

## Ordinary Meeting

**Meeting Date:** Monday, 06 June, 2022

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

## Attachments (Under Separate Cover)

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Delivery Program Operational Plan

# Quarterly Performance Report

## 2021-22 (January - March)



CL22.244 - Attachment 1



## Acknowledgement of Country



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

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# Community Vision Statement

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



# Our Community Snapshot



Population  
**107,191**

Median Age

**48**

**7,530**

Local Business



**41,301**  
Labour Force

**43%**

part-time workers

**54%**

full-time workers



**4531kms**  
Land area

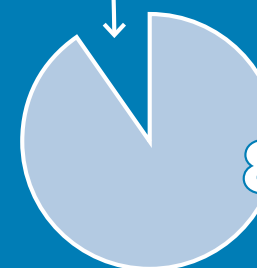


**5.5%**

of the Shoalhaven's  
population identify as  
Aboriginal and Torres  
Strait Islander

**9.3%**

of the dwellings are  
medium or high density



**87.6%**

of dwellings are  
separate houses

**\$6.039**  
Billion (GRP)  
Gross Regional  
Product



**21.6%**

of households are made  
up of couples with children

# Our Councillors

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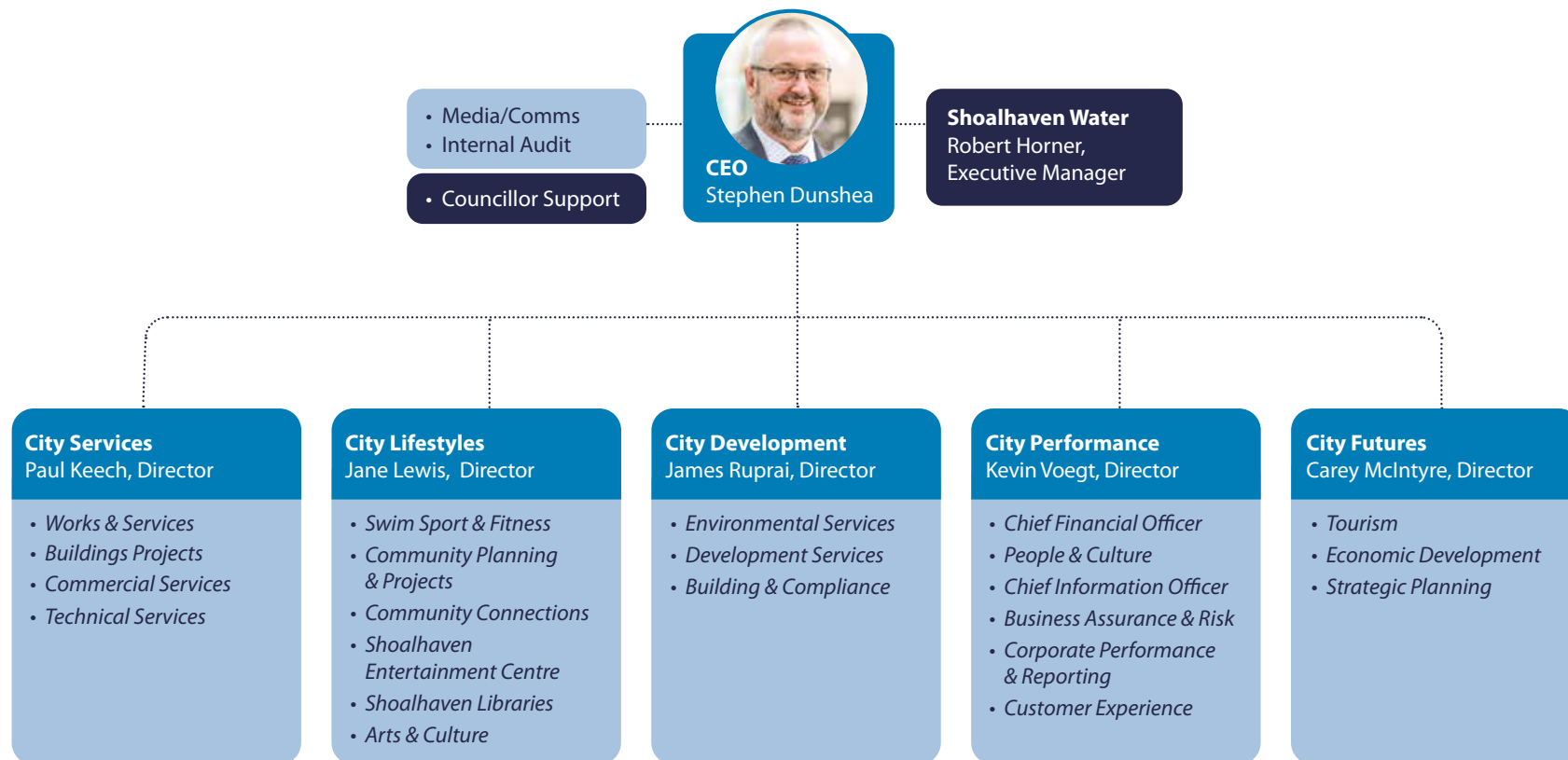


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# Executive & Organisational Structure









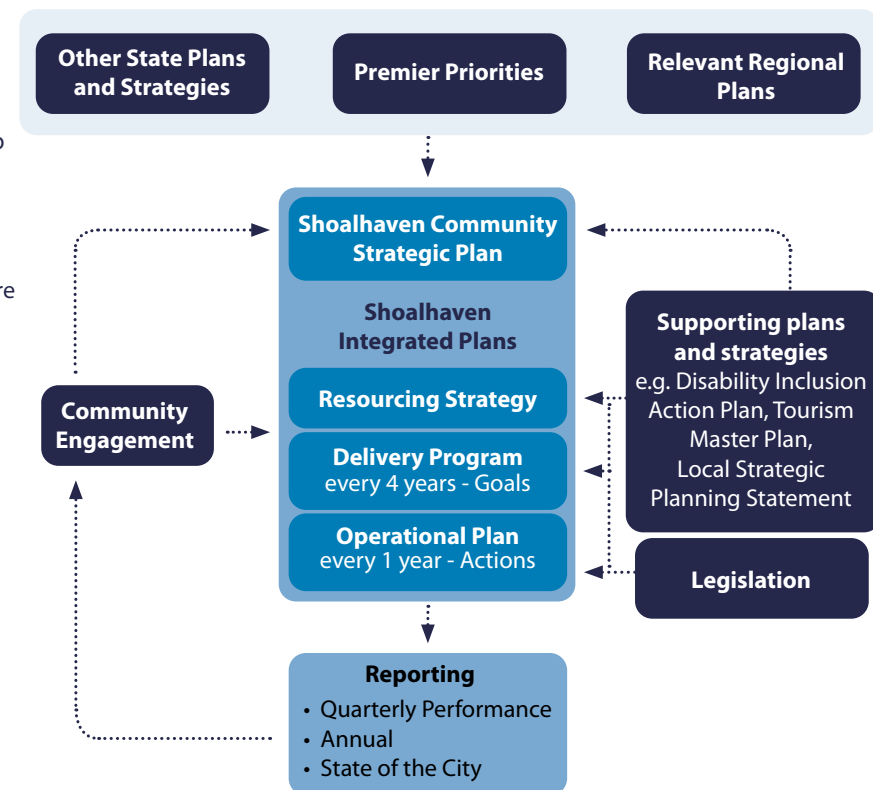
# Shoalhaven's Integrated Plan Structure

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

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

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

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





# Performance Overview

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

This report provides a performance update on the 157 deliverables across the the four key themes and ten priority areas to 31 March 2022.

Overall progress shows:



**8**  
Completed



**132**  
On Track



**5**  
On Hold



**12** Needs  
Attention



## Resilient, Safe and Inclusive Communities

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



## Sustainable, Liveable Environments

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



## Prosperous Communities

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



## Responsible Governance

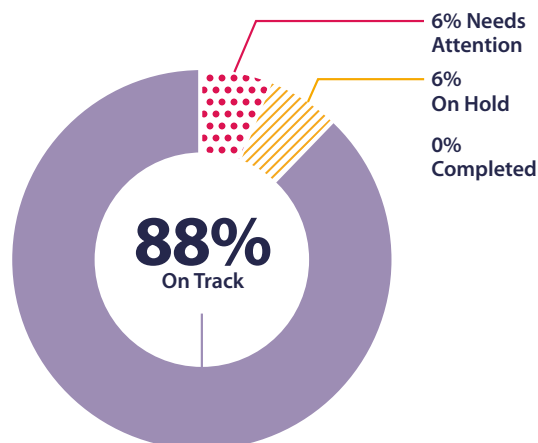
- 4.1 Reliable services that meet daily community needs
- 4.2 Provide advocacy and transparent leadership through effective government and administration
- 4.3 Inform and engage with the community about the decisions that affect their lives





# Resilient, Safe & Inclusive Communities

## Progress Snapshot



## Highlights

- Official opening event at Boongaree Nature Play Park hosted in January 2022
- Council's Glass Recycling Plant awarded the Environmental Enhancement Project at the 2022 Institute of Public Works Engineering Australasia (IPWEA) Excellence Awards
- 90% of the public swimming pool inspections have been completed resulting from a tremendous effort by staff following program being on-hold during COVID restrictions
- 553 proactive ranger patrols including 457 beach patrols and 30 school zone patrols
- 2 new Parkcare Groups had their action plans adopted by Council and a quarterly newsletter has been established
- New programs delivered to activate destination parks and showgrounds such as group exercise classes at Mollymook foreshore, art classes at Voyager Park, open air cinema at Marriot Park and pilates at Whitesands
- Regional Gallery displayed seven exhibitions, including 'New Horizons'- the annual display of Shoalhaven HSC Art
- Successfully delivered art activations at Stocklands as part of school holidays with five days of children's art activities
- The Rivoli dance production was performed at Ulladulla Civic Centre and Kangaroo Valley Hall in March

