 4 and 5 DP 537780, Lot 3 DP 530250, Lots 12 and 13 DP 738683, Lot 1 DP 738686, Lot 1 DP 738675, and Lots 1 and 2 DP 738687 known as Worrige Street Carpark.
2. Authorise the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA21.220 Management of Dingle Hughes Bequest Collection
and Proposal to Establish a Multi Art Storage
Facility**

**HPERM Ref:
D21/407914**

Recommendation

That:

1. The Management of Dingle Hughes Bequest Collection report be received for information.
2. Funding for the necessary curatorial work of \$25,000 be allocated through a quarterly budget review to allow a member of the Arts and Culture team to be taken off-line and

CL21.213

focus on documenting, digitising and knowledge building associated with the Dingle Hughes Bequest collection and archive.

3. Funding of \$50,000 be re-purposed to enable investigations and a business case proposal to be developed on the proposed multi-art storage facility.
4. Funding of \$7,500 be provided to enable a member of the Arts and Culture team to be taken off-line to assess the Dingle Hughes Bequest collection and provide advice to the Shoalhaven Arts Board Acquisitions Sub-Committee on potential items to acquire *should* the application to the Alan Sisley Memorial Fellowship be unsuccessful.
5. A future Councillor Briefing and report to Council be received at the conclusion of the investigations and upon receipt of the proposal.

**SA21.223 Classification of Council Land - Lot 1075 DP1247845
at Birkdale Circuit Sussex Inlet**

**HPERM Ref:
D21/404694**

Recommendation

That Council classify the land described as Lot 1075 DP1247845 at Birkdale Circuit, Sussex Inlet as Operational Land under the Local Government Act 1993.

**SA21.225 Acquisition of Easement - Sewer Purposes - Lot 502
DP 1221372- C130 Princes Highway Meroo Meadow**

**HPERM Ref:
D21/387946**

Recommendation

That Council:

1. Acquire an Easement for Sewerage Purposes 5 metres wide over part of Lot 502 DP 1221372, C130 Princes Highway, Meroo Meadow.
2. Pay compensation of \$11,500 plus GST (if applicable) and reasonable legal costs associated with the acquisition to the Registered Proprietor of Lot 502 DP 1221372, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from Shoalhaven Water's Sewer Fund.
3. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer be authorised to sign any documents necessary to give effect to this resolution.

**SA21.226 Acquisition of Easement for Sewer Pipeline at
Terara - Burruga Island Pty Ltd - REMS Transfer
Main**

**HPERM Ref:
D21/412793**

Recommendation

That Council:

1. Acquire an Easement for Sewer Pipeline 4 metres wide and limited in height affecting Lot 1 DP1184790 at Terara, as shown marked 'S' and highlighted pink on DP1270293.
2. Pay \$nil compensation in accordance with the special provisions of Section 62 of the Land Acquisition (Just Terms Compensation) Act 1991 for sub-surface acquisitions.
3. Pay reasonable legal costs associated with the acquisition from Council's Sewer Fund.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CL21.213

SA21.227 Acquisition of Sewer Easement - 30 Hollywood Avenue Ulladulla**HPERM Ref:
D21/418256****Recommendation**

That Council rescind MIN21.32 and:

1. Acquire an Easement for Sewer Main 2.4 metres wide over part of Lot 52 DP 26132, 30 Hollywood Avenue, Ulladulla marked 'S' on the survey plan at Attachment 2.
2. Pay compensation of \$31,500, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CL21.213

CL21.214 Report of the Inclusion & Access Advisory Group - 11 October 2021

HPERM Ref: D21/446472

IA21.13 Accessible viewing platform construction; Surfers Avenue Narrawallee

HPERM Ref:
D20/39138

Recommendation

That the Inclusion & Access Advisory Group:

1. Receive the report on Notice of Motion - construction of the viewing platform path and parking for information.
2. Endorse the design specifications of the viewing platform path and parking. Option A.
3. Request that Council proceed to confirm construction costs and allow a budget bid to be submitted for “2” above.
4. Request that Council investigate alternatives for accessible parking in this area.

CL21.214

CL21.215 Report of the Shoalhaven Traffic Committee - 12 October 2021

HPERM Ref: D21/449421

Attachments: 1. TC21.53 [↓](#)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

- 1. Adopt the Traffic Committee recommendation;*
- 2. Not Adopt the Traffic Committee recommendation; or*
- 3. Request the Traffic Committee reconsider the issue.*

Other issues can be raised as Additional Business at the Ordinary Meeting.

The full guide to the delegation to Councils for the regulation of traffic can be viewed at: [RMS Website](#)

TC21.53 Pedestrian Facility Improvements - Queen Street, Berry (PN 3672)

**HPERM Ref:
D21/420552**

RECOMMENDATION

That the:

1. Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed Pedestrian Facility Improvements at Queen Street, Berry as per Plan No D21/420628 (Option 2); subject to the following:
 - a. W8-2 signage be reduced from 25km/h to 20km/h;
 - b. Provide W5-10 & W8-3(R) on the intersection with Prince Alfred Street heading north bound;
 - c. Provide W5-10 & W8-3(R) on the intersection with Edward Street heading north bound and W5-10 & W8-3(L) heading south bound;
 - d. Rectify line marking to the refuge island immediately east of the intersection of Queen Street and Edward Street by the addition of chevron line marking to assist with adequate delineation between LATM devices;
 - e. Council does not proceed with the proposed second “at grade” crossing in front of 81 Queen Street at this point in time and undertakes regular demand analysis to assess the need for the second crossing for future installation;
 - f. W3-4 advanced warning signage be provided on the approach to the eastern threshold heading west bound;
 - g. Speed Zone Reduction variation to the original proposal being approved by Transport for NSW – noting that TfNSW would like to see a firm commitment to install both pedestrian crossings.

CL21.215

2. Traffic Committee note that the funding required to implement this project is subject to the proposed variations to the original agreement being approved by Transport for NSW's Funding Assessment Committee.

SHOALHAVEN CITY COUNCIL

PREPARED BY ASSETS & WORKS

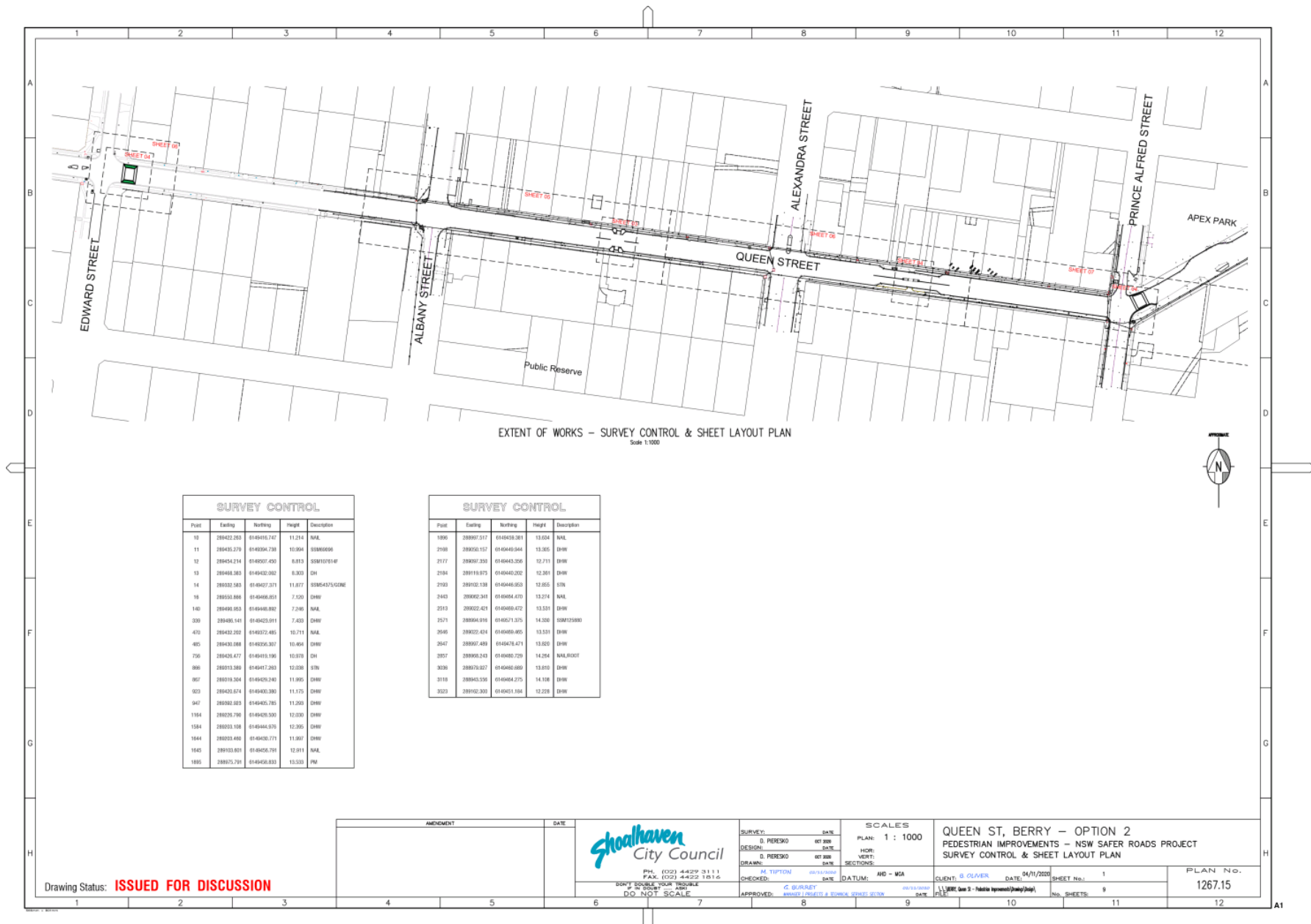


DRAWING No.	DESCRIPTION OF SHEET
1267.15	SURVEY CONTROL & SHEET LAYOUT PLAN
1267.16	NOTES
1267.17	THRESHOLD SETOUT & CONSTRUCTION DETAILS PLAN
1267.18	THRESHOLD AND KERB EXTENSION LAYOUT PLAN
1267.19	LONGITUDINAL SECTIONS
1267.20	SIGNAGE AND LINEMARKING PLAN
1267.21	SIGNAGE AND LINEMARKING PLAN
1267.22	SIGNAGE AND LINEMARKING PLAN

OPTION 2 PEDESTRIAN IMPROVEMENTS NSW SAFER ROADS PROJECT QUEEN STREET, BERRY

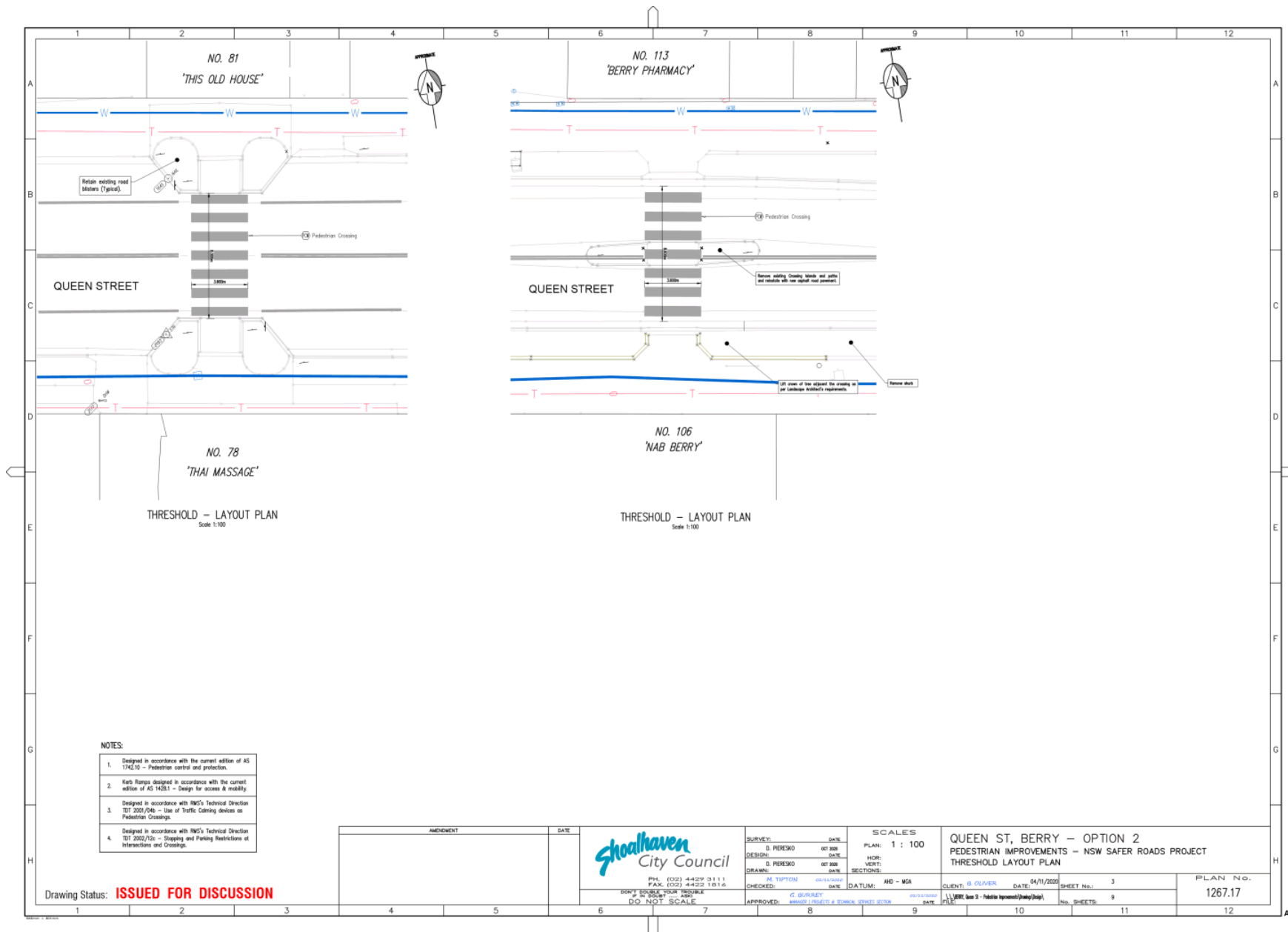
Shoalhaven Traffic Committee: 12 October 2021
D21/420628

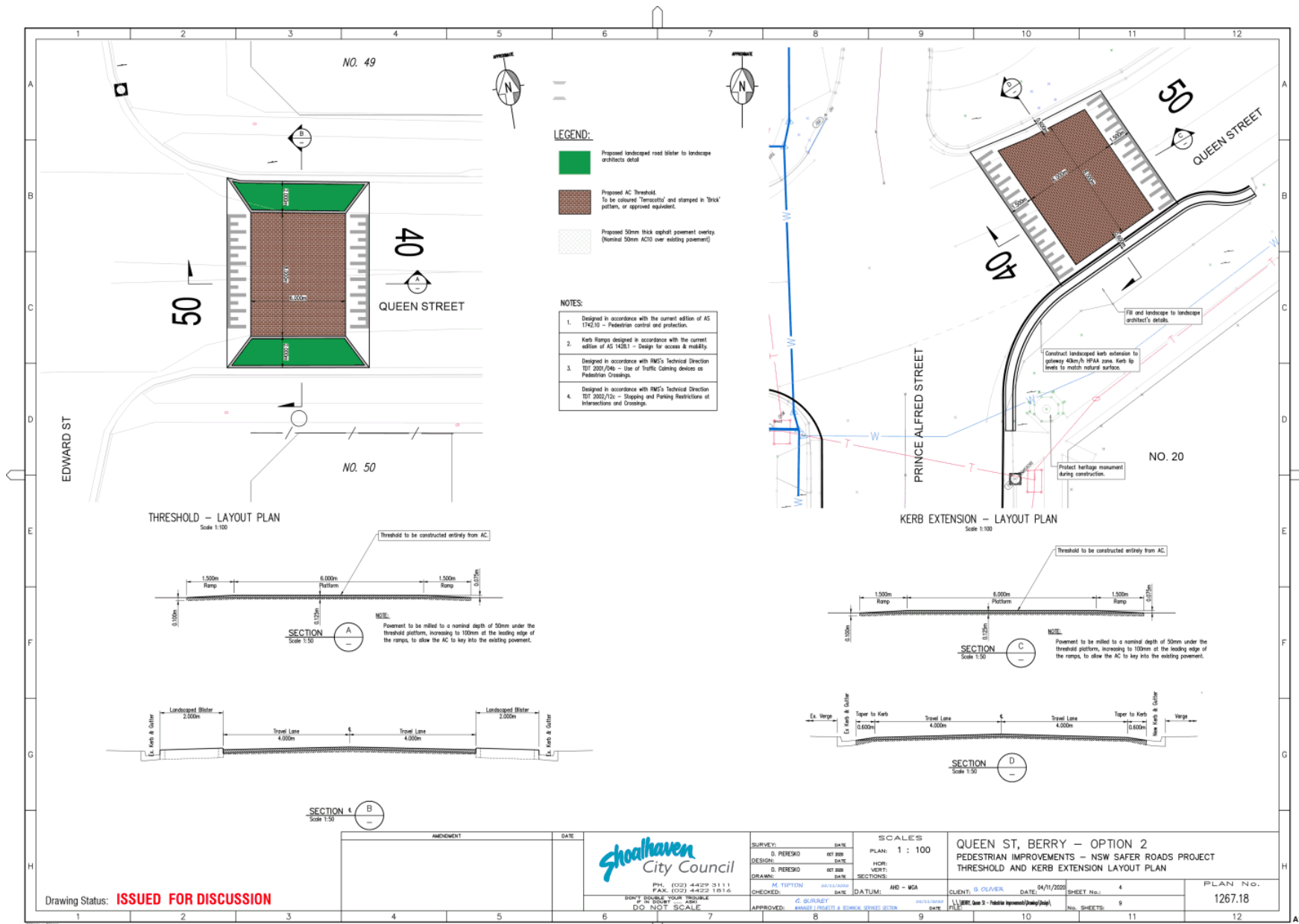
AMENDMENT	DATE	CHECKED BY	CLIENT ACCEPTANCE	APPROVED	PLAN No. 1267	SHEET No. - No. SHEETS: 8
		Mitchell Tipton UNIT MANAGER ENGINEERING DESIGN SERVICES BERRY, NSW 02/11/2020	Blair Oliver TRANSPORT ENGINEER BLAIR OLIVER 04/11/2020	SIGNED: Geoff Barrett MANAGER PROJECTS & TECHNICAL SERVICES SECTION GEOFF BARRETT 02/11/2020		




1	2	3	4	5	6	7	8	9	10	11	12
<p>GENERAL NOTES</p> <ol style="list-style-type: none"> All work is to be carried out in accordance with Council's Development Construction Specification and Supplement to DCP No. 100. All works are to be conducted to the requirements of the superintendent. Surfaces that lie outside the general limits of works, which are disturbed, are to be restored at least to their pre-construction condition by the contractor. Unless otherwise noted, all levels shown are finished surface levels, where applicable the contractor shall allow for the thickness of the wheel specified finish. The contractor shall provide all labour, materials and equipment necessary for the accurate setting out of the entire works and shall ensure that all surfaces are constructed to the correct levels. All material, to be approved by Council's superintendent prior to construction. The contractor shall not give less notice than that noted in the construction specification when requesting an inspection. The contractor shall arrange for the work to be inspected by the superintendent, or their representative. <ul style="list-style-type: none"> following site establishment – prior to commencement of any works; following bedding for pavement; prior to pavement sealing / asphaltting; after final restoration prior to practical completion. The superintendent will provide approval under Section 138 of the Roads Act 1993 prior to commencing construction within all road reserves. Traffic control plans are to be submitted to the superintendent prior to construction work commencing. Traffic control measures shall be provided in accordance with AS 1742.3 & SCC requirements. The contractor is responsible for arranging for inspections by Council's authorised representative at the timing and following the procedure outlined in Council's letter of approval. The contractor shall ensure that the residents adjacent to the construction zone are not affected by dust or undue noise during construction and are not deprived of off-weather access nor are subjected to additional stormwater runoff at all times during construction. The contractor shall not disturb any survey control marks. Should any survey control mark be disturbed or obliterated, the contractor shall notify the superintendent immediately. The contractor shall have the marks replaced at their own expense. Refer any design discrepancies to the Design Engineer for clarification. Pedestrians must be protected from hazards at all times. Direct pedestrians & road users away from unsafe construction using approved safety management plan. <p>UNDERGROUND UTILITY SERVICES</p> <ol style="list-style-type: none"> Not all utility services are shown. Underground utilities have not been physically located & approximate locations only are provided. It is the contractor's responsibility to: <ul style="list-style-type: none"> Identify the location of existing subsurface infrastructure by contacting asset owners including using GUL, SECTE, TUL, etc. Physically locate all subsurface utility services that are likely to conflict with the proposed works. Ensure all utility services are protected from damage during the construction period. Obtain & comply with all utility service authorities' requirements, particularly in regards to working near their assets. Adjust service locations as required. Repair any damage to services or Council infrastructure. <p>EROSION AND SEDIMENT CONTROL PLAN</p> <ol style="list-style-type: none"> Erosion & sediment control measures shall comply with the 4th edition of Managing Urban Stormwater: Soil and Construction (London, March 2004). All trees must be protected from damage unless shown to be removed. All disturbed areas shall be revegetated immediately using kikuyu turf following formation. For the duration of the construction period all sediment devices shall be maintained and retained in a fully functional condition. Install sediment fences (SD 4-6) downstream of disturbed areas and stockpiles. <p>SURVEY NOTES</p> <ol style="list-style-type: none"> Boundaries and improvements have been located with approximate accuracy for the purpose of this survey. Relationships of improvements to boundaries for financial or any other purposes should be confirmed by further survey by a registered surveyor. The location of underground services between locating marks shown on this plan is indicative only. It is your responsibility to locate underground services by careful hand post-holing prior to any excavation and exercise due care during that excavation. <p>CONCRETE</p> <ol style="list-style-type: none"> MATERIALS Construction materials and workmanship for concrete works shall be in accordance with the specification and AS 3600. JOINTING IN CONCRETE STRUCTURES Location of all expansion and contraction joints shall be as shown on the drawings. Location of such joints shall not be changed without approval of the principal. If adequate construction joints are not shown in the drawings the contractor shall submit proposed locations of required construction joints for approval before construction. CORNERS Except as otherwise required, exposed concrete corners and edges shall have 20mm chamfers. <p>REINFORCEMENT</p> <ol style="list-style-type: none"> All reinforcement shall be in accordance with AS/NZS 4671. All reinforcement shall be firmly supported on mild steel plastic tipped, plastic or concrete bar chairs of not greater than 100mm centres. Plastic tipped bar chairs shall not be used on exposed faces in exposed classification III & B2 of AS 3600. Bars shall be tied at alternate intersections. Splices in reinforcement shall be made only in the positions shown. Where lap is not shown the builder shall confirm the lap length with the Design Engineer. All reinforcement shall be inspected by the Design Engineer prior to placement of concrete. <p>FOOTPATHS</p> <ol style="list-style-type: none"> Footpaths to be 100mm thick unreinforced M20 concrete, unless stated otherwise. Footpaths shall drain towards the kerb & gutter where possible, crossfall shall not be less than 2.5% and no greater than 5.0%. All concrete surfaces not coloured and/or stamped shall be broom finished. Expansion joints to be located where possible at tangent points of curves and diameters at a maximum of 12.0m centres. Expansion joints also to be located at both sides of any driveway. Articulated joints shall be used adjacent to any retained street trees. Articulated joints, "triplets" or approved equivalent, to be placed at centres to match the width of the path (i.e. 1.200m centres for a 1.200m wide path). Joints to extend one full panel past the drip-line of any mature tree, or a minimum of five (5) joints to be installed, whichever is greater. Refer to www.spa.gov.au for suppliers and installation requirements. <p>THRESHOLDS</p> <ol style="list-style-type: none"> Thresholds to match longitudinal and transverse grades of adjoining road geometry. Contractor to remove and mill existing asphaltic concrete (AC) or sealed surface to precise location. All ground base material areas under the new raised threshold to be re-compacted to 100% MGS, particular attention should be paid to the edges of the ramps. Ramps and raised platforms to be a minimum 100mm thick AC. Only those surfaces identified shall be coloured and/or stamped. <p>UNEMARKING & SIGNAGE NOTES</p> <ol style="list-style-type: none"> All unmarking and signage to be in accordance with Shoalhaven City Council requirements, RMS guidelines & AS 1742 – Manual of uniform traffic control devices. All warning signage to be "T" size and Class 1 retroreflective. All warning signage associated with pedestrian facilities to be Class 1 fluorescent yellow/green in colour as per RMS Technical Direction T01/2007/01 – Use of Fluorescent Material for Road Signs. This is to include all refuge and pedestrian warning signage. All other signage (including regulatory) to be in accordance with AS 1742.2. Retroreflective raised pavement markers (RRPMs) shall be installed on all line markings, including centre lines, edge lines, continuity lines, zone lines, transition lines, central medians and painted islands in accordance with the standards for RRPMs as detailed in AS 1742.2 (Sec. 5.6) and RMS guidelines. <p>STREET LIGHTING</p> <ol style="list-style-type: none"> Street lighting to be provided in accordance with Council's requirements and AS/NZS 1516 – Lighting for roads and public spaces. 											
<p>AMENDMENT DATE</p> <p>SHOALHAVEN CITY COUNCIL PH: (02) 4429 3111 FAX: (02) 4422 1816 DON'T DOUBLE YOUR INSURANCE DO NOT SCALE</p> <p>SURVEY: DATE: DESIGN: DATE: DRAWN: DATE:</p> <p>SCALES PLAN: N.T.S HORI: VERT: SECTIONS:</p> <p>CLIENT: DATE: 04/11/2020 PROJECT: DATE: 2020/10/09 APPROVED: DATE: 2020/10/09</p> <p>QUEEN ST, BERRY – OPTION 2 PEDESTRIAN IMPROVEMENTS – NSW SAFER ROADS PROJECT NOTES</p> <p>PLAN No. 1267.16</p> <p>SHEET No.: 2 No. SHEETS: 9</p>											
1	2	3	4	5	6	7	8	9	10	11	12

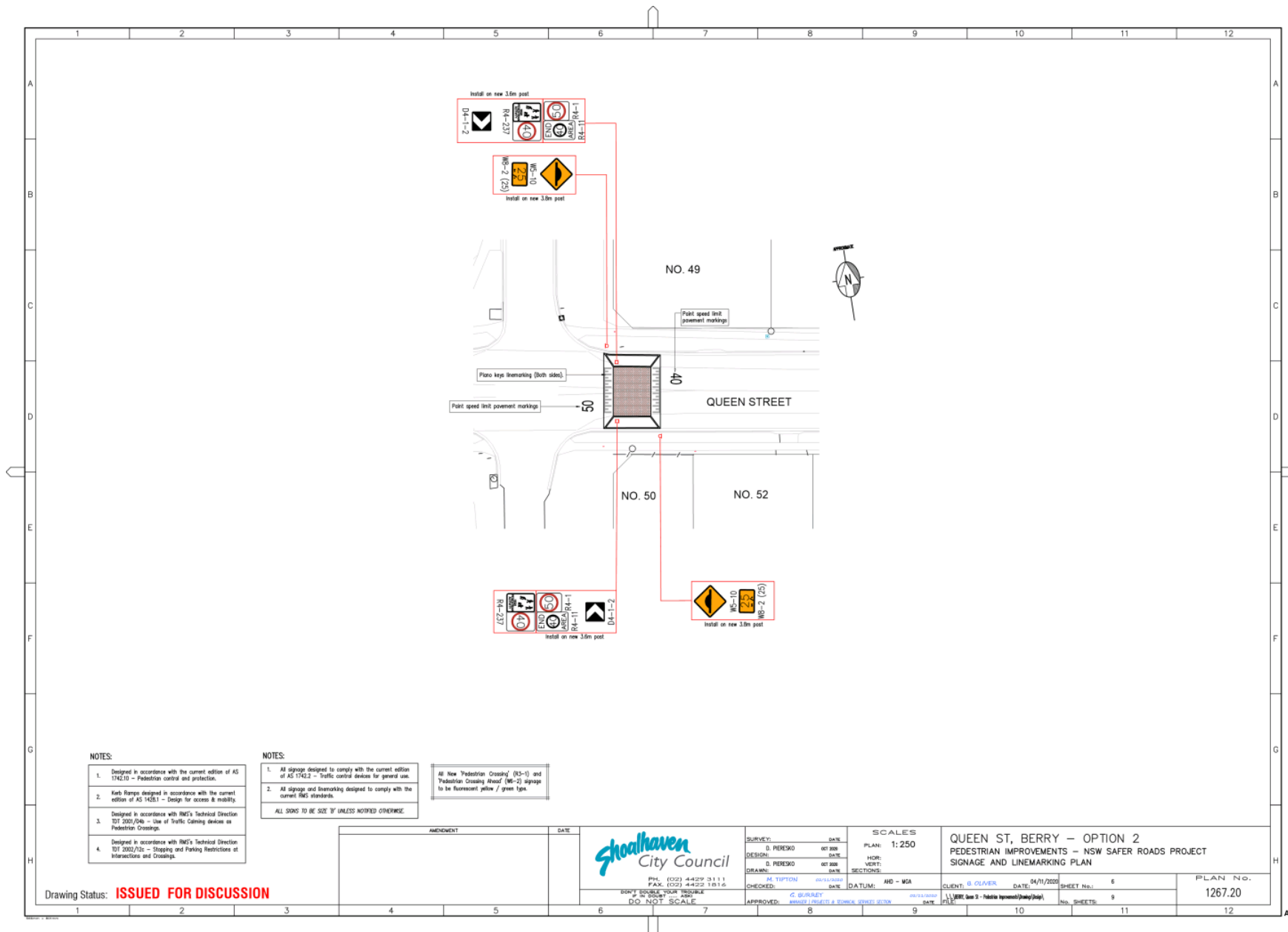
Drawing Status: **ISSUED FOR DISCUSSION**

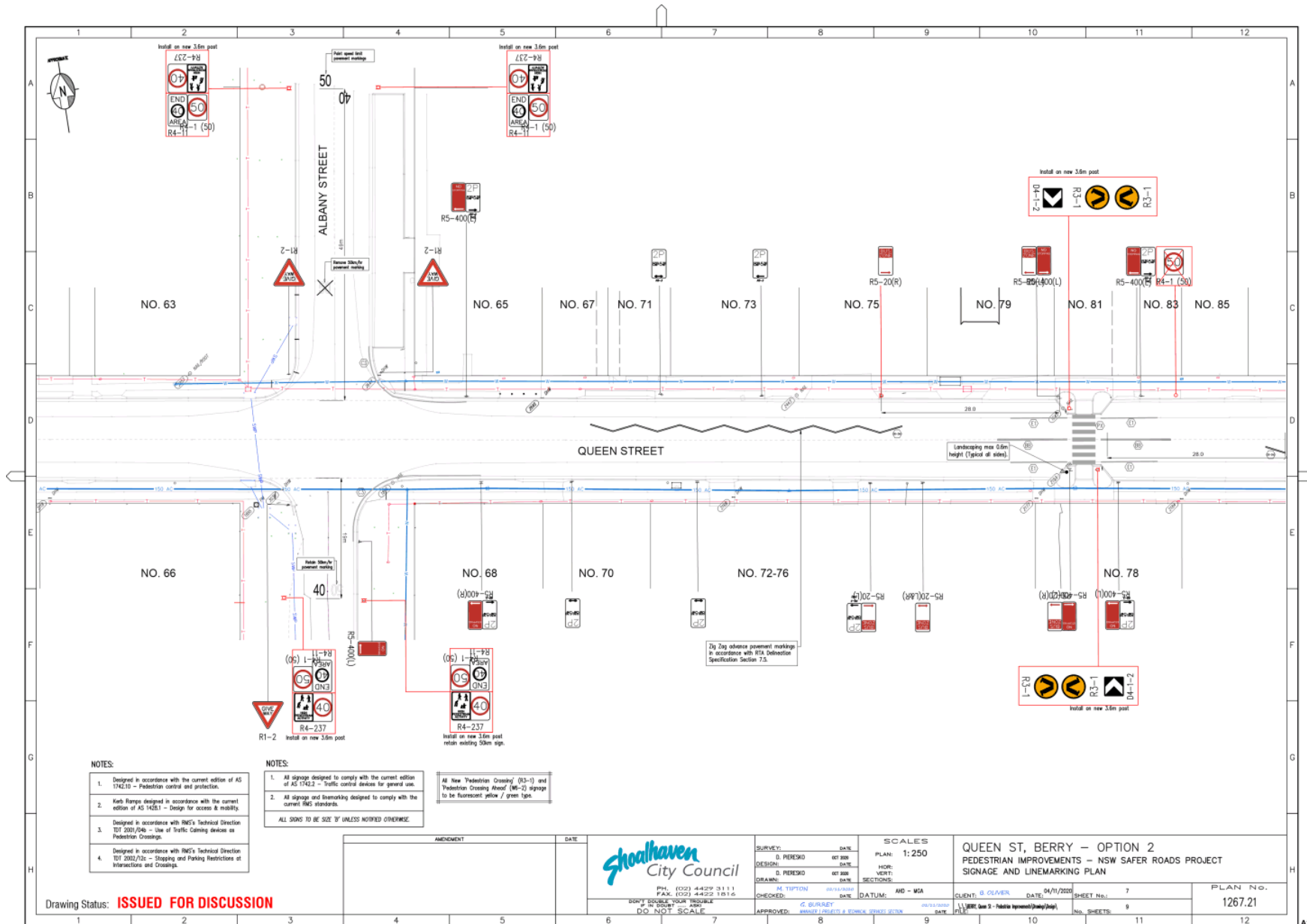


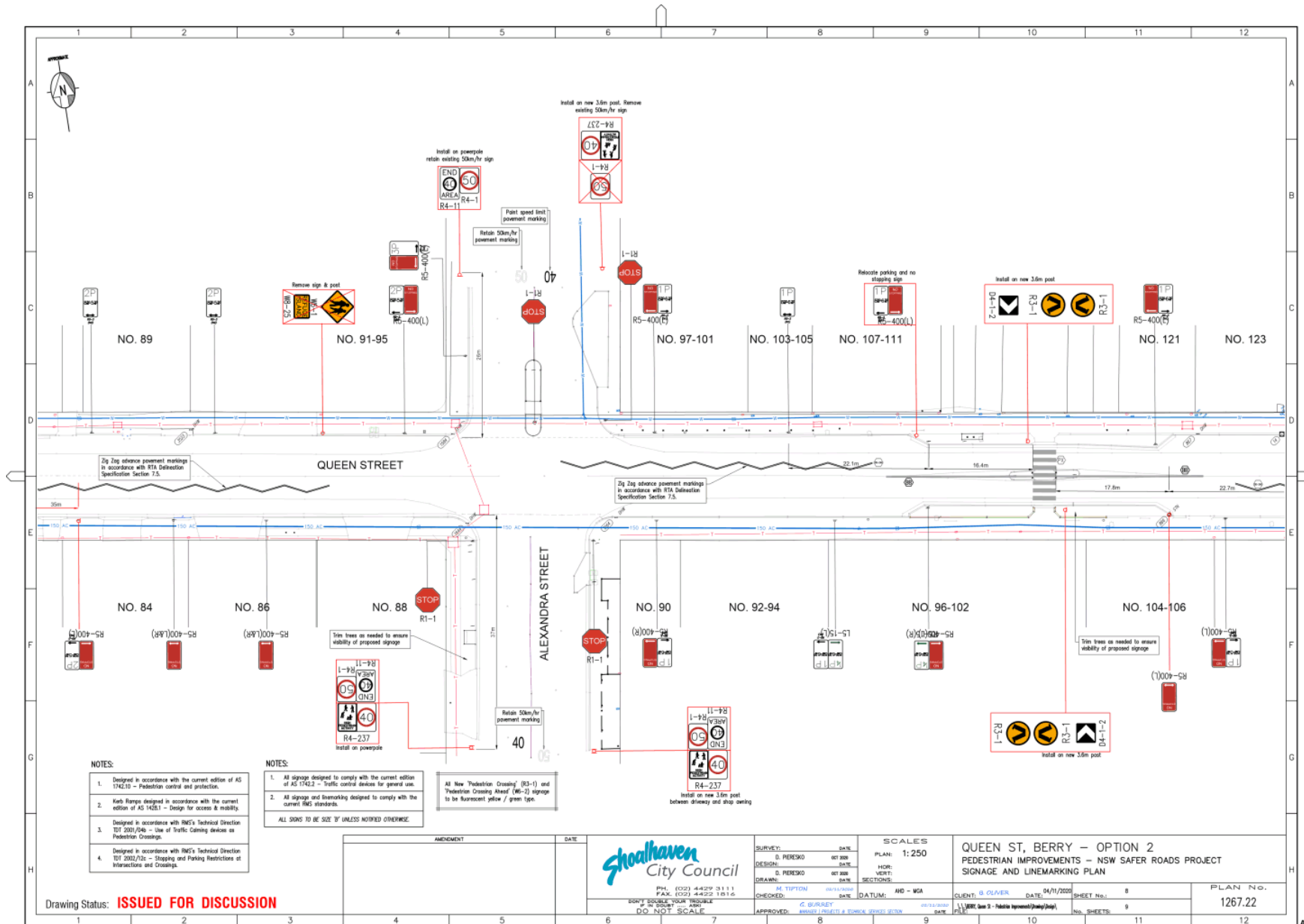


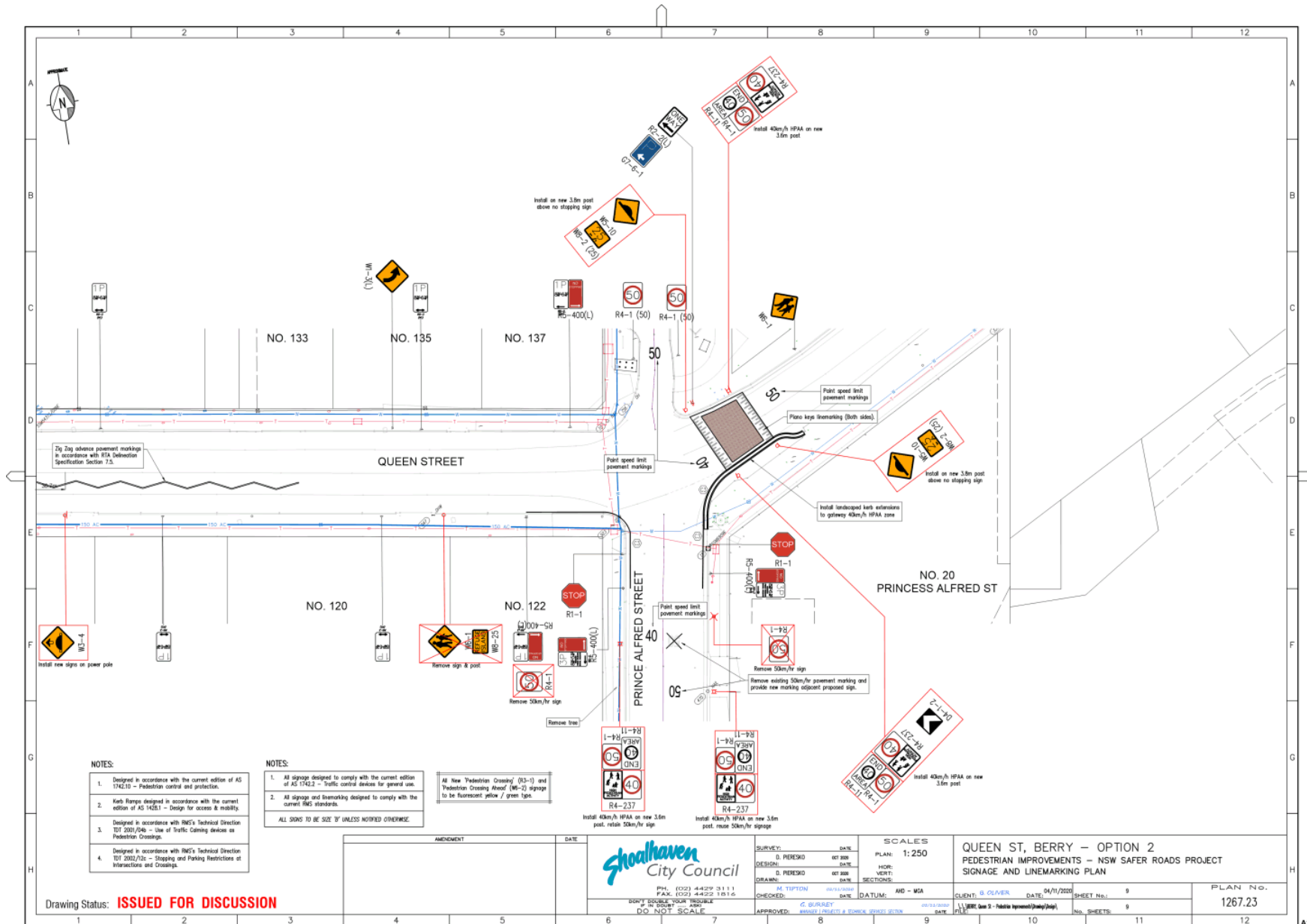
AMENDMENT DATE		 PH: (02) 4429 3111 FAX: (02) 4422 1816 DON'T DOUBLE YOUR TROUBLE IF IN DOUBT DO NOT SCALE	SURVEY: DESIGNED BY: B. PEREIRO CHECKED BY: M. TIPTON DATE: 06/11/2020	PLAN: HOR: 1:100 VERT: 1:10 SECTIONS:	QUEEN ST, BERRY – OPTION 2 PEDESTRIAN IMPROVEMENTS – NSW SAFER ROADS PROJECT LONGITUDINAL SECTIONS	CLIENT: B. OLIVER DATE: 04/11/2020 SHEET No.: 5	PLAN NO. 1267.19
			CHECKED BY: G. BURNEY DATE: 06/11/2020 APPROVED: BARRY J. BURNEY & SHARON BERRY SETON	DATUM: AHD - MGA	CLIENT: B. OLIVER DATE: 04/11/2020 SHEET No.: 5		

CL21.215 - Attachment 1









CL21.216 Register - Disclosure of Pecuniary Interest Returns - 2020/21

HPERM Ref: D21/382615

Department: Business Assurance & Risk

Approver: Sara McMahon, Manager - Business Assurance & Risk

Attachments: 1. Complete list of Designated Persons [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the requirements under the Code of Conduct and the Local Government Act 1993. To provide Council with the Register of Pecuniary Interest Returns lodged with the Chief Executive Officer (CEO) for the period of 1 July 2020 to 30 June 2021 as required under Section 4.21 of the Code of Conduct.

Recommendation

That:

1. The report regarding the Register – Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2020 to 30 June 2021 be received for information
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2020 to 30 June 2021.

Options

1. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

2. The Chief Executive Officer may suspend membership of Committees for any member in contravention of the Model Code of Conduct.

Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

Background

The lodgement date for Pecuniary Interest returns covering 1 July 2020 to 30 June 2021 was 30 September 2021.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2021 are listed in **Attachment 1** of the register tabled at this meeting.

Notice was provided to:

- All Councillors on 25 August 2021
- Designated Staff between 10 to 25 August 2021
- Committee members on 30 August 2021

CL21.216

with a reminder sent via email to various outstanding designated officers on 5 and 12 October 2021, reminding them to complete the form in their Due Tray.

All Councillors have completed and returned their declaration.

Despite the attempts and reminder stated above seven (7) designated persons as noted in Attachment 1 have not completed a return at the time of preparing this report and have not provided explanation for their failure to do so (i.e., not away, or unable to complete due to illness or other reason)

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

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by designated officer leaves Council at risk of non-compliance with legislative requirements, conflict of interests and limited transparency.

Directorate	Job Title	First Name	Last Name	Returned/ Complete
CLR	Councillor	Amanda	Findley	13/09/2021
CLR	Councillor	Joanna	Gash	30/08/2021
CLR	Councillor	John	Wells	07/09/2021
CLR	Councillor	Patricia	White	6/10/2021
CLR	Councillor	Kaye	Gartner	26/08/2021
CLR	Councillor	Annette	Alldrick	12/10/2021
CLR	Councillor	Nina	Digiglio	09/09/2021
CLR	Councillor	John	Levett	15/10/2021
CLR	Councillor	Andrew	Guile	6/10/2021
CLR	Councillor	Mitchell	Pakes	6/10/2021
CLR	Councillor	Greg	Watson	5/10/2021
CLR	Councillor	Bob	Proudfoot	12/10/2021
CLR	Councillor	Mark	Kitchener	31/08/2021
CEO				
CEO	Chief Executive Officer	Stephen	Dunshea	30/09/2021
CEO	Manager - Media & Communications	Kate	Crowe	On Leave
City Services				
City Services	Project Manager	Antoine	Azzouni	15/10/2021
City Services	Senior Property Officer	Melissa	Boundy	15/10/2021
City Services	Project Manager	Geoff	Burrett	
City Services	Team Supervisor	Michael	Castledine	15/09/2021
City Services	Project Manager	Gary	Chapman	08/09/2021
City Services	Unit Manager - District Engineer - Basin	Philip	Critchley	25/08/2021
City Services	Section Manager - Works & Services	Trevor	Dando	18/09/2021

City Services	Unit Manager - Roads Construction Manager	Lee	Dark	26/08/2021
City Services	Asset Management Advisor	Brad	Davis	05/10/2021
City Services	Unit Manager - District Engineer - Central	Melissa	Dunn	30/08/2021
City Services	Manager - Tourist Parks	Rachel	Dyer	02/09/2021
City Services	Manager - Technical Services	Craig	Exton	27/08/2021
City Services	Building Services Manager	Gary	George	30/08/2021
City Services	Manager - Bereavement Services	Pamela	Green	27/08/2021
City Services	Engineer	Kieran	Hazell	03/09/2021
City Services	Buildings Operations Manager	Peter	Herald	25/08/2021
City Services	Engineering Officer (Roads)	Dene	Hillman	14/09/2021
City Services	Unit Manager - Waste Services	David	Hojem	01/09/2021
City Services	Director - City Services	Paul	Keech	24/09/2021
City Services	Unit Manager - Mechanical and Fleet Services	Kate	Kennedy	01/09/2021
City Services	Project Manager	Binay	Kumar	01/09/2021
City Services	Engineer	Leon	McCarthy	27/08/2021
City Services	Supervisor Works & Services	Darrell	Merange	07/09/2021
City Services	Project Engineer	Anthony	Meta	16/09/2021
City Services	Roads Assets Manager	David	Paisley-Topp	08/09/2021
City Services	Section Manager - Commercial Services	Phillip	Perram	20/08/2021
City Services	Unit Manager - District Engineer - South	Troy	Punnett	06/09/2021
City Services	Assets Coordinator	Jacqueline	Russell	05/10/2021
City Services	Principal Electrical Engineer	Anthony	Russell	05/10/2021
City Services	Unit Manager - District Engineer - North	Jatish	Singh	12/10/2021
City Services	Bridges & Waterways Specialist	Michael	Strachan	On Leave – to retire
City Services	Manager - Design Services	Micaiah	Tipton	08/09/2021

City Services	Project Manager	John	Visser	08/09/2021
City Services	Team Coordinator - Waste Operations	Peter	Windley	10/09/2021
Shoalhaven Water				
Shoalhaven Water	Unit Manager - Projects/Design	David	Banwell	06/09/2021
Shoalhaven Water	Communication Site Coordinator	Fiona	Bowman	26/08/2021
Shoalhaven Water	Unit Manager - Projects/Assets	Chris	Dougherty	30/08/2021
Shoalhaven Water	Unit Manager - Water Capital Program	Anthony	Galea	26/08/2021
Shoalhaven Water	Unit Manager - Digital Control Systems	Allan	Gilkes	31/08/2021
Shoalhaven Water	Compliance & Accounts Management	Patricia	Hoerlein	25/08/2021
Shoalhaven Water	Executive Manager - Shoalhaven Water	Robert	Horner	16/08/2021
Shoalhaven Water	Unit Manager - Water Operations	Mark	Jennings	30/08/2021
Shoalhaven Water	Section Manager - Water Asset Planning & Development	Matt (Matthew)	Kidd	17/08/2021
Shoalhaven Water	Unit Manager - Projects/Development	Ljupco	Lazarevski	10/09/2021
Shoalhaven Water	Water Business Services Manager	Brenden	Logue	26/08/2021
Shoalhaven Water	Section Manager - Water Operations & Maintenance	Andrew	McVey	30/08/2021
Shoalhaven Water	Unit Manager - Business Operations	Julia	Rodgers	07/10/2021
Shoalhaven Water	Capital Portfolio Manager	Craig	Singleton	26/08/2021
Shoalhaven Water	Unit Manager - Mechanical / Electrical	VACANT	VACANT	NA
Shoalhaven Water	Manager - Water Land & Towers	VACANT	VACANT	NA
Shoalhaven Water	Unit Manager - Wastewater Operations	Ivan	Wady	08/09/2021
City Performance				
City Performance	Chief Information Officer	Peter	Aney	19/08/2021
City Performance	Unit Manager - Records	Roslyn	Ball	16/08/2021
City Performance	Business Analyst	Matthew	Bowden	05/10/2021
City Performance	Manager - Customer Experience	Lauren	Buckingham	25/08/2021

City Performance	Manager - People & Culture	Amanda	Crangle	24/08/2021
City Performance	Manager - Corporate Performance & Reporting	Jim	Fraser	16/08/2021
City Performance	Manager - Procurement	Paul	French	05/10/2021
City Performance	Chief Safety Officer	Lisa	Griffin	30/08/2021
City Performance	Unit Manager - IT Support	Daniel	Jones	10/09/2021
City Performance	Senior Workers Compensation Officer	Angela	Keating	08/09/2021
City Performance	Manager - Business Assurance & Risk	Sara	McMahon	30/08/2021
City Performance	Legal Services Counsel	Samantha	Neilson	24/08/2021
City Performance	Unit Manager - GIS	Hamed	Noroozi	19/08/2021
City Performance	Manager - Budgeting & Analysis	Vanessa	Phelan	25/08/2021
City Performance	Contact Centre Lead	Karla	Raison	25/08/2021
City Performance	Project Manager - Corporate Systems	Pat (Patrick)	Smith	16/08/2021
City Performance	Manager - Revenue	Peter (Pete)	Timmins	28/09/2021
City Performance	Chief Financial Officer	Olena	Tulubinska	16/08/2021
City Performance	Unit Manager - Business Systems	VACANT	VACANT	NA
City Performance	Unit Manager - Payroll	VACANT	VACANT	NA
City Performance	Director - City Performance	Kevin	Voegt	16/08/2021
City Performance	Lead - Enterprise Risk Management	Damian	Whittle	27/08/2021
City Performance	Lead - Human Resources	Lucas	Winton	05/10/2021
City Futures				
City Futures	Section Manager - Tourism	Coralie	Bell	17/08/2021
City Futures	Team Supervisor - Graphics	Kaye	Bone	31/08/2021
City Futures	Strategic Planner	Peta	Brooks	05/10/2021
City Futures	Strategic Planner	Richard	Carter	03/09/2021
City Futures	Strategic Planner	Maggie	Chapman	07/09/2021
City Futures	Section Manager - Strategic Planning	Gordon	Clark	17/08/2021
City Futures	Developer Contributions Coordinator	Matthew	Crowe	27/09/2021

City Futures	Director - City Futures	Robert	Domm	Resigned
City Futures	Strategic Planner	Caleb	Ferry	08/09/2021
City Futures	Spatial Analyst	Jenny	Grant	01/09/2021
City Futures	Spatial Analyst	Sue	Gray	31/08/2021
City Futures	Coordinator - Special Projects Team	Eric	Hollinger	24/08/2021
City Futures	City Design Manager	Ros	Holmes	15/10/2021
City Futures	Strategic Property Manager	Emma	Hunt	23/09/2021
City Futures	Coordinator - Local Planning Team	Ryan	Jameson	20/08/2021
City Futures	Strategic Planner	Rebecca	Jardim	30/08/2021
City Futures	Trainee Town Planner	Emma	Kell	03/09/2021
City Futures	Strategic Planner	Kristy	O'Sullivan	08/09/2021
City Futures	Strategic Planner	Molly	Porter	30/08/2021
City Futures	Economic Development Manager	Greg	Pullen	03/09/2021
City Futures	Strategic Planner	Dale	Richardson	30/08/2021
City Futures	Coordinator - Strategy Planning Team	Matthew	Rose	17/08/2021
City Futures	Coordinator - Policy Planning Team	Jenna	Tague	27/08/2021
City Futures	Senior Strategic Planner	VACANT	VACANT	NA
City Futures	Project Manager	David	Wagstaff	26/08/2021
City Futures	Principal Traffic Engineer	Scott	Wells	26/08/2021
City Lifestyles				
City Lifestyles	Precinct Coordinator - Programs & Assets	Simon	Brown	31/08/2021
City Lifestyles	Manager - Arts & Culture	Bronwyn	Coulston	25/08/2021
City Lifestyles	Strategic Asset Planner (Social Infrastructure)	Susan	Edwards	03/09/2021
City Lifestyles	Southern Leisure Manager	Matthew	Graham	26/08/2021
City Lifestyles	Project Manager - Minor	Craig	Horgan	26/08/2021
City Lifestyles	Director - City Lifestyles	Jane	Lewis	24/08/2021

City Lifestyles	Collection & Resources Manager	Nicole	Lonesborough	17/08/2021
City Lifestyles	Customer & Community Resources Manager	Gemma	Luxford	24/08/2021
City Lifestyles	Northern Leisure Manager	Jaimie	McLean	07/10/2021
City Lifestyles	Manager - Shoalhaven Swim Sport Fitness	Kevin	Norwood	19/08/2021
City Lifestyles	Manager - Community Connections	Michael	Paine	17/08/2021
City Lifestyles	Manager - Shoalhaven Entertainment Centre	Karen	Patterson	24/08/2021
City Lifestyles	Outreach & Digital Services Manager	Robin	Sharpe	25/08/2021
City Lifestyles	Central Leisure Manager	Owen	Sims	31/08/2021
City Lifestyles	Manager - Library Services	Sarah	Taylor	18/08/2021
City Lifestyles	Manager - Community Planning & Projects	Kent	Stroud	21/09/2021
City Lifestyles	Project Manager - Major	VACANT	VACANT	NA
City Development				
City Development	Manager - Development Services	Cathy	Bern	23/08/2021
City Development	Building Surveyor - Fire Safety	Glenn	Brasier	03/09/2021
City Development	Indigenous Ranger	Shane	Brown	25/08/2021
City Development	Ranger	Roy	Choros	05/10/2021
City Development	Ranger	Roberta	Costa	30/08/2021
City Development	Director - City Development	Philip	Costello	19/08/2021
City Development	Senior Development Planner	Elizabeth	Downing	31/08/2021
City Development	Team Supervisor	Luke	Freeman	05/10/2021
City Development	Building Surveyor - Fire Safety	Shane	Gillespie	03/09/2021
City Development	Team Supervisor - Ranger Support	Anna	Hernell	01/09/2021
City Development	Ranger	Suzanne	Hislop	03/09/2021
City Development	Lead - Building & Compliance	Garon	Irwin	06/09/2021

City Development	Manager - Ulladulla Service Centre	Peter	Johnston	06/09/2021
City Development	Team Supervisor - Rangers	Nicholas	Kilminster	02/09/2021
City Development	Senior Development Planner	Justin	Lamerton	22/09/2021
City Development	Lead - Development Services	Rebecca	Lockart	01/09/2021
City Development	Ranger	Wayne	Meier	15/10/2021
City Development	Ranger	Amber	McLuckie	14/09/2021
City Development	Ranger	Phillip	McNeice	14/09/2021
City Development	Team Coordinator - On Site Sewage Management	Alison	McVey	17/09/2021
City Development	Senior Ranger	David	Nile	10/09/2021
City Development	Lead - Ranger Services	Tony	Pearman	14/09/2021
City Development	Building Surveyor	Darryl	Pendlebury	Resigned
City Development	Lead - Environmental Health	Shane	Pickering	15/09/2021
City Development	Ranger	Clinton	Price	
City Development	Building Surveyor	Janez	Reple	15/09/2021
City Development	Manager - Environmental Services	Michael	Roberts	31/08/2021
City Development	Senior Environmental Health Officer	Bethany	Sheehan	31/08/2021
City Development	Coastal Management Program Coordinator	Nigel	Smith	16/09/2021
City Development	Development Planner / Building Surveyor	Edo	Smits	5/10/2021
City Development	Manager - Business Support	Carmen	Spreitzer	14/09/2021
City Development	Senior Compliance Officer	Ian	Staples	31/08/2021
City Development	Senior Floodplain Engineer	Mark	Stone	06/09/2021
City Development	Lead - Land Management	Peter	Swanson	06/09/2021
City Development	Lead - Coast & Floodplains	VACANT	VACANT	NA
City Development	Team Supervisor - Compliance	VACANT	VACANT	NA
City Development	Team Supervisor - Fire Safety	VACANT	VACANT	NA
City Development	Team Supervisor - Bio Security - Weeds	VACANT	VACANT	NA

City Development	Ranger - Illegal Dumping	VACANT	VACANT	NA
City Development	Senior Development Planner	Andre	Vernez	27/09/2021
City Development	Senior Development Planner	Elliott	Weston	Resigned
City Development	Manager - Certification & Compliance	Colin	Wood	17/08/2021
City Development	Team Supervisor - Development Assessment	Peter	Woodworth	31/08/2021
Nowra CBD				
NCBD		James	Caldwell	15/09/2021
NCBD		Scott	Baxter	06/09/2021
NCBD		Brendan	Goddard	09/09/2021
NCBD		Wesley	Hindmarch	30/09/2021
NCBD		Alison	Henry	
NCBD		Christopher	Williamson	
NCBD		George	Parker	
NCBD		Catherine	Shields	09/09/2021
Arts Board				
SAB		Alison	Chiam	
SAB		Peter	Lavelle	05/10/2021
SAB		Paul	McLeod	
SAB		Rob	Crow	
SAB		Jennifer	Thompson	07/09/2021
SAB		Frank	Howarth	07/09/2021
SAB		Lynda	Kelly	09/09/2021
SAB		Stephen	Buzacott	05/10/2021
SAB		Christine	Dunstan	02/09/2021

CL21.217 Investment Report - September 2021

HPERM Ref: D21/446363

Department: Finance

Approver: Sara McMahon, Manager - Business Assurance & Risk

Attachments: 1. Investment Report - Shoalhaven City Council - September 2021 (under separate cover) [⇒](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all money it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 30 September 2021 report of the Chief Executive Officer (City Performance) for information.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.90% per annum for the month of September 2021, exceeding the benchmark AusBond Bank Bill Index (0.01% pa) by 89 basis points (0.89%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 30 September 2021 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 September 2021 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 30 September 2021 to be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 October 2021.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd.

All investments are within the current Minister's Order. Investments are diversified across the eligible fixed interest universe and are well spread across maturities. Available capacity exists in all terms, with medium term particularly relevant to new issues.

CL21.217

Portfolio Return

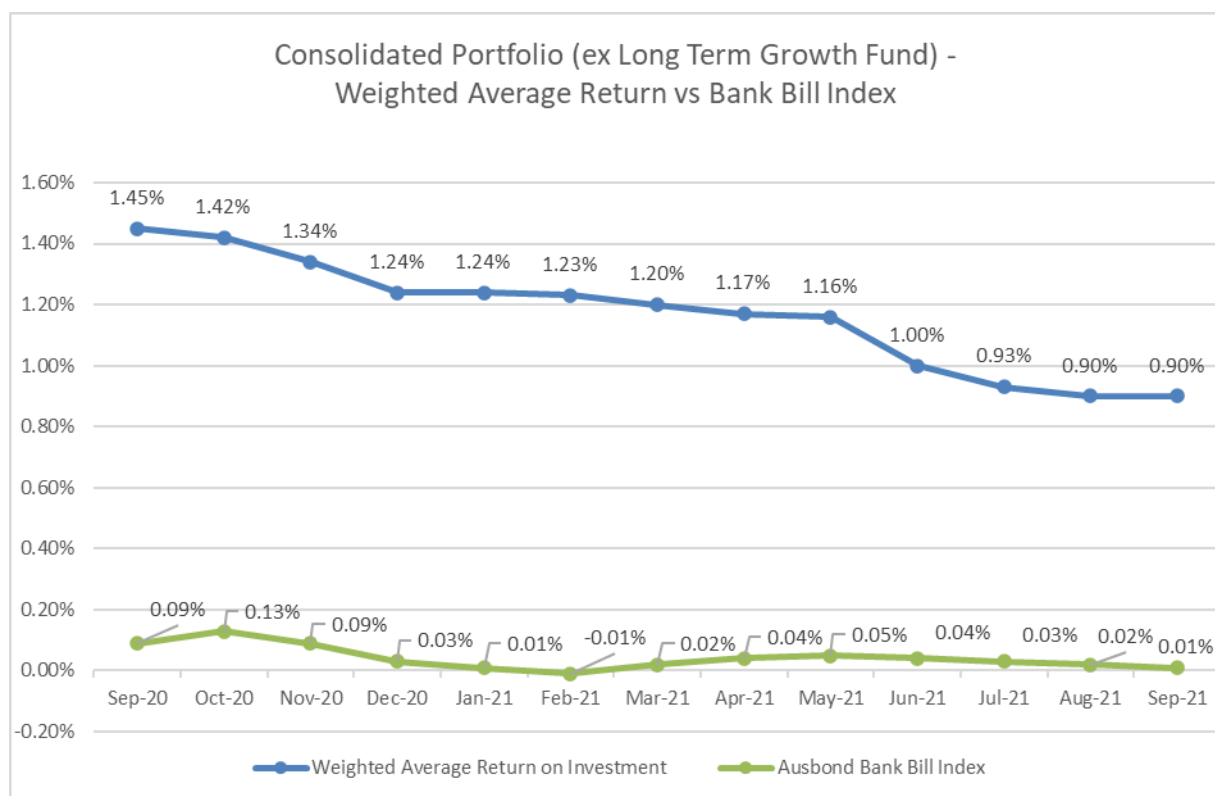
The Overall portfolio returned a negative -1.13% p.a. for the month of September 2021, entirely due to the negative movement of the growth fund. This will be a typical pattern, where monthly results depend entirely on stock market direction.

The investment returns excluding growth fund were a stable 0.90% p.a., exceeding the benchmark AusBond Bank Bill Index (0.01% p.a.) by +89bp.

Council's investment in Long-Term Growth Fund returned -19.84% for the month of September 2021, which partially offset previous significant market gains, bringing year to date return to +8.06% (0.76% above the benchmark).

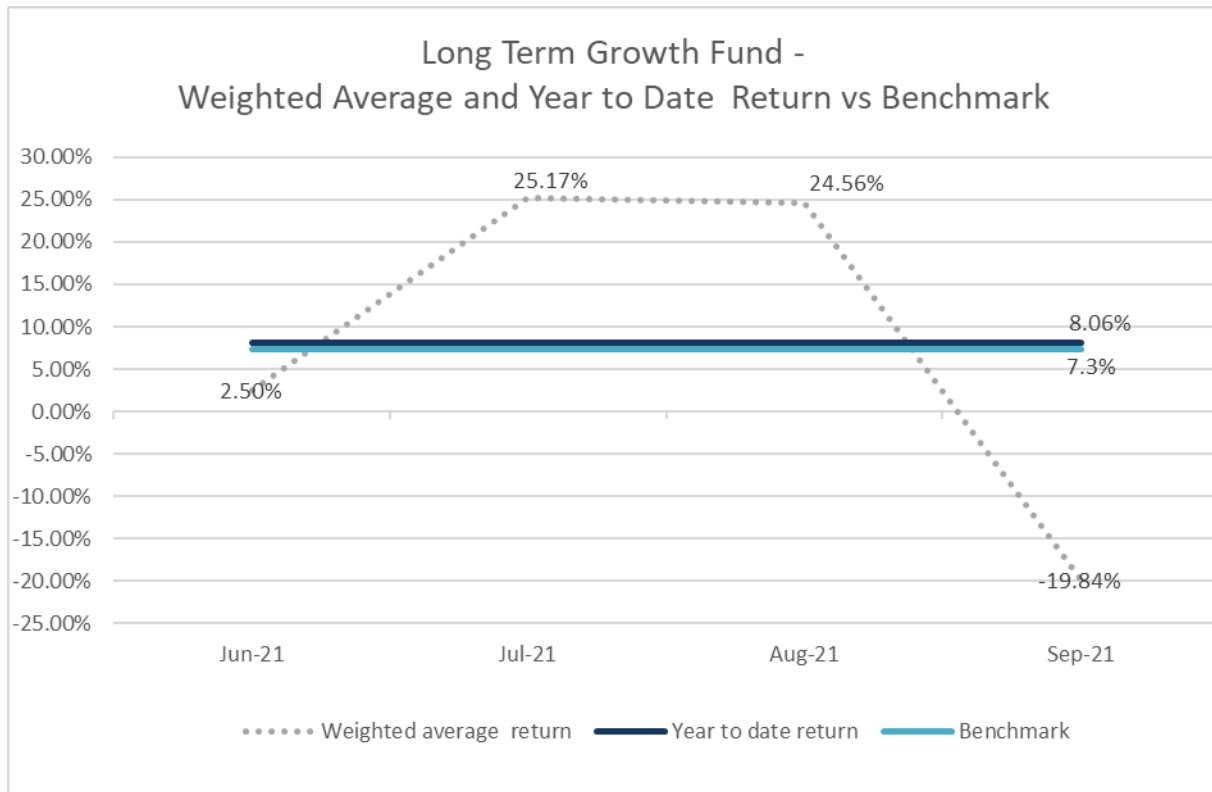
The Australian S&P/ASX200 fell -1.9% over the month, with ongoing lockdowns and falling iron ore prices key drags on performance of the Long-Term Growth Fund. Over the past 12 months, September was the only month to result in a fall in the S&P/ASX 200 Index with the index still closing 30.6% higher than a year prior. Australian economic data released during September confirmed the impact of lockdowns in Greater Sydney and other Australian areas. It is expected for the market to improve, as the lockdown being lifted. A weaker \$A in the month also supported absolute and relative performance of the Fund.

The following graph shows the performance of Council's Investment Portfolio (excluding LTGF) against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



CL21.217

The following graph shows the performance of Council's Long-Term Growth Fund against the benchmark on a rolling twelve (12) months basis.



Interest Earned – September 2021

The following table shows the interest earned for the month of September 2021.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	98,436	89,394	(9,042)
Water	64,208	41,666	(22,542)
Sewer	30,519	23,546	(6,973)
Total excluding Long-Term Growth Fund	193,163	154,606	(38,557)
Long-Term Growth Fund	16,986	(375,102)	(392,088)
Total	210,149	(220,496)	(430,645)

The interest earned for the month of September, excluding changes in the fair value of TCorp Long-Term Growth Fund was \$154,606 compared to the monthly budget of \$193,163.

The fair value of TCorp Long-Term Growth Fund decreased in September by \$375,102. It is important to note that it is expected that this value will fluctuate on a monthly basis and the actual return on this fund should be assessed against our budget forecast on an annual basis.

CL21.217

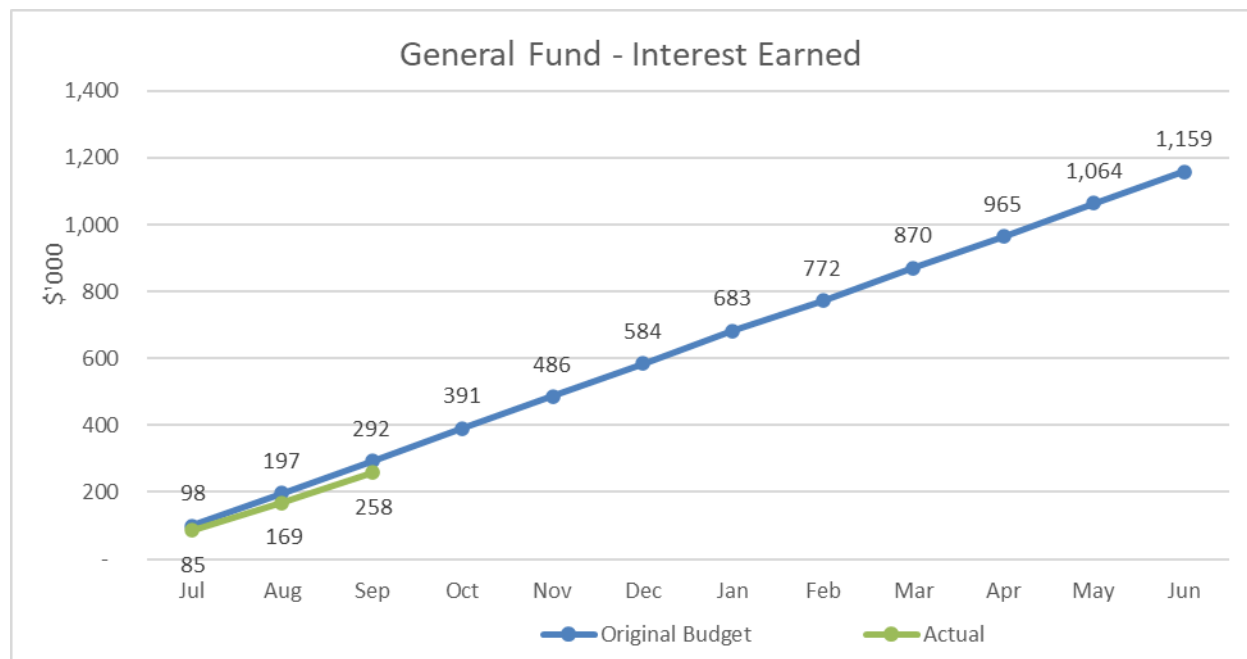
Interest Earned - Year to Date

The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

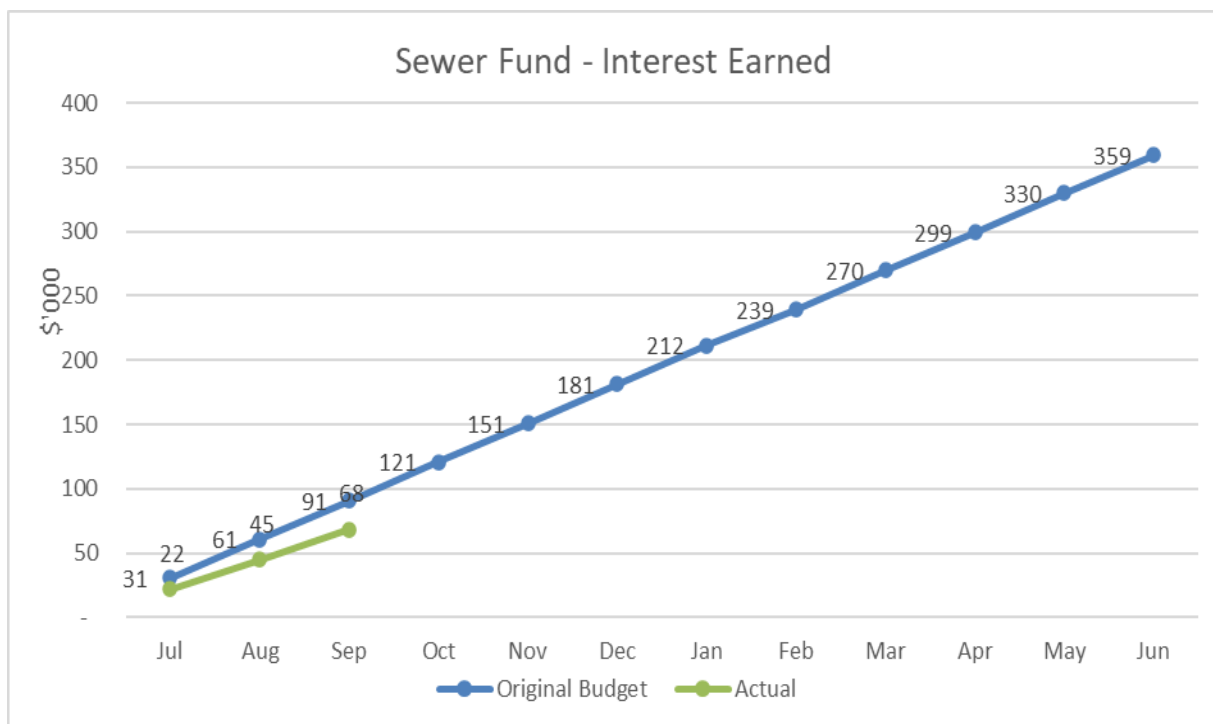
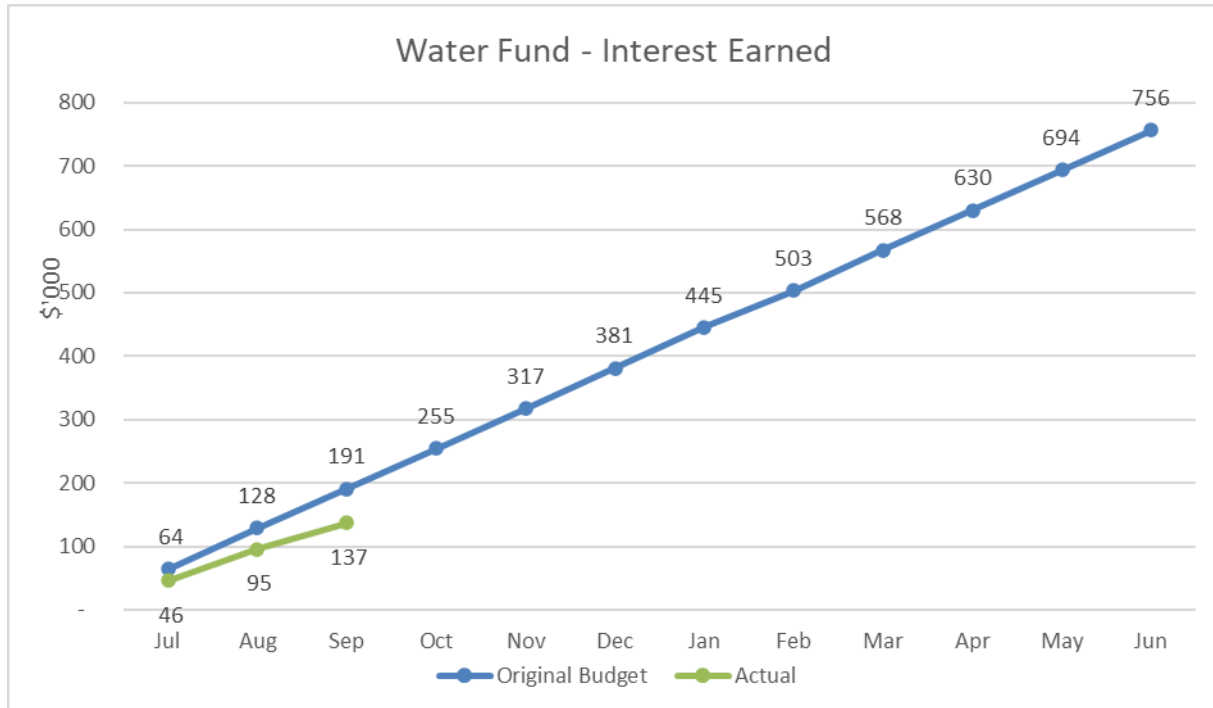
Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	257,942	22.26%
Water	756,000	137,111	18.14%
Sewer	359,333	68,313	19.01%
Total excluding Long-Term Growth Fund	2,274,333	463,366	20.4%
Growth fund	200,000	382,800	191.4%
Total	2,474,333	846,166	34.2%

The interest earned to the month of September excluding the change in fair value of TCorp Long-Term Growth Fund was \$463,366 which is 20.4% of the current full year budget.

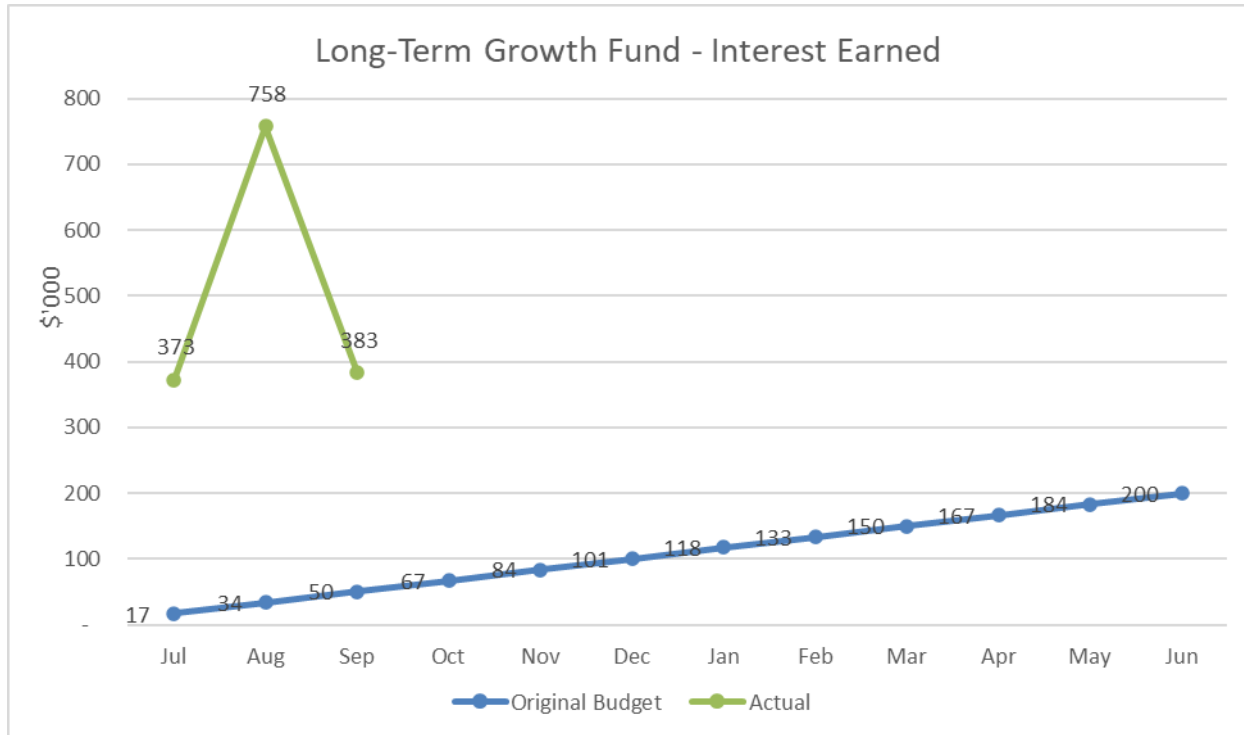
The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



CL21.217



CL21.217



Cash and Restricted Assets

RECORD OF INVESTMENTS		
Cash and Investment Balances		
	\$ September 2021	\$ August 2021
Cash and Investments Held		
Cash at Bank - Transactional Account	5,059,140	9,140,177
Cash on Hand	21,080	22,980
Other Cash and Investments	211,976,843	220,448,916
	217,057,063	229,612,073
Fair Value Adjustment	270,067	319,029
Bank Reconciliation	1,467	608,137
	271,534	927,166
Book Value of Cash and Investments	217,328,597	230,539,239
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,050,000	7,050,000
Land Decontamination	252,196	300,672
Critical Asset Compliance	839,157	881,384
Other Internal Reserves	3,007,150	2,270,848
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	3,828,297	3,902,768
Plant Replacement	1,639,117	1,733,937
S7.11 Recoupment	22,602,739	22,720,951
Commitment To Capital Works	3,438,992	3,436,117
Total Internally Restricted	42,878,817	42,607,846

CL21.217

Loans - General Fund	36,149,697	39,931,078
Self-Insurance Liability	2,880,000	2,880,000
Grant reserve	1,599,038	2,716,424
Section 7.11	16,295,837	15,588,942
Special Rate Variation	3,910,870	3,910,870
Storm Water Levy	1,227,541	1,279,871
Trust - Mayors Relief Fund	161,374	161,374
Trust - General Trust	2,943,743	2,989,743
Waste Disposal	12,181,977	9,581,951
Sewer Fund	28,159,058	27,659,921
Sewer Plant Fund	4,247,063	4,253,708
Section 64 Water	21,989,656	21,825,849
Water Fund	24,579,646	25,612,707
Water Communication Towers	4,127,513	3,568,121
Water Plant Fund	5,432,456	5,466,454
Total Externally Restricted	165,885,466	167,427,013
<hr/>		
Total Restricted	208,764,283	210,034,859
Unrestricted Cash Balance - General Fund	8,564,314	20,504,380

Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

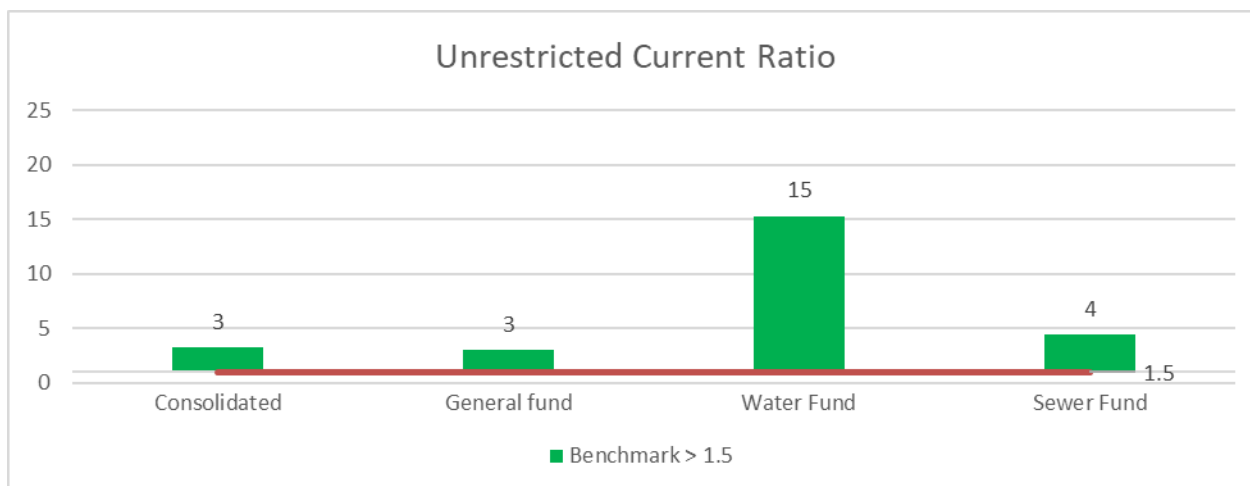
Total Cash	-13,210,643	September was not a rate instalment month.
Other Internal Reserves	+736,302	Receipt of insurance claims and receipt for the lease of the communication site at Cambewarra.
Loans - General Fund	-3,781,381	Loan funded projects are underway: Holiday Haven, Moss Vale, SEC Upgrade.
Grant reserve	-1,117,387	Expenditure on grants received for various projects (Currarong Road, Far North Collector Road, Moss Vale Road, etc.).
Section 7.11	+706,894	Receipt of developers' contributions.
Waste Reserve	+2,600,026	Payments for domestic waste services received and allocated to the reserve.
Sewer Fund	+499,137	Receipt of income for September quarter.
Water Fund	-1,033,062	Expenditure on infrastructure.
Unrestricted cash	-11,940,066	September was not rate instalment month and major capital projects are well underway.

CL21.217

Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the September 2021 Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above the benchmark and Council remains in a sound financial position.

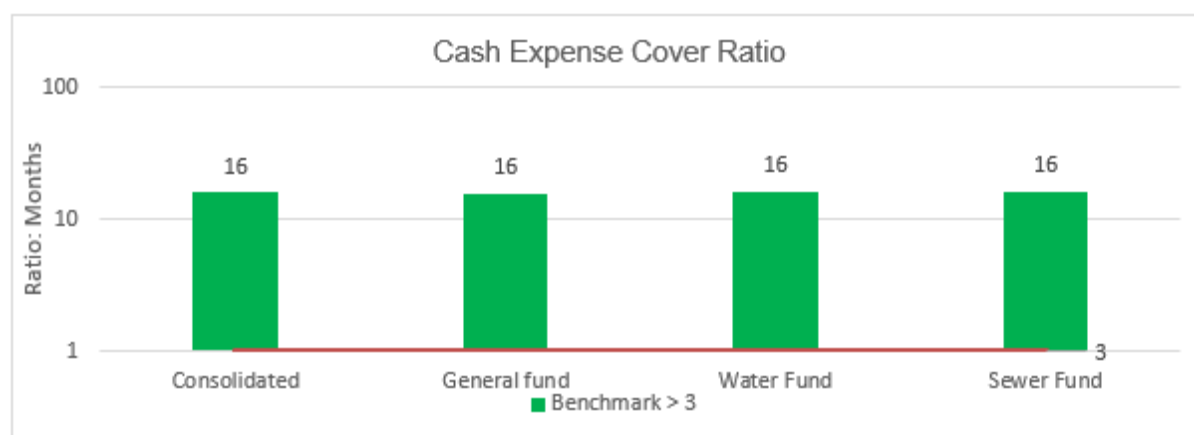


The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

The ratio remains above the benchmark as at the end of September 2021 for all funds.