## Our Performance for the last 3 months

A 'good' to 'excellent' safety rating for  
**95%** of 126 food business

Proactive Ranger patrols

**553**



Virtual visits to libraries

**186,925**




Shoalhaven Regional Gallery attracts

**5,503**  
guests









<div><div>Action Key</div><div><div><div>✔</div>Completed</div><div><div>▶</div>On Track</div><div><div>⌚</div>Behind Schedule</div><div><div>⏸</div>Not Due to Start</div><div>KPI Status</div><div><div>●</div>Critical</div><div><div>●</div>Needs Attention</div><div><div>●</div>On Track</div></div></div>							
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
▶	1.1.01.01 Execute the duties of the Local Emergency Management Officer (LEMO)						
	LEMO role active in emergency response due to ongoing events including COVID and multiple floods.	Percentage of Shoalhaven Supporting Plans and Consequence Management Guides reviewed	60%	60%	●	Local Emergency Management Officer	Consequence Management Guides updated as time allows with the development of the new Landslip Consequence Management Guide. Shoalhaven Flood Plan has been distributed to members of the Local Emergency Management Committee with comments due by the end of April.
⌚	1.1.01.02 Inspect Asset Protection Zones (APZ) and fire trails for compliance against bushfire mitigation guidelines						
	Council staff have assessed 54 APZs this quarter to ensure maintenance obligations area being met on Council land.	Percentage of Asset Protection Zones inspected	75%	54%	●	Manager - Works & Services	Staff were prioritised to weather related activities, resulting in only 54% of inspections being achieved against a target of 75%.
		Percentage of Asset Protection Zones maintained	75%	12%	●	Manager - Works & Services	Weather has impacted the ability to get into many areas.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	1.1.01.03 Annual audit of Council's responsibilities within the Shoalhaven District Bushfire Plan						
	Action yet to commence.	Audit completed, certified bushfire mitigation works assessed and asset custodians notified of rectification works by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	
	1.1.01.04 Advocate for legislative change to allow the implementation of measures to assist protection of Shoalhaven urban areas from future bushfire attack						
	Planning Proposal (to amend Shoalhaven LEP 2014) to enable rebuilding follow a natural disaster (including bush fire) was publicly exhibited for comment during the report period.	Number of advocacy initiatives	Count	6		Manager - Strategic Planning	<p>Submissions made on Council's behalf on the following initiatives:</p> <ul style="list-style-type: none"> <li>• Discussion Paper - new Approach to Rezoning</li> <li>• Optional 'special flood considerations' LEP clause</li> <li>• NSW Infrastructure Contributions Reforms</li> <li>• Contaminated Land - Planning Certificate Information Review</li> <li>• Agritourism - Proposed Standard LEP Amendments</li> <li>• Draft Design &amp; Place SEPP</li> </ul>


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.05 Undertake community engagement to enhance the understanding of Emergency Management Arrangements within NSW						
	Building on the distribution in December of the "All Hazards Information Guide" targeting tourist accommodation providers, emergency preparedness meetings were held across the Shoalhaven. Comprehensive communications occurred in partnership with combat agencies during the response to the east coast lows and subsequent flooding event.	Number of community engagement sessions undertaken to enhance the understanding of NSW Emergency Management Arrangements	3	7	●	Manager - Technical Services	Three Community Led Resilience Planning meetings have been held facilitated by Griffith University as well as several Emergency Preparedness meetings for the elderly currently being held in various towns and villages throughout the Shoalhaven.
➤	1.1.01.06 Implement high priority actions (0 -2 years) in the certified Coastal Zone Management Plan						
	Coastal Zone Management Plan was extended for a further two-years until December 2023. High priority actions remain on track for completion.	Number of priority actions implemented	Count	42	●	Manager - Environmental Services	Actions are all progressing and being tracked, CZMP deadline has been extended to 31 December 2023.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.01.07 Develop and implement initiatives to encourage help-seeking and to build community understanding of Mental Health issues and available supports - including newsletters and other publications						
	<p>The Outreach call program is ongoing and supporting community who are feeling overwhelmed and fatigued with fires, COVID and floods. Outreach calls have commenced to flood affected community and have been well received. All calls are based around Health &amp; Wellbeing support as appropriate. Community really appreciate having someone from Council providing the check in call and taking the time to listen.</p>	Number of initiatives that engage partner organisations	Count	23		Manager - Community Connections	<ul style="list-style-type: none"> <li>• Harmony Week</li> <li>• Seniors Festival</li> <li>• Youth Week</li> <li>• Reclaim the Night</li> <li>• Interagency network meetings</li> <li>• Community Grants Program (Seniors Festival, Youth Week, Wellbeing)</li> <li>• SCC Section 355 Advisory Committees (including Aboriginal Advisory Committee, Youth Advisory Committee, Inclusion &amp; Access Advisory Group and Shoalhaven Homelessness Taskforce)</li> </ul> <p>The impact of recent weather events has also required Mobile community hubs to be set up in Kangaroo Valley, Sussex Inlet, Bay and Basin and Conjola.</p>

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of events (workshops/ expos/info nights) completed	Count	46		Manager - Community Connections	<ul style="list-style-type: none"> <li>• Open Air Cinema</li> <li>• Harmony Week</li> <li>• Seniors Festival</li> <li>• Reclaim the Night</li> <li>• Youth Week</li> <li>• Youth Conference</li> <li>• Community Grants Clinics</li> </ul> <p>There have been 4x Mobile Recovery Hubs for the Flood recovery and the Ulladulla Recovery Hub remains open every Thursday and Friday.</p>
	Percentage of partner organisations reporting new help seeking activities	80%	100%		Manager - Community Connections	<p>Fortnightly Showground Meetings with SCH, SALT Ministries and Vinnies reporting 8 new clients who have been linked to crisis support and accommodation. The Ulladulla Recovery Hub reported new clients seeking assistance. Through our phone call outreach we are finding community who have never come forward previously.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>1.1.01.08 Deliver the Shoalhaven Community Recovery Into Resilience Project</b>						
	<p><b>Stream 1 - Community Resilience Planning</b> Delayed due to COVID but has held two successful online workshops to date. Face to face workshops are planned to resume with the project is on track to be completed year end.</p> <p><b>Stream 2 - Community Readiness</b> Community Pop-Ups were held in Wandandian and Sussex Inlet as planned but the rest had to be rescheduled due to weather. The community checklist has been delivered to 10,000 residents through local papers. The 'All Hazards Guide' for tourism business has been completed and sent out to providers.</p> <p><b>Stream 3 - Power and Comms</b> Solar Panels and Batteries, 2 way communications and information screens are being rolled out to community facilities across the LGA. The dashboard is being developed by a local firm to broadcast up to date information to these screens in the 'information hubs'. Stream 3 is on track to deliver by EOFY. Due to COVID restrictions, Stream 1 will be delayed and the original finish date extended to end of 2022.</p>	Support development of the Long Term Community led Resilience Plan	75%	75%		Manager - Community Connections	<p>Due to COVID, the RRP long term resilience planning workshops have been moved to an online platform rather than face to face. It is planned to resume face to face workshops as soon as practical. Two workshops have now been delivered online.</p> <p>Supported delivery of first workshop on 24 February by co-facilitating online breakout room of community working group members identifying priorities for future resilience in the Shoalhaven. Participated in online visioning workshop with community working group on 18 March.</p>




Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Deliver the agreed communications and power infrastructure installations	75%	75%		Manager - Community Connections	<p>All sites with the exception of two facilities now have the solar and battery infrastructure installed. These facilities are Greenwell Point Hall and Wandandian Hall.</p> <p>Screen positioning and placement has now been confirmed at all facilities. PO has been raised and order placed for the purchase of screens. VOIP phones are in stock and expected to be installed in all facilities by end April 2022.</p> <p>Discussions with NBN are ongoing and connection to NBN services to all facilities is subject to a tender that is being developed.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>1.1.02.01 Consult the community on the development and planning of Community facilities</b>						
	Council continues to consult with the community during the planning and delivery of new facilities and infrastructure. Consultation aims to inform and collaborate with the community, to guide the planning process. Consultation includes new and upgraded infrastructure projects, master planning, and policy review. Current projects include Boongaree, Sanctuary Point Library, Ulladulla Sports Park including skate park, Park Road Netball Courts, South Nowra.	Continue to develop masterplans for Council parks, reserves and sportsgrounds	75%	75%	●	Manager - Community Planning & Projects	Council continues to develop and schedule master planning of open spaces. Master Plans currently underway include: Nowra Showground, Berry Showground, Ulladulla Sports Park. Upcoming master plans include: Huskisson Foreshore, Mollymook Foreshore, Ulladulla Foreshore and Greenwell Point.
		Review and update the Access Areas for Dogs Policy including signage and guide	75%	75%	●	Manager - Community Planning & Projects	Council has completed the community consultation phase of the review of the Access Areas for Dogs Policy. Councillors will now be briefed on the consultation outcomes and proposed way forward, prior to the preparation of a draft revised policy for public exhibition and Council endorsement. The Councillor Briefing and report to Council will occur in April 2022.