Unrestricted Current Ratio =

(Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)



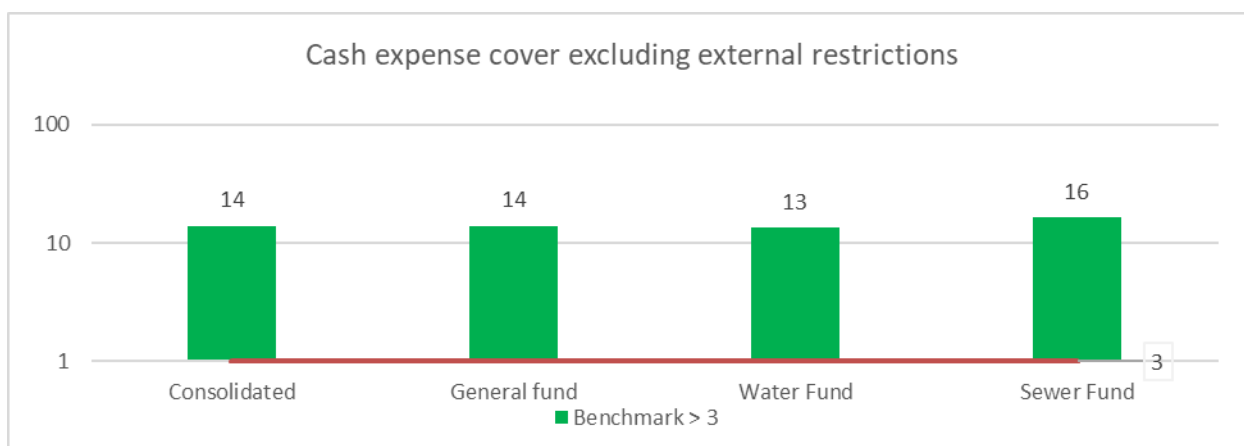
Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

The ratio remains above the benchmark of 3 months as at the end of September for all funds.

Cash expense cover ratio =

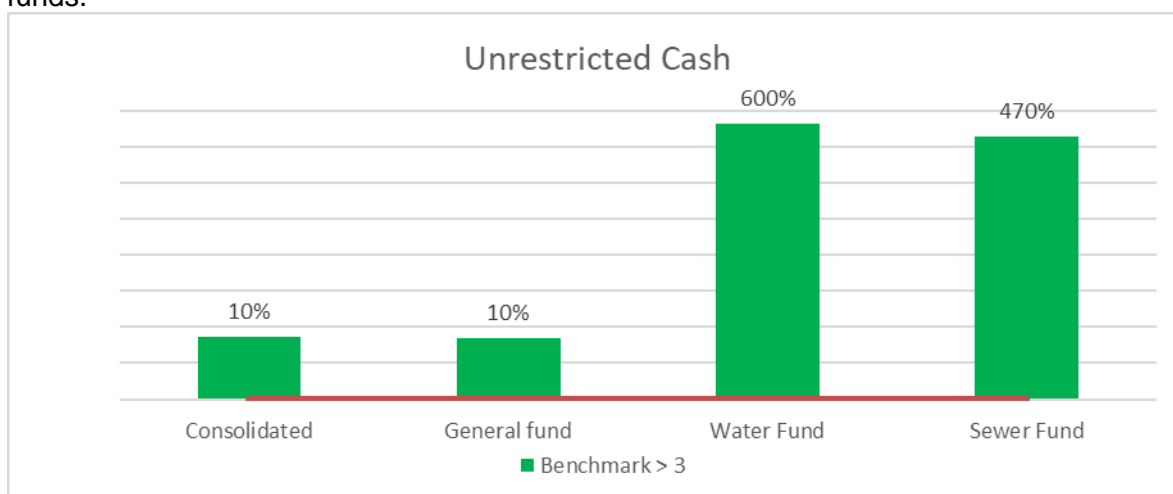
(Cash equivalents, TDs and FRNs x 12) / (Payments from cash flow of operating and financing activities)

CL21.217



Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

The ratio remains above the benchmark of 3 months as at the end of September for all funds.



Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.

The unrestricted cash balance remains above the benchmark as at the end of September 2021 for all funds.

The benchmark is set up at 3% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

Financial Implications

COVID-19 has applied some pressure to Council's financial position; however, despite this, Council's financial position is operating in a sound manner based on the current cash position and liquidity ratios. It is also noted that revenue from interest earned forms a vital part of Council's revenue stream.

CL21.217

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy POL19/72.



Olena Tulubinska
October 2021

Date: 19

CL21.217

CL21.218 Update - NSW Government's Regional Housing Taskforce

HPERM Ref: D21/426226

Department: Strategic Planning

Approver: Gordon Clark, Director - City Futures

Attachments: 1. Shoalhaven City Council Submission - Regional Housing Taskforce [↓](#)

Reason for Report

Provide information on the NSW Government's Regional Housing Taskforce, including its recent consultation activity and the publication of its preliminary Findings Report.

***Note:** This report is being submitted directly to the Ordinary Meeting due to the information it covers only being released recently and the limited number of meetings remaining this year/prior to the Local Government elections.*

Recommendation

That Council receive the update report on the NSW Governments Regional Housing Taskforce for information.

Options

1. As recommended.

Implications: Report provides an update on the Taskforce's review.

2. Make an alternative resolution.

Implications: The implications of an alternative resolution will need consideration and may require a subsequent report/s.

Background

In July 2021, the NSW Government established a Regional Housing Taskforce in response to increasing pressure on the supply and affordability of housing in regional NSW: [Link to Ministerial Media Release](#).

The Taskforce is:

- identifying challenges and barriers to housing supply in the planning system, and
- making recommendations to improve housing outcomes in regional NSW.

The Taskforce is chaired by Garry Fielding and includes senior executives from the NSW Department of Planning, Industry and Environment (DPIE) and the NSW Department of Regional NSW. Mr Fielding is a qualified town planner with more than 40 years' experience in State and local government and the private sector. He has worked at senior executive levels at DPIE and as head planner with Newcastle, Woollahra, and Maitland Councils.

The taskforce's consultation activities took place in July and August 2021 online and included eleven (11) virtual meetings, various one-on-one sessions, and other events.

Council staff participated in two meetings and made a formal submission to the taskforce in August 2021 (**Attachment 1**). Council's submission identified the critical housing issues in

CL21.218

Shoalhaven as availability, suitability, and affordability. It also advised the delivery of infrastructure, services, retailing, and employment opportunities to meet the needs of current and future communities is a related and significant challenge often exacerbated by rapid development/change.

Findings Report

In September 2021, the taskforce published an independent Findings Report summarising the key findings of its consultation, engagement and research - [link to document](#)

The Findings Report contains feedback from 168 submissions and more than 500 people, including Councils; representatives from community groups; the housing, not-for-profit and development sectors; Local Aboriginal Land Councils; business groups; and members of the public.

Key findings in the report include:

- More effort needed to prioritise, coordinate, fund, and deliver infrastructure to support new homes.
- Need for collaboration between all levels of Government, the housing development industry, and the community to develop the right type of housing that people need where they want to live.
- Calls to speed up planning processes and reduce duplication, particularly where opportunities to provide housing are time critical.
- Faster rezoning and approvals will not solve the problem alone and that industry, Councils and government need to work together to turn approvals into completions.
- Demand for more affordable and diverse housing in line with changing demographics, jobs growth, natural disasters, and migration trends.
- The impacts of COVID-19 on migration.
- Hardship due to the 2019-20 bushfires placing stress on crisis accommodation.

Next Steps

The Findings Report is now being considered by the NSW Minister for Planning and Public Spaces.

The Taskforce continues to consider all feedback and submissions in the preparation of a second independent report. Publication of this report is anticipated in October 2021. The second report will recommend how the NSW planning system can be used to address housing needs and stimulate supply in the regions.

Further reports to Council will be provided on the Taskforce's continued work, its future findings, and the consideration of the findings by the NSW Government.

CL21.218

Submission to the NSW Regional Housing Taskforce

Introduction

The critical housing issues in Shoalhaven are **availability, suitability, affordability, and infrastructure support**. The delivery of infrastructure, services, shops, and employment opportunities to meet the needs of current and future communities is a related and significant challenge that needs to be appropriately resourced.

The number of people living in Shoalhaven is expected to grow by over 31,000 people by 2051 under current and planned zonings (not including additional areas identified in current strategic land use planning work). Shoalhaven's communities are ageing, and the average household size is predicted to get smaller. There is a continued demand for short-term tourist accommodation and holiday homes and this form of accommodation plays a significant role in the visitor economy (a key industry sector). These all contribute to the demand for new homes, resulting in the forecast need to deliver a minimum of 17,400 new dwellings by 2051. Increases in demand from a growing and changing population influences both housing availability and affordability.

Current forecasts include limited assumptions about the impacts of regional migration due to the current COVID-19 pandemic as up-to-date data takes time to collate. Anecdotal evidence suggests recent increases in regional migration has elevated dwelling demand and that this will continue.

Council has planned, and continues to plan, to meet the identified need for housing by delivering a regulatory environment where a sustainable supply of all housing types throughout Shoalhaven can be provided, acknowledging the environmental and other challenges of the area.

Increasing housing supply can contribute to improving housing affordability, but the associated change and the impact on existing communities and their values needs to be identified and managed. There is a lag between identifying demand, proper planning of supply, and construction processes. This lag increases with the rapidity of recent change and uncoordinated nature of recent changes to the planning framework by the State Government.

Efficiencies in the planning process to increase housing supply should focus on delivering a strong regional land use policy framework, simplified administrative processes, and coordinated whole of government work on new urban areas (planning,

Submission to the NSW Regional Housing Taskforce

infrastructure provision etc). Any increase in housing supply must also be matched with infrastructure and services to meet the needs of future communities, as early as possible.

The ageing population in Shoalhaven has a significant influence on demand for suitable housing types which, if not adequately met, will impact on the ability for younger families to access existing housing stock. A supply of suitably sized, adaptable, and easily maintained homes allows ageing households to downsize within their communities, vacating larger dwellings for other households. Homes also need to be suitable for the changing environment to ensure households can remain healthy and comfortable during extreme weather conditions and can reduce household utility and maintenance bills.

An observed market response to increased demand is the rising cost of housing. Purchasing a home has become less affordable and rental costs have also increased markedly in Shoalhaven. Encouraging the private housing market to adjust product mix to meet emerging needs identified by demographic data and the increased delivery of affordable rental or social housing are both significant measures needed to address housing affordability.

Housing Availability

Shoalhaven's current population is about 107,000 people. Contemporary forecasts indicate this will grow to nearly 138,000 people by 2051¹, an increase of 31,000 people or around 29%. The average household size is forecast to decrease over the same period, reducing from 2.3 to 2.2 people. Between 17-22% of the current housing stock is considered unavailable for long-term housing (purchase or rental) as it is used for holiday accommodation or second homes.

A growing and changing population, shrinking household size, and observed rates of unoccupied dwellings indicate at least 17,400 dwellings will be needed in Shoalhaven by 2051. The continued pressure from holiday accommodation (including the current increase from greater domestic tourism), promotional campaigns encouraging the move to regions, and virus escapees from metropolitan areas all increase the demand for

¹ Population and household forecasts, 2016 to 2051, prepared by .id (informed decisions), March 2021

Submission to the NSW Regional Housing Taskforce

dwellings, particularly given Shoalhaven's proximity, and connections with major urban centres.

The rate of population change during the current pandemic, and whether the rate will continue or change again when the pandemic is controlled, is unknown at this time.

Currently housing supply always lags the identification of demand. There are limitations on the planning, infrastructure delivery, and construction sectors to respond to the rapidity of population and migration changes currently being experienced – it takes time to plan, provide infrastructure, and build. This is exacerbated by the ongoing and uncoordinated nature of changes to the regulatory system currently being experienced. This means supply pressures can be exacerbated and suggests shorter-term assistance for existing communities may be required alongside longer-term changes to planning system (for example temporary accommodation options such as the 'meanwhile use' of Government or similar land).

Proper planning processes need to be maintained to identify supply options, manage environmental values or risk (particularly in an area like Shoalhaven), engage with communities about anticipated change, and prepare the planning and development controls to facilitate the supply of dwellings and supporting infrastructure.

Councils should be enabled and supported to undertake this essential work to identify how much housing can be delivered while ensuring community and environmental values are not unduly eroded. A recent example of this includes the Western Sydney City Deal and \$2m in funding provided to a number of Western Sydney councils for the rapid development of strategic planning documents in response to significant population change and infrastructure projects (new airport and rail line). This funding enabled those councils to resource the preparation and implementation of plans within a faster timeframe than would normally occur.

Long-term land use planning work is currently being carried out in the absence of regional policy and guidance. While the recently published Regional Plan commits to actions and work, contemporary State- and Region-wide policies on housing supply, affordability and for competing land uses such as rural and employment lands are either absent or some time away from publication.

Submission to the NSW Regional Housing Taskforce

Council is currently working to increase housing supply through the facilitation of new urban areas in the Nowra-Bomaderry Regional Urban Release Areas. Council has a dedicated project team to work through planning and infrastructure issues and commits funds to the preparation of technical studies and the design of essential infrastructure. This has identified opportunities to improve the process to enable a faster resolution of issues and make land available for development sooner.

These release areas have been identified and confirmed by the NSW Government (recognised in the current Illawarra-Shoalhaven Regional Plan). Despite this recognition by the State Government, significant Council resources and time are required to identify an appropriate outcome where there are dependencies on State Agency input. More time is required to receive feedback and resolve issues with NSW Government Agencies, with advice often contradicting other agencies. Council has acted to resolve these conflicts with limited direct intervention by NSW Planning. It continues to be difficult to establish a 'whole of government' position on key release areas. Recent experience also indicates the Rural Fire Service and Natural Resources Access Regulator struggle to provide timely advice on such planning proposals.

These tasks (and the time required to complete them) need improvement to achieve accelerated outcomes and achieve the common goal of increased housing supply. The recent establishment and early work of NSW Planning's Planning Delivery Unit appears to be aimed at addressing this issue, but experience suggests its intervention may need to be the norm, not the exception, for coordinating and resolving continued complex land use and infrastructure planning matters.

Council is currently resourcing a significant number of competing priorities and experiencing impacts on its planned work because of the NSW Government's continually shifting planning processes and preparation of a range of state and regional plans setting actions for councils. Examples include policies for housing, short term rental accommodation, and agricultural land, and plans such as the Illawarra Shoalhaven Regional Plan, associated Regional Transport Plan, and the Special Infrastructure Contribution Scheme. More are anticipated with the standard template for development control plans, development contributions reform, and employment zones reform. The outcome and impact of the possible involvement of the Land and Environment Court in

Submission to the NSW Regional Housing Taskforce

NSW Planning's Gateway Process for making and amending local environmental plans (which are already a substantial resourcing challenge) is also unknown.

Council has identified other potential land release opportunities to contribute to increased housing supply. For example, Local Aboriginal Land Councils have large land holdings and a desire to develop appropriate sites to contribute to the housing needs and economic development of Aboriginal communities. Application of the Aboriginal Lands State Environmental Planning Policy could assist in progressing planning for these lands.

In addition, in cases where private owners "bank" land instead of pursuing its development following rezoning, consideration could be given to measures to encourage the release of those lands to the development sector. It is acknowledged this may be difficult to achieve or facilitate given the role the market plays, but it should still be investigated.

Recommendations:

1. Provide funding and support for councils to complete the key strategies necessary to identify housing need, inform sustainable responses, and deliver new urban areas.
2. Complete State and Regional policy positions and strategies on housing supply, housing affordability, and competing land uses (such as employment and agricultural land) and avoid continual change to policy settings.
3. Improve the efficiency of the NSW Government's planning processes, with a focus on reducing NSW Agency response times on Planning Proposals and providing a 'whole of government' position (particularly for ones that are consistent with NSW Government plans regarding residential release).
4. Develop a coordinated approach by State Agencies to the delivery of new urban areas, particularly infrastructure provision.
5. Increase the roles and responsibilities of the NSW Government's Planning Delivery Unit or apply its approach to other planning functions.
6. Accelerate Aboriginal Land Claims and Native Title resolutions to facilitate the use and/or development of relevant zoned land.

Submission to the NSW Regional Housing Taskforce

7. Investigate mechanisms (incentives/disincentives) to encourage landholders with residential development opportunities to deliver homes.

Housing Suitability

Between 2016 and 2031, the age structure forecasts for Shoalhaven indicate a 4.1% increase in population of working age, 9.5% increase in population under working age, and a 44.2% increase in population of retirement age. In 2016, the dominant 5-year age group in Shoalhaven was between 65 to 69 years old accounting for 8.1% of the population. This age group is also forecast to remain the largest in 2031 at 7.9% of the population. Another significant change forecast by 2031 is the increase in persons aged 75 to 79 years old (6.6% of total population).

The average household size is forecast to reduce from 2.3 to 2.2 persons between 2016 and 2051.

An ageing population and smaller households need a range of homes, including compact homes, accessible and adaptable homes, and homes with lower maintenance and energy requirements. Diversity in housing stock will allow older residents and smaller households to purchase appropriate homes, downsize, and remain in the area while vacating larger dwellings for families and larger households to occupy.

Existing suburbs and villages with limited expansion opportunities need in-fill development to supply of the range of housing types needed and allow people to change homes as their needs change. Smaller, more easily maintained homes allow communities to age-in-place and young adults to live close to the family home. However, change needs to be managed to ensure development contributes to neighbourhood character. The supply of different types of housing through the planning system and the market needs to be supported by appropriate changes to the financial system to actively facilitate relocation (e.g., stamp duty and negative gearing reforms).

The range of dwellings currently being supplied is narrow. What the market tends to deliver does not match the range of need. A greater understanding of the barriers to diversity of supply will inform solutions to promote delivery of a greater diversity of dwellings.

Submission to the NSW Regional Housing Taskforce

Recommendation: Identify and address barriers to delivery of, and access to, a greater diversity of dwelling supply, including planning, fiscal, and other settings.

Housing Affordability

Because of reduced housing affordability across NSW, including Shoalhaven, housing insecurity, stress and at risk of homelessness are rising. Trends associated with the current pandemic have exacerbated affordability challenges for people living in regional areas, especially popular lifestyle destinations like Shoalhaven. In addition, Shoalhaven communities were badly affected by the 2019-2020 bushfires, with homes lost and rebuilding delays contributing to local housing and rental shortages and housing insecurity.

Purchasing a home has become less affordable and rental costs have also increased. Median sale prices in Shoalhaven increased by 10.5% to 12% in 2020, whereas modelled gross household income only increased by a modest 1%, indicating the purchase of a home is becoming less affordable to Shoalhaven residents over time.

Shoalhaven has the highest level of housing stress in the Illawarra-Shoalhaven Region. Although housing in Shoalhaven is generally still lower in cost compared with much of the Illawarra, the incomes of local people are also much lower. Housing is increasingly unaffordable for residents on very low and low incomes, both to rent and purchase. A rising scarcity of rental homes impacts these groups most severely but is also limiting housing options for key workers and moderate-income households.

Council has taken an active position in this regard, releasing the [Shoalhaven Affordable Housing Strategy](#) in early 2018 and actively working on its early priorities, including the transfer of an area of Council land in the Bomaderry Town Centre to local community housing provider, Southern Cross Housing, to facilitate an additional 'exemplar' affordable housing development of up to 40 dwellings.

Current NSW Government policy and strategies for social housing suggests an approach to use tenancy in social housing as an opportunity to upskill and empower residents to break poverty and dependence cycles and improve skill building, education, and financial independence. Future social housing stock will also be altered to create more housing and more suitable housing for residents and a greater supply of smaller, more suitable dwellings for an ageing social housing population.

Submission to the NSW Regional Housing Taskforce

However, there is a critical need for additional housing stock now to assist with the range of circumstances being faced in regional areas and for place-based solutions tailored to local contexts. Options are needed to quickly deliver additional social and affordable housing where it is most needed with clear actions set for governments and partners to instigate change, such as pilot projects and programs, demonstration, and co-design projects.

Encouraging the private housing market to adjust product mix to meet emerging needs and the increased delivery of affordable rental or social housing could improve housing affordability.

Council consistently advocates with the NSW Government for the renewal of land owned by the NSW Land and Housing Corporation and managed by Southern Cross Housing.

The most recent activity suggested the 'meanwhile use' of NSW Government land as an initial short-term step to stimulate much needed affordable housing opportunities. The transfer process was however problematic, and Council's learnings indicate a need to review the Public Private Partnership legislation.

Council made a detailed submission to the August 2021 NSW Government Inquiry into options to improve access to existing and alternate accommodation to address the social and affordable housing shortage. A copy of this submission and its recommendations are attached.

Recommendations

1. Address immediate social and low-income housing needs in partnership with Community Housing providers
2. Educate private housing market providers (Builders and Agents) on the need for evolving product mixes to meet emerging needs
3. Resource and pursue opportunities for the wholistic renewal of appropriate areas of existing housing that is owned by NSW Land & Housing Corporation to provide additional affordable and social housing opportunities throughout regional NSW
4. Facilitate the ability for the 'meanwhile use' of NSW Government land for shorter term affordable housing opportunities.

Submission to the NSW Regional Housing Taskforce

5. Investigate opportunities to amend relevant NSW Government legislation to better facilitate opportunities for Council held land to be used for innovative affordable housing opportunities.

Supporting Communities with Infrastructure and Services

The delivery of infrastructure and services to meet the needs of current and future communities is closely related to housing delivery and needs to be addressed at the same time. The challenge of delivering new and upgraded infrastructure for future communities is increased by the shortfall of infrastructure to meet current community needs.

As an example, Council's planning for the Nowra-Bomaderry Regional Release Area demonstrates NSW Infrastructure Agencies have not identified the need or funds to respond to planned growth. Planning for future school, health, and transport infrastructure to service the new urban area remains largely unknown despite concerted advocacy efforts by Council. There are no known plans to deliver the schools required to service the release area or upgrade Moss Vale Road (State Road) to ensure new communities are efficiently connected to the existing road network.

A significant amount of time and funding is also required to plan and deliver the necessary, local road, drainage, and community infrastructure. This challenge is compounded by the limitations on Council's use of local development contribution mechanisms and the uncertainty around the future framework currently being pursued by the NSW Government. The current cap on local development contributions severely restricts the delivery of the infrastructure essential to service new release areas. A significant amount of time is spent identifying and negotiating alternative ways to fund and deliver essential infrastructure.

Current funding support and initiatives are not as responsive or efficient as they need to be, leading to further delay in the delivery of infrastructure required to service new dwelling supply. Examples include the

- Illawarra-Shoalhaven Special Contributions Scheme's lack of forward-funding programs for identified infrastructure, uncertainties around residual funding, and lack of guaranteed access to funds.

Submission to the NSW Regional Housing Taskforce

- Infrastructure NSW Housing Acceleration Fund's (HAF) heavily bureaucratic administration process and subsequent delays in accessing approved funding. A current example of the challenges involves the release of funds for a new roundabout on Moss Vale Road (State Road) to service two new urban release areas providing close to 3,000 new dwellings. The assurance process for the project and its funding is complex and time consuming when the outcome has already been settled.

Recommendations

1. Provide increased funding and more accessible funding to accelerate the delivery of infrastructure to support planned growth, supported by efficient administration processes.
2. Ensure funding programs designed to assist with the release of land are tailored to provide timely funding, possibly through streams depending on risk and/or cost (e.g., low risk relatively low-cost project – more straightforward assurance process)
3. Increase flexibility in local development contribution schemes to enable infrastructure planning and delivery to meet the identified needs of future communities in new urban areas.
4. NSW Infrastructure Agencies must plan and deliver essential infrastructure to keep pace with housing delivery.
5. Ensure Local Government is actively involved and engaged in the proposed development contribution reforms and support councils (training, funding, other resources) to prioritise the implementation of the resulting new framework.

CL21.219 Grant Offer to Council - Building Better Regions Fund Round 5 - Ulladulla Harbourside

HPERM Ref: D21/439191

Department: Economic Development

Approver: Gordon Clark, Director - City Futures

Reason for Report

Council applied and has been successful in receiving a grant to improve the Ulladulla Harbourside project that will complement the Ulladulla Boardwalk project that has already been funded from other grant income.

Note: This report is submitted directly to the Ordinary Meeting to enable the grant offer to be accepted prior to Council going into recess.

Recommendation

That Council

1. Accept the grant of \$1,575,686 from the Australian Government's 'Building Better Regions' Fund Round 5 for the Ulladulla Harbourside upgrade project
2. Authorise the Chief Executive Officer to sign the funding agreements with the Australian Government for this project
3. Write to the Member for Gilmore thanking the Australian Government for the grant from the Building Better Regions Fund Round 5.

Options

1. Accept the recommendation.

Implications: Funding will be secured and the project will proceed.

2. Adopt an alternate resolution

Implications: Would need to be determined based on the nature of any resolution, but could still mean the project proceeds in an amended form (not recommended).

Background

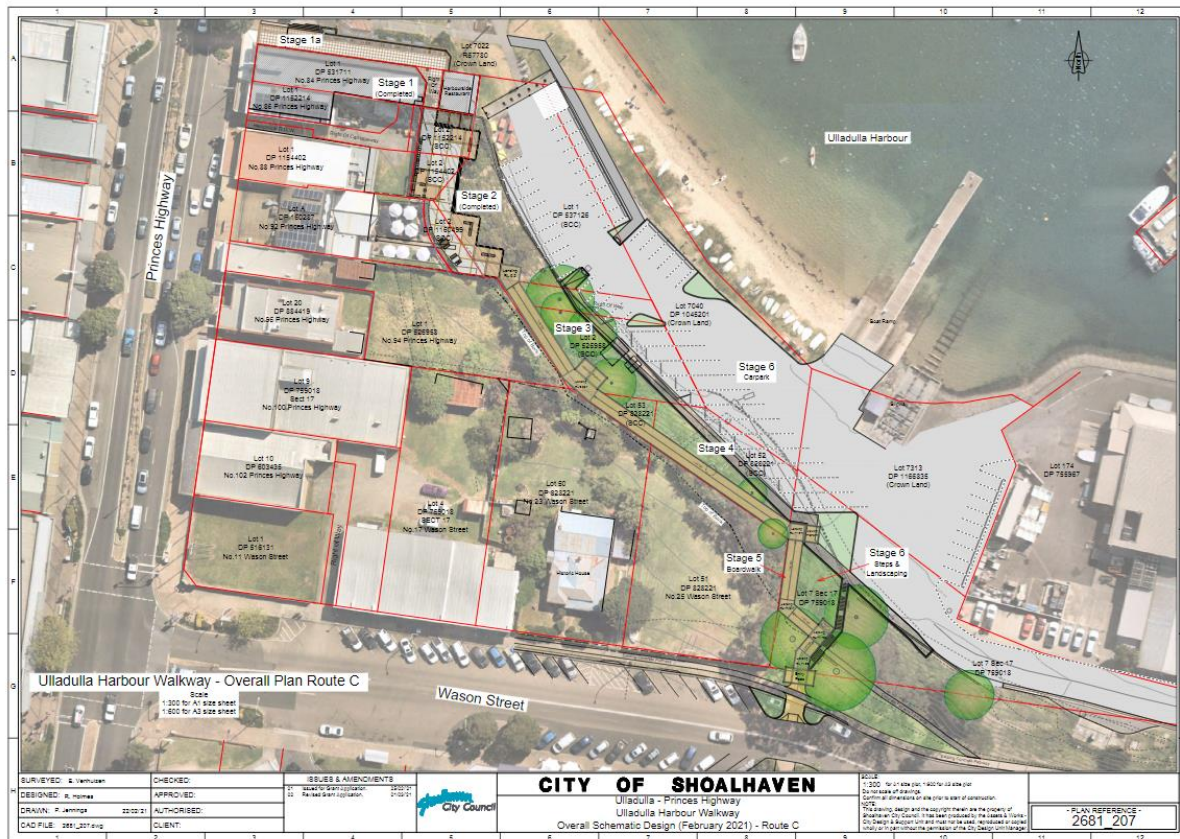
Council has previously committed to the planning assessment reform agenda of the NSW Government and these procedures are being implemented by Council including the improvement in processing times for Development Applications and other development processes. As a consequence of this, Council was offered \$3 million to undertake a project to enhance a public space under the NSW Government's Public Spaces Legacy Program.

Council applied to have this \$3 million committed to the continuation and completion of the Ulladulla Boardwalk project which was partially completed in 2012.

In working up this submission, a parallel application was also developed and submitted to the Australian Government under Round 5 of the Building Better Regions Program to include the upgrade of the carparking area below the Boardwalk including new stairs from Wason Street down to the carpark and a dedicated pedestrian walkway back towards the Civic Centre

CL21.219

precinct. This is shown as Stage 6 in the diagram below - parts of Stage 5 are also shown in this image.



The overall Ulladulla Boardwalk and Harbourside Improvement Project will create a new elevated public space that establishes long desired visual connectivity between the commercial centre and Ulladulla Harbour. This will assist in stimulating commercial activity by encouraging locals and visitors to enjoy the Harbour outlook from the adjoining cafes, restaurants and dedicated viewing points. In addition, the project will provide connectivity between the Boardwalk, town centre and the adjoining working waterfront, creating a vibrant, interesting and enjoyable destination for visitors to the area.

The two projects will be delivered together through a program of infrastructure works, with an emphasis on linking and expanding on other key projects that are occurring in the area within the town centre and working waterfront precincts. This will provide a holistic outcome and experience for visitors, with easy access to iconic natural areas being combined with the working waterfront areas and high-quality dining / retail facilities all within the same locality.

As an integrated package of works, two project areas will be delivered:

- Ulladulla Boardwalk – Completion of the boardwalk project, which provides elevated views from the 'Ulladulla Harbour Triangle' over the adjoining harbour and working waterfront. This program of works will facilitate the completion of the project which will connect the Princes Highway and Wason Street to create a fully accessible 'Ulladulla Harbour Triangle'. This Project has been estimated at \$3 million, with funding coming from the NSW Government's Public Spaces Legacy Program.
- Harbourside Improvements – Improving the pedestrian connectivity between the Boardwalk above to and along the foreshore. This requires careful planning to encourage public interaction with the working waterfront whilst not impacting on commercial water-based activities. At present there have been a number of improvements to surrounding areas, however the car park and pedestrian connectivity through the "working waterfront area" remains of concern. Plans have been developed to facilitate infrastructure that

CL21.219

allows safe movement in and around the area without diminishing operational needs. This Project is being made possible as a result of a grant from the Australian Government for \$1,575,686 under the Building Better Regions Fund Round 5.

Both of the above applications were submitted to government through Council's City Futures Directorate and were prepared by the Economic Development Office.

Community Engagement

The announcement about the Boardwalk improvements has been available for some time and has attracted positive comment from the wider business and general communities.

Several landholders are involved, both private and public. The Crown agencies have been quite positive and are working with Council. The private property owners are not opposed to the development but have their own requirements which the project will endeavour to meet and settle/agree to by ongoing negotiation.

The interests of the boating public have been addressed and this will be a critical part of stakeholder engagement during project delivery.

Policy Implications

The Boardwalk project does form part of the overall planning context for the Ulladulla town centre and the intent of the Development Control Plan will be complied with.

Financial Implications

This most recent grant from the Australian Government compliments the other NSW Government grant and will form 100% of the overall project cost.

The only financial contribution by Council will be staff time and any cost overruns, but with good project management this should be avoided.

Risk Implications

This project is a medium sized construction project in a public space in Ulladulla. Any risks will be identified and managed by Council and its contractors.

CL21.220 Jervis Bay Regional Boat Ramp Master Plan (option H) - Construction - Boat Maintenance Facility - Woollamia - Operational Procedures / Leasing Arrangements

HPERM Ref: D21/442918

Department: Economic Development
Approver: Gordon Clark, Director - City Futures

Reason for Report

This report is submitted direct to the Ordinary Meeting given the need to enter into an operational arrangement to deliver a functional boat maintenance service before end of 2021.

Council considered a report in July 2021 and received subsequent briefings about an operational Boat Maintenance Facility at Woollamia. This report has been prepared to conclude this matter following consultation with various stakeholders.

Recommendation

That

1. Council completes the construction of the Boat Maintenance Facility at the Woollamia Boat Ramp as soon as possible.
2. Council lease the use of the Boat Maintenance Facility at Woollamia to local shipwright, Paul Kennedy, for three (3) years with an option of a further 3 years.
3. The Chief Executive Officer (City Futures) confirm a “fair” rental for the first 18 months to be reviewed after 12 months of operations and reset for the final 18 months of the initial lease term and thereafter reviewed at 12 monthly intervals, should the option be taken up.
4. The lease be subject to adequate commercial insurance coverage and trading terms to the satisfaction of the Chief Executive Officer (City Futures).

Options

1. As recommended

Implications: The facility will be operational by 2022, with a commercial operator engaged with a lease.

2. Modify the recommendation, for example, so as to not be finalised by the end of 2021

Implications: This could mean the project is not finalised by the end of 2021 as intended. The boat repair users of the facility, the operator and the wider boating community may have concerns in this regard, given the delays that have occurred already in delivering the project. Not recommended.

3. Reject the resolution as printed

CL21.220

Implications: The facility may not be fully operational and could be unusable. The Australian Government may then be entitled to recall its grant and Council could suffer reputational damage for not delivering a project that is almost complete.

Background

Council proposed, following approaches from various vessel owners including the Jervis Bay Cruising Yacht Club, to establish a facility to undertake vessel maintenance at the Jervis Bay Regional Boat Ramp which included a compound with appropriate environmental protection devices and a purpose-built trailer to lift vessels in and out of Currambene Creek utilising the boat ramp.

Funds were sought from the Australian Government to assist with this endeavour and a sum of \$180,900 was granted to Council.

This matter has been to Council on several occasions, and in July 2021 it was resolved that:

“Council continue to construct and commission the Boat Maintenance Facility, consistent with the Jervis Bay Regional Boat Ramp Master Plan (Option H) with a view to the boat maintenance being operational in November/December 2021”.

This part of the resolution added that the following would be put in place:

- Perimeter fencing
- Storage for tools and equipment for the contracted operator, including a small office space.





It was suggested that 2 x 20 foot containers may be required, but discussions with the proposed operator concluded that only one would be required, thus maximising the area available for vessel work. The alternate site for the container to the north of the sediment tanks was not pursued for 2 reasons:

- It reduced the number of available car & trailer parking by 2 spaces, and
- From a functional & operational perspective access to an open container during working hours is best located inside the maintenance compound.

The diagram above shows the indicative layout.



CL21.220

Fencing – permanent	
Fencing – movable	
Container – storage & office	
Landscaping area	

This concept was taken to the Woollamia Maritime Precinct Management Committee on 13 October 2021 where the above layout was discussed and, with the exception of the landscaping area, was endorsed by the full Committee.

It was advised that the landscaping area needed to be considered together with the area required for boat washdown bays, to maximise the number of washdown bays to be created. If no vegetation buffer is provided in this area, then an alternative for consideration would be to place an appropriate mural on the side of the container, although noting that this would be behind the fence. This matter is not critical to the timing of the fencing etc so its implementation can be deferred and resolved by staff.

With regard to the operational fundamentals for the facilities, these were also tabled for discussion by the Management Committee at the same meeting, as follows:

- a) *Storage shed and office as located in above diagram*
- b) *Subject to adequate insurance coverage, have provisions for vessel owners to perform works on their own vessels, under the supervision of the contracted operator*
- c) *Vessel lifting costs be set by the contracted operator, including a charge to be set aside for asset replacement and maintenance of the Council trailer*
- d) *Subject to adequate insurance coverage, that other vessel maintenance operators be allowed to work on vessels, under the supervision of the contracted operator however the trailer will be operated by the Contracted Operator (or their qualified staff).*
- e) *The site fees be set by the contractor, and listed within Council's Fees & Charges, to be reviewed annually*

The other operating condition that was proposed in the previous Council resolution was discounted on the grounds that the insurance provider for the contractor would not support this condition:

- f) *Other boat lifting contractors be able to lift boats for private work by owners in the maintenance area subject to the site fees being paid to the primary contractor and subject to adequate insurance cover being in place*

This fact was based on an understanding that in a boatyard the safety of persons and adjacent vessels is dependent on the way in which the vessels are stored and braced. This practice and signoff needs to be with the prime contractor and thus the insurance company's refusal to have other trailers and bracing systems installed by other operators.

The outcome of discussion at the Management Committee was clear in that there was unanimous support for the above operational fundamentals a), b), c), d), and e) with the understanding that f) was to be excluded. The provision to have either owners or contractors work on their vessels in Part (d) was supported as it addressed the main opponent's concern that he was being excluded. Even though this point had been incorporated in the original proposal, the concern seems to have dissipated given a better understanding of the insurance issues.

Moving Forward

Given the support for the above, the way is now clear to complete the project - this is expected to be around mid-December 2021.

CL21.220

Through an Expression of Interest process to identify a shipwright to operate the facility, Council staff have been working with Paul Kennedy, a local shipwright who currently operates Council's slipway at Greenwell Point. He has obtained insurance advice and is working with Council staff towards entering into a lease arrangement with Council based on the above fundamentals for a lease period of 3 years with a 3-year option.

The contractor will set the "lift" fee for vessels and determine the site fees for boats being worked on within the compound. The fee structure for this type of venture is untested. It is proposed to set a lease fee for a period of 18 months which will be reviewed and reassessed after the first 12 months based on actual turnover. With the lease period commencing in the middle of the boating season, most craft will have already been lifted for hull cleaning and polishing and so reduced activity is bound to be encountered. A co-operative approach by Council is necessary to establish this venture and set realistic charges that do not undermine other operators in this market.

Community Engagement

This venture is approximately 18 months behind the anticipated and proposed commencement and commissioning date. This has been mainly due to the high degree of community engagement that has been needed to clarify things.

The most recent consultation with the Management Committee has led to an endorsement of the development and the operational regime.

Boat owners also welcome that they no longer have to contemplate having their craft surveyed and maintained outside of Shoalhaven.

Policy Implications

This venture is based on establishing a service within the City that was only partly being delivered by other contractors. This new facility will vastly improve the environmental performance of cleaning and servicing vessels at one of the busiest regional boat ramps in Shoalhaven.

Financial Implications

Council sought and obtained an Australian Government grant to build the facility at Woollamia. Council funds have come from the Council's Reserves (economic development).

The fee structure will be able to fund the operational maintenance of the asset, including the trailer, and will be based on life cycle costing principles. The operational surpluses will be applied to other maritime assets within Shoalhaven.

Risk Implications

This venture is aimed at minimising, if not eliminating, the environmental risks that have prevailed through past operations.

The venture can be regarded as untried at present in the local area, but research into the demands and needs of boatowners, especially with commercial craft and with larger vessels is that they required a safe lift out system that can have their craft serviced and returned to the water with minimal delay and risk. This operation will deliver these outcomes.

CL21.221 Tenders - Placemaking at Vincentia Shopping Village

HPERM Ref: D21/423409

Department: Economic Development

Approver: Gordon Clark, Director - City Futures

Reason for Report

Inform Council of the tender process, the evaluation and proposed awarding of contract for “Placemaking at Vincentia Shopping Village”.

Note: This report is being submitted directly to the Ordinary Meeting due to the need to award a contract and engage contractors to comply with contracted obligations under a funding agreement with the Australian Government.

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

Recommendation

That Council consider a separate confidential report “Tenders – Placemaking at Vincentia Shopping Village” in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Consider the separate confidential report.

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

2. Alternative recommendation.

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

Background

Council recently called tenders to undertake “Placemaking at Vincentia Shopping Village”. Tenders were called on 31 August 2021 and closed at 10:00am on 28 September 2021.

A grant has been secured for this work from the Australian Government’s ‘Building Better Regions’ Fund Round 3.

Details relating to the evaluation of the tenders is contained in the associated confidential report.

CL21.221

Community Engagement

Extensive community engagement has occurred on this project - full history of the project is available at: [Placemaking for Vincentia Shopping Village](#)

Policy Implications

This project forms part of the business development programs that extend across various areas of Council's operations. The rehabilitation of public space adjacent to shopping centres has been undertaken in Nowra, Ulladulla, Huskisson, and Sussex Inlet. These enhancements assist in the vitality of each centre in a different way but are supportive of business trading and help with the vitality of "local" shopping precincts".

Financial Implications

Council was successful in obtaining a grant for \$1.7m from the Australian Government under the 'Building Better Regions' Fund Round 3. The overall project estimate was \$3.44m with the Council contribution of \$1,744,246 coming from General Fund.

CL21.222 Pathway - Callala Beach to Callala Bay – Beach Rd & Emmett St - Options Investigation / Costs - Staged plan - Community Consultation

HPERM Ref: D21/247835

Department: Works & Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Plan - Pathways Design Strategic Plan 2568_02 - Callala Beach to Callala Bay Links [↓](#)

Reason for Report

To allow Council to consider the outcome of the consultation with the Callala Beach and Callala Bay CCB's, residents and community organisations to establish the alignment for improved pedestrian connectivity between Callala Bay and Callala Beach along Emmett Street and Callala Beach Road. This consultation process was the result of a Council decision on the 23 February 2021.

Recommendation

That Council note the following in relation to recent engagement with the community in the Callala Beach/Callala Bay area in May 2021, in respect of improved pedestrian connectivity between Callala Bay and Callala Beach along Emmett Street and Callala Beach Road;

1. The paths labelled 1-7 (on the attached plan Callala Bay - Callala Beach Rd and Emmett St Pathway Investigation Concept Plan 2568_02) are worthy of detailed design and costing.
2. Once detailed design is completed, estimated costs for construction are known and further community consultation will be undertaken as agreed with community representatives, (likely to occur in late 2022).

Options

1. The report on pathways linking Callala Beach and Callala Bay pathways be received for information and a further report be provided to Council once detailed design and further community consultation has been completed.
Implications: Nil.
2. Council make an alternate recommendation on timing and funding.
Implications: Depending on the alternate recommendation it may have implications for funding.

Background

Council considered a petition submitted directly to the Ordinary Meeting on 25 January 2021 with over 1,785 signatures seeking to "provide a much needed link between the two villages of Callala Beach and Callala Bay". The petition as presented to the Council Ordinary meeting read as follows:

"The Callala Beach Progress Association and the Callala Bay Community Association wish to urge Shoalhaven City Council to proceed to design and construct a shared

CL21.222

pathway or boardwalk which would provide a much needed link between the two villages of Callala Beach and Callala Bay.

The proposed pathway would run alongside Emmett Street and Callala Beach Road (from Stott Crescent to Club Callala).

This pathway/boardwalk would greatly benefit both residents and visitors, pedestrians and cyclists, providing a safe connection between our two villages and safe access to the services provided at each.

With the proposed O'Halloran housing development, the new motel and surging tourist numbers, such a vital link between our two villages is urgently needed, especially considering increased traffic flow along a very narrow Callala Beach Road."

Council has a Pedestrian Access and Mobility Plan (PAMP) which was adopted in 2005. The preferred route put forward by the petitioner's was on a different alignment to the adopted route which has been developed as part of the Round the Bay walk strategy.

A technical analysis was undertaken and presented to Council with regard to the petitioner's preferred route and Council's adopted PAMP route. The keys factors considered included safety, environmental issues, design and cost.

In response to this petition and technical analysis, at the Ordinary Meeting on 23 February 2021 the Council resolved as follows: (MIN21.101)

"That in response to the petition presented to the Ordinary Meeting on the 25 January 2021 (D21/31390) seeking Council to 'provide a much needed link between the two villages of Callala Beach and Callala Bay", Council:

- 1. Undertake consultation with the Callala Beach and Callala Bay CCB's, residents and community organisations to establish the alignment for improved pedestrian connectivity between Callala Bay and Callala Beach along Emmett Street and Callala Beach Road.*
- 2. As part of the consultation develop a four year staging plan for detailed design and construction, options for funding, and inclusion in the 10 year Capital Plan.*
- 3. Receive a further report on alignment, funding and timing."*

Policy Implications

Council has allocated funds in 2021/22 for an update of the Pedestrian Access & Mobility Plan (PAMP). The process has commenced initially with inspections by staff of the city's path network to ensure that PAMP mapping is as up to date as possible prior to engaging with the community later in the financial year. Following recent investigations and engagement with the community in the Callala Beach/Callala Bay area in May 2021, the paths labelled 1-7 (on the attached plan Callala Bay - Callala Beach Rd and Emmett St Pathway Investigation Concept Plan 2568_02) have been captured in the current review process and will be listed as proposed amendments when the PAMP is initially provided to the public to invite feedback.

Community Engagement

A site meeting was held on 18 May 2021 to discuss the options and stages of actions to be taken with regard to proposed locations for paths connecting Callala Beach and Callala Bay. Present at the meeting were members of the Callala Beach Progress Association, Callala Bay Community Association, Cllr White, Cllr Gash and Council staff.

A strategic plan was developed for paths to connect Callala Beach and Callala Bay. The attendees decided that detailed design and construction estimates of these paths would be beneficial before undertaking wider community consultation.

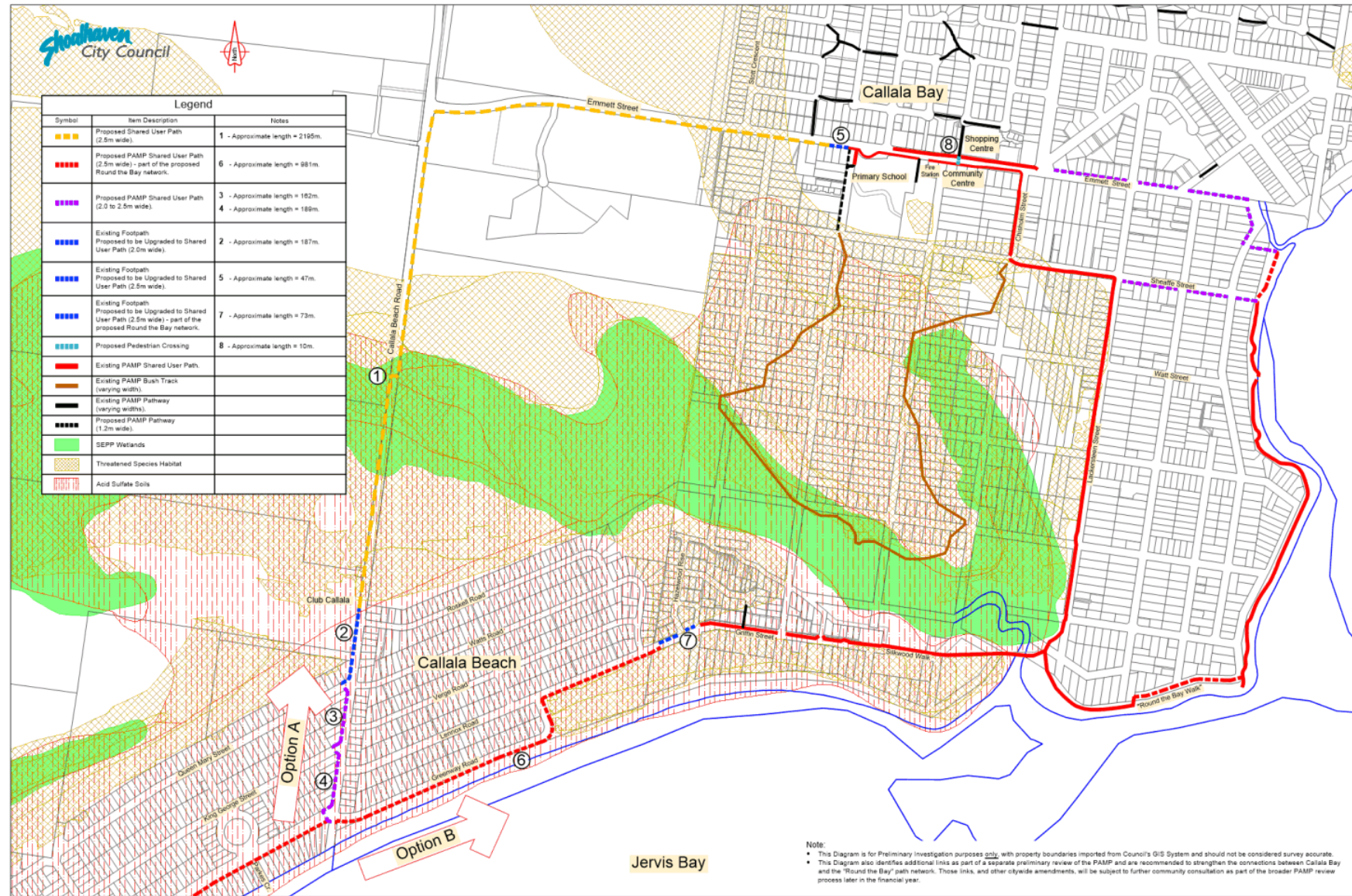
CL21.222

Further public consultation is proposed to occur with this information in late 2022 and as a part of the PAMP update.

Financial Implications

At the Council Ordinary Meeting held on 29 June 2021, it was resolved to include in the 2021/22 Delivery Program and Operational Plan and Budget: Callala Beach Road Boardwalk/Pathway Detailed Design - \$50,000. (MIN21.395)

This funding is being utilised to undertake survey, investigations, detailed design, construction budget estimates and a further round of community consultation in quarter four of the 2021/22 financial year of the proposed paths (labelled 1 to 7) and crossing, (labelled 8) on the attached plan Callala Bay - Callala Beach Rd and Emmett St Pathway Investigation Concept Plan 2568_02.



CALLALA BAY - Callala Beach Road & Emmett Street - Pathway Investigation

Scale 1:4000 for A1 size sheet, 1:8000 for A3 size sheet Plan Reference No. 2568_02
Concept Plan 1

CL21.223 Additional Car Parking - Basin View Boat Ramp

HPERM Ref: D21/200835

Department: Works & Services

Approver: Paul Keech, Director - City Services

Reason for Report

The purpose of this report is to advise council of the outcome of the investigations regarding the provision of additional carparking at the Basin View Boat Ramp

This report is being submitted directly to the Ordinary Meeting due to no more Strategy & Assets Committee meetings being scheduled during the term of this Council.

Recommendation (Item to be determined under delegated authority)

That:

1. The CEO (Director City Services) undertake works to create better delineation of the existing overflow trailer parking at Basin View Boat Ramp prior to the peak tourism season in December 2021, with a view to providing approximately 10 additional parking bays, at a cost of approximately \$22,500 to be funded from budget adjustments at the next quarterly budget review.
2. Council allocate \$50,000 in the draft 2022/2023 budget documentation for the investigation and subsequent design of additional trailer parking bays at Basin View Boat Ramp, with the aim of developing a staged upgrading plan for additional parking (if required) and report to Council on costs and environmental impacts of any parking expansion plans.

Options

1. Council adopts the recommendation

Implications: With delineation and levelling work, an additional 10 trailer parking bays could be provided at Basin View Boat Ramp prior to next peak tourist period and would create very minimal environmental impact and cost. This will allow further investigations, a future parking demand strategy can be staged.

2. Council reject the recommendation

Implications: The status quo remains and Council risks a shortage of trailer parking at Basin View Boat Ramp during future peak tourist periods. Local residents will continue to bear the brunt of parking and traffic issues. Local and visiting boat owners will be dissatisfied with the facilities provided at Basin View by Council.

Background

Over the last couple of years, there has been a noticeable increase in the use of Council's boating facilities, especially in peak tourist periods and times when Covid-19 protections are in place at Booderee National Park (Murrays Beach Boat Ramp). Council at its meeting on 19 January 2021 resolved that the CEO undertake urgent investigations regarding the provision of additional carparking at the Basin View Boat Ramp and report back to Council.

CL21.223

At the Strategy and Assets Committee meeting on the 19 January 2021 the Committee resolved (under delegation) as follows (MIN21.13);

That the CEO undertake urgent investigations regarding the provision of additional carparking at the Basin View Boat Ramp and report back to Council.

Investigation of Proposed Staged Additional Parking

The Basin View Boat Ramp currently provides ten car parking bays and ten car & trailer (“trailer”) parking bays as shown in Figure 1 below.



Figure 1 – Basin View Boat Ramp and carpark showing formal and informal carparking

There is also an informal overflow parking area serviced by a horseshoe shaped bitumen track, off the boat ramp entrance road. However this area has no delineation and the ground is uneven in some locations and so the area is not utilised to its full theoretical capacity.

Stage 1 (recommended) - Delineate of additional trailer parking areas (up to ten), in the existing overflow parking area.

- In conjunction with some levelling of grassed sections and optional removal of a few trees, parking in the existing overflow area could be increased using bollards and paint markings to delineate parking areas and parking bays. This would be a relatively quick solution to provide additional trailer parking solution with minimal financial outlay and low environmental and community impact. As Council manages this parcel of Crown land, no special permissions would be necessary.
- Due to inefficiencies in space utilisation at present, the actual usable parking is estimated at 20 trailer parking bays whereas the theoretical capacity is approximately

CL21.223

30 trailer parking bays. An additional 10 trailer parking bays for the upcoming peak tourism season could be provided with delineation and levelling work.

Further Trailer Parking development opportunities

Pending further investigation on parking demands, there is additional potential for staged optimisation of the existing overflow parking area that may be required during peak tourist periods.

Stage 2 - Extend Existing horseshoe loop road further into parkland.

- There is semi-cleared parkland further south of the horseshoe track that could provide additional parking but would require an extension of the existing track or a new track directly off Basin View Parade. An extension of the overflow parking access track would likely cause controversy with the community as it would be impacting a scenic parkland area. Better use of the existing informal parking area could be made before expanding into significant Community land.

Stage 3 - Construct Gravel Pavement and Delineate Parking Bays, in existing overflow parking area

- To allow delineation of parking bays to standard width and optimise parking bay numbers, sections of the overflow parking area could have gravel pavement constructed, which could be sealed at the time or in the future. Depending on locations and extent of unsealed pavement construction, dust for nearby residents may be an issue.

Stage 4 - Redesign existing overflow parking area and construct road and parking bays with sealed pavements and concrete kerb & gutter.

- A full and formal design for trailer parking would have a high cost and long lead time for survey, design, consultation, tender and construction.

Community Engagement

Consultation with the community would need to be carried out for any significant changes to the existing overflow parking area, i.e., anything more than the low impact proposed Stage 1 development.

Financial Implications

Stage 1 (recommended) - The cost to undertake minor earthworks, tree removal and delineation of parking in the existing overflow area is approximately \$22,500, to be sourced from a budget review at the next Quarterly review process.

The following ballparks costs are provided as a guide to the likely scope of future works. No allocation in the current budget of the long-term capital plan exists for the following.

Stage 2 – The cost to extend the horseshoe loop road and carry out minor earthworks is \$60,000

Stage 3 – Depending on the extent of selective gravel pavement construction and sealing, the cost could be \$60,000 to \$120,000

Stage 4 – The cost to carry out full and formal design and construction is estimated at \$275,000.

CL21.224 Natural Areas Volunteers - Parkcare Action Plans - Barker Reserve / Burrill Lake Lions Park / Valley Drive Reserve

HPERM Ref: D21/374373

Department: Works & Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Draft - Barker Reserve - Burrill Lake - Parkcare Action Plan [↓](#)
2. Draft - Burrill Lake Lions Park - Parkcare Action Plan [↓](#)
3. Draft - Valley Drive Reserve - Conjola Park - Parkcare Action Plan [↓](#)

Reason for Report

To allow Council to consider two updated and one new Parkcare Action Plans that have been prepared by Parkcare Groups in conjunction with Council staff.

The plans are:

1.	Barker Reserve – Burrill Lake – Parkcare Action Plan	Burrill Lake	New
2.	Burrill Lake Lions Park – Parkcare Action Plan	Burrill Lake	Updated
3.	Valley Drive Reserve – Conjola Park – Parkcare Action Plan	Conjola Park	New

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the updated and new “Parkcare” Plans for
 - a. Barker Reserve – Burrill Lake (NEW)
 - b. Burrill Lake Lions Park (UPDATED)
 - c. Valley Drive Reserve – Conjola Park (NEW)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,200 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

Options

1. Approve continued endorsement of Burrill Lake Lions Park Parkcare Group and approve new endorsements of Barker Reserve – Burrill Lake Parkcare Group and Valley Drive Reserve – Conjola Park Parkcare Group and adopt the Draft Action Plans.

Implications: One group is currently allocated a total of \$400 for continuing support and if this option is adopted two new groups would be allocated \$400 each, for ongoing support of Parkcare objectives which would be offset by the free resource offered to Council. The total cost of supporting the three Parkcare Groups would be an annual cost of \$1,200 which would be provided from the Works and Services Operational budget.

CL21.224

2. Not approve the ongoing support of Burrill Lake Lions Park Parkcare Group and refuse any new endorsement of Barker Reserve – Burrill Lake Parkcare Group and Valley Drive Reserve – Conjola Park Parkcare Group, pending any changes to the Action Plans.

Implications: This would be a lost opportunity for Council. It is estimated from actual volunteer hours of existing Parkcare groups, that the additional proposed Action Plans, and the volunteer effort that supports it, allows the groups to supplement Council's maintenance schedule at a higher level of service thus adding approximately \$16,500 per annum (2 parks x average of 275 volunteer hours x \$30 per hour for labour) to present a high-quality park and reserve to the Conjola Park and Burrill Lake Communities.

Background

Council engages volunteers such as Parkcare groups to achieve higher levels of maintenance at minimal cost to Council. Council currently has 50 Parkcare Groups with 441 volunteer members under its Parkcare Programme.

The following draft Parkcare Action Plan is up for readoption with no changes as part of the normal six-year review process:

1. Burrill Lake Lions Park Parkcare Action Plan

The following two draft Action Plans have been requested from residents who are willing to supplement Council's maintenance schedules to enhance their local area:

1. Barker Reserve – Burrill Lake Parkcare Action Plan

Barker Reserve was originally included in the Casuarina & Honeysuckle Close Parkcare Action Plan, but the group has never worked in the reserve and as both Barker Reserve and Casuarina & Honeysuckle Close Parkcare Groups have their own goals, volunteer members and times and days they work, a separate group was agreed upon by all volunteers involved.

2. Valley Drive Reserve – Conjola Park Parkcare Action Plan

As part of a Council resolution MIN21.69, a memorial garden in Hoylake Grove Park (official name, Valley Drive Reserve) was approved as part of the Conjola Community Recovery Association's Draft Conjola Connected Communities Master Plan.

The Parkcare Group is being formed by a local resident who, if the plan is adopted, will recruit other local residents to become volunteers to complete the landscaping of the memorial garden and supplement Council's maintenance schedule of the garden and the reserve.

Community Engagement

Participation and involvement in the Parkcare Groups is open to all community members. All the attached Action Plans involved consultation, as part of the Bushcare / Parkcare Procedures (PRD20/28), 7.2 Community Consultation.

Financial Implications

One group has been established in the Shoalhaven for a number of years and has been allocated the \$400 in future Works & Services budgets.

Two groups to be allocated \$400 each, which is offset by the free resource offered to Council and will continue to receive a commitment totalling \$800 for the group in future Works and Services budgets.

The total yearly contribution of \$1,200 has been provided for in the 2021-2022 Operating budget for Works and Services.

CL21.224



BARKER RESERVE – BURRILL LAKE - PARKCARE ACTION PLAN

Document Number: D21/244012 • Adopted: **Date** • Minute Number:
Minute number • File: 31954E • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Barker Reserve Parkcare Group
Contact:	Ian Carroll
Address:	21 Lake View Drive, Burrill Lake
Tel:	0414 460 243
Email:	Blcass78@gmail.com
Reserve Name:	Barker Reserve
Location:	Burrill Lake
Reserve No:	SBL855
Land Tenure	Freehold
Comm Land Type	Community Land

1. PARKCARE GROUP GOALS

To keep the park clean, tidy and graffiti free

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Area 1 - Whipper snip & weed under trees and make into a garden with native plants	H	Whipper snipper & by hand & spraying	Ongoing
Paint play equipment	M	By hand	When required
Litter pick up	H	By hand	Ongoing
Graffiti removal	H	By hand	Ongoing

3. PARKCARE GROUP ACTION PLAN MAP



The area of Barkers Reserve to be maintained by the Parkcare Group is outlined above

4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Whipper snipping	Line Trimmer	SWI41 (v2)
Paint play equipment	Park furnishings and Play Equipment Maintenance	SWMS1201
Litter pick up	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Graffiti removal	Park furnishings and Play Equipment Maintenance	SWMS1201
Weeding	Weed Control Activities	SWMS1408
Spraying of weeds	Herbicide Spraying	SWI29 (v2)

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43
Bushcare/Parkcare Procedure	PRD20/28
Contractor & Volunteer Management	PRD18/165
Personal Protective Equipment (PPE)	PRD16/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Supply materials and advice

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Plan of Management Generic - Parks	2001	Shoalhaven City Council

**11. RECOMMENDED PLANTING SPECIES LIST
(NO VIEWS TO BE IMPACTED)**

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Lomandra	1m	Aesthetic value and to attract birds.	As required and approved
Various native plants	Less than 2m	Aesthetic value and to attract birds.	As required and approved

12. SITE WEED LIST

Common Name	Extent	Control method used by group
Wandering trad	M	By hand & spray
Flat weed	M	By hand & spray
Panic veldt grass	L	By hand & spray

All works undertaken pursuant to this action plan are to be to the satisfaction of the Open Spaces Asset Coordinator

Parkcare Group Name Barker Reserve – Burrill Lake Parkcare Group

Coordinator Name Ian Carrol

Signature

Date

DRAFT

CL21.224 - Attachment 1



BURRILL LAKE LIONS PARK PARKCARE ACTION PLAN

Document Number: D21/246893 • Adopted: **Date** • Minute Number:
Minute number • File: 37850E • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Burrill Lake Lions Park Parkcare Group
Contact:	Laurie Willing / Margaret Clarke
Tel:	0490 728 086 / 0407 402 053
Email:	lwilling@bigpond.net.au margaretclarke149@yahoo.com
Reserve Name:	Burrill Lake Lions Park
Location:	Burrill Lake
Reserve No:	SBL895
Land Tenure	Crown
Comm Land Type	Park

1. PARKCARE GROUP GOALS

To enhance maintain the visual integrity and enhance the physical amenity of Burrill Lake Lions Park.

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Maintain parks infrastructure as necessary	M	Hand Tools	Ongoing
BBQ cleaning if required	H	By hand	Ongoing
Minor graffiti removal	H	By hand	Ongoing
Litter pick up	H	By hand	Ongoing

3. PARKCARE GROUP ACTION PLAN MAP



Removal of weeds along the foreshore area shall only be undertaken by Council staff

4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Maintenance & construction Activities	Operational Risk Assessment	FM18/139
Painting & maintaining park furniture	Park Furnishings and Play Equipment Maintenance	SWMS1201
Walking track maintenance	Walking Track & Fence Construction & Maintenance	SWMS1346
BBQ cleaning	Cleaning Outdoor Amenities	PRD18/9
Litter pick up	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43
Bushcare/Parkcare Procedure	PRD20/28
Contractor & Volunteer Management	PRD18/165
Personal Protective Equipment (PPE)	PRD16/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Provision of building materials and paints as budget permits
Provision of landscape materials including plants and mulch as budget permits

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Generic Plans Of Management Parks	2005	Shoalhaven City Council
Generic Plans Of Management Natural Areas	2005	Shoalhaven City Council
Foreshore Reserves Policy POL16/242	Adopted 2004 Reaffirmed 2017	Shoalhaven City Council

11. RECOMMENDED REPLACEMENT SPECIES LIST AND WHAT IS CURRENTLY ON SITE (NO VIEWS TO BE IMPACTED WITH REPLACEMENTS)

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
OVERSTOREY TREES			
Jacaranda	15m	Ornamental & shade value	As required & approved
Swamp Oak	8-20m	Black cockatoo habitat. Prevents erosion	As required & approved
Swamp Paperbark	8m	Aesthetic value and bird attracting	As required & approved
Willow bottlebrush	10m	Aesthetic value, shading and to attract birds.	As required & approved
Willow Myrtle	5m	Evergreen tree for visual amenity	As required & approved
SHRUBS			
Bronze Rambler	.5m	Ground cover, bird, bees and insect attracting	As required & approved
Coastal Bearded Heath	2m	Aesthetic value, bird, bees and insect attracting	As required & approved
Coastal Tea Tree	2-5m	Salt resistant, ornamental, hardy	As required & approved

Coastal wattle	2-3m	Aesthetic value, fragrant and to attract birds.	As required & approved
Common Boobialla	0.2 to 6m	Salt tolerant, bird attractive	As required & approved
Common Correa	1.5m	Aesthetic value and to attract birds.	As required & approved
Grevillea	Up to 3m	Aesthetic value and to attract birds.	As required & approved
Heath Banksia	4-7m	Aesthetic value and to attract birds.	As required & approved
Native Rosemary	2m	Aesthetic value, easy grown	As required & approved
Sydney Golden Wattle	7m	Prevention of soil erosion, aesthetic value and bird attracting	As required & approved
Swamp Lily	1-2m	Aesthetic value, fragrant and to attract birds.	As required & approved
Tick Bush	3m	Aesthetic value, bird, bees and insect attracting	As required & approved
Tree Broom-Heath	4m	Tolerant for sandy soil, aesthetic value	As required & approved
White Correa	1.5m	Aesthetic value and to attract birds.	As required & approved

UNDERSTOREY

(grasses, groundcovers, herbs, climbers)

Beaded Glasswort	0.15m	Salt water hardy, habitat for shorebirds	As required & approved
Coastal Poa	1m	Tussock grass, ornamental, soil stabilisation and erosion control, bird and insect attracting	As required & approved
Creeping Boobialla	0.3m	Aesthetic value, erosion control	As required & approved
Dusky Coral Pea	0.3m	Aesthetic value, salt spray tolerant	As required & approved
Fan Flower	0.3m	Aesthetic value attracts, butterflies	As required & approved
Kangaroo Grass	1.5m	Aesthetic value, habitat for native wildlife	As required & approved
Mat Rush	1m	Low maintenance, fragrant, attractant for bees and other insects	As required & approved
Native sarsparilla	1m	Aesthetic value, attracts birds	As required & approved
Pigface	0.3m	Useful for wind erosion and soil stabilisation	As required & approved
Rock daisy	0.45m	Aesthetic value	As required & approved
Scented Fan Flower	0.3m	Bird attracting, fragrant, salt tolerant	As required & approved
Sea Rush	1m	Bank stabilisation, ornamental, wildlife habitat	As required & approved

Snake vine	Up to 2m	Aesthetic value, attractant for bees, butterflies, lizards, low maintenance	As required & approved
Spinifex	0.4m	Hardy, erosion control	As required & approved

Parkcare Group Name Burrill Lake Lions Park Parkcare Group

Coordinator Name

Signature

Date



VALLEY DRIVE RESERVE – CONJOLA PARK – PARKCARE ACTION PLAN

Document Number: D21/281454 • Adopted: **Date** • Minute Number:
Minute number • File: 31954E • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Valley Drive Reserve Parkcare Group
Contact:	Adam Webb
Tel:	0410 426 137
Email:	adamwebb101@hotmail.com
Reserve Name:	Valley Drive Reserve
Location:	Conjola Park
Reserve No:	SLC784
Land Tenure	Freehold
Comm Land Type	Park

1. PARKCARE GROUP GOALS

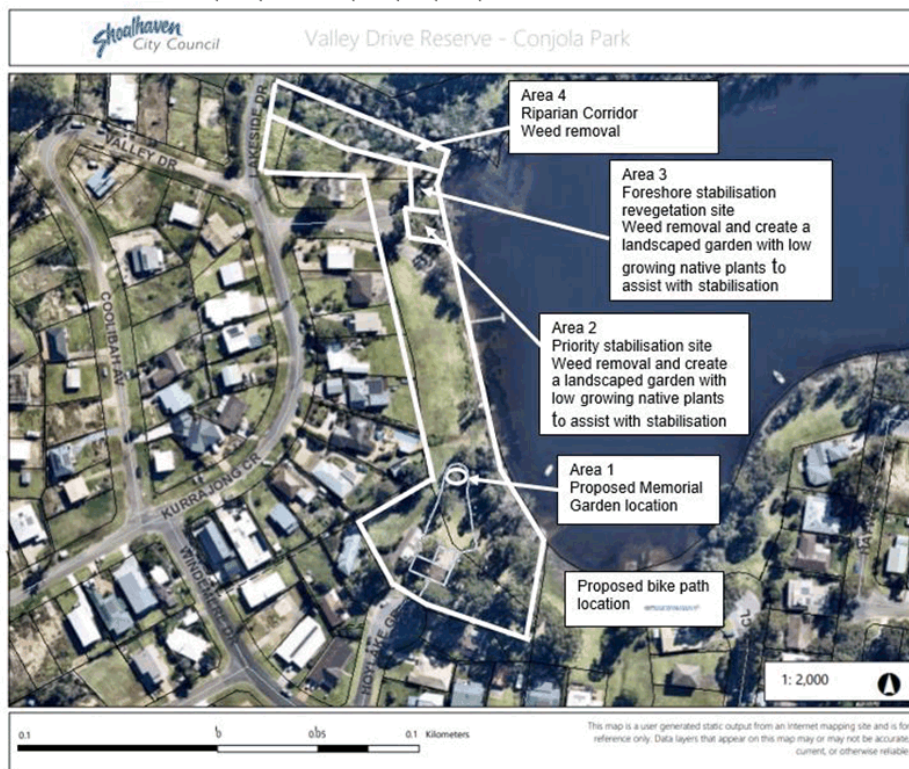
To maintain park to subsidise Council's maintenance schedule
To assist in the construction of the proposed memorial garden
Weed the top end of the reserve and plant out with native shrubs

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

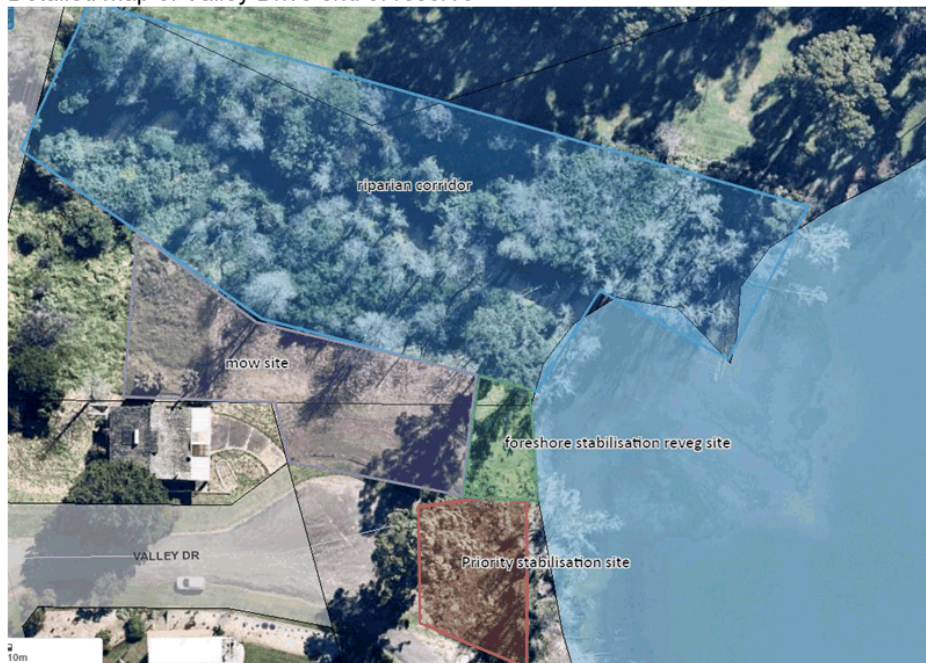
GROUP ACTION	PRIORITY	METHOD	TIMING
Area 1 To assist in the construction of the memorial garden as per the plan (MIN21.69) (Council staff are planning/designing the memorial garden)	H	Hand tools	December 2021
Area 1 Maintenance of the memorial garden	M	Hand tools	Ongoing

Area 1 General weeding	M	By hand	Ongoing
Area 2 Weed removal and create a landscaped garden with low growing native plants to assist with stabilisation	H	By hand	Ongoing
Area 3 Weed removal and create a landscaped garden with low growing native plants to assist with stabilisation	H	By hand	Ongoing
Area 4 Weed removal only of cassia/senna	H	By Hand	Ongoing
General litter pick up over all areas	H	By hand/tools	Ongoing
Extra mowing when required (not in riparian and stabilisation areas)	L	Ride on/push mower	As required

3. PARKCARE GROUP ACTION PLAN MAP



Detailed map of Valley Drive end of reserve



4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Mowing	Operate & Maintain Ride On Mower/ Tractor	SWI50 (V2)
Mowing	Mower Walk Behind	SWI51 (V2)
Weeding	Weed Control Activities	SWMS1408
Litter pick up	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Maintenance and construction activity (includes landscaping and planting)	Operational Risk Assessment	P10.F03 (FM18/139)

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43

Bushcare/Parkcare Procedure	PRD20/28
Contractor & Volunteer Management	PRD18/165
Personal Protective Equipment (PPE)	PRD16/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Provision of building materials and paints as budget permits
Provision of landscape materials including plants and mulch as budget permits

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Memorial Garden	Grant received

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Generic Plans Of Management Parks	2005	Shoalhaven City Council
Foreshore Reserves Policy POL16/242	Adopted 2004 Reaffirmed 2017	Shoalhaven City Council

11. RECOMMENDED PLANTING SPECIES LIST (MEMORIAL GARDEN)
(NO VIEWS TO BE IMPACTED)

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Various plants	Up to 3m	Aesthetic value and to attract birds.	As required & approved

12. SITE WEED LIST

Common Name	Extent	Control method used by group
Black Wattle saplings	L	By hand
Cassia/Senna	H	By hand
Stinking Roger	H	By hand
Fleabane	H	By hand
Farmers friend	H	By hand

All works undertaken pursuant to this action plan are to be to the satisfaction of the Open Spaces Assets Coordinator.

Parkcare Group Name Village Drive Reserve Parkcare Group

Coordinator Name Adam Webb

Signature

Date

CL21.225 Expression of Interest - Lease - 100 St Vincent St. Ulladulla

HPERM Ref: D21/424596

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Expression of Interest - Lease - 100 St Vincent St. Ulladulla.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

Details

Background - Property

Council purchased 100 St Vincent Street, Ulladulla in April 2021. The site has an area of 1097 sqm with a gross building area of 288.5 sqm. The land is classified as Community Land, and it is categorised for General Community Use.

The building was originally built as a Motel, but more recently owned by NSW Health and operated as a Community Health Centre. The condition of sale between NSW Health and SCC stipulated that the property be occupied for community and non-profit-making purposes for a 15-year period.

The building is a two-storey brick and terracotta tile construction, is approximately 50 years old and is in average condition. Parking is located at the front and at the side of the premises catering for approximately six cars. The original Motel configuration lends itself to be used as

CL21.225

overnight accommodation with up to four self-contained spaces or the building could be split into multiple smaller tenancies.

Aerial View of 100 St Vincent Street, Ulladulla



Street view of the property- Rear view of the property



Community Engagement:

Further reporting will be required after lease negotiations with the respondents has been finalised. The subject land is classified as Community Land under the Local Government Act 1993 and accordingly, there is a requirement for public notification stating Council proposes to lease the property. If any submissions are received, they will be reported to Council.

Policy Implications

Nil.

Financial Implications:

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

Risk Implications

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

CL21.225

CL21.226 Tenders - Construction of Havilland Street Boat Launching Ramp & Carpark, Conjola Park

HPERM Ref: D21/431404

Department: Works & Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Construction of Havilland Street Boat Launching Ramp & Carpark, Conjola Park.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive tender evaluation has been undertaken.

Details

Project Description

Council is seeking to engage a contractor to construct a new two-lane boat launching ramp, with walkway pontoon, carparking and internal road access at Havilland Street, Conjola Park.

Tendering

Council called tenders for the Construction of Havilland Street Boat Launching Ramp and Carpark, Conjola Park on 23 August 2021 which closed at 10:00 am on 28 September 2021. Five (5) tenders were received at the time of closing. Tenders were received from the following:

CL21.226

Tenderer	Location
Coastwide Civil Pty Ltd	Albion Park
GPM Marine Constructions Pty Ltd	Chatswood
Haines Bros Earthmoving Pty Ltd	Picton
Jirgens Civil Pty Ltd	South Nowra
Pascall Group Pty Ltd	Bomaderry

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

Community Engagement:

Community consultation began in 2016 with a public meeting and a letter sent to all Conjola, Conjola Park and Fisherman's Paradise ratepayers requesting comment on the proposed facility. The facility received the support of the community however the cost of the facility prevented delivery of the project immediately. Further consultation was carried out in 2019 with a letter sent out to all Conjola ratepayers requesting comment on a more affordable option. The support for the Havilland Street facility remained with many advocating for staging of the project and commencement of the first stage.

Several meetings have been held with the Conjola Community Association CCB who strongly support the Havilland Street facility.

Other stakeholders involved in the consultation process include Transport for NSW Maritime, Department of Primary Industries Fisheries, NSW Department of Planning Industry and Environment Crown Lands and the NSW National Parks and Wildlife Services.

Policy Implications

Nil

Financial Implications:

The work is fully funded in the 2021/22 Capital Works Program and includes grant funding from the Boating Now Program Round 3 and the Bushfire Local Economic Recovery Fund Stage 2, as well as a Council co-contribution. The funding provided is available to cover both the tender amount and other project costs including the preliminary works, project management costs and changed traffic conditions at the intersection of Lake Conjola Entrance Road and Havilland Street.

CL21.226

CL21.227 Tenders - Design, Install and Commission Materials Recovery Facility

HPERM Ref: D21/415902

Department: Commercial Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Design, Install and Commission Materials Recovery Facility.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

Details

Project Description

Council resolved on 11 August 2020 (MIN20.559) to proceed with the development of a Materials Recovery Facility to be located at West Nowra.

The Materials Recovery Facility (MRF) will source commingled recyclables from across the Illawarra and Shoalhaven with a processing rate of 15 tonnes per hour. This best practice MRF owned, operated and maintained by Council will provide greater flexibility to adapt to an ever-changing industry. The MRF will incorporate best practice cutting-edge equipment to ensure commodities are recovered to exceed market specifications (<1% contamination). The MRF will provide valuable employment opportunities, reduce the dependency on 3rd party services, reduce recycling costs, improve landfill diversion, and assist in the transition towards a circular economy.

CL21.227

A previous tender has been awarded for the construction of the MRF building.

This tender is to design, supply, install, test, certify and commission the sorting equipment required for the MRF to operate in accordance with the requirements described in the specification and in accordance with the five principles of safe design.

Tendering

Council called tenders for the Design, Install and Commission of a Shoalhaven Materials Recovery Facility on 6 August 2021. Tenders closed at 10:00 am on 15 September 2021. Three tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Australian Bale Press Company Pty Ltd	Tuggerah, NSW
RDT Engineering Pty Ltd	Eight Mile Plains, Queensland
Wastech Engineering Pty Ltd	Hallam, Victoria

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

Community Engagement:

Council resolved to seek public comment on the proposal to establish a best practice Materials Recycling Facility. In response a “*Get Involved*” post was created and advertised on the Council Website, going live on 20 May 2020. On the same day, all CCBs were advised by email.

The *Get Involved* post is ongoing and continuing. The site had 101 visits in the first four weeks, with no questions, calls or emails.

Policy Implications

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

Financial Implications:

Sufficient funds have been allocated in the Materials Recovery Facility budget for 2021/22 and 2022/23. Funding is available to cover the tender amount including other project costs.

The cost impact on the community through the annual domestic waste management charge is unlikely to be affected. A lower gate fee was used for the business case than the current price Council is currently paying a contractor to process the material. This provides confidence to support that no additional charges will be applied to ratepayers.

The estimated capital cost is \$23 Million for the total project, which has been provided for over the 21/22 and 22/23 financial years in Council’s 10-year Capital Plan.

Risk Implications

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

CL21.227

CL21.228 Tenders - Management & Operation Holiday Haven Shoalhaven Heads

HPERM Ref: D21/418469

Department: Commercial Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Management and Operation – Holiday Haven Shoalhaven Heads and appoint the new management team.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation (Item to be determined under delegated authority)

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

Options

1. Accept the recommendation as presented.

Implications: Consider a separated confidential report on the matter.

2. Council make a different resolution.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

Details

Council called tenders for the management and operation of Holiday Haven Shoalhaven Heads on 9 September 2021 which closed at 10:00 am on 1 October 2021. Four (4) tenders were received at the time of closing, and were then assessed; the outcome of the evaluation is contained in the confidential report.

CL21.228

Tenders were received from the following:

Tenderer	Location
TNJ Turf Renos Pty Ltd	Cudmirrah
JS & IS Management Pty Ltd	Kangaroo Valley
B. Buckley & D. Seaton	Lightning Ridge
Paul & Maria Harrod Family Trust	Warilla

Community Engagement:

The tender process for the appointment of a management contractor to Council's Holiday Haven Park at Shoalhaven Heads has been followed within the requirements of the provisions of the Local Government Act.

Financial Implications:

The financial provisions of the current and new contract are the same.

Financial aspects of the management contracts for Council's commercially operated Holiday Haven Parks are a balance between sufficient funds for the contract to provide a prudent level of staffing and equipment to effectively operate these complex properties, and the need for Council to obtain the best value for money. Holiday Haven considers the cost of operating these properties carefully in order to maintain an adequate business benefit to Council and a return to the Contractor that ensures the properties are operated and maintained for Council to the required industry standards.

CL21.229 Variations to Development Standards - September Quarter 2021

HPERM Ref: D21/416588

Department: Development Services

Approver: Phil Costello, Director - City Development

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the requirement that the information contained in the report is to be reported to the full elected Council and to the Department of Planning, Industry and Environment.

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the Shoalhaven Local Environmental Plan) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to publish the variations in addition to reporting the variations to the full Council and the Department of Planning, Industry and Environment.

Recommendation

That Council receive the Variations to Development Standards – June Quarter Report 2021 for information.

Options

1. Receive the report for information.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS20-002 Variations to development standards*.

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

Background

SEPP 1 and clause 4.6 have allowed flexibility in the application of development standards by allowing the consideration of development proposals that meet the objective of a development standard but not its stated value.

On 5 May 2020, the Department of Planning, Industry and Environment issued a new circular (PS20-002) which replaced PS18-003 and issued assumed concurrence, governance, and reporting requirements for consent authorities. It also advised that Council reports are to come through the Planning Portal and the repeal of SEPP 1. The concurrence is conditional containing limitations on lot sizes for dwellings in rural areas and for contraventions over 10% (which must be reported to Council).

A link to the circular can be found [here](#).

CL21.229

Procedural and reporting requirements

To ensure transparency and integrity in the planning framework, the Department requires monitoring and reporting measures.

- A written application must be made to support a variation.
- An online register of all variations to be maintained.
- A report must be submitted through the Portal.
- A report of all variations from a Council must be provided to a meeting of the Council at least once a quarter.

Audit

The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

It is noted that the application has been the subject of ICAC investigations (amongst other things) referred to as Operation Dasha. More information is available [here](#). The Department is currently reviewing the application of clause 4.6.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary is able to consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

Conclusion

The repeal of SEPP 1 came into effect from 1 February 2020 as part of the SEPP Review Program to update and simplify the NSW Planning system.

The variations are provided to the Department in the form of a spreadsheet and are published as soon as possible after the quarter has ended.

The table below is based on the spreadsheet but is simplified for easier reading. The spreadsheets are viewable on Council's webpage and are published quarterly as soon as possible after the last day of the month.

1. Table – Variations September Quarter 2021

DA	Lot	DP	Street Name	Suburb	Post Code	Description	Standard Varied	Extent of Variation	Decision	Date
DA20/1413	1	831274	Church St	Ulladulla	2539	Residential Flat Building – 22 units	Height	33%	Approval	3/8/2021
SF10873	5	803450	Yeovil Drive	Bomaderry	2541	Subdivision of existing dual occupancy	Lot size	12.6%	Approval	14/7/2021

CL21.229

CL21.230 DA16/1465 - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114**DA. No:** DA16/1465**HPERM Ref:** D21/256010**Department:** Development Services**Approver:** Phil Costello, Director - City Development**Attachments:** 1. Section 4.15 Planning Report (under separate cover) [⇒](#)
2. Determination Document - Refusal [↓](#)

Description of Development: Demolition of existing structures and construction of a mixed-use development consisting of 55 apartments including 16 x 3-bedroom, 31 x 2 bedroom and 8 x 1-bedroom apartments, a basement car parking area and 3 commercial tenancies at ground floor with frontage to both Kinghorne Street and Albatross Road

Owner: Bill Zervos and Jasmine Anne Simpson & John Irwin Gould**Applicant:** Lee Carmichael Town Planning (now trading as) PDC Planners**Notification Dates:** 14 June – 14 July 2017**No. of Submissions:** Six (6) submissions in objection and Nil (0) in support.**Purpose / Reason for consideration by Council:**

The application has been called in by Council (details are provided below) and has been reported on previous occasions. This is an outstanding application that requires resolution having been with Council for over four (4) years.

On 1 October 2019, it was resolved by the Development and Environment Committee that Development Application (DA) 'DA16/1465 – Residential Units and Commercial Space – 173 Kinghorne Street, Nowra be called in to Council for determination due to significant public interest.' (DE19.107)

On 6 October 2020, the Development & Environment Committee resolved (MIN20.728):

“That consideration of Development Application DA16/1465 – Mixed Use development consisting of 55 residential units and commercial space on the land known as 173 Kinghorne Street and 2 & 4 Albatross Road, Nowra (Lot 1, 29 and 30 DP 25114) be deferred to the January 2021 Development and Environment Committee Meeting to allow Council to undertake further traffic investigations in consultation with the developer.”

On 11 May 2021, it was resolved by the Development and Environment Committee: *“That the Item be deferred to the June Development and Environment Committee meeting for further consideration.”* (MIN21.256).

On 1 June 2021, it was resolved by the Development and Environment Committee; *“That Council receive this report as an update on the progress of the assessment of DA16/1465 and in satisfaction of the 11 May 2021 resolution of the Development & Environment Committee (DE21.50).”* (MIN21.357).

CL21.230

Recommendation

That Development Application DA16/1465 – mixed use development consisting of 55 residential units and commercial space on the land known as 173 Kinghorne Street and 2 & 4 Albatross Road, Nowra (Lot 1, 29 and 30 DP 25114) be determined by way of refusal for the reasons set out in the section 4.15 Assessment Report (**Attachment 1**) and in the Notice of Determination (**Attachment 2**) to this report.

Options

1. Refuse the Development Application (DA) in accordance with the recommendation.

Implications: The proposal would not proceed in its current form. The applicant can, however, apply for a section 8.2 review of Council's decision and/or could lodge an appeal with the NSW Land and Environment Court against Council's decision.