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.02.02 Undertake social mapping to identify community needs						
	<p>We developed a collaborative approach for community mapping to ensure multiple projects are aligned to support each other and our strategic direction</p> <p>Learnings from current and past projects were shared to develop more effective engagement approaches, and opportunities to work together on future delivery were identified. The collaborative approach means the planned engagement will be used to inform future capacity-building work.</p> <p>Demographic profiles were drafted for 15 fire-impacted communities across the Shoalhaven. Mapping of community assets and initial community consultation commenced, to inform development of the consultation methodology. The Sanctuary Point community mapping project was on hold during this period.</p>	Number of social maps and/or community needs assessments completed for selected communities	1	1	●	Manager - Community Connections	Demographic profiles were drafted for 15 fire-impacted communities across the Shoalhaven. Mapping of community assets and initial community consultation commenced, and the consultation methodology is being finalised to allow completion of these community needs assessments during 2022.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>1.1.02.03 Coordinate and support community development programs and events in the Shoalhaven</b>						
	As COVID restrictions have lifted the team have been able to re-engage with the community. Severe weather has impacted a number of events that were due to take place and unfortunately had to be cancelled or re-scheduled. The team have been busy this quarter delivering events and activities to support social connection and wellbeing and have seen the community starting to feel more confident to engage in person. We have also seen a significant increase in community applying for grants to deliver events and activities and the community grants program (including Wellbeing, Seniors Festival and Youth Week) has been heavily over-subscribed. The team continues to work closely with community through new and established partnerships to plan and coordinate events for the next quarter including NAIDOC, Homelessness strategies and response events/activities and Youth.	Number of community events coordinated and supported including NAIDOC, Youth and Seniors Weeks	1	13	●	Manager - Community Connections	<ul style="list-style-type: none"> <li>Community Grants Program Seniors Festival &amp; Youth Week Grants program funding events and activities.</li> <li>NAIDOC</li> </ul>
		Number of Targeted Early Intervention Program initiatives supported and coordinated	Count	12	●	Manager - Community Connections	<ul style="list-style-type: none"> <li>Interagency network meetings</li> <li>Thrive Together, Fortnightly Showground Catch-ups</li> </ul>
➤	<b>1.1.02.04 Partner with relevant agencies in the response to and recovery from the coronavirus pandemic</b>						
	From 6 January 2022, NSW Health advice asked employers to allow workers to work from home to help minimise indoor interactions. Masks mandatory in all indoor settings. All remaining staff returned from remote working to Council offices from start of March 2022. Council teams linked businesses and tourism operators to available NSW and Federal Government COVID support.	Number of partnership initiatives in response to coronavirus pandemic	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.02.05 Work with stakeholders to implement child safe standards to support the organisation and put strategy in place to keep children safe						
	Proposal received from a specialist consultant to project manage the governance, risk and compliance of NSW Child Safety obligations.	Child Safe standards implemented by June 2022	75%	50%	●	Manager - People & Culture	Engagement of consultant proposed to progress implementation.
➤	1.1.03.01 Conduct and respond to biennial WHS inspections at public halls and management committee facilities across precincts						
	Councils Facilities Officers and Safety Implementation Officer have worked closely with Management Committees to undertake Work Health & Safety inspections at public halls and facilities.	Percentage of scheduled facility inspections completed and actioned	75%	75%	●	Manager - Shoalhaven Swim Sport Fitness	Facilities Officers and the Safety Implementation Officer have worked with Council staff and Management Committees in completing facility inspections.
➤	1.1.03.02 Shoalhaven Regional Gallery to deliver Art Workshops and curriculum education programs across the Shoalhaven						
	The Gallery has re-launched our Term based art programs, public programming and educational offerings. In 2020 several of our programs were impacted due to Public Health orders. Our extensive and diverse programming is designed to complement and enhance our exhibitions. Through workshops, artist-talks, and tours participants have had an opportunity to learn first-hand from both local and exhibiting artists. Our public and educational programming provides accessible opportunities for people to try-out, learn, and improve their creative skills, while also gaining a deeper understanding of exhibitions.	Number of Pop Up Art workshops delivered to outlying areas	2	6	●	Manager - Arts & Culture	Successfully delivered activations at Stocklands as part of School Holidays with five days of art activities to approximately twenty children per day. We also delivered a public art activation at Voyager Park, Plein Air Painting with Peter Sharp. Nineteen people attended and we received positive feedback via our survey.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of Students participating in curriculum based programs	200	119		Manager - Arts & Culture	<p>We have successfully delivered our In-Gallery Learning and skills-based program to Vincentia High School and Shoalhaven River School. Each School participated in a full-day program. Teachers and students thoroughly enjoyed their time at the Gallery and were impressed with the exhibitions and enjoyed the art class. Each School took advantage of our bus subsidy.</p> <p>Year to date numbers continue to show the impacts of COVID related restrictions on school excursions and venue closure. Schools are re-engaging with us, and this quarter has shown the beginning of a return to normal for school excursions.</p>



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.04.01 Provide recycling and waste management services to the community						
	Services continue to be provided efficiently despite the threat of COVID impacts on staff numbers and the excessive rainfall.	Reduce total waste to landfill per person	Q4	Due June 2022	N/A	Manager - Commercial Services	
		Percentage increase recovery of waste year on year	Q4	Due June 2022	N/A	Manager - Commercial Services	
➤	1.1.04.02 Deliver recycling and waste capital projects						
	55% of budget committed to projects through purchase orders.	Materials Recovery Facility (MRF) developed, constructed, and commissioned by 30 June 2022	75%	20%		Manager - Commercial Services	Access road constructed, retaining wall in progress and a contract has been awarded for the construction of the building. A separate contract has been awarded for the design, manufacture and installation of the sorting equipment. Delays are being experienced due to development approvals and significant rainfall. Programmed for delayed completion in June 2023.





Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Biolektra Processing Facility Development Approval and EPA licence obtained and construction commenced by 30 June 2022	75%	67%	<span style="color: red;">●</span>	Manager - Commercial Services	Development Approval achieved in December 2021. Sod turning on 24 March 2022. Site clearing commenced, but hampered by significant rains.
	Landfill extension preparatory works 30 June 2022	75%	50%	<span style="color: red;">●</span>	Manager - Commercial Services	Vegetation cleared and mulched and fencing installed. Rain affecting further progress.
<span style="background-color: #f4a460; padding: 5px;">➤ 1.1.05.01 Undertake projects in the Strategic Planning Works Program to meet community needs regarding housing and the built environment including Affordable Housing Strategy, Ulladulla Settlement Strategy and review of Shoalhaven economy</span>						
Range of projects underway and continuing, including the review of the Milton-Ulladulla Structure Plan, advancement of the Coomea Street (Bomaderry) Affordable Housing Project) and advancement of the Moss Vale Road Urban Release Area Planning Package toward exhibition.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due June 2022	N/A	Manager - Strategic Planning	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
!	1.1.06.01 Perform the duties required to ensure the satisfactory operation of on-site sewage management systems						
	The program is behind due to only essential inspections being completed while under COVID-19 stay at home orders/COVID-19 direct impacts, staff leave, grant-funded project demands and on-going wet weather saturating the soil profile and making it difficult to complete an accurate assessment of system performance.	Percentage of planned on-site sewage management systems inspections completed	100%	44%	●	Manager - Environmental Services	175 inspections, or 39 % of the planned number of inspections for Quarter 2, were completed (44 % for the year-to-date). This low percentage is attributed to a combination of staff leave, grant-funded project commitments and the on-going wet-weather. La Nina has caused ground saturation, impeding Council's capacity to complete accurate inspections of the performance of on-site sewage management systems.
		Percentage of follow up regulatory action commenced in response to failed on-site sewage management system inspections	100%	100%	●	Manager - Environmental Services	Follow up regulatory action was commenced on all identified non-compliant systems.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.06.02 Undertake environmental health regulatory inspections to ensure compliance with legislative standards						
	90% of the public swimming pool inspections have been completed, with the remaining 10% being placed on hold due to the COVID Public Health Orders.	Percentage of planned environmental health inspections completed	100%	90%	●	Manager - Environmental Services	On the 13 August, 2021 Public Health (Stay at Home) Orders were introduced and stayed in place until the 23 October, 2021. Routine public health inspections were suspended. 76/84 public swimming pool inspections were carried out focusing on high risk venues.
		Percentage of follow up regulatory action commenced in response to failed environmental health inspections	100%	100%	●	Manager - Environmental Services	14 premises were issued improvement notices under the Public Health Act.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.06.03 Undertake swimming pool inspections in accordance with the adopted program						
	A total of 80 swimming pool inspections were undertaken within the reporting period. 24 issues were raised through referrals or internal identification, with inspections undertaken within 72 hours for those of a high risk nature.	Percentage of planned swimming pool inspections completed	95%	100%	●	Manager - Certification & Compliance	A total of 24 merits were received in the period and all were inspected. The merits included unauthorised pools and referrals from private certifiers. The unauthorised pools are considered a high risk and they were inspected within 72 hours of notification in accordance with the legislative requirements.
➤	1.1.06.04 Ranger Services undertake proactive patrols in order to meet the needs of the community and Council						
	Council undertook a total of 553 proactive patrols for the period. These include 457 beach patrols, 66 general patrols other than beaches (Showgrounds, Council Assets, Illegal Dumping and Camping Hot Spots, Boat Ramps and Inland Reserves) and 30 school zone patrols. Council's Ranger Services actioned a total of 1035 incidents in the period. Of these, 451 related to animal management complaints and 584 related to illegal dumping, parking, abandoned vehicles, camping, tree vandalism and a range of unauthorised activities on public land.	Number of proactive ranger patrols	2,250	1,879	●	Manager - Certification & Compliance	Rangers have reported a total of 553 proactive patrols for the reporting period. These include 457 beach patrols, 66 general patrols other than beaches (Showgrounds, Council Assets, Illegal Dumping and Camping Hot Spots, Boat Ramps and Inland Reserves) and 30 school zone patrols.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.1.06.05 Undertake retail food regulatory inspections to ensure compliance with legislative standards						
	Due to the NSW Public Health (Stay at Home) Orders introduced between 13 August and 23 October 2021, all routine Environmental Health inspections were put on hold. Council endeavours to meet our statutory obligations under the partnership agreement with the Food Authority, inspecting all Medium & High risk food premises at least once over the reporting year.	Percentage of businesses achieving 'good' or 'excellent' food safety star rating	80%	95%	●	Manager - Environmental Services	126 food hygiene inspections were completed in quarter 3. Scores on doors statistics: <ul style="list-style-type: none"> <li>74 premises had 5 star rating (59%)</li> <li>33 Premises had 4 Star rating (26%)</li> <li>13 Premises had 3 Star rating (10%)</li> <li>6 premises given 0 Star rating</li> </ul>
		Percentage of follow up regulatory action commenced in response to failed food hygiene inspections	100%	100%	●	Manager - Environmental Services	126 audit reports distributed. <ul style="list-style-type: none"> <li>3 improvement notices issued</li> <li>0 Fines</li> <li>0 prosecutions</li> </ul>