2. Approve the DA.

Implications: Council would have to provide reasons to support the development, having regard to section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) considerations. Should Council resolve to approve the DA a suite of conditions would be required to be drafted for reconsideration by the Development & Environment Committee. Under some circumstances, third parties (i.e., objectors) can seek a judicial review of Council's decision in the NSW Land and Environment Court.

3. Alternative recommendation.

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

Location Map



Figure 1 - Extract of the subject site in the local context.

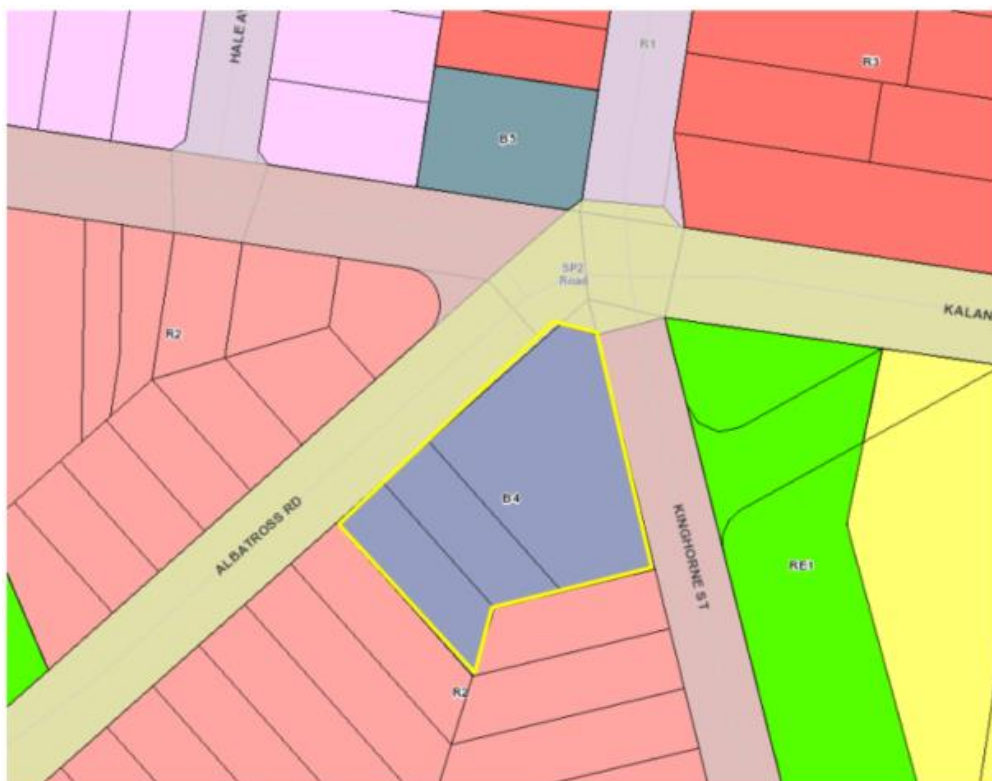


Figure 2 - Extract of the Shoalhaven Local Environmental Plan 2014
Land Use Zoning Map with the subject site with a yellow border

CL21.230

Background

Post-Lodgement

Key dates are as follows:

- **8 April 2016**, the DA was lodged with Council.
- **9 August 2016**, Council requested additional information from the applicant in relation to the design and access arrangements from Albatross Road.
- **16 December 2016**, revised plans and additional information was submitted by the applicant in response to Council's letter dated 9 August 2016. The amended plans included modifications to the southern portions of each wing of the building and deletion of two apartments (reducing the unit yield from 57 to 55 apartments). The reduction in units on the southern portion of the development was proposed to achieve a more appropriate transition to the adjoining low-density development.
- **27 February 2017**, Council requested additional information from the applicant, with continued concerns raised in relation to design elements and major concerns raised in relation to the proposed access/egress onto Albatross Road.
- **7 March 2017**, Council met with the applicant to discuss the Planning Proposal over the site (described below) and continued concerns with the design and location of access/egress onto Albatross Road.
- **22 March 2017**, a further additional information letter was sent to the applicant to detail the outcomes of the 7 March 2017 meeting and to express continued concerns regarding the proposed access/egress onto Albatross Road.
- **10 July 2018**, Council met again with the applicant to discuss design and traffic issues.
- **12 September 2018**, the applicant lodged concept plans for access/egress to the development from Kinghorne Street for Council's consideration (refer to **Figure 18**).
- **12 October 2018**, Council provided feedback to the applicant on the concept plan, noting that the concept plan addressed the main concern that had been raised by Council being the relocation of the access from Albatross Road to Kinghorne Street frontage.
- **18 April 2019**, the applicant confirmed that they would not be pursuing any change to the design of the development which would relocate the access from Albatross Road to Kinghorne Street frontage.
- **12 August 2019**, the applicant submitted a further amended *Traffic Report* prepared by Jones Nicholson (D19/280251) to justify the retention of access on the Albatross Road frontage and to address concerns raised in relation to the designs apparent inconsistency with *State Environmental Planning Policy (Infrastructure) 2007*.
- **1 October 2019**, the Development and Environment Committee that Development Application (DA) 'DA16/1465 – Residential Units and Commercial Space – 173 Kinghorne Street, Nowra be called in to Council for determination due to significant public interest.' (DE19.107).
- **26 November 2019**, the applicant submitted amended plans, acoustic report, and clause 4.6 variation statement.
- **6 October 2020**, the Development & Environment Committee resolved (MIN20.728):

"That consideration of Development Application DA16/1465 – Mixed Use development consisting of 55 residential units and commercial space on the land known as 173 Kinghorne Street and 2 & 4 Albatross Road, Nowra (Lot 1, 29 and 30 DP 25114) be deferred to the January 2021 Development and Environment

CL21.230

Committee Meeting to allow Council to undertake further traffic investigations in consultation with the developer.”

Council has taken the following action in relation to the above matter, following the 6 October 2020 Council resolution:

1. **18 November 2020**, relevant Council staff met to discuss critical aspects of the Development Application in particular the *Traffic Management Report* prepared by Jones Nicholson Consulting Engineers dated 27 February 2021 (Reference: CRPT-16020003.01B). The outcomes of the meeting were provided to the applicant on 26 November 2021 (D20/526133).
2. **21 December 2020**, Council provided additional information to the applicant in the form of: Outputs from Council’s traffic modelling and Council’s requirements for a future 4 lane cross section of Albatross Road (D20/563561). Council also offered as part of the forwarding of this additional information the opportunity to meet further to ensure that all matters have been addressed relating to traffic and planning issues.
3. **15 January 2021**, Council notified the applicant via email (D21/16222) that the information requested in Council’s 21 December 2020 was required to be submitted to Council in 7 days.
4. **4 February 2021**, Council emailed the applicant (D21/43579) offering to meet to discuss the additional information.
5. **10 February 2021**, Council notified the applicant via email (D21/52704) that the information requested in Council’s 21 December 2020 was required to be submitted to Council in 7 days as the applicant had not responded to Council in relation to the offer of a meeting and the information had not been submitted.
6. **23 February 2021**, the applicant’s traffic consultant (Stephen Falkner) emailed Council, to request the following:
 - traffic data on the existing road network from their records; and
 - projected traffic data for 10-year projections (2031).
7. **12 March 2021**, Council emailed the applicant’s traffic consultant (Stephen Falkner) (D21/99332) with the following:
 - Council’s most recent tube traffic count for the area; and
 - projected traffic data for 10-year projections (2031).
8. **24 March 2021**, Council emailed the applicant (D21/117366) to inform them that the application would be required to be reported to Council in the absence of a formal response to Council’s email dated 21 December 2020.
9. **31 March 2021**, the applicant was emailed (D21/127622) to inform them that the additional information was required to be submitted to Council within 7 days.
10. **11 May 2021**, it was resolved by the Development and Environment Committee: *“That the Item be deferred to the June Development and Environment Committee meeting for further consideration.”* (MIN21.256).
11. **18 May 2021**, the applicant was emailed (D21/203761) to again request the additional information.
12. **27 May 2021**, the applicant submitted a revised SIDRA analysis (D21/227623) for the proposed development.
13. **1 June 2021**, it was resolved by the Development and Environment Committee; *“That Council receives this report as an update on the progress of the assessment of DA16/1465 and in satisfaction of the 11 May 2021 resolution of the Development & Environment Committee (DE21.50).”* (MIN21.357).

CL21.230

14. **27 May 2021**, the applicant's revised SIDRA analysis (D21/227623) was referred Council's Development Engineers and City Services for further consideration.
15. **7 October 2021**, Council staff met with the applicant and their consultant to discuss the outstanding access and traffic matters. The applicant outlined the reasoning for the proposed access and traffic assessment associated with the development as follows:
 - The applicant claims that their Albatross Road treatment is adaptable for future integration into a growing network over the next 10 years. Their position is formed in the view that the future beyond this time frame is so uncertain that it is not reasonable to limit their proposal (future)
 - The Albatross Road access is a compliant treatment whereas the Kinghorne street treatment is not compliant with the relevant Australian Standards. (Access)
 - That potential development to the west of their proposal would need to access from Albatross Road (Driveway)

Site History and Previous Approvals

In April 2016, a Planning Proposal (PP) was lodged concurrently with this DA to rezone the subject site to enable the development of the land as currently proposed.

The previous land zoning (B5 Business Development) only permitted residential development for the purpose of 'shop top housing' which would require the entire ground floor to be developed for commercial use.

The PP sought to amend the following Land Zoning and Height of Buildings maps in *Shoalhaven Local Environmental Plan 2014* (SLEP 2014):

- Land Zoning – Sheet LZN_013E - amend zoning of subject land from B5 Business Development to B4 Mixed Use.
- Height of Buildings – Sheet HOB_013E - amend maximum height of building from 11m default height (no mapped) maximum building height as per clause 4.3(2A) of Shoalhaven Local Environmental Plan (LEP) 2014, to a height determined by the outcome of the character assessment (maximum of 14m).

On 12 September 2017, the Development Committee resolved (MIN17.776) to adopt the PP as exhibited with the following addition:

"to avoid uncertainty, the width of the part of the site with an 8.5m maximum building height is 9m, as measured from the southern boundaries of Lot 1 and Lot 30 DP 25114, and south-eastern and south-western boundaries of Lot 29 DP 25114."

Under Council's delegation, the PP was forwarded to NSW Parliamentary Counsel to draft the amendment to SLEP 2014 under Section 59(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

On 6 October 2017, Amendment No. 16 to SLEP 2014 was published on the NSW Legislation website and commenced, bring into effect the zoning and building height changes outlined above.

The following is a list of relevant approvals for the subject site:

- BA73/1794: Showroom additions
- BA74/0275: Storage Shed
- BA76/0601: Car yard additions

- DA01/2756: Car service centre – alterations and additions – approved – 9 October 2001.
- DA02/2244: Commercial Workshop/Shed – approved – 30 August 2002.

The subject site has operated in the capacity of vehicle servicing, repairs, and sales for a significant period.

Proposed Development

The Development Application (DA) is seeking development consent for the demolition of existing structures and construction of a mixed-use development consisting of 55 apartments, including:

- 8 x 1 bedroom apartments
- 31 x 2 bedroom apartments
- 16 x 3 bedroom apartments
- 3 commercial tenancies (total commercial floor area 259m² (267m² including bathroom i.e., GFA) at ground floor with frontage to both Kinghorne Street and Albatross Road.
- A basement car parking area accessed via Albatross Road with 93 car parking spaces.
- Construction of a left turn slip lane (removal of on-street parking) for access into the basement car park off Albatross Road.
- Construction of a central median and signage on Albatross Road to control the movement of traffic in and out of the proposed development (left in and left out movements only).

A site plan, ground floor, elevations, landscape plan and photomontages are provided in **Figures 3 – 14.**

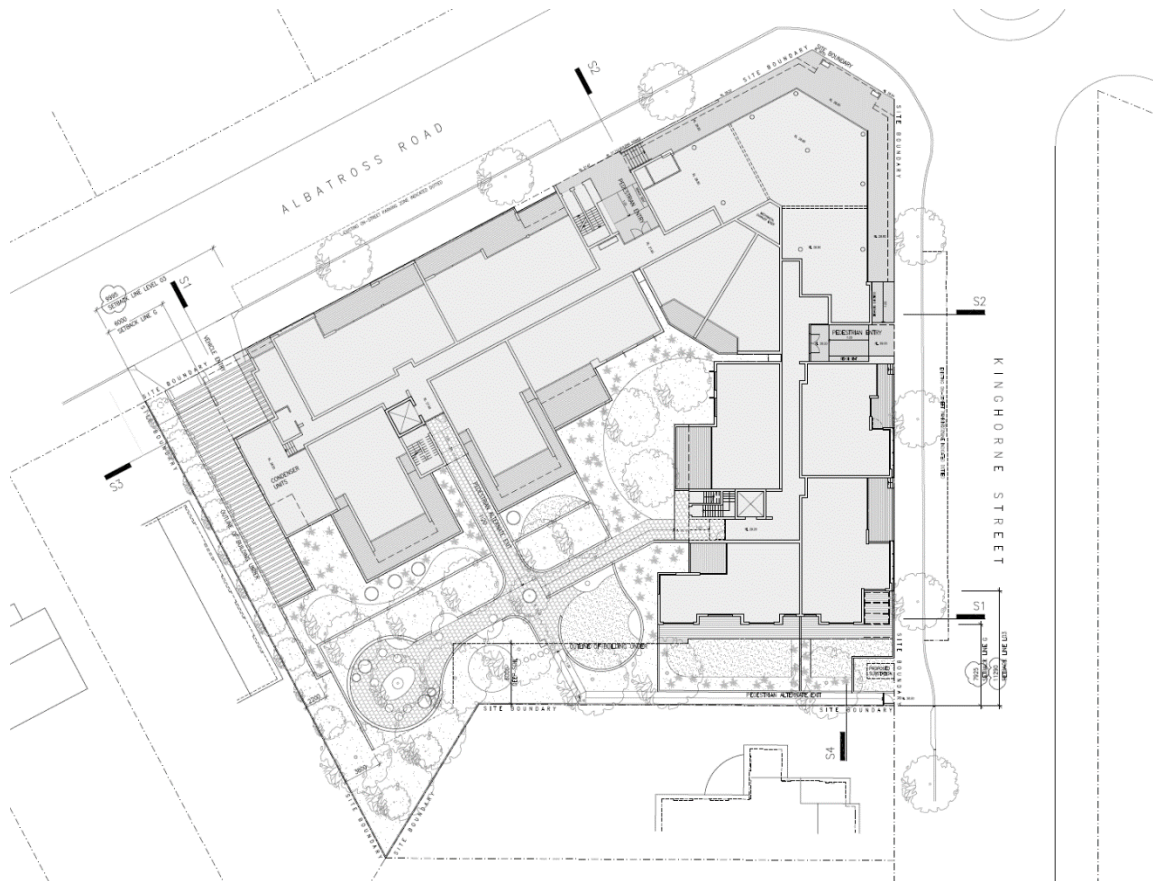


Figure 3 - Site Plan of the proposed development.

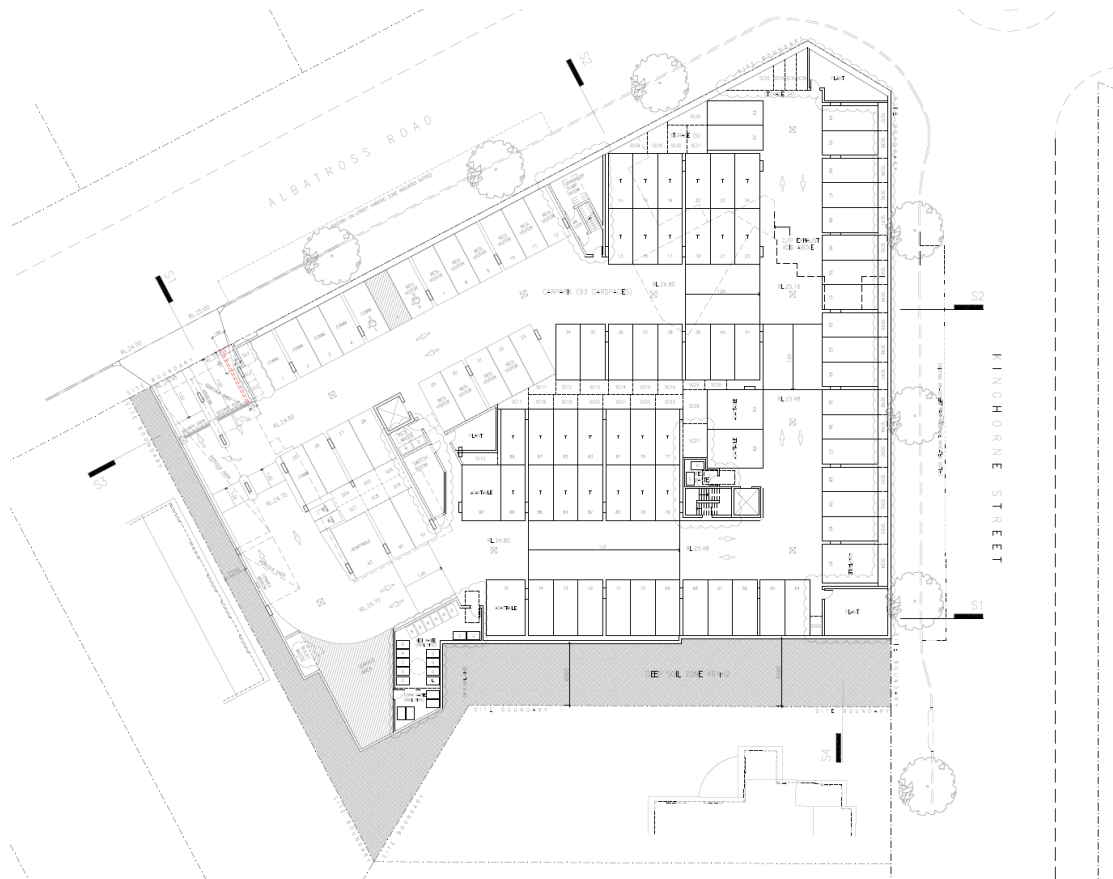


Figure 4 - Basement floor plan of the proposed development.

CL21.230

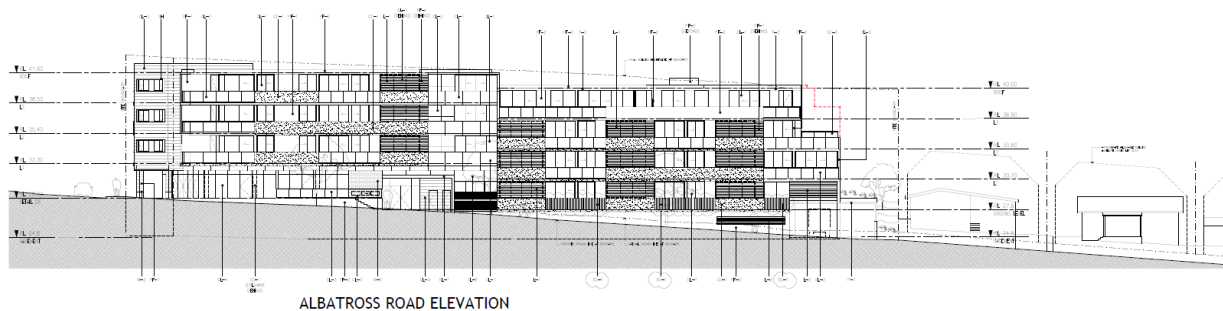


Figure 5 – Elevation of the proposed development (western elevation – Albatross Road)

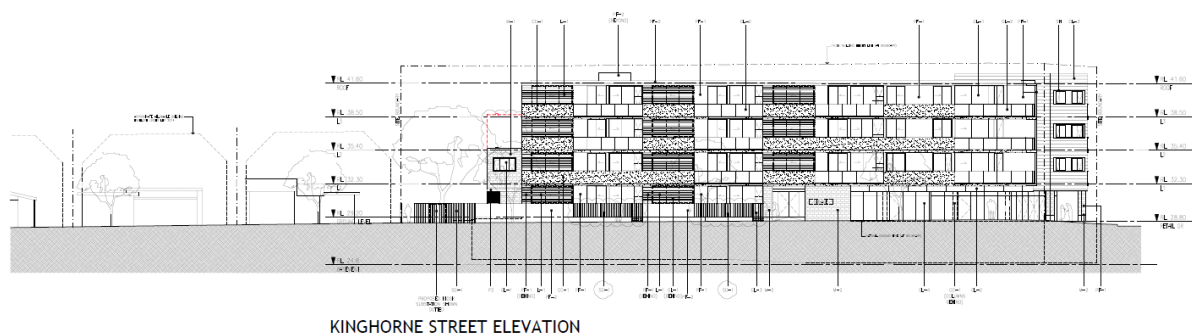


Figure 6 - Elevations of the proposed development (eastern elevation – Kinghorne Street).

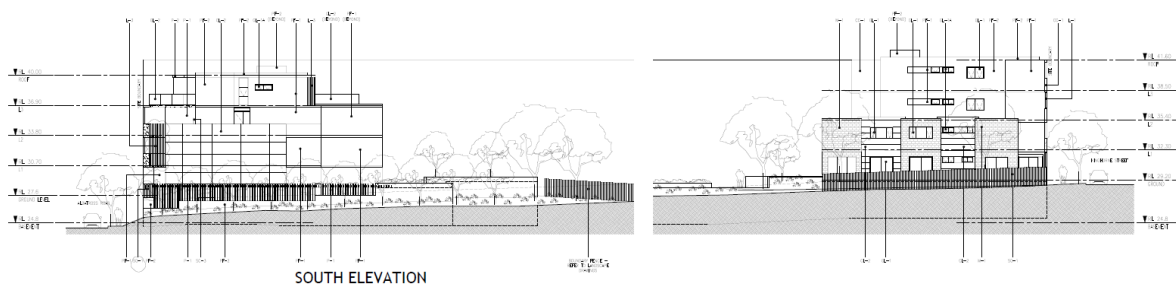


Figure 7 - Elevation of the proposed development (southern elevation).

CL21.230

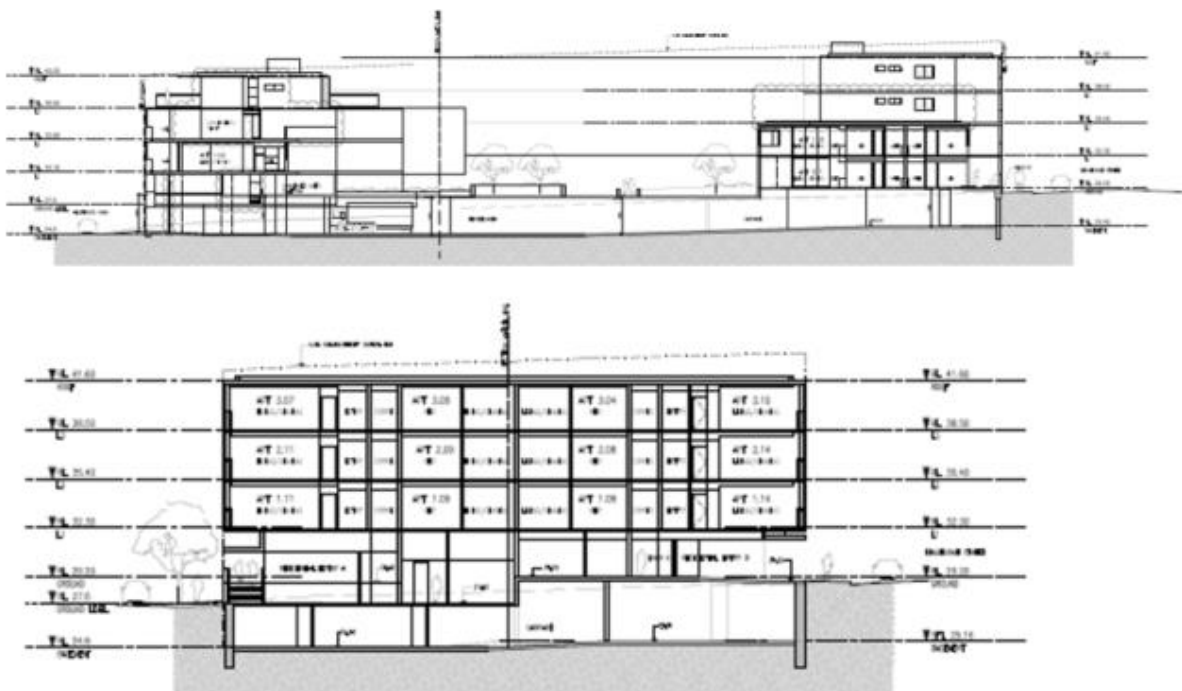


Figure 8 - Section plans of the proposed development.



Figure 9 - Section plans of the proposed development.

CL21.230

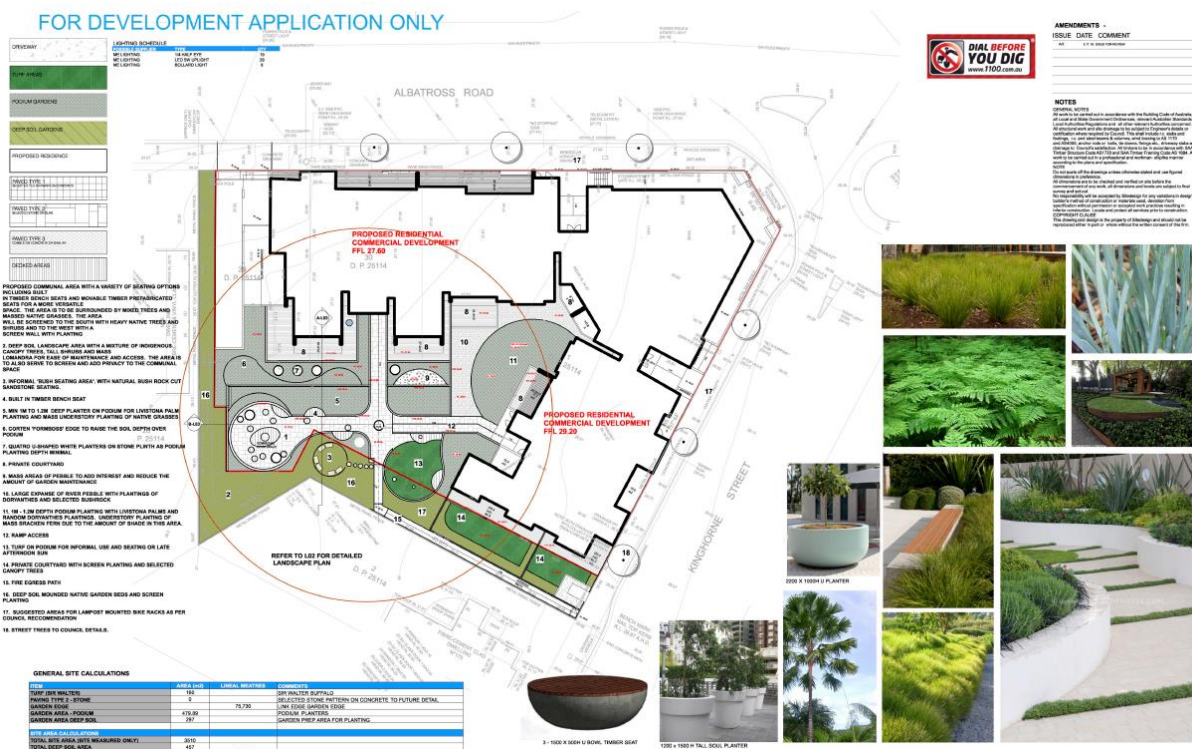


Figure 10 - Landscape plans of the proposed development.

CL21.230



Figure 11 - Photomontage view from the south-eastern (Kinghorne Street).



Figure 12 - Photomontage view from the north-eastern corner of Kinghorne and Kalandar Street.

CL21.230



Figure 13 -Photomontage of the south-western elevation of the development as viewed from Albatross Road.

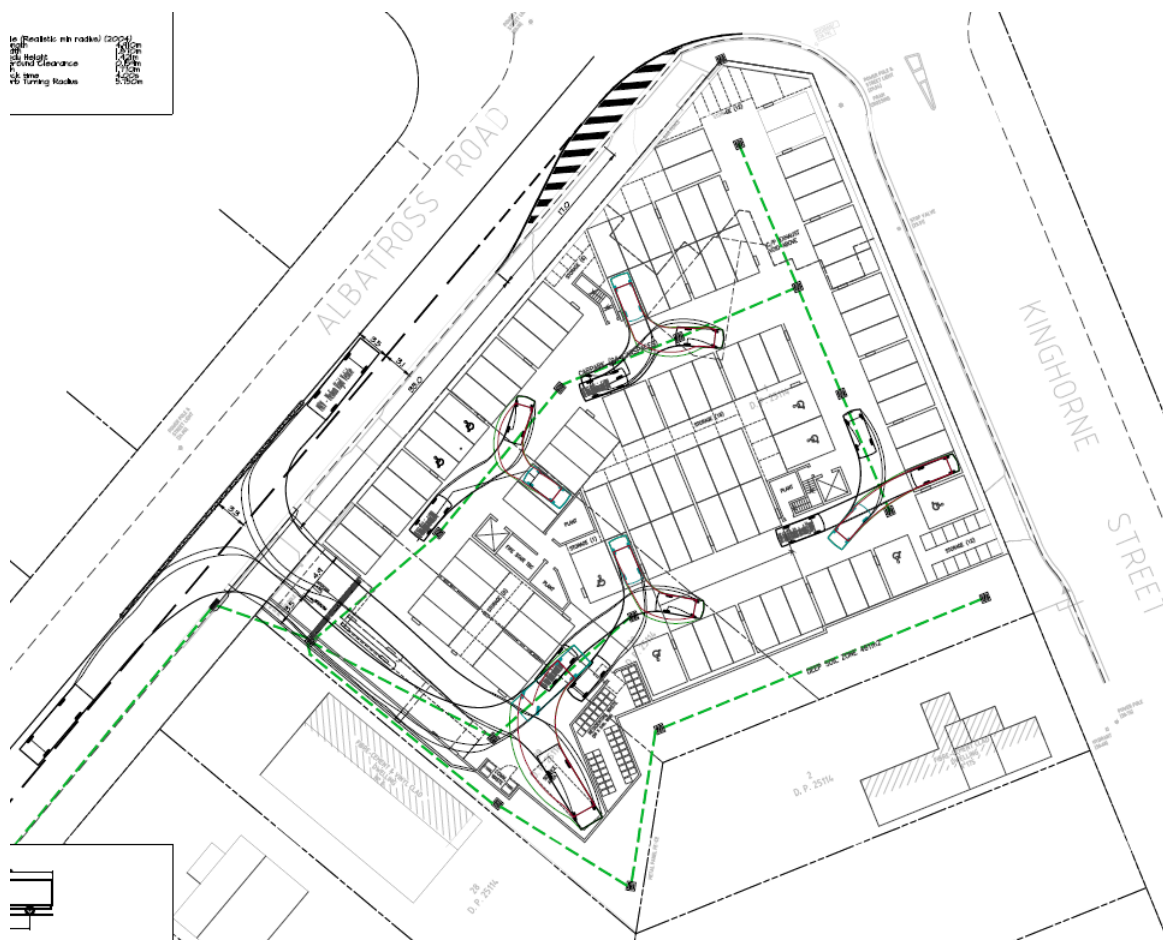


Figure 14 - Extract of engineering design plan indicating the slip-lane and entry design to the development. The design includes a central median on Albatross Road to limit vehicle movements to a left in and left out movement.

CL21.230

Subject Land

The subject site comprises 3 lots (subject site) located on the south-western corner of the intersection of Kinghorne Street, Albatross Road and Kalandar Street. The subject site is described and legally identified as follows:

- Lot 29 DP 25114 – 4 Albatross Road, Nowra
- Lot 30 DP 25114 – 2 Albatross Road, Nowra
- Lot 1 DP 25114 – 173 Kinghorne Street, Nowra

The site is an irregular shaped lot with a frontage of 74m to Albatross Road and 60m to Kinghorne Street with a 9.5m corner splay. The site falls gradually to the south-western corner of the site at Albatross Road.

The combined land area of the lots is approximately 3,497m².

Site & Context

An electrical wholesale supply business (L&H Electrical) occupies the site. The site had previously operated as a car servicing workshop that serviced and repaired motor vehicles. The site adjoins established residential uses to the south and west, a tyre service and residential uses to the north and public open space to the east.

The surrounding development can be broadly characterised as low-density residential consisting of single and two storey dwelling houses. Development immediately to the south consists of free-standing single storey dwellings and associated outbuildings.

Beyond these dwellings and on land bound by Albatross Road, Kinghorne Street and Albert Street is low density residential development – mainly of single storey construction and typically older housing stock.

To the west on the opposite side of Albatross Road is a continuation of predominately freestanding low-density dwellings with some multi dwelling housing developments.

To the east on the opposite side of Kinghorne Street, is a Council park and cemetery.

On the northern side of the intersection of Albatross Road and Kinghorne Street is an existing tyre shop. On the eastern side of Kinghorne Street at the intersection with Kalandar Street Council has recently approved 2 x 4 storey residential flat buildings, consisting of 91 apartments and basement car park (DA19/1846).

As mentioned earlier, the land was the subject of a planning proposal to rezone the subject land from B5 Business Development to B4 Mixed Use and amend maximum height of building to part 14m and 8.5m (transition to low density development to the south. The Planning Proposal was supported by a Character Assessment prepared by Urbanac dated May 2017 (D17/257485) which informed the building heights for the site.

The character assessment discussed the significance of providing transition in development scale and that a suitable building height will:

“ensure a smooth transition between new development and existing housing stock and maintain good amenity for the dwellings immediately adjoining the site.” (P10, of the Character Assessment by Urbanac.)

Issues

Traffic, Vehicular access and impacts on the local road network.

Proposed vehicular access and road upgrades under the DA

The proposed development has frontages to both Albatross Road (MR92), which is a classified regional road, and Kinghorne Street, which is a local road. The proposed mixed-use development has its only vehicular access from Albatross Road.

To facilitate this vehicular access, the following access and road upgrades along the Albatross Road frontage are proposed:

- Construct an 8.15m entry/exit driveway which can accommodate the manoeuvring of a medium rigid vehicle (MRV) in and out of the proposed development. Swept path plans demonstrate the ability of a garbage truck to manoeuvre in the basement car park area for garbage collection.
- Construct a basement car parking area accessed via Albatross Road with 93 car parking spaces. Thirteen stacked car parking spaces have been provided in the basement car park area. The stacked parking spaces will be allocated to the 3-bedroom apartments, whereby the management of the car spaces is managed by the apartment residents themselves.
- Access to the basement car park is to be managed via security pass and intercom arrangement.
- Construction of a left turn slip lane for access into the basement car park off Albatross Road and removal of the existing car parking on Albatross Road (six (6) spaces) adjacent to the north western boundary.
- The construction of a central median and signage be constructed along Albatross Road to control the movement of traffic in and out of the proposed development. The central median will force vehicles exiting from the proposed development into a left turn only movement. Similarly, the construction of a central median will force vehicles wishing to enter the proposed development into a left turn in movement only. Vehicles travelling east along Albatross Road will need to utilise the Kinghorne Street/Albatross Road roundabout to make a U-turn.
- With regard to the servicing of the commercial units, the applicant proposes to utilise the existing on-street parking on the eastern and western sides of Kinghorne Street. A loading zone is to be provided on the western side of Kinghorne Street to provide direct servicing access to the commercial units. This would require the approval of the local traffic committee.

Throughout the assessment of the DA, access and traffic associated with the proposed access arrangements have been a critical issue. Council staff recently met with the applicant and their consultant to discuss the outstanding access and traffic matters. The following points summarise the applicant's position in relation to the proposed access and traffic issues:

- a) The applicant claims that their Albatross Road treatment is adaptable for future integration into a growing network over the next 10 years. Their position is formed in the view that the future beyond this time frame is so uncertain that it is not reasonable to limit their proposal.
- b) The Albatross Road access is a compliant treatment whereas the Kinghorne Street treatment is not compliant with the relevant Australian Standards.
- c) That potential development to the west of their proposal would need to access from Albatross Road.

The following addresses each of these issues.

a) Impacts to the road network

As a result of the development's primary and singular access/egress from/to Albatross Road it is considered by (both) Council's Development Engineer and City Services Engineers that the following roads proximate to the subject site (refer Figure 15) will be impacted by the proposed development:

- Princes Highway – State highway.
- Albatross Road/Kalandar Street – Regional classified road

- Kinghorne Street – local road
- Berry Street – local road

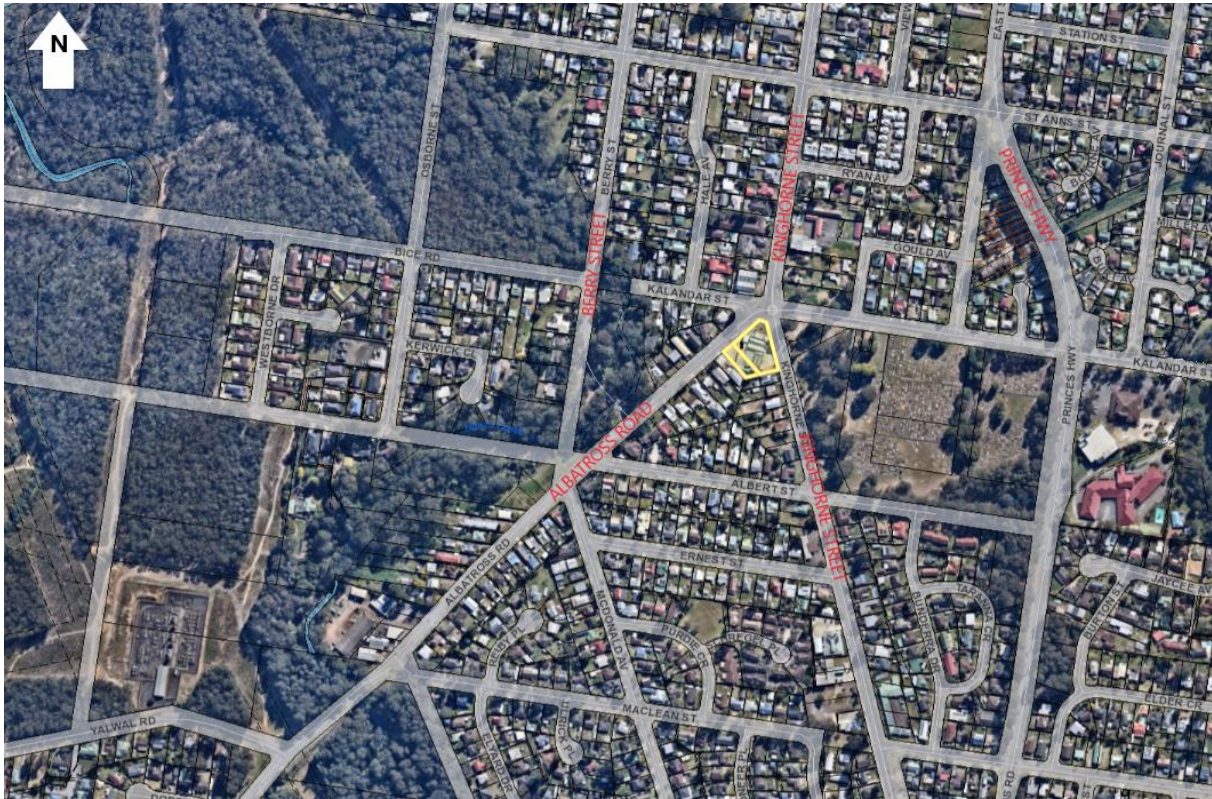


Figure 15 – Aerial image of the site indicating the roads in proximity to the site that will be impacted by the proposal

The most recent submitted revised SIDRA analysis (received 27 May 2021) was reviewed by Council's Development Engineers and City Services who concluded that:

- The proposed access on Albatross Road reduces:
 - lane capacity (via a reduction in width); and
 - Council's ability to adequately service the surrounding road network.
- Given the higher volume of traffic relative to Kinghorne Street, there is likely to be increased conflicts on Albatross Road as a result of the applicant's current design utilising the Albatross Road access/egress arrangement.
- Implementation of a right turn treatment (CHR(s)) into the development on Kinghorne Street is likely to provide an opportunity to resolve the issue of increased conflicts and reduced lane capacity on Albatross Road.
- The application of the most current Austroads standards and turning treatments indicates that a compliant right turn treatment (CHR(s)) into the development on Kinghorne Street is achievable and will provide a compliant and suitable treatment for entry to the development from a lower order road (not the regionally classified road – Albatross Road).
- The approach sight distances to turning vehicles are significantly improved with the Kinghorne Street option when compared to the Albatross Road option.
- Access from Kinghorne Street remains City Services preferred option in terms of current and future efficient and safe operation of Albatross Road and providing a development that is compliant with cl. 101(2)(a) of ISEPP (as assessed further below),

which requires vehicular access to be via a local road (Kinghamore Street), being part of the unclassified road network and to which, the site has an extensive street frontage.

Throughout the assessment of the DA, Council staff have consistently advised that development in the West Nowra region provides enough additional volume to warrant the increase of traffic expected on Albatross Road.

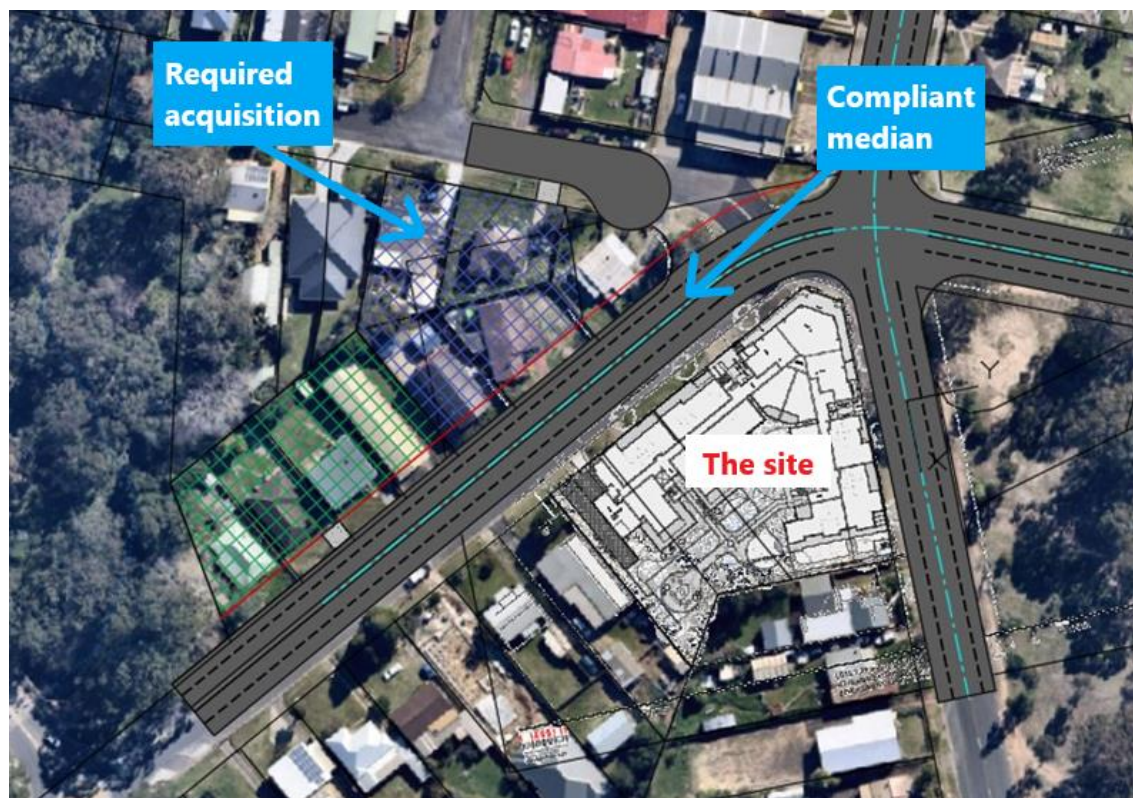
This section of road forms an important link to the Princes Highway and Flinders Estate, Albatross Air Base and Aviation Technology Park and on to Canberra, and the Albatross and Kinghorn Intersection is a key intersection in the Local, Regional and State Road network in the Shoalhaven.

b) Access via Albatross Road vs. Kinghorn Street

The applicant has stated that vehicular access to the site via Kinghorn Street is not practical as it is unable to be designed to be technically compliant by 2017 or 2021 standards. However, Council staff have advised the applicant that as per Austroads Guide to Road Design, a channelised right turn treatment into the site on Kinghorn Street would in fact be compliant with both 2017 and 2021 standards. The total length available along the Kinghorn street frontage is approx. 61m, the total length required for a compliant turning treatment (service vehicle) is approximately 52m leaving 9m for driveway and landscaping, confirming compliance with both Councils DCP and Austroads.