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	1.1.07.01 Liaise with the Rural Fire Service Strategic Planning Committee to deliver assigned and future projects for emergency service facilities						
	RFS Strategic Planning Committee conducted 23 February 2022. Shoalhaven District Liaison meeting was also held on this date. Updates provided on the status of current projects and future priority projects amended. Financial progress report reviewed. Monthly Capital works update meetings were conducted on 14 Dec 2021, 20 Jan & 10 Feb 2022. Financial Status meeting held on 27 January 2022.	Number of RFS Strategic Planning Committee meetings held	1	1		Manager - Building Services	Period Meeting for the RFS Strategic Planning Committee held on 11 November 2021. Agenda pack prepared and issued prior to meeting consisting of Previous Meeting Minutes, Financial Report and Priority projects update. Minutes of meeting held on the 11 November 2021, were prepared and circulated to attendees on 4 January 2022.
	1.2.07.02 Review and update State Emergency Service and Rural Fire Service Building Services agreement						
	The relationship with SES is progressing well and key priorities understood. Recent RFS staff movements has prompted re-establishment of the engagement process with RFS representatives, who are encouraged to process all correspondence through one key contact. This has been successful in the past when submitting work requests and managing the budget.	Agreement reviewed and updated by June 2022	Q4	Due June 2022		Manager - Building Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.01 Undertake strategic investigations to support Arts & Culture in the Shoalhaven						
	<p>The Arts and Culture team continue to work across a range of initiatives to support ongoing growth and development of Arts and Culture across the Shoalhaven. Streets as Shared Spaces public art projects have progressed with the Gateway sculpture installed at Ulladulla, and positive conversations continue to support the integration of public art at the new Sanctuary Point Public Library Project. Funding support for a Creative Economy Strategy and an improved Public Art Policy has been requested, and the partnership with Sydney Living Museums has been strengthened with the launch of the 2022 Meroogal Women's Arts Prize.</p>	Investigate opportunities for a Regional Art Development Officer in conjunction with Create NSW	75%	75%	●	Manager - Arts & Culture	Create NSW continue to progress the development of a South Coast RADO. Founding board members have been appointed, and a presentation to Council on the 30th March provided additional information on the status, progress and forward plans for the RADO.
		Complete investigation into a Shoalhaven Children's Festival in conjunction with Shoalhaven Entertainment Centre and Shoalhaven Regional Gallery	75%	75%	●	Manager - Arts & Culture	The Children's Festival - Arty Farty Party - will be running this year on Saturday 2nd July and planning is on track.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.02 Shoalhaven Regional Gallery to deliver a diverse program of arts and cultural activities that cater for audiences across the Shoalhaven						
	<p>During this quarter Shoalhaven Regional Gallery delivered a diverse range of exhibitions and activities to a wide audience across the Shoalhaven. The Gallery displayed seven exhibitions, including three solo exhibitions by respected Australian artists, alongside shows by local artists and community exhibitions, including 'New Horizons'- the annual display of Shoalhaven HSC Art. This exhibition attracted a number of school groups who took advantage of our education program, undertaking tours and practical workshops.</p> <p>As well as school groups, the Gallery also held tours for a seniors group and Art Gallery of NSW Society members. Term based classes were held for adults and children and an artist led workshop was held offsite at Voyager Park – showcasing one of Shoalhaven City Council's destination parks.</p>	Number of people paying to attend public programs	375	105	●	Manager - Arts & Culture	<p>The Gallery has delivered several public programs designed to complement and enhance our exhibition program. Each activity has attracted excellent numbers, including many that are sold-out. The program attracts emerging and established artists and people who enjoy being creative. Programs we delivered include our Art After School and adult programs, 'Artways' workshop by an exhibiting artist and a public art tour. Numbers continue to show the impact of COVID restrictions, but this quarter has shown a strong return to programming and paying audience participation.</p>

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of visitors to Shoalhaven Regional Gallery	24,000	13,539		Manager - Arts & Culture	13,539 visitors to the gallery from July 2021 until end of March 2022. 5,503 visitors to the gallery for the 3rd quarter of 2021/2022, from January to end of March.  Note that Targets are still affected from COVID lockdowns from August to October in 2021. Significant increase in visitor count can be seen in this quarter just past which is positive.
	Percentage of visitors 'likely or very likely' to recommend the gallery	50%	80%		Manager - Arts & Culture	80% of visitors who completed a survey this quarter were likely or highly likely to recommend the Gallery.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.2.01.03 Shoalhaven Entertainment Centre will curate and deliver an inclusive Annual Season of shows, events and public programs for 2021-22 reflective of our diverse community						
	<p>The 2022 Seasons of performing arts were launched in December 2021 and will be delivered during the 2022 calendar year.</p> <p>The See It Live Season includes dance, fine music, children's theatre, cabaret, drama, fine music and contemporary music.</p> <p>The Rivoli - a dance production - was performed at Ulladulla Civic Centre and Kangaroo Valley Hall in March.</p>	Percentage of audience members' positive perception of the Centre's contribution to cultural life in the Shoalhaven	85%	72%		Manager - Shoalhaven Entertainment Centre	The 72% result relates to The Rivoli which was performed at the Ulladulla Civic Centre and Kangaroo Valley Hall in March. With the reopening of the Centre in April and a full program of shows further qualitative feedback will be obtained through the Culture Counts assessment tool will be obtained.
		Rebuild attendance at ticketed performances at the Shoalhaven Entertainment Centre	Q4	Due June 2022	N/A	Manager - Shoalhaven Entertainment Centre	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.04 Deliver Live and Local Shoalhaven to engage with the sector and increase live music performance opportunities						
	With the easing of COVID Public Health Orders, the Live & Local Shoalhaven project is now progressing. The Professional Development Sessions for venues and musicians were held on March 21 in collaboration with Music NSW, APRA, Songmakers, Live Music Office and nationally and internationally known producers and brand managers.  We are delivering two 50 minute performances by Live & Local Shoalhaven musicians each Thursday, Saturday and Sunday at Nowra Stockland during March and April.	Number of Live and Local microfestivals featuring Shoalhaven musicians	1	0	●	Manager - Shoalhaven Entertainment Centre	Live and Local Microfestivals were postponed due to COVID public health orders and extreme weather events. These are being rescheduled.
➤	1.2.01.05 Prepare Shoalhaven Live Music Action Plan						
	With the easing of COVID public health orders the working group is now rescheduling the key milestones of the project which will culminate in preparing a Live Music Action Plan in Q2 2023.	Live Music Action Plan prepared for Council adoption by June 2022	75%	5%	●	Manager - Shoalhaven Entertainment Centre	The Live Music Action Plan will be informed by a predetermined programme of professional development sessions for musicians and venues, two microfestivals, a public forum and a live music census of the Shoalhaven. COVID Public health orders and extreme weather events impacted on the project delivery. As a result a revised project schedule has been developed and the Live Music Action Plan will be finalised in Q2 2022.




	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.06 Enhance the Shoalhaven Regional Gallery forecourt to improve the entrance and provide a community meeting place						
	All remaining hard landscaping elements have now been delivered and local landscapers have been contacted to quote on the installation of benches and planter pots to complete the project.	Complete landscaping and associated Gallery forecourt improvements by March 2022	34%	75%	●	Manager - Arts & Culture	All items for the completion of the project have now been delivered. Project completion will occur when suitable weather allows for the installation of the bench seats and planter pots.
➤	1.2.01.07 Increase diversification of income streams to support the activities of the Shoalhaven Regional Gallery						
	The Arts and Culture team have submitted five (5) grant applications in the period for projects across exhibitions, strategic planning, collection management and museum support. The Gallery has received \$564 through the 'Tap' donation system and continues to collect cash donations as well.	Number of grant applications prepared and submitted	Q4	Due June 2022	N/A	Manager - Arts & Culture	


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.01.08 Continue to progress development of the Shoalhaven Arts Foundation						
	Information on likely costings for preparation of the constitution have been received. This is the next stage in the establishment of the Foundation and is subject to funding. A briefing to Council will occur in April to provide further information and to assist Council in its deliberations on the 2022/23 budget process.	Funding allocated to facilitate drafting of Shoalhaven Arts Foundation Constitution	75%	75%	●	Manager - Arts & Culture	Indicative costings have been received from legal firms for the work required to finalise the constitution. A presentation to Council will be made on the 7th April to outline the funding required to progress this and to assist Council in the prioritisation and allocation of resources as part of the 2022/23 budget process.
➤	1.2.02.01 Shoalhaven Libraries will create opportunities for diverse communities to be welcomed and celebrated in appropriate ways through a range of events						
	Shoalhaven Libraries continues to provide opportunities and resources to patrons. The digital library remains open 24/7 and all branches are now open providing access to physical resources and services.	Number Library Programs Delivered	375	211	●	Manager - Library Services	Shoalhaven Libraries programs and events are slowly returning to pre-COVID levels with more events being held and attendees taking part.
		Number Library Visits	315,000	130,602	●	Manager - Library Services	COVID continues to impact visitation at all libraries, with many services continuing to be offered digitally, however physical visitations are increasing.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of Virtual Visits at Council's Libraries	280,500	602,080	●	Manager - Library Services	The number of customers using Shoalhaven Libraries' digital resources and services continues to grow.
➤ 1.2.02.02 Progress design and construction of a new Library at Sanctuary Point						
The Sanctuary Point Library project continues to progress and is on track. The Project Control Group meets regularly to advance all aspects of the design. The Development Application was lodged in February 2022.	Completed tender for construction and commenced build for new Sanctuary Point Library	75%	75%	●	Manager - Library Services	The Sanctuary Point Library Project Control Group continues to meet regularly and progress the necessary documentation for tender. The project is on track.
	Detailed design completed for the new Sanctuary Point Library by June 2022	75%	75%	●	Manager - Library Services	Detailed design work is ongoing and progressing within the expected timeframe.
➤ 1.2.02.03 Develop new Shoalhaven Libraries Strategic Plan 2021-2024						
SWOT sessions have been conducted with internal staff to help develop the plan and a first draft is currently being worked on.	Number of actions implemented from the Shoalhaven Libraries Strategic Plan 2021 - 2024	9	9	●	Manager - Library Services	SWOT sessions have been undertaken with staff to assist with the development of the new Shoalhaven Libraries Strategic Plan, which is on track.


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.2.02.04 Investigate library service delivery options for the Sussex Inlet community						
	A Sussex Inlet Library Investigations report was provided to Council on the progress of investigations. Further reports on the matter, as additional information becomes available, will be provided.	Complete investigation into the library service delivery options for the Sussex Inlet community	75%	75%	●	Manager - Library Services	Investigations are ongoing into a library for Sussex Inlet and further reports on the matter will be provided to Council as investigations continue and an alternate site identified.
➤	1.2.02.05 Implement the Strategic Business & Marketing Plan to support the future growth and development of the Shoalhaven Entertainment Centre						
	The 2022-2027 Shoalhaven Entertainment Centre Strategic Business & Marketing Plan will be presented to Executive Management Team, a Councillor briefing, and then be placed on public exhibition. The draft plan will be finalised in April 2022.	Percentage increase of food and beverage income stream at Encore Cafe and Dining	5%	0%	●	Manager - Shoalhaven Entertainment Centre	Encore Cafe and Dining has been closed this quarter with essential compliance works were undertaken at the SEC. The pop-up cafe at Council's Nowra Admin Building foyer has operated a streamlined service over this period. Seating at the pop-up is outdoors and during Q3 Nowra received 1,142mm of rain with a high percentage of Council staff working from home in response to COVID. With the reopening of the SEC in April normal service will be progressively resumed.





Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Increase the number of Season Memberships to build audience engagement	Q4	Due June 2022	N/A	Manager - Shoalhaven Entertainment Centre	
 1.2.03.01 Undertake projects in the Strategic Planning Works Program to maintain and enhance Shoalhaven's cultural heritage, including continuing to run Council's annual local Heritage Assistance Grants						
Range of relevant projects in train or advancing, including completion of the Local Heritage Grants Program for 2021/2022, consideration of possible listings associated with RAAF Nowra and review of potential additional Heritage Conservation Areas in Berry.	Number of Heritage Assistance grants issued	Q4	Due June 2022	N/A	Manager - Strategic Planning	
	Value of Heritage Assistance grants issued	Q4	Due June 2022	N/A	Manager - Strategic Planning	
 1.3.01.01 Undertake scheduled park servicing as listed in the Maintenance Management System at the commencement of the financial year						
Park maintenance crews have performed extremely well in Q3, considering the weather conditions. The weather has caused localised fast growth however the east coast low has reduced the areas that can be maintained due to water retention in the soil.	Percentage of the Parks and Reserves' services completed against scheduled services	80%	72%		Manager - Works & Services	Park maintenance crews were severely impacted by weather events in Q3. When it was not raining crews could not get into many areas with the machinery and as a result service requests increased.





	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	1.3.01.02 Support Parkcare Group Volunteers to improve local parks and reserves						
	<ul style="list-style-type: none"> <li>2 new Parkcare Groups had their action plans adopted by Council</li> <li>2 established group had their updated action plans adopted by Council</li> <li>1 new group is currently in the planning/consultation stage</li> <li>3 established groups are currently in the planning/consultation stage</li> <li>Current Parkcare figures: 50 Groups, 453 volunteers, 862 hours for Jan/Feb/Mar 2022</li> <li>A 3 monthly newsletter was created for info to groups and a promotional item for possible new groups or volunteers</li> </ul>	Maintain Annual Parkcare volunteer hours	Q4	Due June 2022	N/A	Manager - Works & Services	
>	1.3.01.03 Deliver improved playing surfaces in precincts and Destination Parks in the Shoalhaven						
	Improved turf quality across the Shoalhaven Sporting Precincts and Destination Parks through increased fertiliser application frequency, top dressing, soil aeration and compaction relief, preventative pesticide applications, turf growth regulators, over sewing rye seed on selected ovals for winter sport. Program ongoing.	Undertake annual sportsfield improvement program	75%	75%		Manager – Shoalhaven Swim Sport Fitness	Sporting fields, Showgrounds and Destination Parks seasonal weed spraying completed. Sporting fields spring fertiliser program completed. Four cricket wicket concrete slabs and synthetic surfaces repaired or replaced. Additional programmed maintenance planned to upgrade sports field floodlight controllers from 3G to 4G networks underway.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>1.3.01.04 Develop a framework for the implementation of Asset Management Plans across Shoalhaven Swim Sport Fitness including destination parks, sporting precincts and showgrounds</b>						
	<p>Asset Officers have used an Institute of Public Works Engineering Australasia template to develop a framework to implement Asset Management Plans for Shoalhaven Swim, Sport &amp; Fitness.</p> <p>A service provision framework has now been developed and incorporated into Council's asset register for Swim Sport &amp; Fitness Precincts. The current aquatic facilities AMP is now being updated. Asset information is also being loaded into Ci Anywhere Assets Module.</p> <p>The showgrounds at Milton, Kangaroo Valley, Berry and Nowra have also recently had asset inspections undertaken for the purposes of developing asset management plans.</p>	Asset management plan framework completed and 25 percent populated	Q4	Due June 2022	N/A	Manager - Shoalhaven Swim Sport Fitness	
➤	<b>1.3.02.01 Provide a range of programs and services to cater for community demand for aquatics, health and fitness programs</b>						
	<p>Extensive range of services and programs provided for Aquatics, Health &amp; Fitness.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• Learn to Swim and Squad programs</li> <li>• Gymnasium</li> <li>• Group Fitness classes (including aqua aerobics)</li> <li>• Personal Training sessions</li> <li>• Teen Gym and other school aged fitness programs</li> <li>• Health Moves</li> </ul> <p>Online programs continued during COVID lockdown and outdoor classes added to schedule on reopening.</p>	Maintain the number of attendances at Council's aquatic and leisure centres	231,000	183,503	●	Manager - Shoalhaven Swim Sport Fitness	Facility programming for Learn to Swim at all centres, and facility hire at the Indoor Sports Centre reached record patronage during the reporting period. General patronage has been disrupted due to the continued wet weather in the outdoor aquatic facilities, coupled with COVID impact on staffing and facility usage.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.3.02.02 Collaborate across City Lifestyles departments to provide a range of programs to activate Destination Parks and showgrounds						
	<p>Programs aimed at the activation of Destination Parks, Showgrounds and Sporting Facilities across the City Lifestyles Departments have been introduced. These programs include:</p> <ul style="list-style-type: none"> <li>• Fitness based Group Exercise Classes and Bootcamps – Mollymook Foreshore, Whitesands and Voyager Park</li> <li>• Arts classes and Plein Air Painting – Voyager Park</li> <li>• Disability Expo – Shoalhaven Indoor Sports Centre</li> <li>• Open Air Cinema – Marriot Park</li> <li>• Family Movie Nights – Nowra Aquatic Park</li> <li>• Pilates in the Park – Whitesands</li> <li>• Mollymook State Beach Volleyball – Mollymook Foreshore</li> <li>• Pop up Community Engagement Sessions – Wandandian and Sussex Inlet</li> </ul> <p>These programs are facilitated by staff from Shoalhaven Libraries, Shoalhaven Regional Galleries, Shoalhaven Swim Sport Fitness, Shoalhaven Entertainment Centre and Community Connections teams. Regular updates on new and existing programs will be distributed through Councils social media and Shoalhaven City Councils “get involved” page.</p>	Implement programs at each destination park - Northern Precinct	3	3		Manager - Shoalhaven Swim Sport Fitness	<p>Memorial Rose Garden at Marriott Park was re-established with the intention of furthering the project to create a community garden.</p> <p>Entry sandstone wall at Marriott Park to be refurbished with landscaping works undertaken with a range of colourful native plants by end the of the growing season in May 2022.</p> <p>Fitness staff scheduled to film outdoor fitness videos at the Marriott Park outdoor gym to encourage usage and provide instructional content for social media.</p> <p>Official opening event at Boongaree Nature Play Park hosted in January 2022.</p>

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Implement programs at each destination park - Central Precinct	3	3		Manager - Shoalhaven Swim Sport Fitness	Group Fitness Pilates classes conducted at White Sands Park resulting in 3 new Fitness memberships. Re-turfing of bare areas underway after Huskisson Triathlon. Regular high-level maintenance to turf including edging of footpaths and landscape area maintenance. Mulching program will commence next month across all Destination Parks.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Implement programs at each destination park - Southern Precinct	3	50		Manager - Shoalhaven Swim Sport Fitness	<ul style="list-style-type: none"> <li>• Fitness based Group Exercise Classes – Mollymook Foreshore, Whitesands and Voyager Park</li> <li>• Arts classes and Plein Air Painting – Voyager Park</li> <li>• Disability Expo – Shoalhaven Indoor Sports Centre</li> <li>• Open Air Cinema – Marriot Park</li> <li>• Family Movie Nights – Nowra Aquatic Park</li> <li>• Pilates in the Park – Whitesands</li> <li>• Mollymook State Beach Volleyball – Mollymook Foreshore</li> <li>• Pop up Community Engagement Sessions – Wandandian and Sussex Inlet</li> </ul>
➤ 1.3.03.01 Liaise with Management Committees within precincts to meet their financial reporting requirements						
Training Sessions for Management Committees to be conducted in May 2022	Percentage of Management Committees within precincts that meet financial reporting requirements	Q4	Due June 2022	N/A	Manager – Shoalhaven Swim Sport Fitness	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	1.3.03.02 Continue to deliver priorities in the Community Infrastructure Strategic Plan						
	Council continues to deliver priority projects identified in the Community Infrastructure Strategic Plan (CISP), including delivery of major projects, master planning for open spaces, playground upgrades, and open space embellishments. A review of the CISP will occur in 2022.	Commence construction of Skate Park at Bay & Basin by September 2021	75%	0%		Manager - Community Planning & Projects	The B&B skate park is in the detailed design phase and has reached the 80% milestone. Anticipated that construction will commence in Q3 2022.
		Commence construction of pump track and skate park at Boongaree by January 2022	75%	75%		Manager - Community Planning & Projects	Tender evaluation for stages 2 and 3 completed with preferred tenderer endorsed by Council. Convic now engaged to complete the works. Construction scheduled to commence May 2022.
		Commence construction of southern section of SCARP (Artie Smith Oval) by October 2021	75%	75%		Manager - Community Planning & Projects	Council has engaged Joss Group Pty Ltd to undertake construction of Artie Smith Oval redevelopment. Works commenced in January 2022.
		Finalise detailed design and commence construction of Francis Ryan amenities, Sanctuary Point by December 2021	75%	75%		Manager - Community Planning & Projects	The concept design of the Bob Proudfoot Pavilion has been publicly exhibited and endorsed by Council. Completing the detailed design of the facility, with construction likely to commence in the second half of 2022.