Conversely, the applicant's proposal for left-in left-out access onto Albatross Road is non-compliant with regard to through lane and median width.

To provide a compliant design, the proposal will require a median in Albatross Road to make the left-in and left-out arrangement work. This median width together with the development not being set back from the Albatross Road boundary means all widening will be required to occur from the proposals kerb and gutter and not the centreline of the road. Accordingly, the development as proposed will require substantial resumption of land on the opposite side of Albatross Road. An indicative arrangement has been prepared by Council's City Services to demonstrate this as shown at Figure 16.



CL21.230

Figure 16 – Aerial image with overlay showing required works and acquisition that would be required to provide a compliant treatment of Albatross Road associated with access to the site off Albatross Road.

c) *Potential development to the west of their proposal*

The applicant has raised that, despite any future road upgrades of Albatross Road, sites to the west of their proposal will always require access from Albatross Road (see Figure 17). Accordingly, to deny access to the subject site is illogical as future development will cause impact on the road network.

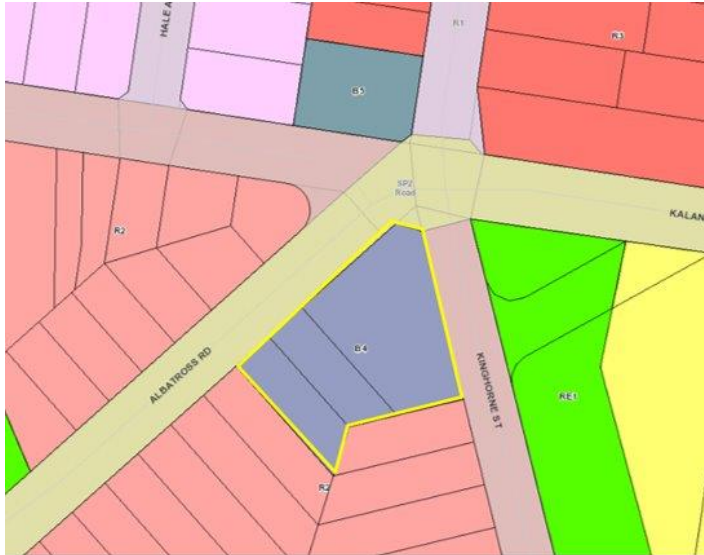


Figure 17 – Excerpt Lot Zoning Map Shoalhaven LEP 2014

To this effect, Council's concerns are not with an additional 10-20 movements of traffic with a potential single residential site which may be developed for any of the permitted uses within the R2 Low Density Residential zone, but with a large development close to a critical intersection with 93 parking spaces and thus *significantly* higher turning traffic volumes.

It is further noted that the controls of the State Environmental Planning Policy (Infrastructure) 2007 do not relate to sites that have only a single frontage (as outlined below, and the sites to the west do not have a secondary frontage to a lower order local road.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The subject site has frontage to Albatross Road (MR92), being a classified regional road. Accordingly, clause 101 of ISEPP applies and reads as follows:

101 Development with frontage to classified road

(1) *The objectives of this clause are—*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*

- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, **and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Under subclause 101(2) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that **all** the subsequent considerations have been met by the proposal.

The 3 preconditions in subclause 101(2) are collective. Therefore, any one of the preconditions in subclause 101(2) about which Council is not satisfied could prevent the issue of consent:

- Subclause 101(2)(a) ('where practicable and safe, vehicular access to the land is provided by a road other than the classified road'), is relevant because the site has frontage to Kinghorne Street (unclassified at this location) and Albatross Road (regional classified road at this location).

Following a meeting with the applicant in September 2018, the applicant submitted concept plans (D18/355817) (refer to **Figures 18 and 19**) to demonstrate that practicable and safe vehicular access to the land can be provided by a road (Kinghorne Street) other than the classified road.

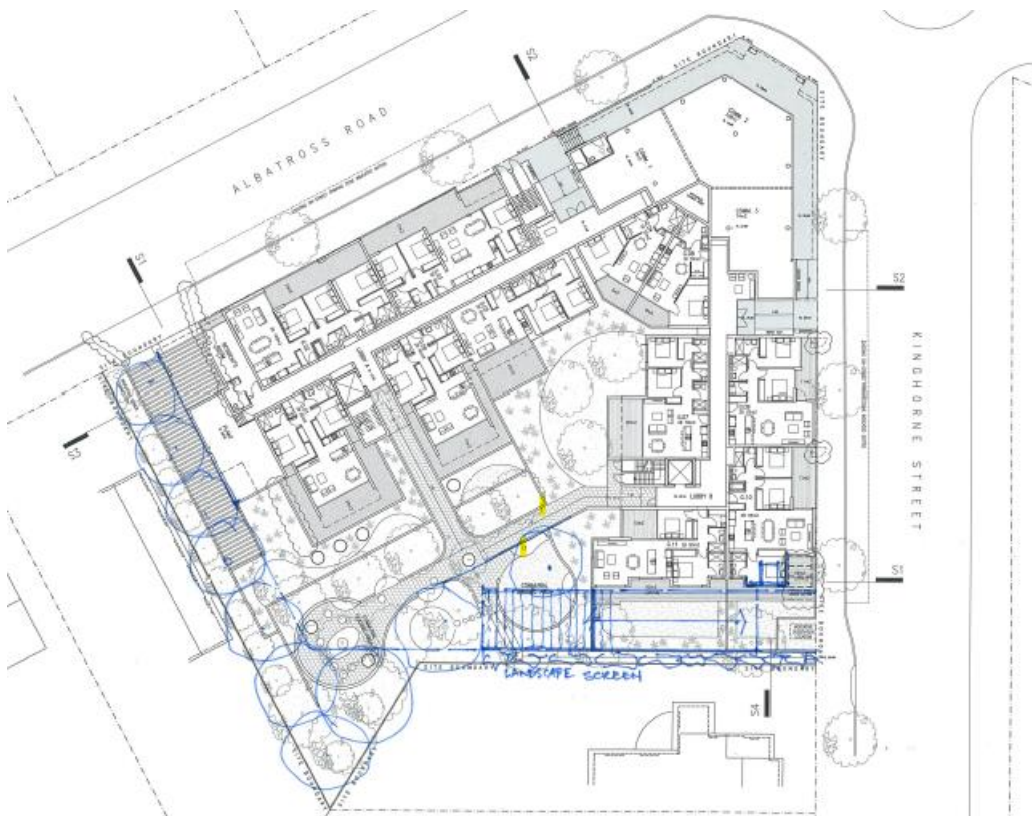


Figure 18 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.

CL21.230

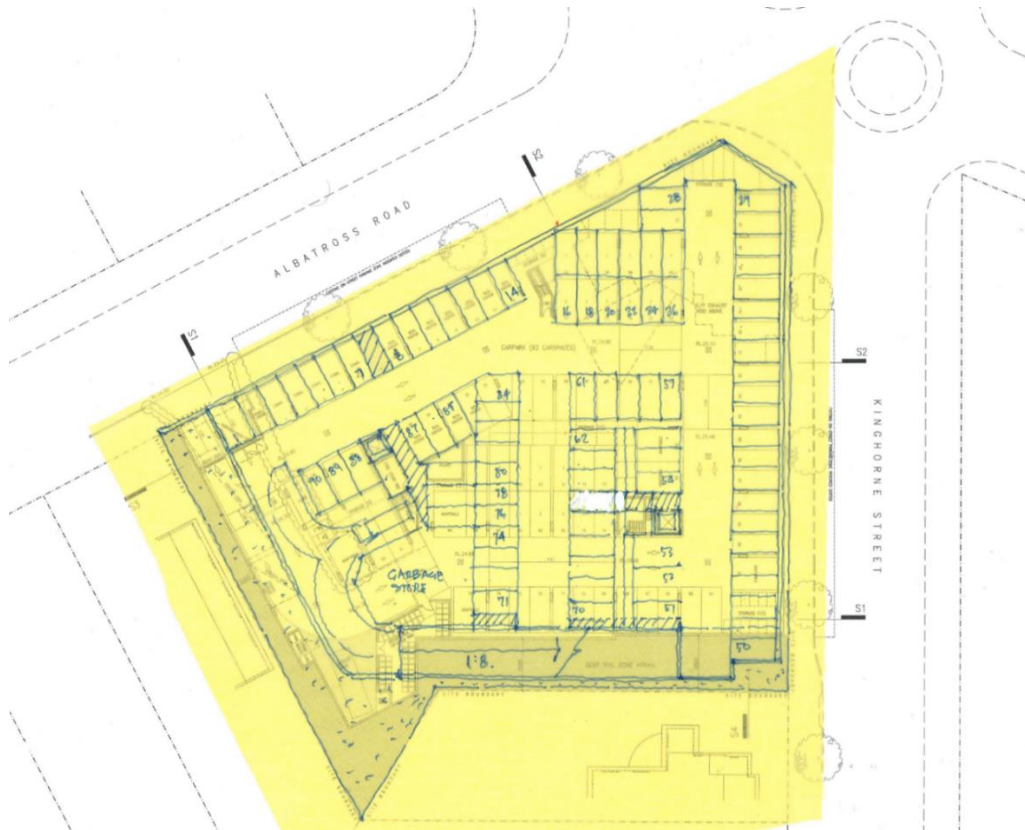


Figure 19 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.

In order to determine whether the access to the development is “practicable”, the Court has established the test in the case of *Modern Motels Pty Ltd v Fairfield City Council* [2013] NSWLEC 138, Preston CJ at paragraph [42]:

*The phrase “where practicable” regulates the desired outcome (“vehicular access to the land is provided by a road other than a classified road”). **The consent authority is precluded from granting consent to a development on land that has frontage to a classified road unless it is satisfied that the desired outcome will be achieved**, where that desired outcome is practicable. That is to say, the practicability is as to the outcome of providing vehicular access to the land by a road other than the classified road. [emphasis added]*

The desired outcome is for access to the land to be via the unclassified local road – Kinghorne Street, which will ensure that the development does not compromise the effective and ongoing operation and function of the classified road (Albatross Road).

The applicant has indicated that access via Kinghorne Street is capable of being provided by a road other than a classified road, and in accordance with subclause 101(2)(a) the consent authority must not grant consent to the development as practicable and safe, vehicular access to the land is able to be provided by a road other than the classified road.

Subclause 101(2)(b) (“the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, **and**

- The applicant’s submitted traffic reports do not (in the view of Council’s Traffic and Transport Unit) establish that the safety, efficiency, and ongoing operation of the

CL21.230

classified road would not be adversely affected by the development as a result of the design of the vehicular access to the land, and the nature, volume or frequency of vehicles using the classified road to gain access to the land.

It is noted that on Page 15 of the *Traffic Management Report* prepared by Jones Nicholson, dated 27 February 2018 (D18/89444) concerning the Albatross Road access:

“The proposed Albatross Road access is considered satisfactory in that it will not impact upon the safety, efficiency and ongoing operation of Albatross Road. Furthermore, practicable access for all traffic movements is not achievable from Kinghorne Street to the proposed development. Therefore, the proposed access from Albatross Road can be approved in meeting the requirements of SEPP Infrastructure clause 101.”

Council’s Traffic and Transport Unit has considered all the applicant’s detailed traffic reports and is not satisfied that the access onto Albatross Road demonstrates compliance with subclauses 101(2)(b)(i) and (iii) of the Infrastructure SEPP. It follows therefore that the development has not been able to meet preconditions 101(2)(a) and (b) and that Council therefore has questionable ability under the ISEPP to approve the development application in its current form.

- Subclause 101(2)(c) (*“the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road”*) is relevant, the noise criteria have been addressed in the submitted *Acoustic Report* prepared by KA Acoustics dated 6 November 2019 (D19/423688).

The recommendations of the report will ensure internal noise levels comply with those specified in Subclause 101(2)(c) are capable of being addressed by appropriate development consent conditions, if approved.

It is considered that:

1. Practicable and safe, vehicular access to the land can be provided by a road (Kinghorne Street) other than the classified road (Albatross Road MR92)
2. The safety, efficiency, and ongoing operation of the classified road (Albatross Road MR92) will be adversely affected by the development as a result of:
 - (i) the proposed design of the vehicular access to the land, AND
 - (ii) the nature, volume or frequency of vehicles proposing to use the classified road to gain access to the land.

As such pursuant to the Infrastructure SEPP (2007) the Council is unable to consent to the development.

Car Parking

Residential Parking Rate

In relation to the numerical requirements for car parking for residents and visitors associated with the residential component of the development, this is set by Part 3J (Objective 3J-1) of the Apartment Design Guide. Design Criteria 1 of Objective 3J-1 requires that; *the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.*

With regard to Council’s Development Control Plan (DCP) car parking requirements, it is noted that the subject DA was lodged with Council on 18 April 2016. Version 3 of Chapter G21: Car Parking and Traffic in Shoalhaven DCP 2014 (SDCP 2014) was adopted on 23 June 2015 and commenced on 1 July 2015. In accordance with Section 10 of SDCP 2014

CL21.230

Chapter 1, any application lodged before the commencement of this Plan will be assessed in accordance with any previous development control plan. Version 3 of Chapter G21: Car Parking and Traffic is technically the relevant DCP that applies to the development, being the DCP that applied at the time of lodgement of the development application.

It is noted that Chapter G21: Car Parking and Traffic Version 4, which commenced on 23 October 2020 does not apply to the development application, nor does Version 5 which has been adopted by Council at its meeting on 7 September 2021. It is highlighted however that Version 3 and Version 5 have the same parking requirements.

The tables over page, provide an assessment of the development against the applicable parking controls. The car parking rates under the car parking schedule in Chapter G21 Versions 3, 4 and 5 are all higher than the rate set by the Guide to Traffic Generating Developments, and accordingly the car parking requirements of the Guide to Traffic Generating Developments apply which requires a total of **66.1 residential and visitor car parking spaces**.

Commercial Parking Rate

The car parking rate applying to the commercial component of the development is to be calculated according to Chapter G21: Car Parking and Traffic in SDCP 2014. The parking rate for commercial development has not been amended between the abovementioned versions of the DCP.

Commercial development within land zoned B3 Commercial Core at ground level or where access to the development is from ground level above an underground level of car parking is 1 space per 24m² gross floor area.

The commercial floor of 267m² is located at ground level with frontage to both Kinghorne Street and Albatross Road and is located above an underground level of car parking. Therefore, 267m² divided by 24m² = **11.13 commercial car parking spaces**.

Section 5.14 Loss of On-Street Car Parking – Major Developments/ Redevelopments

Section 5.14 of Chapter G21 of SDCP2014 notes that, where

“major development/redevelopment is proposed that has frontage to two or more streets, Council will take into account the loss of on-street car parking spaces arising from the construction of access, bus embayment's and car parking restrictions, where these are directly related to the development proposal and will require these to be replaced on site.”

The design of the development including slip lane to provide left turn access to the development from Albatross Road will result in the removal of all on-street car parking spaces along the Albatross Road development frontage to facilitate access. This will result in the removal of approximately six (6) on-street car parking spaces, and thus require **six (6) car parking spaces** to be provided within the development.

Parking assessment

Table 1 provides an assessment of the parking requirements for the development under the relevant planning controls.

The proposal includes 93 car parking spaces which complies with the applicable parking rates which requires a total of 83.23 car parking spaces.

Table 1. Parking Assessment

Guide to Traffic Generating Developments				
Type	Volume	Units	Rate	Required spaces
Commercial	267	sqm	1/24sqm	11.13
Residential	8	1 bedroom	0.6	4.80
Residential	31	2 bedroom	0.9	27.90
Residential	16	3 bedroom	1.4	22.40
Visitor	55	Units	1 per 5 units	11.00
On street parking loss	6	spaces	1	6.00
			TOTAL	83.23 spaces
Shoalhaven DCP Chapter G21 Version 3 and newly adopted Version 5				
Type	Volume	Units	Rate	Required spaces
Commercial	267	sqm	1/24sqm	11.13
Residential	8	1 bedroom	1	8
Residential	31	2 bedroom	1.5	46.5
Residential	16	3 bedroom	2	32
Visitor	55	Units	No requirement	0
On street parking loss	6	spaces	1	6.00
			TOTAL	103.63 spaces
Shoalhaven DCP Chapter G21 Version 4				
Type	Volume	Units	Rate	Required spaces
Commercial	267	sqm	1/24sqm	11.13
Residential	8	1 bedroom	1	8
Residential	31	2 bedroom	1	31
Residential	16	3 bedroom	2	32
Visitor	55	Units	0.5 spaces per unit	27.5
On street parking loss	6	spaces	1	6.00
			TOTAL	115.63 spaces

- Suitability of proposed parking arrangements*

The development is required to provide a total of 83.23 car spaces which, with 93 proposed, is compliant with the applicable parking rates. Nonetheless, it is noted that the proposal to provide access to the basement car park via an intercom to provide security to the basement car park area is unlikely to provide suitable public access to car parking for those members of the public wishing to visit the commercial uses and therefore there is likely to be a reliance on on-street car parking either to the south of the site or along Kinghorne Street.

Furthermore, the location of the security gates and intercom to provide access to the basement car park is likely to result in unsafe manoeuvring of vehicles should they fail to

CL21.230

gain access to the car park or result in queuing on Albatross Road should there be technical issues with the security gate (refer to **Figure 20**)

The development is located in a regional area. Visitors to the residential flat building and customers of the commercial component of the development are heavily reliant on private motor vehicles for transport as opposed to good, accessible, and frequent public transport. The proposed design and arrangement of the basement parking is not considered suitable for a development of this scale and will result in unacceptable impacts on Albatross Road.

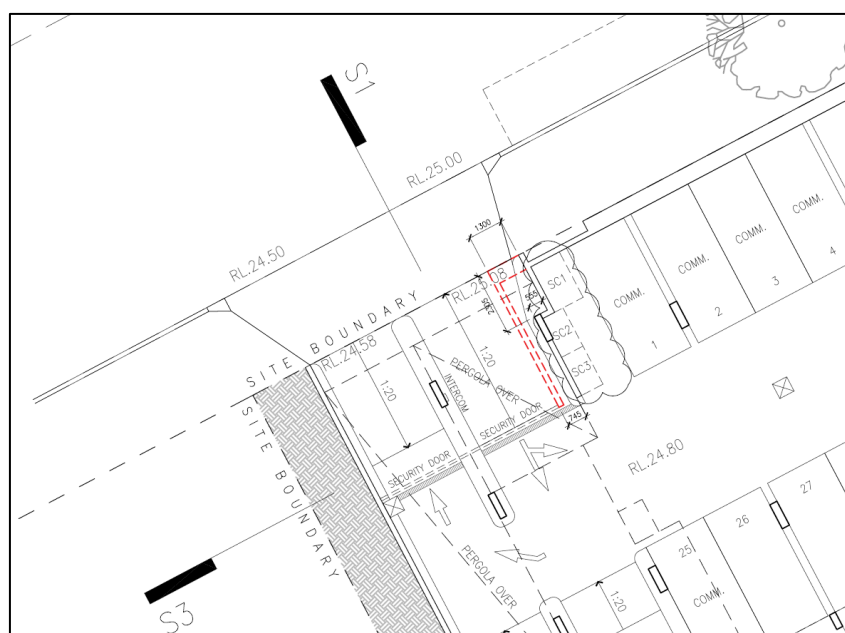


Figure 20 – Extract of the proposed basement plan indicating the location security door and intercom to gain access to the basement car park.

Variation to Clause 4.3 Height of Buildings

Development consent may, subject to clause 4.6, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.



- ★ Denotes – N2 – 14m height
- ★ Denotes – I2 – 8.5m height

Figure 21 – Height controls applying to the site under the Shoalhaven Local Environmental Plan 2014

CL21.230

The application seeks a variation to clause 4.3 in accordance with Clause 4.6 of SLEP 2014.

Clause 4.3 of SLEP 2014 stipulates the objective and development standard for the height of buildings in Shoalhaven. Relevantly Clause 4.3(2) & (2A) state as follows:

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

The SLEP 2014, through Clause 4.3 sets an 8.5m (I2) height limit for part of the site and a 14m (N2) height limit for rest of the site.

The 8.5m height limit applies to a 9m portion of the south eastern portion of the site extending across all lots subject of the development application where the lot adjoins the lower density R1 General Residential land to the south.

Parts of the proposed building exceed the 8.5m (I2) and 14m (N2) height are limited to a portion of the development.

The development proposed exceeds the maximum building height as follows:

- 14m height limit by 480mm or 3.4%;
- 8.5m height limit 1.465m or 17.2%; and
- The percentage exceedance of the maximum building height ranges from 1.4% to 17.2% with the average height limit exceedance being 4.83%.

The submitted height plane diagrams prepared by Kannfinch Architects illustrate that the height limit breach and indicate the percentage breach at each point (Refer to **Figure 22 and 23**).

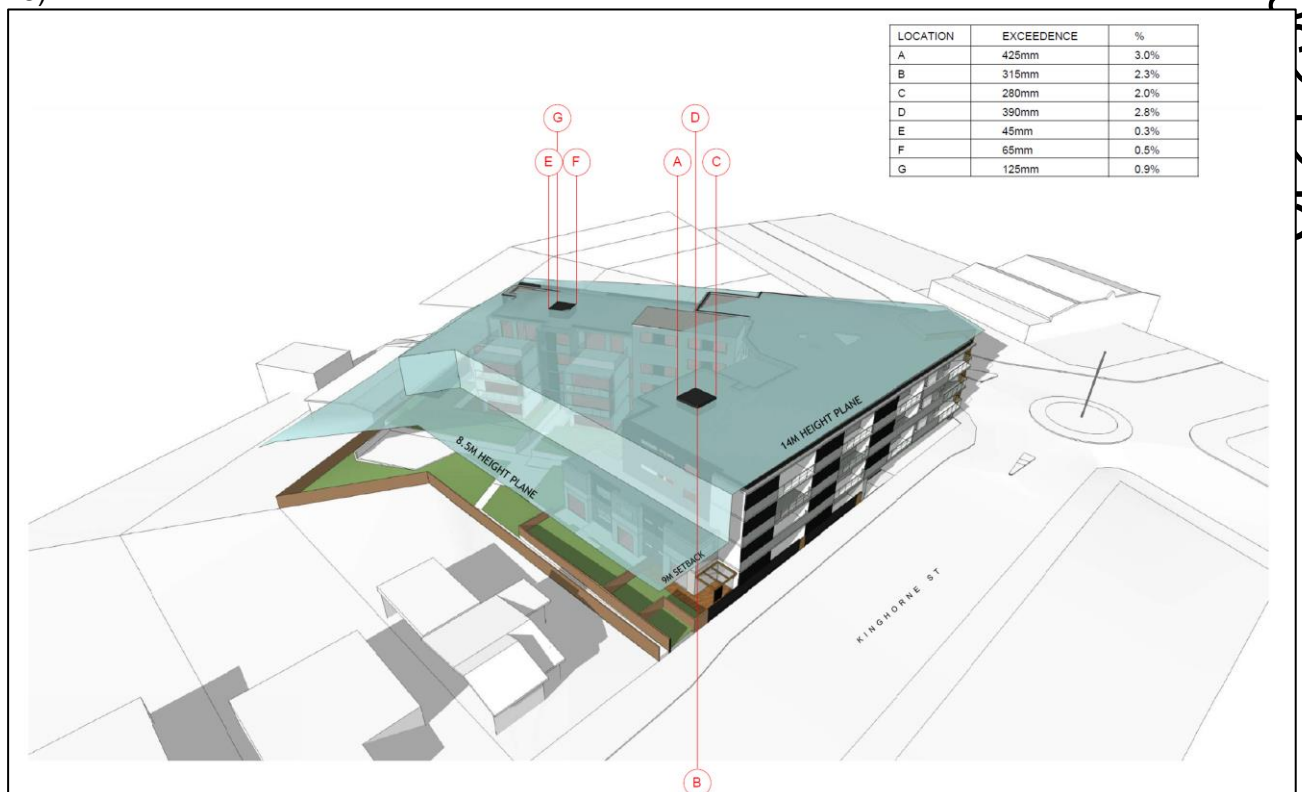


Figure 22 - Height plane instructions relating to the 14.0m (N2) maximum building height - south-eastern view from Kinghorne Street.

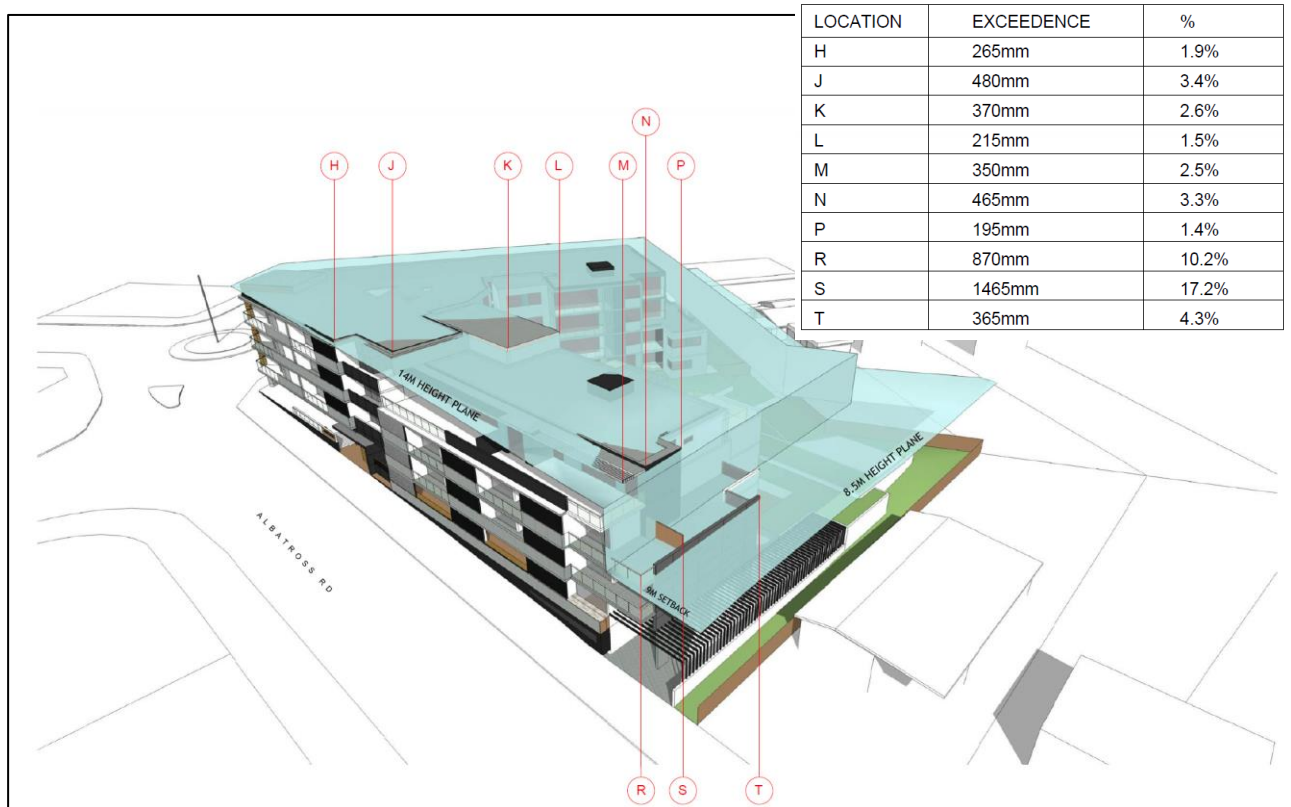


Figure 23 - Height Plane instructions relating to the 14.0m (N2) and 8.5m (I2) maximum building height - southwestern view from Albatross Street.

For the reasons detailed in the attached s4.15 Assessment Report (**Attachment 1**), it is not considered that the clause 4.6 variation request has satisfied:

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

In conclusion it is considered that the applicant's request to vary the development standard as it relates to the maximum building height should not be supported for the following reasons:

- The variation request does not demonstrate that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development.
- The variation request does not demonstrate there are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case.
- Does not demonstrate the development meets the objectives of the development standard.
- The proposed development is for the preceding reasons, not considered to be in the public interest; and
- The applicant has failed to demonstrate that there will be better planning outcomes achieved through a variation to the height standard as it relates to the 8.5m height of building standard associated with a 9m setback to the southern boundary, as opposed to strict compliance with the development standard or amending the application to reduce the extent of the variation.

It is acknowledged that the principal reason for not supporting the variation request relates to the exceedance of the height plane for the portion of the building fronting Albatross Road.

The exceedance of the maximum building height as it relates to the 8.5m maximum building height is likely to result in a loss of privacy and has been demonstrated to result in a loss of solar access to the existing development (refer to the shadow diagrams prepared by Kannfinch Architects). The overshadowing of the adjoining residences (No. 6 Albatross Road and No. 175 Kinghorn Street) is exacerbated by the adoption of a 6m setback (opposed to the required 9m setback) for the portion of the building along the Albatross Road frontage.

The adjoining lots can only be developed as single dwellings or dual occupancies under the existing R2 Low Density Residential zoning. The exceedance of the 8.5m maximum building height along the Albatross Road frontage will exacerbate the blank wall along the southern elevation and does not serve to create an appropriate transition as anticipated in the PP associated with the site.

The PP and review of planning controls were undertaken resulting in a specific conclusion i.e., height. The DA and design submitted concurrently to the process has however not been adjusted to achieve the height control. This is of concern as the change to the zone and strategic context has only been relatively recently 'made' and it is already being varied.

Non-compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (ADG)

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65) applies to the proposed development which consists of a new building, of at least 3 storeys and containing at least 4 or more dwellings.

Council does not have a Design Review Panel constituted by the Minister of Planning.

In accordance with Clause 28(2) of the SEPP 65, *In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*

- (a) the advice (if any) obtained from the design review panel, and*
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) the Apartment Design Guide.*

A *SEPP 65 Design Statement* has been prepared by a Registered Architect (D20/6044) addressing the requirements of SEPP 65 and was submitted with the application in accordance with Clauses 50(1A) & 50(1AB) of the *EP&A Regulation*. The *SEPP 65 Design Statement* has address Schedule 1 of SEPP 65.

It is considered that the design quality of the development, when evaluated against the nine design quality principles does not satisfactorily exhibit exceptional design excellence when assessed against the following principles:

- Principle 2: Built form and scale
- Principle 3: Density
- Principle 4: Sustainability
- Principle 5: Landscape
- Principle 6: Amenity

Schedule 1 Design quality principles	
Design quality principle	Comment
<p>Principle 1: Context and neighbourhood character</p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship, and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape, and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The surrounding development may be broadly characterised as low-density residential housing, consisting of single and two-storey dwelling houses. The development immediately to the south on Albatross Road and Kinghorne Street consists of free-standing single storey dwellings and associated outbuildings.</p> <p>Beyond these dwellings and on land bound by Albatross Road, Kinghorne Street and Albert Street is low-density residential development – mainly of single-storey construction.</p> <p>To the west and on the opposite side of Albatross Road is a continuation of predominately freestanding low-density dwellings with examples of established multi-dwelling housing developments.</p> <p>To the east, on the opposite side of Kinghorne Street, is a Council park and cemetery.</p> <p>On the northern side of the intersection of Albatross Road and Kinghorne Street on the western side of Kinghorne Street is an existing tyre shop. On the eastern side of Kinghorne Street at the intersection with Kalandar Street, Council has recently approved two - four storey residential flat buildings, consisting of 91 apartments and basement car park (DA19/1846).</p> <p>It is noted that the subject site was the subject of a planning proposal to zoning of subject land from B5 Business Development to B4 Mixed Use and amend maximum height of building to part 14m and 8.5m (transition to low density development to the south. The Planning Proposal was supported by a Character Assessment prepared by Urbanac Dated May 2017 (D17/257485) which informed the building heights for the site.</p> <p>While it is acknowledged that the desired future character of the locality will include higher density residential development over a small footprint commercial space at ground floor it is not considered that the current design which includes an exceedance into the 8.5m maximum building height provides an appropriate representation of that future character along the southern elevation of the Albatross Road frontage.</p> <p>Despite Council's concerns with the transition of the development to the low scale development to the south, the development is considered to satisfy this design principle.</p>
<p>Principle 2: Built form and scale</p> <p><i>Good design achieves a scale, bulk, and height appropriate to the existing or desired future</i></p>	<p>The scale and bulk of the building is generally appropriate for the locality when considering the development in the strategic context of the site and the desire for a higher density of development to occur from the site.</p> <p>However, the proposed setback of the building to the</p>

CL21.230

<p><i>character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation, and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>adjoining lower density R2 Low Density Residential zone does not provide an appropriate transition in built form or resolve the associated amenity impacts that are associated with the reduced setback.</p> <p>The southern portion of the building does not provide an appropriate transition to the low-density development to the south. While the applicant has made an attempt to reduce the bulk and scale of the development through the removal of two (2) apartments on the southern elevation, this has not overcome the need for a more suitable transition to the adjoining low-density environment.</p> <p>The aesthetics of the building are acceptable with appropriate colours and finishes.</p> <p>The development is not considered to satisfy this design principle.</p>
<p>Principle 3: Density</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>55 units on a site area of 3,509m², has a dwelling density of approximately 1 dwelling per 64m².</p> <p>SLEP 2014 does not provide a floor space ratio under Clause 4.4 of the plan.</p> <p>While the density of development is consistent with that previously approved by Council in relation to the site on the north-eastern corner of Kinghorne and Kalandar Street (DA19/1846), it is not considered that the development <i>achieves a high level of amenity for residents and each apartment</i>. The lack of solar access and ventilation to the single bedroom apartments is of concern and will result in reduced amenity for occupants of these units which is not consistent with this principle.</p> <p>Furthermore, the design of the development does not demonstrate comprehensive compliance with the ADG as it relates to standards for:</p> <ul style="list-style-type: none"> • <u>Solar access</u> - 13 of 55 apartments (24%) of apartments receive no sunlight between 9am and 3pm in mid-winter), • <u>Apartment size and layout</u> – the single bedroom apartment does not comply with the minimum widths (3.5m provided and 3.6m required) • <u>Private open space</u> – Several ground floor units do not provide at least 15sqm (G.04, G.08 and G.09) while other apartments do not provide a minimum depth of 3m (G0.2, G.03, G.04, G.08, G.10). • <u>Landscaped deep soil zone for larger blocks</u> - The total area of deep soil landscaping is 461m² (13% of the site area). The ADG recommends 15% deep soil zone for sites exceeding 1,500m². • <u>Setbacks to the adjoining low-density development</u> – the setback of the Albatross portion of the development adjoining the southwestern boundary

	<p>does not appear to comply with the required 9m setback. 6m is proposed to the 3rd level, however as this is measured to a balcony it is considered that the setback must be a minimum of 9m.</p> <ul style="list-style-type: none"> • <u>Common circulation and spaces</u> – the maximum number of apartments off a circulation core on a single level is eight. Lobby B services 11 apartments on levels 01, 02, and 10 apartments on Level 03. It is noted that the ADG accepts that where this design criteria cannot be achieved the total units accessed off a circulation core must not exceed 12. • <u>Apartment mix</u> - The mix of one-bedroom units is not considered to provide an appropriate distribution to suitable locations within the building, with all single bedroom units provided within the compromised southern side of the V-shaped design – limiting solar access, ventilation, and unit design. <p>These non-compliances imply an overdevelopment of the site.</p> <p>The development is not considered to satisfy this design principle</p>
<p>Principle 4: Sustainability</p> <p><i>Good design combines positive environmental, social, and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>37 of 55 apartments (67%) receive at least 3 hours of direct sunlight between 9am and 3pm in mid-winter</p> <p>13 of 55 apartments (24%) of apartments receive no sunlight between 9am and 3pm in mid-winter. The ADG design criteria specified that a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. The development does not comply with the maximum number of units receiving no solar access.</p> <p>The majority of the proposed apartments have been designed to achieve satisfactory natural cross ventilation. for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. However, the design of the single bedroom apartments results in poor solar access and natural ventilation. There is likely to be a reliance on mechanical heating and cooling for these apartments.</p> <p>The central courtyard and the principal area of communal open space will not receive adequate solar access during winter. Due to the design of the development and location of the communal open space areas on the southern side of the building, the communal open space areas will have compromised sunlight access, and this does not appear to be capable of resolution without a significant redesign of the buildings and location of communal open space.</p> <p>The proposed development is supported by a BASIX Certificate as required under the EP&A Regulation; however, this is not reflective of the current layout.</p>

CL21.230

	<p>Stormwater is proposed to be reused for gardens in the communal area.</p> <p>The development is not considered to satisfy this design principle as it relates to the design of single bedroom units.</p> <p>The development is not considered to satisfy this design principle</p>
<p>Principle 5: Landscape</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</i></p>	<p>The proposed landscaping meets the minimum deep soil requirements under the ADG. The total area of deep soil area is 461m² (13% of the site area). 328m² (9% of the site area) has a minimum dimension of 6m or larger. These areas have been designed to accommodate larger trees.</p> <p>The site exceeds 1500m² and as such it is appropriate to require 15% of the site as deep soil landscaped area. Additional deep soil planting could be provided through the reduction of units/building footprint and providing landscaping along the Kinghorne and Albatross Road frontages.</p> <p>Landscape plans have been reviewed by Council's landscape architect and are generally satisfactory when considering the plantings and maintenance arrangements (subject to recommended conditions if approved).</p> <p>There are no existing landscape features of note that would warrant retention.</p> <p>The development is not considered to satisfy this design principle.</p>
<p>Principle 6: Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy,</i></p>	<p>The proposed development does not achieve compliance with the ADG as it relates to the minimum standard for solar access, apartment size and layout, deep soil landscaping for larger sites, private open space, common circulation and spaces, apartment mix, as detailed in the ADG compliance table in the s4.15 Assessment Report – Appendix 1.</p> <p>The development is not considered to satisfy this design principle</p>

CL21.230

<p>storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	
<p>Principle 7: Safety</p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The design is considered to appropriately address Crime Prevention through Environmental Design (CPTED) matters and reduces areas of potential concealment/entrapment. Passive surveillance opportunities are available in the development.</p> <p>There are defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose. Entry points are located adjacent to the activated retail zone and designed to minimise opportunity for loitering.</p> <p>The residential lobbies and car park are proposed to operate on secured access. The car park access doors will operate individually via remote control (or similar) for residents and retail tenants, with an intercom system for visitors.</p> <p>The development is considered to satisfy this design principle.</p>
<p>Principle 8: Housing diversity and social interaction</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposed development provides additional dwellings, with a range of sizes, in an area where additional housing is needed and is near a variety of services.</p> <p>The development provides both communal open space and a communal room. It is noted that the resident's room located on the south-west wing of the development has a compromised and diminutive floor area (20m²) that is not likely to be used by a broad range of people and is unlikely to provide opportunities for social interaction among residents.</p> <p>The development is considered to satisfy this design principle.</p>
<p>Principle 9: Aesthetics</p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours, and textures.</i></p> <p><i>The visual appearance of a well-</i></p>	<p>The architectural treatment is satisfactory.</p> <p>The development is considered to satisfy this design principle.</p>

designed apartment development responds to the existing or future local context, particularly desirable elements, and repetitions of the streetscape

The development is considered to satisfactorily address the remaining design quality principles.

Clause 30(2) of SEPP 65 requires residential apartment development to be designed in accordance with the ADG.

The development has been assessed against the ADG and a full assessment is provided within the s.4.15 Assessment Report (Appendix 1 of this Report).

Parts 3 and 4 of the ADG provide objectives, design criteria and design guidance for the siting, design, and amenity of apartment developments. In accordance with ADGs, development needs to demonstrate how it meets the objective and design criteria. The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist in this.

The development is non-complaint with the following Objectives and Design Criteria in Part 3 and 4 of the ADG, as outlined in the table below. Appendix A to the Section 4.15 Assessment Report (**Attachment 1**) provides a full assessment of the proposed development against each of the objectives of the ADG.