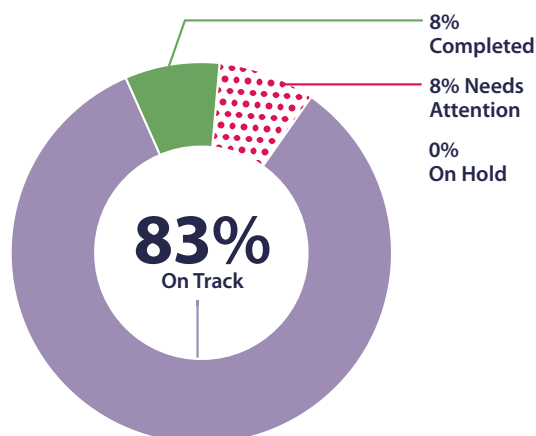
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
II	1.3.03.03 Review and update the Community Infrastructure Strategic Plan						
	<p>A report recommending the update of the CISP to incorporate legislative changes, changing priorities, and incorporate consultation from various community groups has been prepared for internal review.</p> <p>The format of how the CISP, including the ownership of the document, will be determined through internal consultation.</p> <p>The timeline for review and delivery of the CISP requires review and will incorporate the Play Space Review.</p>	Community Infrastructure Strategic Plan updated by June 2022	75%	10%	●	Manager - Community Planning & Projects	<p>A preliminary desk top audit has been undertaken along with preliminary scoping work for the RFT.</p> <p>A report is under consideration by EMT with weekly reports being provided to EMT by way of status update.</p> <p>With the newly appointed City Futures Director joining EMT this will be discussed further to consider and confirm the approach to be taken. The timeline for this is subject to review and will include the Play Space Strategy.</p>
II	1.3.03.04 Review and update the Playspace Strategy and renewals program						
	The Play Space strategy will be incorporated into the revised CISP, which is due to be reviewed.	Playspace strategy updated by June 2022	75%	10%	●	Manager - Community Planning & Projects	Playspace strategy to be incorporated into revised Community Infrastructure Strategic Plan





# Sustainable, Liveable Environment

## Progress Snapshot



## Highlights

- 47 environmental water sampling events were undertaken this quarter with all beaches rated as having good water quality
- Two new Bushcare Group Action Plans have been drafted and distributed to stakeholders for review
- 573 priority weed inspections carried out with no failures identified
- Preparations were made for the second stage of Coonemia Rd rehabilitation (\$2.3M) but progress has been delayed due to the impact of the east coast low and poor weather conditions
- Maintenance on the popular Bens Walk in Nowra will be scheduled for completion prior to July 2022 weather permitting
- Major waterways improvement projects currently in design include Callala Bay Boat ramp, Myola boat ramp and regional boat ramp design options for Orient Point
- Creation of Shoalhaven Advocacy document in time for the Federal Election which includes pitch for funding of significant roads projects
- Progressing sourcing renewable energy for Council's operations including pursuing a renewable Power Purchase Agreement for large sites and street lighting

## Our Performance for the last 3 months

**80%** of defects on sealed roads were repaired within 10 days



**573** Invasive Weed Inspections



**100%** Subdivision Certificates resolved within 14 days



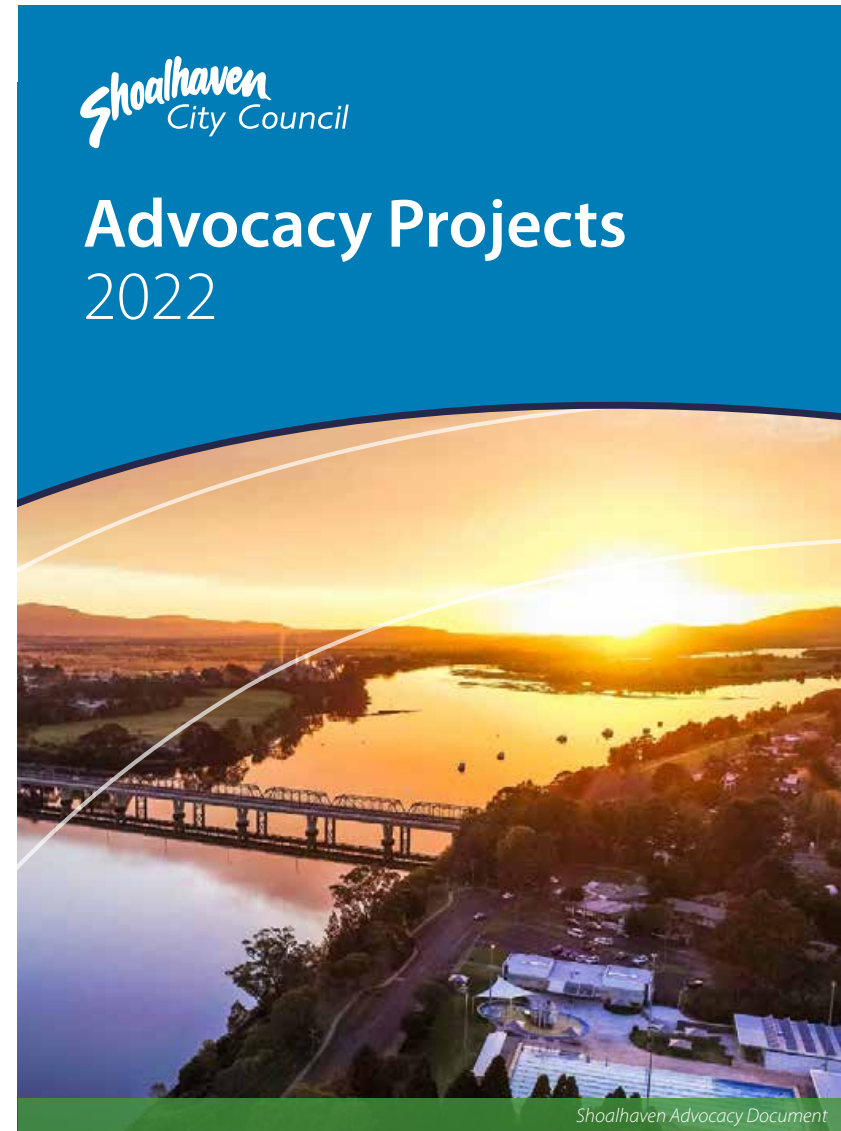
**57%** of Development Applications processed within 40 days



Maintenance on the Popular Bens Walk



Environmental Water Sampling Events



Shoalhaven Advocacy Document



<div> <div> <div>Action Key</div> <div> <div>✓ Completed</div> <div>➤ On Track</div> <div>⚠ Behind Schedule</div> <div>⏸ Not Due to Start</div> </div> <div> <div>KPI Status</div> <div> <div>● Critical</div> <div>● Needs Attention</div> <div>● On Track</div> </div> </div> </div> </div>							
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.01.01 Work with all levels of government, public transport providers/ operators and private organisations to advocate for improvements to public transport and improve transport links						
	Staff worked with Council to create an advocacy document in time for the Federal Election, this includes significant roads projects. South East Australian Transport Strategy Inc. meetings have used this document as a basis for additional ongoing advocacy in the Shoalhaven LGA.	Number of South East Australian Transport Strategy Inc. meetings attended	Q4	Due June 2022	N/A	Manager - Economic Development	
		Number of submissions made to Transport for NSW advocating on improvements to transport planning, infrastructure and services	Count	5	●	Manager - Economic Development	Contributed to the following TfNSW's projects or liaised with them regarding: <ul style="list-style-type: none"> <li>Jervis Bay Road to Hawken Road Upgrade Project.</li> <li>Burrill Lake Co-Design Committee</li> <li>16 Cities Project (public transport)</li> <li>Nowra Bridge related outcomes</li> <li>Moss Vale Road longer term planning</li> </ul>

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.02.02 Support the organisation to review and update Asset Management Plans						
	Assistance provided to Asset Custodians during review and updating of Asset Management Plans to ensure they are interrelated with the DPOP and the Long Term Financial Plan. It is proposed to adopt IPWEA NAMS template aligned to Shoalhaven Council to ensure consistency.	Number of workshops and training sessions held to support Asset custodians	6	10	●	Manager - Technical Services	Regular weekly meetings with Asset Custodian representatives to progress asset configuration reviews. Regular meetings with Asset Custodians and individual training to improve asset management and use of asset management software.
➤	2.1.02.03 Advocate and apply for funding to deliver waterways infrastructure						
	Grant funding has been sought through Better Boating Now, Recreational fishing grants and Local Land Services.	Annual grant application program developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	2.1.02.04 Review of Community and Public Buildings for fire compliance						
	Existing fire safety schedules are being maintained on applicable Building Services facilities. Five (5) Annual fire safety statements have been completed this quarter with another six (6) scheduled by 01-Jul-22. Current status of the Annual Certification assessments are as follows. <ul style="list-style-type: none"> <li>• 6 at Level 1 – Minor reactive works required</li> <li>• 2 at Level 2 – Medium reactive works required</li> <li>• 4 at Level 3 – Significant programmed works required</li> <li>• 8 at Level 4 – Awaiting assessment report</li> </ul>	Building Fire Compliance Action Plan completed by June 2022	Q4	Due June 2022	N/A	Manager - Building Services	






	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	2.1.03.01 Complete the Stormwater Drainage Program as listed in the 2021-22 adopted capital works program						
	Program overall is progressing with projects all but scoped out and some projects moving into construction phase. Budget 60% committed.	Percentage of planned stormwater drainage projects completed	25%	42%	●	Manager - Works & Services	38 projects in total with 9 complete and 15 projects underway. The remaining jobs are in design or scheduled for completion in Q4.
>	2.1.03.02 Complete the Waterways Infrastructure Program as listed in the 2021-22 adopted capital works program						
	Fisheries projects – around St Georges Basin including jetty replacement at Island Point Road Major Projects that are due for completion in 2023 are currently in the design phase including Callala Bay Boat ramp, Myola boat ramp, Regional boat ramp design options for Orient Point.	Percentage of planned waterways infrastructure projects completed	25%	25%	●	Manager - Works & Services	Comerong levee restoration works have been completed during the reporting period and all projects are on track.
>	2.1.03.03 Complete the Local Road Repair Program as listed in the 2021-22 adopted capital works program						
	Program delivery is progressing well even with delays due to the weather in Q3. Major projects completed to date were BTU Rd rehabilitation (\$660,000), Orient Point Rd (Flora to Raglan St) Rehabilitation (\$500,000), Riversdale Rd reconstruction (\$450,000), Forest Rd Heavy Patching (\$450,000) and construction is well advanced for Coonemia Rd rehabilitation (\$2.3M).	Percentage of planned road rehabilitation projects completed - All	55%	65%	●	Manager - Works & Services	




	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.03.04 Implement Council's Road Risk Management Procedure by ensuring reportable defects are repaired						
	Council utilises an inspection and maintenance management software program which captures and reports on road conditions and monitors defects. Inspection of arterial roads are undertaken on a monthly basis and the collector roads are inspected biannually. Council also monitors defect reports on a weekly basis.	Percentage of reportable defects addressed within timeframes in the procedure	90%	54%	●	Manager - Works & Services	There were significant delays for defect repairs in Q3 due to the severe weather in March and the resultant volume of requests. Other Council areas have supported the roads team in potholing.
➤	2.1.03.05 Prioritise inclusions of sealing of Budgong Road/Mt Scanzi Road in the 10-year indicative capital works program						
	Negotiations underway with property owner adjacent to the site for the reconciliation of the road reserve as the road currently sits outside the road reserve. Additional sections of Mt Scanzi road have been listed in 10 year CAPEX for consideration and listed as high priority	Priority road sealing projects included in the 10 year indicative capital works program	25%	75%	●	Manager - Works & Services	The draft High Priority projects have been forwarded to Council for consideration in the 22/23 DPOP as well as future years (10 year long term financial program). They have been developed from the 2020 road pavement survey.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	<b>2.1.04.01 Provide a safe and efficient active transport network of pathways for cycling, walking and various travel needs</b>						
	As part of the preparation for budget 2021/22 a 10-year plan for footpath and cycleway projects was prepared and determined by Council in June 2021. The delivery of works will be reviewed each year by Council. The broader review of the PAMP-Bike Plan strategies is in progress, a new PAMP/Bike Plan webpage was launched in May 2021, and a review of the PAMP/Bike Plan maps, scoring criteria and ranking spreadsheet is in progress by staff.  The target for the staff review has been revised to address other Council priorities, and the loss of several key staff members in 21/22 has meant the resourcing of the staff review is currently being reconsidered. The budget adopted by Council for the 21/22 period should enable the completion of the staff review. Additional budget will be required in the 2022/23 year to complete the PAMP-Bike Plan review process, and a grant application has been submitted to facilitate this. Once the timing of the staff review and outcome of the grant process is known, the timing of the broader PAMP-Bike Plan review can be determined (with completion planned for 2022/23).	Renewal of the Pedestrian and Mobility Action Plan by June 2022	Q4	Due June 2022	N/A	Director - City Futures	
	<b>2.1.04.02 Create the annual maintenance program for the renewal of pathways and cycleways</b>						
	Works are identified through merits and reflect along with correspondence from general public. Work has also been undertaken to review the PAMP in order to further identify locations for maintenance projects.	Annual maintenance program for pathways and cycleways developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.1.05.01 Apply for available funding to improve road safety, efficiency and active transport solutions						
	All available funding opportunities have been identified and are being pursued with submissions having been submitted for two rounds of Fixing Local Roads with two major projects approved, and School Zone Infrastructure program with 7 projects approved. Safer roads/Blackspot and Walking and Cycling Program submissions have also been made with results pending.	Percentage of successful grant applications	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	2.1.05.02 Create the annual maintenance program for the renewal of roads, bridges and drainage						
	Asset staff are using road survey data to correlate current 10-year plan with condition data collected in May 2021. This will firm up the listing and locations in order of need.	Annual maintenance and replacement program for roads, bridges and drainage developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	2.2.01.01 Prepare and maintain strategies and plans outlined in the Strategic Planning Works Program to support appropriate population growth or development, and environmental conservation in Shoalhaven						
	Range of relevant projects on going or progressing, including Milton-Ulladulla Structure Plan review, Moss Vale Road North Urban Release Area planning package and range or Planning Proposals/DCP Amendments.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due June 2022	N/A	Manager - Strategic Planning	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	2.2.02.01 Assess and determine development applications within legislative timeframes and community expectations						
	Continue to improve processing times through recruitment, continual review of the DA assessment process, and working with the Department of Planning and Environment to ensure agency referrals are received in a timely fashion.	Percentage of Development Applications processed within 40 days (DAs & S4.55s)	65%	57%		Manager - Development Services	This is a work in progress with a number of factors leading to the low performance this quarter. Management review to be undertaken to identify areas for improvement.
	2.2.02.02 Resolve Subdivision and Subdivision Works Certificates to meet applicant and community expectations						
	100% of Subdivision Certificates (SCs) were resolved within both the 14 day and 21 day target. 83.33% of Subdivision Works Certificates (SWCs) were determined within the 28 day target. This well exceeds the 65% target and is reflective of the team having a full compliment of staff and working towards finalisation of completing the outstanding legacy applications.	Percentage of Subdivision Certificates resolved within 14 days	75%	100%		Manager - Development Services	100% of Subdivision Certificates (SC) were resolved within the 14 day target.
		Percentage of Subdivision Works certificates completed in 28 days	65%	83%		Manager - Development Services	Results have been manually calculated again due to issues with the reporting software (DARTS). Target has been achieved for the first quarter which reflects a full compliment of staff during this time. Results may drop during the next quarter due to losing a staff member during this period.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.2.02.03 Continue implementation of recommendations from Development Services independent review to improve development and approval outcomes						
	Progressing the implementation of recommendations and further evaluation as appropriate.	Number of recommendations implemented	Count	3	●	Director - City Development	The introduction of DA lodgment via planning portal has been completed, DA review panel has been implemented (further evaluation to be undertaken), templates and conditions have been reviewed.
➤	2.2.03.01 Provide development compliance services to the community						
	Council has received 137 complaints and actioned 116 complaints in the last 3-month period.	Number of development non-compliance matters received	Count	137	N/A	Manager - Certification & Compliance	Of 137 matters received - 41 related to unauthorised development, 17 for not in accordance with development consent, 24 pool barrier issues, 37 stormwater run-off, 1 sediment and erosion control issues, 5 asbestos matters, 2 defected building works, 4 earthworks without consent, 5 land use without consent and 1 special event complaints.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Number of development non-compliance actions completed	Count	116		Manager - Certification & Compliance	Of 116 non-compliance matters completed - 36 related to unauthorised development, 26 for not in accordance with development consent, 9 storm water runoff, 8 pool barrier inspections, 1 asbestos matter, 4 sedimentation and erosion issues, 1 defected building works inspection, 2 earthworks without consent, 9 land use without consent, 1 food shop general, 1 unsightly rubbish overgrown vermin, 11 manhole adjustments, 2 home industry/hobby, 2 development without consent – tree clearing, and 3 pollution incidents on private land.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.2.04.01 Provide graphics and cartography support to the organisation and issue Zoning (10.7) and dwelling entitlement certificates to the community						
	1382 10.7 Certificates issued, which is slightly less than previous quarter. 12 Dwelling Entitlement Certificates issued in the quarter which is slightly up on the number issued in the previous quarter. Staff continued to provide a high level of graphics support to Council staff and for projects on the Strategic Planning Works Program.	Number of 10.7 dwelling entitlement certificates issued	Count	1394	●	Manager - Strategic Planning	1582 Section 10.7 Certificates issued which is slightly down on the previous quarter. 12 Dwelling Entitlement Certificates issued is slightly up on the number issued in the previous quarter.
➤	2.3.01.01 Maintain environmental assessments to ensure protection of natural and cultural roadside assets						
	All CAPEX projects undertaken are subjected to environmental due diligence to varying degrees dependent on the issues identified during the scoping of works.	Environmental assessments completed for roadside projects	100%	100%	●	Manager - Works & Services	A Review of Environmental Factors (works assessments) for road projects has been incorporated into the project management process for projects constructed in Q3.
➤	2.3.02.01 Coordinate implementation of the Shoalhaven Adaptation Plan 2030						
	Workshop completed with EMT to re-evaluate risks for inclusion in Corporate Risk Register. Draft Adaptation Plan has been prepared and scheduled to be presented to EMT in April. Draft Adaptation Plan will then be presented to Council via the Audit and Risk Improvement Committee. Final Adaptation Plan anticipated prior to 30 June, 2022.	Number of initiatives implemented	Count	0	●	Manager - Technical Services	Draft adaptation initiatives and related controls/tasks have been finalised and included in corporate risk register. Delivery of adaptation initiatives to commence following finalisation of Adaptation Plan, anticipated prior to June 30, 2022.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.02.02 Review and update Sustainability Action Plan 2030						
	Presentation to Council scheduled 5 May to present review of current sustainability initiatives across council and propose approach for development of Sustainability Policy and Action Plan including opportunities for Councillor and staff engagement.	Draft Sustainability Action Plan completed by 30 November 2021	Q4	Due June 2022	N/A	Manager - Technical Services	On Track, target to be reset. Precursor work is underway to enable drafting of Sustainability Action Plan. No actions currently delivered as Sustainability Action Plan is to be developed following endorsement of Sustainability Policy. Sustainability working group will provide input and feedback into development of Policy and Action Plan.
✓	2.3.02.03 Conduct energy audits at Nowra and Bomaderry Wastewater Treatment Plants to identify energy efficiency and greenhouse gas emissions reduction opportunities						
	Solar array completed and University of Wollongong Thesis project also completed.	Number of energy audits conducted	Q4	Due June 2022	N/A	Manager - Water Asset Planning & Development	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.02.04 Commence implementation of Council's Sustainable Energy Strategy 2020-25 to reduce carbon emissions and increase the up-take of renewable energy to achieve Sustainable Energy Policy targets						
	A number of initiatives listed in Council's Sustainable Energy Strategy continue to be progressed in early 2022. These include LED street lighting upgrade (negotiations with Endeavour Energy continue); sourcing renewable energy for Council's operations (a renewable Power Purchase Agreement is being pursued for Large Sites/Street Lighting); Revolving Energy Fund project scoping; additional solar PV installations on Council assets.	Number of initiatives implemented	Count	18	●	Manager - Technical Services	The majority of initiatives outlined in Council's Sustainable Energy Strategy are continuing to be implemented in 2022. Some specific projects include supporting Endeavour Energy with a community microgrid/battery for Bawley Point/Kioloa; working towards a second solar farm in the Shoalhaven; preparing a tender for a long-term renewable Power Purchase Agreement for Council's Large Sites and Street Lighting; as well as additional solar PV installations on Shoalhaven Water assets.
		Value of projects funded through the Revolving Energy Fund	Q4	Due June 2022	N/A	Manager - Technical Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
✓	2.3.02.05 Supervise University of Wollongong Engineering Honours student as they investigate greenhouse gas emissions from Shoalhaven water and wastewater treatment plants						
	Completed. Student successfully completed thesis.	Honours thesis on greenhouse gas emissions from Shoalhaven water and wastewater treatment plants completed	75%	100%	●	Manager - Water Asset Planning & Development	Engineering student completed his Engineering Honours project on Greenhouse Gas Emissions from Nowra Wastewater Treatment Plant with Distinction.
➤	2.3.03.01 Implement Council's policies, plans and strategies for natural area reserves						
	<p>The following has been undertaken to uphold and increase environmental integrity:</p> <ul style="list-style-type: none"> <li>Formalisation of access ways to reduce environmental impacts</li> <li>Implementatin weed control and revegetation bush regeneration works that target endangered ecological communities and priority weed species</li> <li>Installation of regulatory and hazard warning signage; revegetation of vegetation vandalism sites</li> <li>Liaison with community regarding environmental issues, especially concerning recurring storm impacts</li> <li>Management of community nursery volunteer Bushcare members - propagating 1554 plants used in Council's Bushcare and Coastal Projects during this period</li> <li>Partner with external agencies and businesses to promote environmental awareness and implement ecological projects. Examples include - Endeavour Energy and Greening Australia tree planting projects, NPWS Save Our Species projects, Milton Rainforest Bushfires Resilience project.</li> </ul>	Number of natural area reserves with works completed	Count	28	●	Manager - Environmental Services	Total of 28 Council managed reserves with on-ground works completed during quarter.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	2.3.03.02 Develop and implement strategies that reduce illegal dumping in the Shoalhaven						
	<p>During the last quarter, there were 162 incidents registered for Shoalhaven on the RID Online Database with 27 incidents remaining open pending further investigation.</p> <p>Council has collectively removed 37.94 tonnes of illegally dumped waste and deposited it at Council's Waste facility at a cost of \$13,320.</p> <p>Funding has also been granted to Council during this period from DPIE/EPA to establish baseline data under the 'Clean up and prevention program grants'. This project will aim to increase public reporting of illegal dumping within the Shoalhaven region, particularly the central coastal area.</p>	Number of proactive illegal dumping enforcement programs	1	2		Manager - Certification & Compliance	<p>Rangers continue a proactive patrols targeting areas of concern including "Hot spot" areas for deployment of covert cameras. Rangers provided education to several Agencies for deployment of covert cameras with 3-year MOUs developed with NPWS and Crownlands. Increased collaboration is occurring with the intelligence assisting in refining patrols to targeted areas and improving enforcement results.</p> <p>Recent vandalism to the "butt bins" at Shoalhaven Hospital resulted in increased littering in that area. Rangers are in the process of replacing the vandalised bins.</p> <p>Work with community organisations, such as "River Watch" on education on the correct disposal of cigarette butts continues.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
⚠	<b>2.3.03.03 Implement Council's Walking Track Asset Management Plan</b>						
	<p>Bushwalks AMP 10-year Action Plan reviewed in February 2022 as part of Capital Works Budget Bid process.</p> <p>Focus for rest of 2021-22 is now on Bens Walk track condition due to level of risk, popularity of walk and La Nina weather effects over the summer.</p> <p>This work will be costed and scheduled for completion prior to July 2022, budget, resources and weather permitting.</p> <p>Remaining planned bushwalk upgrades will recommence in 2022-23, depending on budget bid outcomes, resources and weather.</p>	Percentage of reported walking track asset defects repaired	100%	60%	●	Manager - Works & Services	<p>100% of Bushwalks inspected for overall condition assessment, with approximately 60% of these reported defects repaired so far.</p> <p>Maintenance delayed by severe wet weather (which has generated many more defects - path erosion &amp; wash-outs) and will be re-inspected and repaired when staff available and resources permit.</p>
✓	<b>2.3.03.04 Progress a solution for a sustainable entrance opening for Lake Conjola</b>						
	Shoalhaven City Council received a licence to open Lake Conjola from DPIE - Lands using a variety of triggers. This action is now captured within the Lake Conjola Coastal Management Plan, as such is marked as completed for action required this financial year.	Complete entrance opening works subject to Crown Land licence being received and Council funding the program	Q4	Due June 2022	●	Manager - Environmental Services	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.05 Undertake water quality monitoring program of the Shoalhaven's estuaries, lakes, rivers and beaches						
	Forty-seven (47) Environmental water sampling events were undertaken this quarter, twenty-three (23) of these events were related to bushfire affected waterways recovery grants. Sampling occurred across the following catchments: <ul style="list-style-type: none"> <li>• Lake Conjola &amp; surrounding Bores</li> <li>• Jervis Bay</li> <li>• Clyde River</li> <li>• Shoalhaven River &amp; Curleys Bay</li> <li>• St Georges Basin &amp; Swan Lake</li> <li>• Burrill Lake, Lake Tabourie, Narrawallee Inlet</li> </ul> Beachwatch sampling was also undertaken weekly over summer at: <ul style="list-style-type: none"> <li>• Tilbury Cove, Culburra</li> <li>• Currarong creek</li> <li>• Warrain Beach, Culburra</li> <li>• Collingwood Beach, Vincentia</li> <li>• Cumirrah Beach</li> <li>• Mollymook Beach</li> <li>• Rennies Beach, Ulladulla</li> <li>• Racecourse Beach, Ulladulla</li> <li>• Bawley Point Beach</li> <li>• Merry Beach</li> </ul> All the beaches rated as having good water quality.	Percentage of planned water quality monitoring program completed	75%	75%	●	Manager - Environmental Services	354 water samples, covering 13 catchments. 70 water samples at 10 beaches for the Summer Beachwatch and 27 non reticulated drinking water samples taken at 9 Council buildings.
		Percentage of follow up investigations commenced in response to irregular water quality results	100%	100%	●	Manager - Environmental Services	During Q3 there were 3 environmental pollution investigations at Scerri Dr Kioloa, Princes Hwy Ulladulla and River Road Sussex Inlet. 3 non-reticulated drinking water failures at Marine Rescue Kioloa, RFS Beaumont and RFS Cambewarra.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	<b>2.3.03.06 Develop Coastal Management Programs as per the requirements of the NSW Coastal Management Act 2016 and the Coastal Manual</b>						
	Four highest priority Coastal Management Plans have commenced and are on track according to the project schedules.	Percentage of coastal management program complete for the Shoalhaven River Estuary Coastal Management Program	Q4	Due June 2022	N/A	Manager - Environmental Services	
		Percentage of coastal management program complete for Lake Conjola Estuary	Q4	Due June 2022	N/A	Manager - Environmental Services	
		Percentage of coastal management program complete for the Shoalhaven Open Coast and Jervis Bay	Q4	Due June 2022	N/A	Manager - Environmental Services	
➤	<b>2.3.03.07 Undertake Flood Studies and develop Flood Risk Management Plans</b>						
	Draft Flood Studies have been completed for the Lower Shoalhaven River & St Georges Basin catchments. Community engagement will commence in May. The Floodplain Risk Management Study & Plan will then commence afterwards for these catchments. Grant applications have been prepared for DPE and Federal funding to undertake further flood investigations.	Millards Creek & Currarong Creek Flood Study adopted by Council by October 2021	Q4	Due June 2022	N/A	Manager - Environmental Services	
		Lower Shoalhaven River and St Georges Basin Flood Risk Management Study and Plan adopted by Council by June 2022	Q4	Due June 2022	N/A	Manager - Environmental Services	