Objective	Assessment
<p>3E-1 Deep Soil Zones</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> • 10% of the site as deep soil on sites with an area of 650m² - 1,500m² • 15% of the site as deep soil on sites greater than 1,500m² 	<p>The total area of deep soil landscaping is 461m² (13% of the site area). 328m² (9% of the site area) has a minimum dimension of 6m or larger. These areas have been designed to accommodate larger trees.</p> <p>The site exceeds 1500m² and therefore it is appropriate to require 15% of the site as deep soil landscaped area. Landscape plans have been reviewed by Council's landscape architect and are satisfactory, subject to consideration of the requested changes.</p>
<p>3F-1 Visual Privacy</p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	<p>The adjacent sites to the south of the development site are zoned R2 Low Density Residential and currently contain single dwelling houses per lot.</p> <p>The setback of the Kinghorne portion of the development to the adjoining southern property boundary requires a minimum setback of 9m. The</p>

<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows (for building heights up to 12m): Habitable rooms and balconies: 6m Non-habitable rooms: 3m</p> <p>Note: Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)</p>	<p>setback of this portion of the building varies for the ground and first floor of between 8m and 9m to windows and balconies and therefore does not strictly comply with the required 9m setback.</p> <p>The setback of the Albatross portion of the development adjoining the southwestern boundary does not appear to comply with this requirement. 6m is proposed to the 3rd level, however, as this is measured to a balcony it is considered that the setback should be a minimum of 9m.</p>
<p>3H-1 Vehicle Access</p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access is provided at the southern end of the development along Albatross Road. The vehicular access is generally incorporated into the building's façade. Security gates have been set back from the frontage. While Council does not raise any concern with the design or integration of the access into the building from a strictly aesthetic standpoint it is noted that the car park entry and access should be located on secondary streets.</p> <p>The basement car park and manoeuvring are to be designed to comply with the Australian Standards and Chapter G21: Car Parking and Traffic.</p> <p>The proposal to access the development from the Regionally Classified Road (Albatross Road) is not supported and the applicant has been encouraged to provide access via the unclassified local road (Kingham Street).</p> <p>Under the ISEPP, a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, among other things, 'where practicable, vehicular access to the land is provided by a road other than the classified road'.</p>
<p>3J-1 Bicycle and Car Parking</p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in</p>	<p>The total number of car parking spaces required for residential units = 61.1 spaces required per the Guide to Traffic Generating Development.</p> <p>The car parking rate applying to the commercial</p>

<p>regional areas.</p>	<p>component of the development is to be calculated according to Chapter G21: Car Parking and Traffic in SDCP 2014</p> <p>Commercial development within land zoned B3 Commercial Core at ground level or where access to the development is from ground level above an underground level of car parking is 1 space per 24m² gross floor area.</p> <p>The commercial floor of 267m² is located at ground level with frontage to both Kinghorne Street and Albatross Road and is located above an underground level of car parking. Therefore, 267m² divided by 24m² = 11.13 spaces.</p> <p>Total of Car Spaces Required: 66.1 (residential) + 11.13 (commercial) = 77.23</p> <p>Note: In accordance with section 5.14 Loss of On-Street Car Parking – Major Developments/ Redevelopments of Chapter G21 of SDCP2014, it is noted that:</p> <p><i>“major development/ redevelopment is proposed that has frontage to two or more streets, Council will take into account the loss of on-street car parking spaces arising from the construction of access, bus embayment’s and car parking restrictions, where these are directly related to the development proposal and will require these to be replaced on site.”</i></p> <p>The design of the development including slip lane to provide left turn access to the development from Albatross road will result in the removal of all on-street car parking spaces along the Albatross Road development frontage to facilitate access. This will result in the removal of approx. six (6) on-street car parking spaces.</p> <p>Taking into account the on-street car parking loss along the Albatross Road frontage (six (6) on-street spaces) the development is required to provide a further six (6) parking spaces.</p> <p>Total Car Spaces Required: 83.23 spaces Total of Car Spaces Proposed: 93 spaces</p> <p>The development is numerically compliant.</p> <p>Excavation of the site has been minimised in the placement of the car park access at the lowest point in the site.</p> <p>The car parking area has been designed to suit</p>
------------------------	---

CL21.230

	<p>the site which is triangular.</p> <p>The car park protrudes above ground level greater than 1m however this is solely along the Albatross Road frontage and extends for less than 50% of the frontage. To minimise the visual impact appropriate colours are to be utilised and varied materials for balustrades located above the car parking area.</p> <p>Mixture of natural ventilation and a mechanical exhaust are to be utilised.</p>
<p>3J-2 Bicycle and Car Parking</p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>Each resident has access to a secure storage cage that is large enough to accommodate a bicycle. Residential visitor and customer bicycle spaces are proposed in the form of post mounted bike rails within the road reserve, should Council require them.</p>
<p>4A-1 Solar and Daylight Access</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and private open space.</p>	<p>37 of 55 apartments (67%) receive at least 3 hours of direct sunlight between 9am and 3pm in mid-winter</p> <p>13 of 55 apartments (24%) of apartments receive no sunlight between 9am and 3pm in mid-winter.</p>
<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>While the applicant has argued that the non-compliance with the Design Criteria is “<i>due to limitations imposed by the site configuration, southern slope and orientation</i>” it is noted that there are limited site constraints and there is an opportunity to reduce the number of internal-facing apartments and the design of dual aspect apartments overlooking the internal communal open space area and either Albatross or Kinghorne Street.</p>
<p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight</p>	<p>Of concern is that there are only two single bedroom apartments located on the third level that achieve the minimum daylight access with no lower-level single bedroom apartments receiving any solar access.</p>
<p>3. between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>The minor non-compliance with the requirement that no less than 70% of apartments in a building receive a minimum of 3 hours of direct sunlight could be readily accepted were the design to exceed the 15% of apartments in a building receiving no direct sunlight between 9 am and 3 pm at mid-winter.</p>
<p>No.</p>	<p>The substantial non-compliance with the maximum number of apartments receiving no direct sunlight between 9 am and 3 pm at mid-winter is a significant concern and will significantly increase the reliance on artificial lighting and heating, reduce energy efficiency and residential amenity.</p>

CL21.230

	<p>The design attempts to maximise the number of north facing apartments and limit the number of single aspects south facing apartments, however, it is noted that the internal facing single aspect apartments provided limited or no solar access. It is considered further consideration of the design to further limit single aspect southerly facing apartments would provide increased solar access and amenity to future residents.</p> <p>It is noted that, where possible, the building design maximises the number of living areas with a northerly aspect ensuring a high level of amenity is achieved. Services areas are generally provided to the rear or in central locations minimising their impact on the most desirable areas of the apartments.</p>
<p>4D-3 Apartment Size and Layout</p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs.</p>	<p>The open plan designs allow for a range of activities to happen in the kitchen and living spaces.</p> <p>1-bedroom apartment widths are 3.5m - this is marginally under 3.6m. The non-compliance is marginal and does not impede the usable area of the living rooms and would not likely have a significant detrimental impact on the amenity of the dwelling or resident use of the units impacted. However, it is noted that the design of the single bedroom units is once again impacted by the proposed design.</p>
<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m (excluding wardrobe space)</p>	
<p>1. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)/.</p>	
<p>2. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1-bedroom apartments • 4m for 2- and 3-bedroom apartments 	
<p>3. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	
<p>4E-1 Private Open Space and Balconies</p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>1. All apartments are required to have primary balconies as follows: Studio: 4m²</p>	<p>All balconies exceed the minimum area for the respective unit types. All balconies have a minimum depth of 2m.</p> <p>A number of the ground floor units do <u>not</u> provide at least 15sqm (G.04, G.08 and G.09) while other apartments do <u>not</u> provide a minimum depth of 3m (G0.2, G.03, G.04, G.08, G.10).</p>

CL21.230

<p>1 Bedroom: 8m², 2m minimum depth 2 Bedroom: 10m², 2m minimum depth 3 Bedroom: 12m², 2.4m minimum depth The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	
<p>4F-1 Common Circulation and Spaces</p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Common spaces are provided with solar access, natural ventilation and allow for universal access.</p> <p>Lobby B services 11 apartments on levels 01, 02, and 10 apartments on Level 03. The corridors have been designed with light slots to capture natural light and ventilation to maintain amenity. * Note: Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level</p>
<p>4K-2 Apartment Mix</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The mix of one-bedroom units is not considered to provide an appropriate distribution to suitable locations within the building.</p> <p>The single bedroom units are limited to the southern elevation of the V-shaped building design which has resulted in units with severely compromised solar access, ventilation and private open space that will likely result in units with diminished amenity. The irregular floor plans will also result in odd-shaped rooms and the potential loss of the use of usable space within these units.</p> <p>It is considered that the single bedroom units should be spread more evenly throughout the development to enable these units a greater likelihood for increased amenity</p>

CL21.230

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP (BASIX))

The provisions of SEPP (BASIX) apply to the site. In accordance with the requirements of SEPP BASIX, Certification for each dwelling has been submitted with the development application.

Clause 55A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) allows for a development application to be amended provided a new BASIX

certificate is submitted to account for those amendments. An amended BASIX Certificate, to reflect amended plans was not submitted with the amended application.

Council cannot issue development consent without the provision of a new BASIX Certificate that reflects the amended application i.e., 55 residential units.

Planning Assessment

The DA has been (or will be) assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to **Attachment 1**.

Policy Implications

A key policy consideration is height.

Currently, there is an 8.5m and 14m height limit which applies to the site under SLEP 2014.

The development proposed exceeds the maximum building height as follows:

- 14m height limit by 480mm or 3.4%;
- 8.5m height limit 1.465m or 17.2%; and
- The percentage exceedance of the maximum building height ranges from 1.4% to 17.2% with the average height limit exceedance being 4.83%.

The variation has been addressed by the applicant via a formal clause 4.6 variation statement. The matter is discussed in the attached section 4.15 report in further detail (**Attachment 1**) and has been considered previously in this Report.

Consultation and Community Engagement:

Six (6) public submissions were received in relation to Council's notification of the development. Six (6) were objections to the development. Nil (0) were in support of the development. The notification was made in accordance with Council's Community Consultation Policy. The application was notified for a period of 30 days and advertised in the local papers in accordance with Council's Community Consultation Policy.

Key issues raised as a result of the notification are provided below:

- Traffic impacts on the local road network.
- Impact of additional cars parking on the on-street car parking.
- Amenity impacts associated with overlooking and overshadowing.
- Insufficient justification and planning purpose to support the PP.
- The bulk and scale of the development is not consistent with the low scale development to the south of the site and the site would be better developed for multi-dwelling housing.
- The proposed setbacks of the development to the southern boundary are not appropriate.
- The pedestrian access point to the development on the Kinghorne Street frontage will result in safety and security issues.

The planning concerns raised by the submitters are addressed in the attached section 4.15 report in further detail (**Attachment 1**).

Financial Implications:

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending any appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Legal Implications

Pursuant to section 8.2 of the EP&A Act, a decision of the Council may be subject of a review by the applicant in the event of approval or refusal. If such a review is ultimately pursued (if the recommendation is not adopted), the matter would be put to Council for consideration.

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

Summary and Conclusion

This application has been assessed having regard for section 4.15 (Evaluation) under the EP&A Act. Based upon the s4.15 Assessment Report (**Attachment 1**) it is recommended that Development Application No. DA16/1465 be refused. for the following reasons.

1. The development has failed to satisfy Council of preconditions clause 101(2)(a) and (b) of the ISEPP (s4.15(1)(a)(i) of the EPA Act).

In accordance with clause 101(2)(a) and (b) of the ISEPP, Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.

2. Non-compliance with SEPP 65 in relation to the Apartment Design Guide (s4.15(1)(a)(i) of the EPA Act);

The development fails to satisfy clause 30(2)(a) and (b) of SEPP 65, in that the development does not demonstrate that adequate regard has been given to:

- (a) the design quality principles (Principle 2: Built form and scale; Principle 3: Density; Principle 4: Sustainability; Principle 5: Landscape; Principle 6: Amenity), and
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria (3E-1 Deep Soil Zones, 3F-1 Visual Privacy, 3H-1 Vehicle Access, 3J-1 Bicycle and Car Parking, 3J-2 Bicycle and Car Parking, 4A-1 Solar and Daylight Access, 4D-3 Apartment Size and Layout, 4E-1 Private Open Space and Balconies, 4F-1 Common Circulation and Spaces, 4K-2 Apartment Mix).

3. The proposal exceeds the maximum building height development standard under clause 4.3 of SLEP 2014. The applicant's written request to vary the maximum building height development standard has not adequately addressed matters required to be demonstrated by clause 4.6(3)(a) and (b) of SLEP 2014. The applicant's clause

- 4.6 Variation Request does not provide sufficient environmental planning grounds to support the variation, nor that compliance is unnecessary or unreasonable. (s4.15(1)(a)(i) of the EPA Act).
4. Clause 55A of the *Environmental Planning and Assessment Regulation 2000* allows for a development application to be amended provided a new BASIX certificate is submitted to account for those amendments. An amended BASIX Certificate, to reflect amended plans was not submitted with the amended application.
 5. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter G21: Car Parking and Traffic Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
 - (a) 5.2 Traffic.
 - (b) 5.4 Access.
 6. The development is likely to have adverse impacts on the built environment (s4.15(1)(b) of the EPA Act).
 7. The site is not suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
 8. The development is not in the public interest (s4.15(1)(e) of the EPA Act).



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

Address all correspondence to

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

shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY WAY OF REFUSAL**

Environmental Planning and Assessment Act, 1979
DA16/1465

TO:

Lee Carmichael Town Planning
76 Berry Street
NOWRA NSW 2541

being the applicant(s) for **DA16/1465** relating to:

173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 and 30 DP 25114

REFUSED USE AND/OR DEVELOPMENT:

Demolition of existing structures and construction of a mixed use development consisting of 55 apartments including 15 x three bedroom, 34 x two bedroom and 8 x 1 bedroom apartments, a basement car parking area and 3 commercial tenancies at ground floor with frontage to both Kinghorne St and Albatross Road

DETERMINATION DATE:

REFUSAL DATE:

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the reasons as outlined in Part A:

Determination Notice by way of Refusal - Page 2 of 3 - DA16/1465

REASONS FOR REFUSAL

1. The development has failed to satisfy Council of preconditions clause 101(2)(a) and (b) of the ISEPP (s4.15(1)(a)(i) of the EPA Act).
In accordance with clause 101(2)(a) and (b) of the ISEPP, Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.
2. Non-compliance with SEPP 65 in relation to the Apartment Design Guide (s4.15(1)(a)(i) of the EPA Act);
The development fails to satisfy clause 30(2)(a) and (b) of SEPP 65, in that the development does not demonstrate that adequate regard has been given to:
 - (a) the design quality principles (Principle 2: Built form and scale; Principle 3: Density; Principle 4: Sustainability; Principle 5: Landscape; Principle 6: Amenity), and
 - (b) the objectives specified in the Apartment Design Guide for the relevant design criteria (3E-1 Deep Soil Zones, 3F-1 Visual Privacy, 3H-1 Vehicle Access, 3J-1 Bicycle and Car Parking, 3J-2 Bicycle and Car Parking, 4A-1 Solar and Daylight Access, 4D-3 Apartment Size and Layout, 4E-1 Private Open Space and Balconies, 4F-1 Common Circulation and Spaces, 4K-2 Apartment Mix).
3. The proposal exceeds the maximum building height development standard under clause 4.3 of SLEP 2014. The applicant's written request to vary the maximum building height development standard has not adequately addressed matters required to be demonstrated by clause 4.6(3)(a) and (b) of SLEP 2014. The applicant's clause 4.6 Variation Request does not provide sufficient environmental planning grounds to support the variation, nor that compliance is unnecessary or unreasonable. (s4.15(1)(a)(i) of the EPA Act).
4. Clause 55A of the *Environmental Planning and Assessment Regulation 2000* allows for a development application to be amended provided a new BASIX certificate is submitted to account for those amendments. An amended BASIX Certificate, to reflect amended plans was not submitted with the amended application.
5. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter G21: Car Parking and Traffic Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
 - (a) 5.2 Traffic.
 - (b) 5.4 Access.
6. The development is likely to have adverse impacts on the built environment (s4.15(1)(b) of the EPA Act).
7. The site is not suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
8. The development is not in the public interest (s4.15(1)(e) of the EPA Act).

Determination Notice by way of Refusal - Page 3 of 3 - DA16/1465

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.

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.

GENERAL ADVICE

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) Act 2009 (GIPAA).

SIGNED on behalf of Shoalhaven City Council:

Choose an item.

Choose an item.

Planning, Environment & Development Group

CL21.231 DA21/1673 - 116-118 St Vincent Street, Ulladulla - Advice Addendum Report to be submitted.

HPERM Ref: D21/450150

Approver: Phil Costello, Director - City Development

Reason for Report

This report is being submitted directly to Council's Ordinary meeting. At Council's Development & Environment Committee meeting of 7 September 2021, Council resolved to "call-in" the DA for determination.

An Addendum Report is being prepared to be submitted for this Development Application.

Recommendation

That this report be received for information noting that an Addendum Report will be submitted to Council's Ordinary Meeting of 26 October 2021.

Options

1. Report be received for information.

Background

The Development Application (DA) was called in at the Development & Environment Committee meeting of 7 September 2021 for determination at either the Development Committee to be held on 5 October 2021 or the Ordinary Council Meeting to be held on 26 October 2021. At that time the DA was yet to go on exhibition, with the exhibition to be completed on 29 September.

For the application to be reported for determination, the assessment, notification and report would have required completion prior to 13 September to enable reporting to the meeting of 5 October.

Alternatively, to report to 26 October, the assessment, notification and report completed prior to 4 October. The timetable is to allow for the normal peer review and acceptance processes for Council reports.

As it stands, the referrals were still be finalised and discussed on 20 October, with the Urban Design Review by [Hill Thallis](#) provided to Council on 15 October 2021. The independent Review was sought to provide an independent assessment of the design having regard to not only the height (which is the subject of a clause 4.6 variation given the 14 metre height exceedance) but also concerns arising from a preliminary review of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*. Several matters have arisen warranting the applicant's attention. The matters go to and are not necessarily limited to design considerations, waste collection and non-compliant floor to ceiling heights for the commercial ground floor and the basement

At the time of finalising this Agenda, the Assessment Report was still being finalised for release as an Addendum Report for this Ordinary Meeting.

CL21.231

DE21.122 Development Application - DA21/1392 – Old Southern Rd South Nowra – Lot 2 DP 1065105 & Lot 28 DP 17310

DA. No: DA21/1392/4

HPERM Ref: D21/383231

Department: Development Services

Approver: Phil Costello, Director - City Development

Attachments:

1. Determination - Refusal [↓](#)
2. Assessment Report (under separate cover) [⇒](#)
3. Plans - Architectural (under separate cover) [⇒](#)
4. Plans - Landscaping [↓](#)

This item was deferred from the Development and Environment Committee 5 October 2021 when it was advised by a Councillor that a report from Dr Judith Stubbs was forthcoming in relation to the development.

Staff have been in contact with the applicant who advised that the report from Dr Stubbs was forthcoming and it was the intention to distribute to Councillors. It was requested this report be forwarded to staff at the same time in order that staff had an opportunity to review.

At the time of preparing this report, no report from Dr Stubbs has been received by Council staff.

Description of Development: Staged Residential Flat Building Development (containing 56 Units, and ancillary communal facilities, internal roads and services)

Owner: Care Living Nowra Pty Ltd

Applicant: PDC Lawyers & Town Planners

Notification Dates: 23 August 2021 to 8 September 2021

No. of Submissions: Nil

Purpose / Reason for consideration by Council

Council Resolved on 7 April 2020 (MIN20.240) with respect to COVID-19 Response, that:

“The delegation to the CEO be rescinded to determine a development application by refusal until the end of COVID 19 crisis.

The refusal of a development application must only be by Council/Committee resolution.”

This report recommends refusal of the above Development Application and is therefore prepared for consideration by the Development & Environment Committee in accordance with the 7 April 2020 Resolution of Council.

DE21.122

Recommendation (Item to be determined under delegated authority)

That Development Application No. DA21/1392 for a Staged Residential Flat Building Development (containing 56 Units, and ancillary communal facilities, internal roads and services) pursuant to the Shoalhaven Local Environmental Plan 2014 at Lot 2 DP 1065105 & Lot 28 DP 17310, Old Southern Rd South Nowra be determined by way of refusal for the reasons contained in Attachment 1 of this report.

Options

1. Refuse the Development Application (DA) in accordance with the recommendation.

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

2. Approve the DA, subject to the resolution of any outstanding assessment matters.

Implications: Council would need to resolve any outstanding referral matters and provide the grounds to support the proposal, that is, provide reasons to support the development, having regard to section 4.15 considerations. Under some circumstances, third parties (i.e., objectors) can seek a judicial review of Council's decision in the NSW Land and Environment Court.

3. Alternative recommendation.

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



Figure 1 – Location Map

DE21.122

Background

Proposed Development

The application seeks consent for the construction of a staged residential flat building (RFB) development consisting of 56 units across six (6) two-storey buildings, internal roads and parking facilities, communal facilities, and a fire trail in accordance with the architectural and landscape plans provided at Attachments 3 and 4.

The construction of the development is proposed to be staged in the following format:

- Stage 1: Construction of Block A including:
 - construction of two buildings consisting of a total of 18 units across two levels (16 two bedroom and 2 one bedroom units);
 - internal ingress/egress road to Old Southern Rd;
 - gravel fire trail on the northern rear side of the development;
 - communal waste enclosure servicing the development;
 - communal facilities including the 'Hub' (to be temporarily used as a sales office during Stage 1) and village green; and
 - associated resident/visitor parking facilities including 21 private parking spaces, 13 visitor spaces, and 5 spaces dedicated to the communal facilities (i.e., Hub).
- Stage 2: Construction of Block B including:
 - construction of two buildings consisting of a total of 20 units across two levels (16 two bedroom and 4 one bedroom units);
 - use of the Hub temporarily as a sales office until the completion of the Stage 2 construction works.
 - construction of associated resident/visitor parking facilities including 17 private parking spaces and 2 visitor spaces.
- Stage 3: Construction of Block C including:
 - construction of two buildings consisting of a total of 18 units across two levels (14 two bedroom and 4 one bedroom units); and
 - associated resident/visitor parking facilities including 18 private parking spaces and 13 visitor spaces.

The proposed development requires the removal of 1.22ha of vegetation to permit the construction of the proposed works. Vegetation to be removed includes a mix of trees and grassland vegetation which have been identified as falling under plant community types, Plant Type Community (PCT) 1080 – Red Bloodwood / Grey Gum Open Forest and PCT 1326 – Illawarra Lowland Grassy Woodlands. Given the extent of vegetation being removed from the property, the development was required to enter into the Biodiversity Offsets Scheme and was thus accompanied by the lodgement of a Biodiversity Development Assessment Report (BDAR).

DE21.122

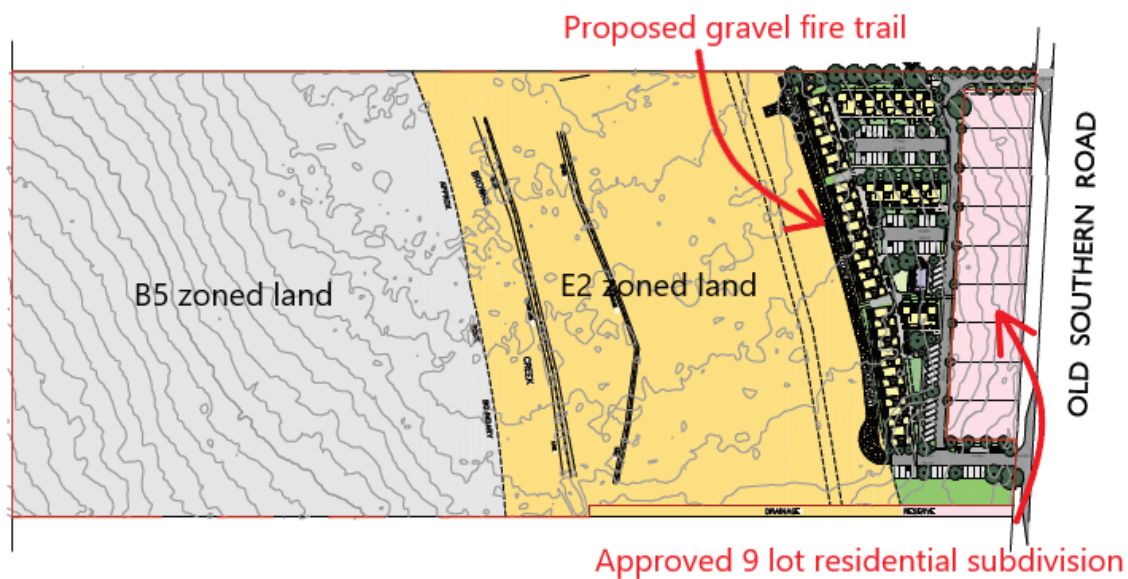


Figure 2 – Site Plan

Figure 3 below shows the development as viewed from the internal driveway looking west. It is noted each block is made up of two buildings, one sited in a north-south orientation and one oriented east-west. The figure below depicts the east-west building for each block on the right of each elevation plan with car park areas in front of Blocks B and C.

DE21.122



Figure 3 – East Elevation Plan

Subject Land

The development site comprises Lot 2 DP 1065105 & Lot 28 DP 17310 (Old Southern Rd South Nowra). Refer to Figure 1.

Site & Context

The development site:

- Has a total combined area across both lots making up the site of 8.16ha (Lot 2 – 4.17ha and Lot 28 – 3.99ha).
- Has a mixed zoning (refer Figure 4) which includes the following:
 - R1 General Residential in the eastern front part of the site adjacent to Old Southern Rd – the vast majority of the proposed development is located within this portion of the site.
 - E2 Environmental Conservation in the central part of the site incorporating Browns Creek – the proposed fire trail ancillary to the proposed development is located within this zone.
 - B5 Business Development in the western rear part of the site beyond the Browns Creek – no works are proposed within the part of the site zone B5.

DE21.122

- Has approval under SF10679 for a ten (10) lot Torrens title subdivision development including nine (9) residential lots directly front Old Southern Rd, and a residue lot that wraps behind each of these lots and includes the rear of the property, being the location of the subject site. The subdivision of the nine (9) residential lot subdivision is currently under construction. Each of these lots have a rear boundary abutting the development.
- Is presently vacant and consists of a mix of cleared land in the eastern part to support the residential subdivision development, and vegetated land for the remainder of the site consisting of trees and grassland identified as plant community types PCT 1080 – Red Bloodwood / Grey Gum Open Forest and PCT 1326 – Illawarra Lowland Grassy Woodlands.
- Is traversed by Browns Creek which travels from north to south through the central part of the site.
- Is mapped as being partly flood prone land (i.e., subject to the 1% AEP flood level and flood planning level). The part of the site where the residential flat building development is proposed is not within the 1% AEP flood level but partly within the flood planning level.
- Is mapped as being bushfire prone land (Vegetation Category 2 and Buffer Area).
- Is partly mapped as containing 'Biodiversity – Significant Vegetation' and 'Excluded Land'. The location of the proposed works is outside of the mapped areas which are predominantly adjacent to the Browns Creek.
- Is located within a wider emerging South Nowra urban residential area which would consist of the nine Torrens title lots being constructed adjacent to the development site and further detached residential housing located on the opposite side of Old Southern Rd.

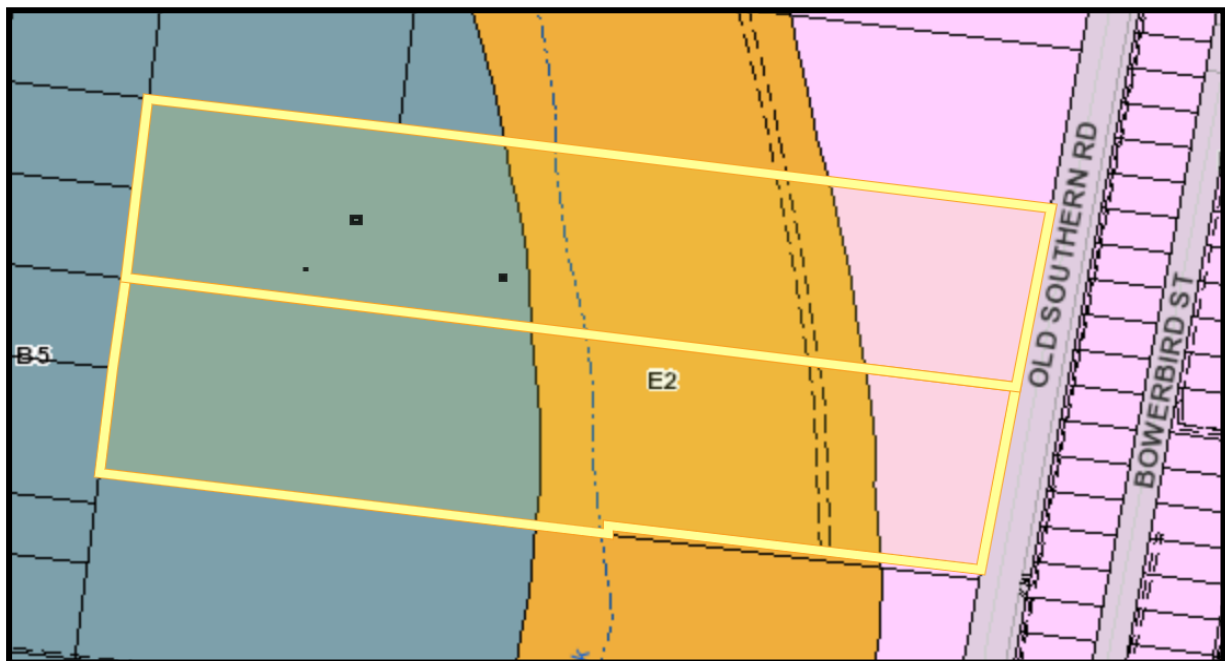


Figure 4 – Zoning Map

History

The following provides a description of correspondence which took place with the applicant prior to and following the lodgement of the Development Application (DA) with Council:

DE21.122

Event / Action Taken	Date
Pre-lodgement Meeting held with the applicant and subsequent notes provided with recommendations regarding alterations to the design to enable the development to achieve compliance with applicable requirements such as the Apartment Design Guide (ADG), which is a requirement of Councils DCP.	07.10.2020
Formal lodgement of Development Application with Shoalhaven City Council and payment of application fees.	21.04.2021
<p>1st Request for information (RFI) sent to the applicant – with the following matters being requested:</p> <ul style="list-style-type: none"> • amended plans addressing the following: <ul style="list-style-type: none"> ○ secured all-weather car parking be provided to permit compliance with the ADG. This also reflects advice provided to the applicant at pre-lodgement stage. ○ Secured all-weather bicycle parking be provided to permit compliance with the ADG. ○ An improved landscape buffer be provided separating the internal road servicing all residential flat building units from the neighbouring approved nine (9) Torrens title lots. • Request for the fire trail to be amended to enable it to be wholly located within the R1 zoned section of the site – noting that, given it is ancillary and incidental to the residential flat building development, such a proposal is prohibited within its present location within the E2 zone. • Request for all communal facilities including the village green to be included as part of Stage 1 of the development. • Request for review of the approved sewer design to ensure the proposed development is capable of being serviced by this infrastructure. 	06.05.2021
<p>Applicant response to 1st RFI Request provided with the following responses given to Council's request:</p> <ul style="list-style-type: none"> • No amended plans were provided with the following instead being noted: <ul style="list-style-type: none"> ○ No alteration to the design of the parking areas provided. ○ Requested bicycle parking spaces provided on amended Landscape Plans. ○ Amended Landscape Plans provided. • No alteration to the location of the fire trail provided. The applicant advised that the fire trail should be a separately defined use – Emergency Management Facility • Agreement provided that the village green should form part of Stage 1. • Confirmation provided as part of response that there is sufficient capacity within the sewer design to cater for the proposed development. 	07.06.2021
<p>2nd RFI sent to the applicant following consideration of the response – with the following matters being requested (reiteration of matters raised as part of 1st Request that were not adequately addressed):</p> <ul style="list-style-type: none"> • Request for amended plans addressing the following: <ul style="list-style-type: none"> ○ Reiteration of request for secured all-weather car parking to be provided for the development to permit compliance with the ADG. ○ Request for secured all-weather bicycle parking be provided for the development to permit compliance with the ADG, noting that the plans provided did not demonstrate that it would be all-weather. ○ Request for an improved landscape buffer and increased width to 1.5m to match that required for medium density developments per Chapter 	13.07.2021

DE21.122

Event / Action Taken	Date
<p>G13 of the Shoalhaven Development Control Plan 2014 (SDCP 2014).</p> <ul style="list-style-type: none"> Advice provided to the applicant that Council finds that the fire trail is effectively part of the Residential Flat Building development given it is <i>ancillary and incidental</i> to the overall development (noting that it would not be required were a development not proposed and that it would be for the sole purpose of the development). 	
<p>Applicant response to 2nd RFI Request reiterating their response provided in the 1st Request:</p> <ul style="list-style-type: none"> Request for amended plans addressing the following: <ul style="list-style-type: none"> Applicant advice that the Apartment Design Guide should not apply to the development and that they consider that the proposed parking area complies with the Apartment Design Guide, particularly as it relates to 3J-5. Advice provide that the bicycle parking is located in an accessible location. Applicant reiteration that a 1m vegetation strip separating the internal road from the adjacent residential lots is sufficient <p>Advice provided by applicant reiterating that the fire trail should be a separately defined use and stating why such a trail should be needed.</p>	23.07.2021
Internal and external referrals requested.	23.08.2021
<p>Completion of notification period.</p> <p>The application was notified for a period of two weeks in accordance with the Community Consultation Policy. No submissions were received during the notification period. (Note: the adjoining nine (9) residential lots have not been registered yet and are still on Council record as being under the ownership of Care Living Nowra Pty Ltd.)</p>	08.09.2021
Recommendation for refusal provided to the October Development and Environment Committee Meeting.	

DE21.122

Issues

Prohibited Use – Residential Flat Buildings within Zone E2 – Environmental Conservation of the Shoalhaven Local Environmental Plan 2014

In accordance with the submitted architectural plans located at Attachment 3 to this Report, the proposed development is primarily contained within the R1 General Residential Zone in accordance with the Shoalhaven Local Environmental Plan (SLEP) 2014, where such a development is permissible with consent – see land use table below:

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes, Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties;

*Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Registered clubs; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems*

4 Prohibited

Farm stay accommodation; Any other development not specified in item 2 or 3

However, part of the residential flat building development (being the ancillary gravel fire trail – see Figure 2) is located within the adjoining E2 Environmental Conservation Zone pursuant to the SLEP 2014 – where such a development is a prohibited use – see Land Use Table below:

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home businesses; Oyster aquaculture; Recreation areas; Research stations; Roads; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

*Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); **Residential flat buildings**; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

As such there is difficulty with the road as it is fundamentally a prohibited use [being intrinsic to the development of a residential flat building(s)] and cannot be approved in its present form.

Council's position that the fire trail is not a separately defined use but subservient to the overall purpose of a Residential Flat Building development is further clarified in the NSW Land and Environment Court decision **Site Plus Pty Limited v Wollongong City Council and anor [2011] NSWLEC 1371**, where Brown ASC dismissed an appeal for use of part of a disused quarry for a resource recovery facility. The decision has relevance to the subject application as it required use of a road over adjoining property to which the overall proposed use was prohibited on this particular land:

"26 The question of permissibility arises from the proposed access to Lot 2. The proposal provides for access from Five Islands Road over Lot 41 and 42 to Lot 2. While Lot 2 is not landlocked and has a street frontage to Jarvie Road, access to this street is not proposed. Access over Lot 41 is via an existing right of way, and access over Lot 42 (owned by the council) forms part of the lease of Lot 2 that the applicant proposes to enter into, if approval to the development application is granted.

27 There was agreement that the proposed development is permissible, and that there was also agreement that the proposed development was a prohibited use on Lot 41 and 42 as it was not included in Schedule 2. The only reference in Schedule 2 being to Lot 2.

31 Mr Clay SC, for the second respondent, relies on the decision in *Chamwell Pty Limited v Strathfield Council* (2007) 151 LGERA 400, where access was provided to a shopping complex and ancillary facilities on commercially zoned land over land zoned residential. In this case it was held that the access was part of the purpose of a shopping complex, and as such, prohibited in the residential zone.

32 In considering the competing submissions, I agree with the conclusions of Mr Clay. The general approach to characterisation for planning purposes is best set out by Preston CJ in *Chamwell*, where his Honour includes the relevant cases and relevantly states, at 27 and 28:

27. In planning law, use must be for a purpose: *Shire of Perth v O'Keefe* (1964) 110 CLR 529 at 534-535, and *Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council* (1993) 80 LGRA 173 at 188. The purpose is the end to which the land is seen to serve. It describes the character which is imparted to that land at which the use is pursued: *Shire of Perth v O'Keefe* (1964) 110 CLR 529 at 534.

28. In determining whether land is used for a particular purpose, an enquiry into how that purpose can be achieved is necessary: *Council of the City of Newcastle v Royal Newcastle Hospital* (1957) 96 CLR 493 at 499-500. The use of land involves no more than the 'physical acts by which the land is made to serve some purpose' at 508.

The decision by Brown ASC in ***Site Plus Pty Limited v Wollongong City Council and anor [2011] NSWLEC 1371 and other cited cases***, form the basis for the position that the fire trail is appropriately categorised as part of the overall development for the purpose of an RFB.

Having regard for the above, the proposed use being 'Residential Flat Building' is permissible with consent within Zone R1 – General Residential however is prohibited within Zone E2 – Environmental Conservation.

Applicant's Submission

The applicant has made the following submissions regarding the location of the fire trail within the E2 zoned portion of the land and has advised that it should be considered as a completely separate and independent function to the residential flat building development and should be a separately defined use known as an 'Emergency Services Facility'. This use is defined by the SLEP 2014 as follows:

"emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation".

In particular, the applicant made the following comments:

"The fire trail is proposed as an emergency services facility, which is permissible in the E2 zone. The Rural Fire Service is an emergency service facility.

While it is recognised that the proposed fire trail will service the residential development proposed, it is not accurate to say that it will solely benefit this development. The fire trail will provide maintenance access, as well as firefighting access to the western part of the site to the benefit of all residential development in the area.

The proposed fire trail provides a fuel-reduced area directly adjacent to the building. It serves as part of the firebreak as well as providing a physical platform from which fire suppression and mitigation related activities may be undertaken by firefighting agencies.

The trail also provides vehicular access to the E2 zoned portion of the site that is subject ongoing monitoring and management under the approved vegetation management plan”.

Discussion

The above position is not supported for the following reasons:

- Council’s consideration regarding the characterisation of the fire trail being part of the primary purpose of a residential flat building is based upon an established legal position formed as part of NSW Land and Environment Court decision ***Site Plus Pty Limited v Wollongong City Council and anor [2011] NSWLEC 1371***.
- The fire trail would not be constructed were it not for the residential flat building development being proposed, which demonstrates that it is entirely ‘subordinate’ and ‘reliant’ on the development. In accordance with the SLEP 2014, it is therefore required to be considered as ancillary to the development (residential flat buildings) and therefore cannot be classified as a separate independent and primary land use.
- The fire trail only extends to the boundaries of the development site and thus services *no other properties* besides the subject site and the residential flat building development. There is no overriding purpose or community benefit for the fire trail other than to service the proposed development on the subject site only.
- Residential flat buildings are prohibited within the E2 Environmental Conservation Zone and therefore the ancillary and incidental fire trail is not permitted to be considered for approval.
- Given the proposal is described as a prohibited use, it also results in non-compliance with the objectives for the Environmental Conservation Zone as follows:

Objective	Comment
<i>To protect, manage and restore areas of high ecological, scientific, cultural, or aesthetic values.</i>	Inconsistent. The construction of a gravel fire trail ancillary to a residential flat building does not assist in the protection, management, and restoration of areas of high ecological, scientific, cultural, or aesthetic values.
<i>To prevent development that could destroy, damage, or otherwise have an adverse effect on those values.</i>	Inconsistent. The construction of a gravel fire trail ancillary to a residential flat building does not assist in the prevention of damage to or destruction to those values.
<i>To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.</i>	Inconsistent. The construction of a gravel fire trail ancillary to a residential flat building does not assist in the conservation or restoration of native vegetation.
<i>To protect the scenic, ecological, educational, and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.</i>	Inconsistent. The construction of a gravel fire trail ancillary to a residential flat building does not assist in the protection of scenic, ecological educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.

DE21.122

<i>To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.</i>	Inconsistent. The construction of a gravel fire trail ancillary to a residential flat building does not assist in the conservation or restoration of native vegetation.
---	---

Non-Compliance with Chapter 2 – General Environmental Considerations of the Shoalhaven Development Control Plan 2014 (SDCP 2014)

Council is required to take into consideration the provisions of Chapter 2 General Environmental Considerations of the SDCP 2014, in particular as it relates to ‘Crime Prevention Through Environmental Design’ (CPTED) principles.

CPTED incorporates basic design principles which contribute to the safety and security to users and the community and seek to minimise crime risk. There are four broad principles of CPTED: surveillance, access control, territorial re-enforcement, and space management.

As part of Council’s considerations as to whether the proposed development achieves compliance with the CPTED principles, the development is required to demonstrate compliance with the following objectives:

- “i. enhance and improve community safety;*
- ii. encourage a built environment that encourages a sense of community safety;*
- iii. address community safety and crime prevention;*
- iv. minimise crime risk in the City of Shoalhaven; and*
- v. prevent the opportunity for crime and antisocial behaviour.”*

Council’s assessment of the proposal has concluded that the proposal does not adequately demonstrate compliance with the CPTED principles specifically with regard to the proposed at grade carparking areas.

Applicant’s Submission

“The proposed development achieves compliance with the design guidance for objective 3J-5 and it is considered the proposed layout achieves an improved CPTED outcome by avoiding enclosed entrapment spaces (basements) outside of high traffic and CBD areas. Should Council require secured access to the parking areas the design could be amended to include gates across the entry and exit points from Old Southern Road.”

Discussion

The assessment concludes that the proposed development does not satisfy the objectives for CPTED and therefore represents a departure to Chapter 2 of the SDCP 2014 for the following reasons:

- Providing at grade car parking, located at the rear of the nine (9) residential lots facing Old Southern Road, which is accessible for all, provides areas of concealment and provides opportunity for crime and antisocial behaviour, is directly contrary to the objectives for CPTED.
- Alternatively, the provision of secured, all weather car parking (i.e., such as a basement car park, garaging in association with dwellings) would provide for appropriate levels of access control through security access doors / boom gates, individual doors, etc. However, the applicant has not proposed any methods of access control to separate the proposed on-grade parking area from the general public.

DE21.122

- The construction of secured all weather car parking would also afford the opportunity for better passive surveillance of the car parking area through the use of CCTV cameras. Given the wide expanse of on-grade parking proposed, opportunities for CCTV coverage of the entire car parking area are minimal.
- The construction of secured, all weather car parking also affords the opportunity for the level of lighting within the car parking to be managed and also for any light spill to be avoided. The applicant has not submitted a car parking lighting plan which explains how the wide expanse of on-grade parking would be appropriately lighted for security purposes.
- The assessment finds that any extensive on-grade lighting regime could potentially cause considerable amenity impacts due to light spill affecting the neighbouring nine (9) Torrens title lots which are adjacent to the car park and internal driveway areas.
- The assessment finds that there are improved options for space management available. The relocation of on-grade parking to a secured, all weather facility would provide increased opportunity for internal communal recreation facilities – which would result in the improvement in function of the space and increase the opportunities for passive surveillance within the development

Non-Compliance with Acceptable Solution 2.2 and Performance Criteria P2.2 of Chapter G3 – Landscaping Design Guidelines of the Shoalhaven Development Control Plan 2014

The proposed development is required to be assessed against the applicable provisions of Chapter G3: Landscaping Design Guidelines. In general, Chapter G3 requires that any development other than a single dwelling house is required to be accompanied by a Landscape Plan prepared by a qualified designer. Such a Landscaping Plan has been submitted by the applicant (refer Attachment 4 to this Report).

The Landscape Plan is also required to address specific criteria within Chapter G3 which includes Acceptable Solution A2.2 and Performance Criteria P2.1 and P2.2, which states the following:

“The landscape plan must:

- *Relate to the site plan for the proposed development.*
- *Address P2.1 and P2.2.*
- *Include the landscape plan and planting schedule requirements at Section 6.1 of this Chapter, as appropriate to the scale of the development”.*

The submitted landscape plan relates to the site plan associated with the development and has been accompanied by a planting schedule consistent with the requirements. However, Council is required to also assess the landscaping against Performance Criteria P2.1 and P2.2 of the Chapter G3 as follows:

“The landscape plan:

- *Is designed to meet user requirements taking into account maintenance, exercise opportunities, shade provision and aesthetic quality.*
- *Enhances the appearance of the streetscape through the provision of substantial landscaping to the street frontage.*
- *Integrates the development into the streetscape”.*

“The landscape plan:

- *Specifies the location and species of trees, shrubs, and ground cover.*
- *Uses vegetation types and landscaping styles that blend the development in with the streetscape*

- *Complements the functions of the street and reinforce desired traffic speed and behaviour.*
- *Is an appropriate scale relative to both the street reserve width and the building bulk.*
- *Considers personal safety (safety by design) by ensuring good visibility and lighting at dwelling entries, along paths and driveways and avoids shrubby landscaping near thoroughfares.*
- *Contributes to energy efficiency and amenity by providing substantial shade in summer especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and indoor living areas.*
- *Improves privacy and minimises overlooking between dwellings.*
- *Minimises risk of damage to proposed buildings, overhead and underground power lines and other services.*
- *Minimises the risk of damage due to bushfire if the land is within a bushfire prone area as mapped by Council.*
- *Retains or plants mature shade trees to assist in reducing the urban heat effect.*
- *Reduces the removal of native vegetation and dominant locally occurring native trees”.*

Assessment has highlighted that the proposed 1m wide landscape strip between the proposed development and the adjoining nine (9) residential lots (excerpt shown at Figure 5) does not comply with the DCP controls.

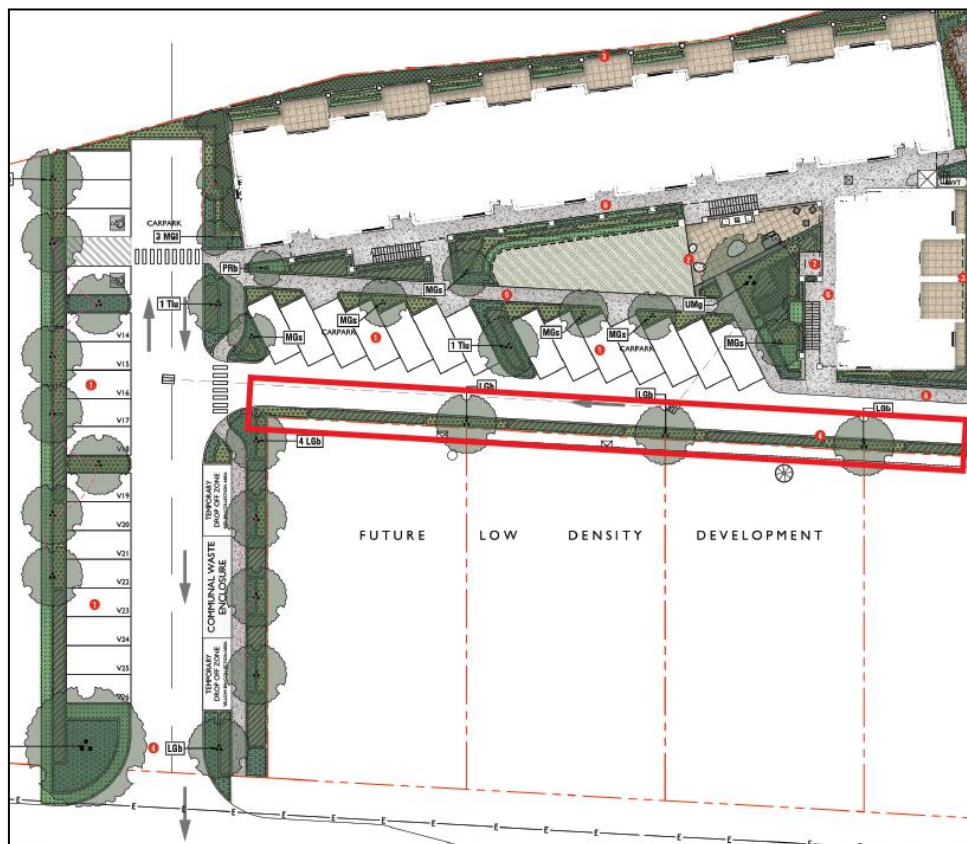


Figure 5 – Excerpt of proposed Landscape Plan highlighting proposed 1m strip landscaping

DE21.122

Applicant's Submission

"We believe the densely vegetated 1m landscape strip provided is acceptable given the low traffic volumes and location of the site."

Discussion

The development is non-compliant with Performance Criteria P2.1 and P2.2 of Chapter G3 – Landscaping Design Guidelines for the following reasons:

- The proposed landscaping does not minimise overlooking of the proposed building towards neighbouring properties (being the nine approved and under construction Torrens title residential allotments).
- The narrow nature of the landscaping strip, being only a depth of 1m, separating the Torrens title lots from the adjoining internal road and nearby two storey RFBs will provide inadequate screening, noting the Landscape Plan is shown to consist of only hedge species and a single tree per every 20m of road length.
- The landscaping strip separating the adjoining Torrens title lots and internal road is not considered to be of an appropriate scale relative to both the street reserve width and the building bulk. This is given the internal road is likely to service a minimum of 504 vehicle trips per day (based upon a minimum of nine vehicle trips per dwelling as specified by the RMS Guide to Traffic Generating Developments) and the considerable impacts upon amenity that would be created should an insufficient buffer, including landscaping be provided within this location.

Non-Compliance with Acceptable Solution 32.2 and Performance Criteria P32.2 of Chapter G13 – Medium Density and Other Residential Development of the Shoalhaven Development Control Plan 2014

In accordance with Chapter G13 – Medium Density and Other Residential Development of the SDCP 2014, residential flat building developments consisting of up to two storeys such as that proposed on the site, are required to consider the provisions of the Apartment Design Guide (ADG) per Acceptable Solution A32.2 as follows:

"A32.2 Where SEPP 65 does not apply (see clause 4 of SEPP 65), the development must be designed in accordance with the Apartment Design Guide."

A full assessment of the proposed development against the Apartment Design Guide is contained in the Assessment Report at Attachment 2 to this Report. However, Council notes that non-compliances with three objectives of the Apartment Design Guide which are summarised as follows:

Objective 3C-1 Opportunities for people to be concealed should be minimised.

The provision of on-grade parking (which represents a non-compliance with Objective 3J-5) has resulted in the following issues which represent a concern from a CPTED perspective and could potentially lead to the concealment of people:

- As opposed to basement parking which has more appropriate means of access control such as the use of boom gates and/or fob only access for residents, on grade parking does not have the same opportunity for access control where spaces can be accessed by the general public or anyone walking past.
- Similarly, garages and access thereto are controlled by occupants. Many modern garages have an internal access point. (The design of the development however will influence how a development is characterised (legally defined) and thus assessed.)
- Use of CCTV cameras within a development decreases the opportunity for concealment given the level of surveillance it provides and also acts as a deterrent to criminal

behaviour where people may otherwise be looking for opportunities for concealment. Given the wide expanse of on-grade parking proposed, opportunities for CCTV coverage of the entire car parking area are minimal, which therefore creates possibilities for concealment.

- The applicant has not submitted a car parking lighting plan which explains how the wide expanse of on-grade parking would be appropriately lit for security purposes. This lighting has potential amenity impacts for adjoining residences and as such should be assessed prior to determination.
- The distance of the parking spaces to resident front doors exceeds 50m for some dwellings. Given the extent of this separation, opportunities for concealment are created given the lower level of surveillance afforded to residents of their parking spaces.
- The relocation of on-grade parking to a secured, all weather facility would provide increased opportunity for internal communal recreation facilities – which would result in the improvement in function of the space and increase the opportunities for passive surveillance within the development.

Objective 3D-3 Communal open space should be well lit.

A detailed lighting design plan is required to demonstrate compliance with CPTED principles and gauge potential impact on adjoining properties.

In the absence of a plan, Council cannot be satisfied that the communal open space areas, pathways leading from car parks to buildings, and other internal areas would be sufficiently lit.

Given the location of the nine (9) Torrens title lots within close vicinity to facilities such as the internal road, there is also concern that extensive lighting of all on-grade areas of the development would potentially lead to light spill / nuisance for neighbours and thus negative amenity impacts for future residents of those lots.

Objective 3J-5 – On-grade car parking should be avoided.

The applicant has provided wide expanses of on-grade parking in a situation where the provision of such parking is avoidable, representing a non-compliance with Objective 3J-5.

Council made the following requests for the provision of secured, all-weather parking be provided by the applicant:

- Pre-Lodgement Meeting Notes issued to applicant dated 7th October 2020.
- 1st RFI sent to applicant on 6th May 2021.
- 2nd RFI sent to applicant on 13th July 2021.

Despite Council's repeated requests for the provision of a secure, all-weather parking facility, application as lodged provides the same on-grade parking design as was presented at pre-lodgement stage and has not altered the development to permit compliance with the objective.

Council notes that the non-compliance with the objective has resulted in the following issues being present with regard to the design of the development as it relates to the on-grade car parking:

- It results in an impracticable design having regard for the significant length residents are required to walk to get from their designated car space to the front door – with no weather protection. The distance in some instances is greater than 50m. This is of particular concern for elderly residents and young families, particularly in instances of inclement weather.
- Remote car parking, lack of cover i.e., weather protection and associated inconvenience of such an arrangement are not commensurate with modern living expectations and

standards in newly designed and modern developments. This goes to providing a reasonable and basic level of amenity for occupants, regardless of socio-economic status. Further, garaging and the like can also provide for storage of household items (assuming appropriate design and dimensions).

- It results in a less attractive design appearance, in that the car parking areas represents one of the most visible design elements of the development as highlighted in Figure 6 below.
- The inclusion of on-grade parking has resulted in the total footprint of the development being expanded, which has resulted in the need for the fire trail to be located within the E2 Environmental Conservation zoned portion where such a development is prohibited.
- The areas presently taken up by on grade parking would be reclaimed for use as part of the development – which would be an improved and more efficient design outcome. Such areas could be utilised for further residential development or the provision of an improved network of recreational and communal areas. This would possibly enhance residential amenity of occupants.
- The design results in concerns from a CPTED perspective, given the lack of access control, the lack of lighting, and the lack of night-time surveillance opportunities.



Figure 6 – Site Plan highlighting proposed parking areas (See also Attachment 4 (Landscaping) to this report)

Applicant's Submission

"It should be noted that the proposed development is intended to provide affordable housing to residents of the Shoalhaven. As mentioned in the SoEE the open, at-grade parking spaces are considered appropriate for this style of development for the following reasons:

- *It reduces construction costs, allowing for the final product to be delivered as a more affordable housing option;*
- *Reduces environmental impacts by limiting excavations and minimises maintenance costs; and*

DE21.122

- *Provides greater opportunity for passive surveillance than basement parking and with appropriate landscaping offers reduced opportunities for concealment thereby resulting in a better outcome with reference to crime prevention through environmental design principles.*
- *Parking spaces are sealed, line marked and located in areas where passive surveillance is available”.*

Discussion

Attachment 4 contains the landscaping plans and site layout (particularly the car parking layout and distribution across the site) in additional detail.

Noting that the proposed development does not achieve compliance with Acceptable Solution A32.2 of Chapter G13 – Medium Density and Other Residential development of the SDCP 2014 and applicable provisions of the ADG, City Development also found that the proposal did not achieve compliance with Performance Criteria P32.2 of Chapter G13, which states the following:

“Development is liveable, protects surrounding amenity and promotes resident amenity”.

The proposed development is found to be non-compliant with the Performance Criteria P32.2 of Chapter G13 for the following reasons:

- The proposed development is not considered to protect surrounding amenity as the buffer between the development and the nine (9) adjacent Torrens title lots is considered to be in adequate for amenity and liveability to be maintained.
- Resident amenity is not promoted by the provision of on-grade parking which has a significant impact upon the amenity of the site and reduces the amount of communal recreation space which would otherwise be available.
- The design creates opportunities for concealment, noting the lack of lighting, access control, and night time surveillance proposed.
- The car parking design reduces amenity for residents, noting that some residents will have a path or travel distance of up to 50m from their designated parking space to their front door. This is considered unacceptable noting that some residents may be elderly, or have young children, and is inappropriate to protect residents in times of inclement weather.

It is further noted that the proposal is not for affordable housing. The EP&A Act defines affordable housing as follows—

*“**affordable housing** means housing for very low-income households, low-income households or moderate-income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.”*

The justification that the proposed parking layout is for the purposes of affordable housing is inaccurate as the proposal has not been lodged utilising the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, there is no proposal to restrict any portion of the development to be used for the purposes of affordable housing, and it is not proposed to be managed by a registered community housing provider.

Furthermore, there is **no mechanism** in which Council can require the development to be used for the purposes of affordable housing.

If the development truly is intended for *very low-income households, low-income households, or moderate-income households*, ‘affordable housing’ should not be a reason for substandard design and poor amenity, but conversely should be an imperative for adhering to CPTED principles, ensure the design creates a safe environment for all, and deters crime.

Noncompliance with the SDCP Performance Criteria and Acceptable Solutions, and the Apartment Design Guide, form reasons for the recommended refusal of the application.

Planning Assessment

The DA has been assessed under s4.15(1) of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 2.

Consultation and Community Engagement:

Nil public submissions were received in relation to Council's notification of the development.

The notification was made for a period of two weeks between 23rd August 2021 and 8th September 2021 in accordance with Council's Community Consultation Policy with letters being sent to surrounding property owners.

Financial Implications:

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

Legal Implications

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

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

Summary and Conclusion

The assessment of the application has identified that the proposal is partially prohibited development with regard to the proposed gravel fire trail situated within the E2 Environmental Conservation Zone, and there are several departures to SDCP 2014 and the ADG which result in poor design outcomes, unacceptable residential amenity for future residents and impacts on the amenity of the adjoining residential subdivision.

The applicant has provided a response to the matters outlined which includes a planning basis to each item.

While design changes could be made to resolve the issues, for instance in the form of a basement car park, relocation of the fire trail within the R1 General Residential zoned land, and improved landscaping; the applicant has not shown a willingness to make significant amendments to the design, despite Council staff providing opportunity for this to occur.

As the application as it stands is not currently considered capable of support it is recommended the proposal be refused for the reasons outlined in the attached draft determination notice at Attachment 1.



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

shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY WAY OF REFUSAL**

Environmental Planning and Assessment Act, 1979
DA21/1392

TO:

PDC Lawyers & Town Planners
PO Box 214
WOLLONGONG NSW 2520

being the applicant(s) for DA21/1392 relating to:

Old Southern Road, SOUTH NOWRA – Lot 2 DP 1065105 & Lot 28 DP 17310

REFUSED USE AND/OR DEVELOPMENT:

Staged Residential Flat Building Development (containing 56 Units, and ancillary communal facilities, internal roads and services)

DETERMINATION DATE:

REFUSAL DATE:

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the reasons as outlined in Part A:

DE21.122 - Attachment 1

Determination Notice by way of Refusal - Page 2 of 3 – DA21/1392

REASONS FOR REFUSAL

1. The proposed development of a Residential Flat Building and the ancillary fire trail is a prohibited land use within Zone E2 Environmental Conservation in accordance with the Shoalhaven Local Environmental Plan 2014. (Section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979)
2. The proposal is non-compliant with the objectives for Zone E2 Environmental Conservation in accordance with the Shoalhaven Local Environmental Plan 2014. (Section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979)
3. The proposal is non-compliant with Chapter 2 – General Environmental Considerations, Section 5 of the Shoalhaven Development Control Plan 2014, particularly as it relates to non-compliance with Crime Prevention Through Environmental Design (CPTED) principles. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).
4. The proposal is non-compliant with Acceptable Solution 2.2 and Performance Criteria P2.2 of Chapter G3 – Landscaping Design Guidelines of the Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).
5. The proposal is non-compliant with Acceptable Solution A32.2 and Performance Criteria P32 of Chapter G13 – Medium Density and Other Residential Development of the Shoalhaven Development Control Plan 2014, particularly as it relates to non-compliance with the Apartment Design Guide. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)
6. The application has not satisfactorily demonstrated that the proposal would not have an adverse impact the surrounding built environment (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)
7. The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use. (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979)
8. Having regard to the above matters, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

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.

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.

Determination Notice by way of Refusal - Page 3 of 3 – DA21/1392

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.

GENERAL ADVICE

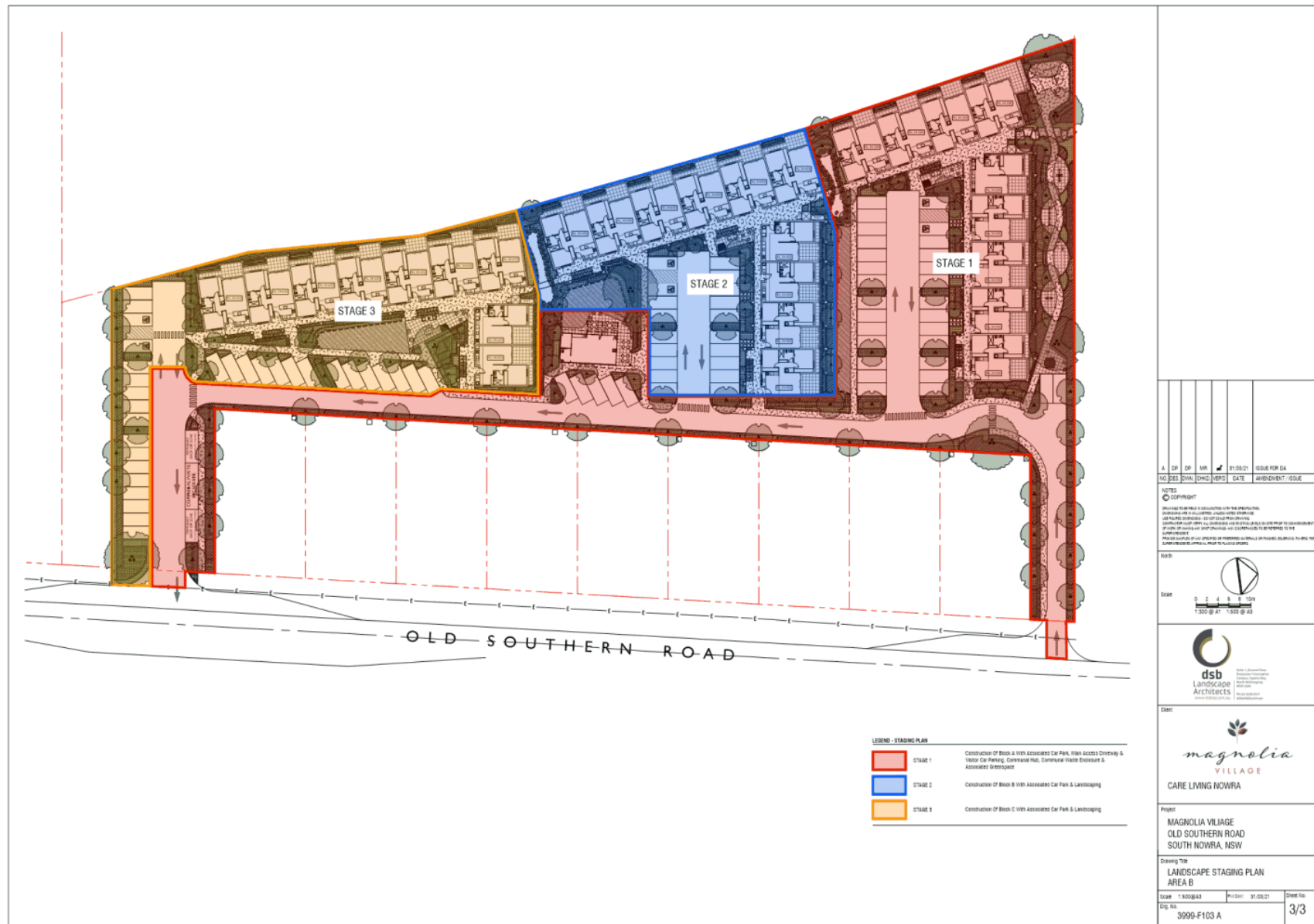
Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) Act 2009 (GIPAA).









CL21.232 Lake Conjola - Crown Land Licence

HPERM Ref: D21/386412

Department: Environmental Services

Approver: Phil Costello, Director - City Development

Attachments: 1. DPIE - Crown Land Licence - Lake Conjola Entrance Management (under separate cover) [↗](#)

Reason for Report

To provide Council with an update on the licence application for Lake Conjola entrance intervention and the associated revised triggers included in the licence from the Department of Planning, Industry and Environment (DPIE) - Crown Land.

Recommendation

That Council receive this report for information and note the revised triggers for Lake Conjola artificial entrance intervention in accordance with the Department of Planning, Industry and Environment (DPIE) - Crown Land licence dated 24 September 2021.

Options

1. That Council receive this report for information and note the revised triggers and licence area for Lake Conjola artificial entrance intervention in accordance with the Crown Land Licence.

Implications: The Lake Conjola entrance will be mechanically opened as required in accordance with the revised triggers.

2. Council could choose to provide an alternative recommendation for consideration.

Implications: This would be dependent on alternative recommendation.

Background

Following community consultation, Council previously prepared a Review of Environmental Factors (REF) environmental assessment and submitted a licence application to DPIE – Crown Land for the modification of triggers to artificially open Lake Conjola to the sea. This application was submitted in December 2020 and further information requested by Crown lands was provided in May 2021.

This application has led to the issue of the subject Licence (Attachment 1) in the terms outlined below. The licence has been issued for a 5 year period.

Lake Conjola is currently open to the sea and has been since February 2020. It is noted however that the entrance has been impacted by a significant sand build up due to the recent East Coast Low weather event.

Intervention Trigger Levels

Below is a summary of the intervention triggers that are included in the conditions of this licence and a comparison between the requested and proposed triggers. In addition to the revised triggers below, the actual area which the licence covers has been expanded - which

gives Council greater scope in regard to proposed opening events. (see schedule 3 of attachment 1)

Prolonged low-level inundation

This is a new trigger criteria and has been included having regard to community consultation that occurred after previous periods of the Lake entrance being closed for extended periods - with Lake levels impacting on private and public assets and overall community wellbeing.

Planning for an opening	The lake stabilises at or above 0.8m AHD for a period of three consecutive months
Open lake to sea	10-day-mean ¹ water level is reached or exceeded and maintained at or above 0.8m AHD for more than three consecutive months.

Notes:

1. The 10-day-mean water level is the average water level recorded over the previous 10 days. This approach of using the 10-day-mean would allow the water level to drop slightly below 0.8m AHD for short periods of time provided the average water level over the previous 10 days was at or above 0.8m AHD and hence prevent the starting date for the three consecutive months being reset every time the water level dropped slightly below 0.8m AHD.

Possible flooding - High Lake water levels and heavy rain of more than 150mm in 24 hours or more than 300mm over 3 days is forecast and likely to impact the Lake Conjola catchment or which has been received in the catchment.

Action	Current Draft Entrance Management Plan (EMP)	Licence Application	Licence Granted
Get Ready	0.8m AHD	0.7m AHD	0.7m AHD
Prepare Pilot Channel	0.9m AHD	0.8m AHD	0.8m AHD
Planned Opening	1.0m AHD	0.9m AHD	1.0m AHD

The get ready and prepare a 'pilot channel standards' have been reduced by 100mm with the planned opening mark remaining in line with current EMP. The ability to open the lake with impending significant rainfall events has been given a level of detail not existing in the current EMP.

Evidence of water quality risks and hazards

Whilst water quality is referenced in the current EMP (ANZECC Guidelines) the below criteria offer a greater level of clarification in regard to Lake opening.

Proposed Trigger in REF		Trigger in Licence	
Trigger	Action	Trigger	Action
Where the lake entrance is closed, and water quality degradation	SCC will undertake a risk assessment in accordance with Guidelines for Managing Risks in	Red alert level ¹ as described in Guidelines for Managing Risks in Recreational Water	Liaison with DPI – Fisheries and Crown Land

CL21.232

becomes apparent	Recreational Water (NHMRC 2008)	(NHMRC 2008)	
Risk assessment results in a red alert ¹	SCC will consult with the Department of Primary Industries – NSW Fisheries and Crown Land to deem opening the lake is appropriate. Concurrence from both agencies would be obtained prior to opening.	Red alert level ¹ (NHMRC 2008) and concurrence from DPI Fisheries and Crown Lands has been received.	Open lake to sea

Notes:

1. Red Alert Level indicates unacceptable risks to recreational users to an extent requiring Council and health authorities to warn the public that the water body is considered to be unsuitable for primary and secondary contact. $\geq 10 \mu\text{g/L}$ total microcystins or $\geq 50,000$ cells/mL toxic *M. aeruginosa* or biovolume equivalent of $\geq 4 \text{ mm}^3 \text{ L}$ for the combined total of all cyanobacteria where a known toxin producer is dominant in the total biovolume. Or $\geq 10 \text{ mm}^3 \text{ /L}$ for total biovolume of all cyanobacterial material where known toxins are not present. or cyanobacterial scums are consistently present

Community Engagement

Extensive community engagement has been conducted prior to and during the preparation of the licence application and accompanying REF. The final licence application was endorsed through this community consultative process. It should also be noted that extensive community consultation has occurred in relation to the Lake Conjola Coastal Management Plan which is currently in the process of being formulated. The issue of Lake entrance management is a consideration in the formulation of this plan.

Policy Implications

No known policy implications have currently been identified. Artificial entrance intervention would continue to be undertaken for the Lake Conjola entrance in accordance with the revised triggers.

Financial implications

Some of the opening triggers included in this licence could result in significant and expensive artificial entrance intervention such as the June 2019 works which cost approximately \$140,000 (Development & Environment Committee – Tuesday 06 August 2019 DE19.75). It is not possible to predict the likely number of separate entrance interventions in any given year in the future, but it is possible that multiple entrance interventions could be required in some years at significant overall cost.

As there is no budget allocated for entrance interventions, the financial implications associated with the implementation of the licence conditions will need to be assessed during the budget review process.

CL21.232

CL21.233 The Bob Proudfoot Pavilion - Public Exhibition Summary and Way Forward

HPERM Ref: D21/425355

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

Attachments:

1. The Bob Proudfoot Pavilion - Endorsed Plans for Public Exhibition [↓](#)
2. Francis Ryan Amenities Building - Quantity Survey (councillors information folder) [⇒](#)
3. Financial Implications report (councillors information folder) [⇒](#)

Reason for Report

To advise on the outcomes of the public exhibition for the design of the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point and to seek direction on the way forward.

This report is being submitted directly to the Ordinary Meeting due to there being no further committee meetings prior to Council going into caretaker mode.

Recommendation

That Council;

1. Receive this report as a summary of the public exhibition for the Bob Proudfoot Pavilion, Sanctuary Point.
2. Endorse the design of the Bob Proudfoot Pavilion, in accordance with the publicly exhibited concept design (Design Iteration 3).
3. Proceed to construction ready detailed designs for the Bob Proudfoot Pavilion and subsequent request for tender for the construction of the Bob Proudfoot Pavilion.
4. Re-prioritise capital projects identified in the 2022/2023 DPOP and 10-Year Delivery Plan to address the budget shortfall to construct the Bob Proudfoot Pavilion if the funding application under the NSW State Stronger Country Communities Fund Round 4 is unsuccessful.
5. A further report be brought to Council at the conclusion of the public request for tender process for the construction and delivery of the Bob Proudfoot Pavilion.

Options

1. Adopt the recommendation

Implications: This will allow the design of the Bob Proudfoot Pavilion to proceed to detailed design, with no further impact to the scope or timeframe.

2. Adopt to investigate alternative designs for the Bob Proudfoot Pavilion

Implications: This will increase the timeframe for the delivery of the project, and result in additional planning, consultation, and design. Increasing the scope of the project may require additional budget.

CL21.233

3. Adopt an alternative recommendation and provide direction to staff

Implications: Depending on the significance of the recommendation, this may affect the progression of the project, resulting in delays and budget increases.

Background

As part of the Sanctuary Point Library planning process, a new amenities block for Francis Ryan Reserve was identified. The design of the amenities building has evolved with several iterations, the current design being in line with a Notice of Motion from the Ordinary Council Meeting on 27 April 2021, where it was resolved that (MIN21.250):

1. *A gymnasium space and CCTV security be included in the concept design for the new amenities block at Francis Ryan Reserve, Sanctuary Point.*
2. *Council staff assist with the best location for an electronic scoreboard at Francis Ryan Reserve, Sanctuary Point.*

As a result of the above Minute, the amenities design includes a Fitness and Conditioning Space, as well as:

- Increased storage space within the building
- Loss of the 'breezeway/accessway' to the carpark
- Inclusion of details regarding design materials and colour scheme.

The current design (Design Iteration 3) was reported to the Ordinary Council Meeting on 29 June 2021, to seek Council's endorsement to proceed to public exhibition. At this meeting, it was resolved (MIN 21.426):

That Council:

1. *Proceed to public exhibition with Concept Design Iteration 3 of the Francis Ryan Amenities Building; and*
 - a. *If no significant feedback is received as part of the exhibition, the concept design of the Francis Ryan Amenities Building be finalised and deemed adopted; or*
 - b. *If significant adverse feedback is received, update the concept design of the Francis Ryan Amenities building and report the outcomes of the public exhibition period to Council prior to adoption.*
2. *At the completion of Part 1 (above) proceed to construction ready detailed designs for the Francis Ryan Amenities Building, as per Design Iteration 3.*
3. *Advocate for additional funding to deliver the Francis Ryan Amenities Building, as per Design Iteration 3 through actively seeking funding through grant programs.*
4. *Receive a further report on the appointment of the building contractor once the Request for Tender process has been undertaken.*

The design of the amenities was subsequently placed on public exhibition. The exhibited design can be viewed in Attachment 1.

The proposed amenities at Francis Ryan Reserve is to be formally named "The Bob Proudfoot Pavilion" in line with part (1) of MIN21.402:

That Council:

1. *Name the amenities/change facilities at Francis Ryan reserve, when renovated and extended, 'The Bob Proudfoot Pavilion'.*

Public Exhibition

Council has recently undertaken public exhibition of the design for the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point. The design (Design Iteration 3) can be viewed at Attachment 1.

CL21.233

The public exhibition took place in the form of an online survey from 10 August to 9 September 2021. A total of 30 submissions were received via the online survey and one written submission.

66% of responses indicated support for the design and that it met the needs of the community. Thirty-four percent of responses indicated that the facility did not meet their needs, providing the following reasons:

- Request for environmentally friendly additions
- Request for different finishes
- Issues with the placement on the reserve
- The design needed to include a community space or hall

Four of the survey responses and the written submission outlined objection to the design, as there was no hall or community space as an addition to the building. These community members have previously raised this matter formally with Council officers about the Pavilion needing to have a community hall space.

Council staff have consistently communicated with key members of the group throughout the design and consultation process of the pavilion, explaining that the primary purpose of the building is for sports and recreation activities and that the impending construction of the Sanctuary Point Library (200m from the Pavilion) will provide both additional indoor community spaces for hire and an outdoor terrace space which will also be available for hire.

Design considerations – The Bob Proudfoot Pavilion

The request for the inclusion of a hall or community space within the Bob Proudfoot Pavilion has been considered by Council staff. This proposed addition to the facility is outside the scope of the project and the budget allocated. The inclusion of a hall/community space is not proposed to be supported for the following reasons:

- The current proposed field alignment is constrained and limits the amount of infrastructure on the site, including the proposed amenities.
- The current proposed field alignment now provides for 2 senior sports fields to meet the needs of the sport user groups and the growing number of female players in codes previously dominated by male teams, this has been considered in the flexible design of the amenities – the footprint provides for male and female, home and away teams to allow games to be played concurrently.
- Including a community hall would require the mound to the north of the amenities building to be removed which would increase the civil cost of the building.
- Field lighting has been delivered in the area to the south of the proposed building and this new lighting would require relocation.
- The nearby Sanctuary Point Library will provide community space within its design
- The primary use of the amenities building is for sporting activities, while public amenities are provided, it is not proposed that the amenities serve this dual purpose.
- The additions would require an increase in budget.

On this basis it is not proposed to incorporate a community space or hall into the current design that was placed on public exhibition and requests Council to endorse the design of the Bob Proudfoot Pavilion (Design Iteration 3), in accordance with the publicly exhibited concept design at Attachment 1.

Financial Implications

The size and scope of the project has increased as the sports stakeholder groups and Council MIN21.250 requirements were incorporated into the design. The project budget was

based on the initial base design. The final design has undergone an increase of scope and Quantity Survey (QS) was obtained.

The QS and further details on Financial Implications can be found in Attachment 2 and Attachment 3 in the Councillors information Folder.

There is currently a budget shortfall based on the QS to construct the building as presented in the final design. It is proposed that the budget shortfall is addressed by re-prioritising other capital projects in the 2022/2023 DPOP and the 10-year delivery plan. As the project will be constructed across 2 financial years this is achievable.

It should be noted that a funding application to the State Government Stronger Country Communities Fund has been lodged by Council officer for the project. Grants closed on 25 June 2021 and the funding body has indicated that announcements of successful applications would be made in September 2021. Council has not received notice of the outcome to date. Staff are currently following up with the funding body. Should this application be successful the project will be able to progress as proposed.

If the grant application is not successful and funding is not available, the scope could be reduced to meet the budget which will affect the size and functionality of the building, the time frame for the delivery of the project, the expectations of the key stakeholders and the community and would not be consistent with Council MIN21.250.

The final cost for construction and delivery will be determined by the market when this project is put out for a public request for tender process. At the conclusion of this process a further report will be brought to Council on the outcome of the public tender.

Policy Implications

The Community Infrastructure Strategic Plan (CISP) identifies Francis Ryan Reserve as a District Sports Park and recommends that Council *“Encourage passive recreation of the park to compliment active users and to continue to Master plan the site as a youth precinct.”* The design of the Bob Proudfoot Pavilion is in line with the CISP.

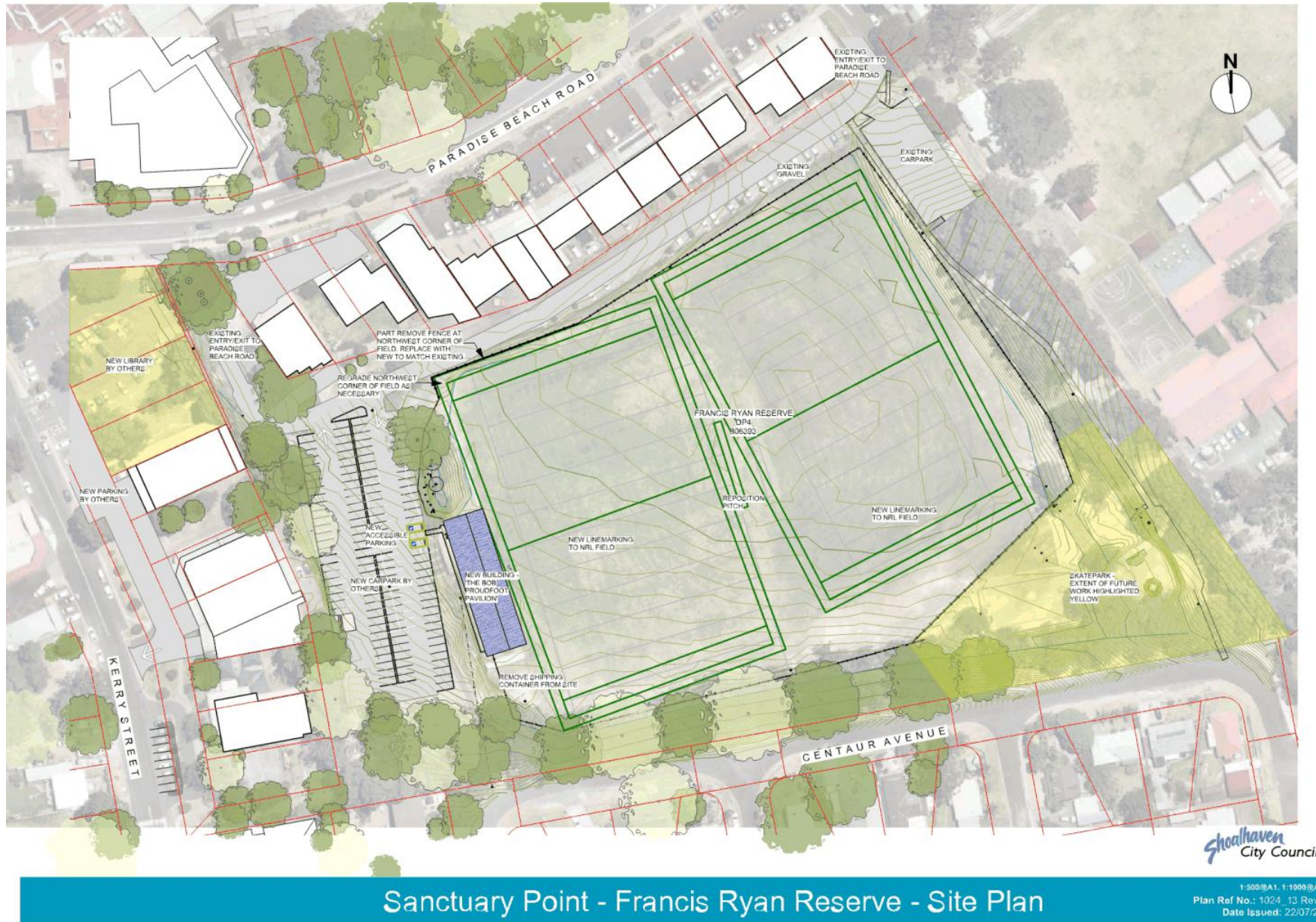
Next Steps

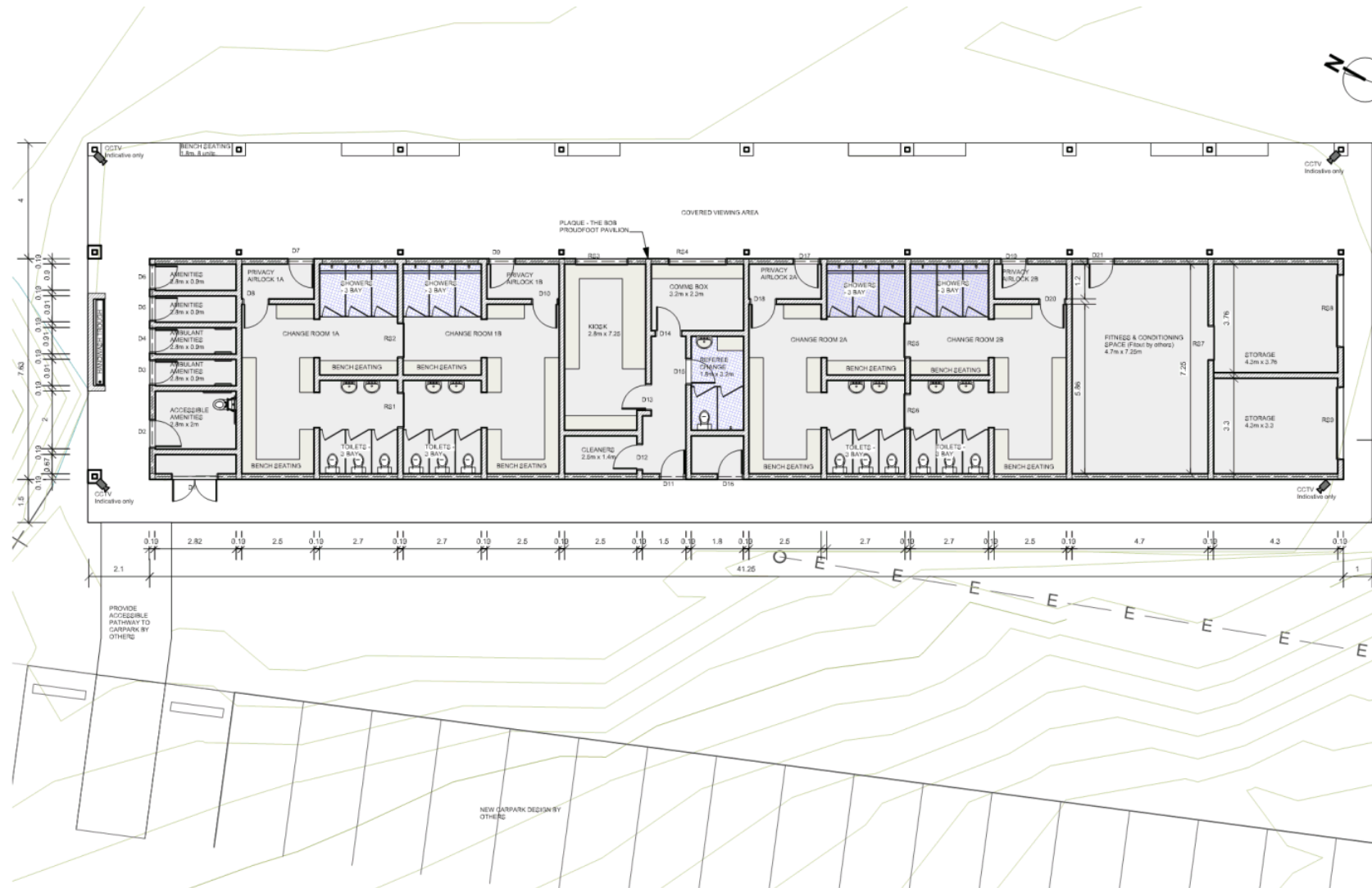
With the public exhibition and community consultation on the design of the Bob Proudfoot Pavilion now complete; and the majority of survey participants supportive of the design, it is proposed in accordance with part (1) and (2) of MIN21.426:

That Council:

1. *Proceed to public exhibition with Concept Design Iteration 3 of the Francis Ryan Amenities Building; and*
 - a. *If no significant feedback is received as part of the exhibition, the concept design of the Francis Ryan Amenities Building be finalised and deemed adopted; or*
 - b. *If significant adverse feedback is received, update the concept design of the Francis Ryan Amenities building and report the outcomes of the public exhibition period to Council prior to adoption.*
2. *At the completion of Part 1 (above) proceed to construction ready detailed designs for the Francis Ryan Amenities Building, as per Design Iteration 3.*

As per Part 2 of the above Council Minute, it is proposed, pending Council resolution, that the current design of the Bob Proudfoot Pavilion is adopted and that the project proceeds to construction ready detailed design. Funding the construction of the Pavilion is to be sought via the re-prioritisation of other projects in the 10-year delivery plan.





Sanctuary Point - Francis Ryan Reserve - The Bob Proudfoot Pavilion - Floor Plan



Roofing:
Colorbond custom orb. Colour: 'Surfmist'.



Doors, doorframes, window frames & bench seat:
Match Colorbond 'Terrain' to reflect Sanctuary Point Library's copper coloured shade panels.



Steel framing to shelter:
Match Interpon 'Lyra Strip' to reflect Sanctuary Point Library's bright green entry treatment.



Blockwork walls:
Austral Masonry's GB Honed series or equal.
Colour: Pebble



Gabion treatment to column base, seating & handwash bay:
Sandstone rocks in 316 stainless cage to reflect Sanctuary Point Library's gabion podium walls.



Concrete floor finish:
Grey honed finish to achieve R12 slip resistance.

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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