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.08 Review and implement the asset management plan for flood mitigation						
	The Asset Management Plan for flood mitigation assets is currently being finalised and is due for completion in Q4.	Length of flood mitigation assets inspected	Q4	Due June 2022	N/A	Manager - Works & Services	
		Percentage of reported flood mitigation asset defects repaired	100%	33%	●	Manager - Works & Services	The Comerong Island (P11L1) flood levee damage project has been completed. The repairs to the Terara (P1L2) and O'Keefe's Point (P5L1) flood levees have been delayed due to the weather experienced in Q3. The works are now scheduled for completion in Q4.
➤	2.3.03.09 Prepare, review and implement Bushcare Group Action Plans in consultation with community						
	Two group bushcare action plans have been prepared and have been distributed to stakeholders (internal and external) for comments and contributions (Friends of Juwin Head and Bawley Point Bushcare) Three other action plans for new or re-establishing groups (Dot Butler Reserve, Mahogany Creek, and Woodhill Cemetery) are being drafted. The remaining action plans are currently under review. Targeted consultation will then be undertaken.	Number of Bushcare Group Action Plans reviewed	Q4	Due June 2022	N/A	Manager - Environmental Services	

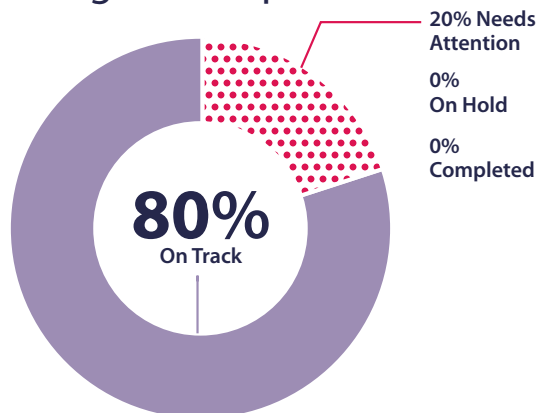
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	2.3.03.10 Undertake compliance actions associated with priority weeds and biosecurity in accordance with the Regional Plan						
	Carried out 573 inspections for priority weeds in accordance with the regional plan. No failures were identified, as such no compliance action required.	Number of priority weed inspections	Q4	Due June 2022	N/A	Manager - Environmental Services	
		Percentage of follow up action commenced in response to failed priority weed inspections	100%	100%	●	Manager - Environmental Services	Land Management has carried out 573 inspections for priority weeds with no failed inspections.
➤	2.3.03.11 Support organisational requirements for environmental planning and assessment						
	61 environmental referrals were completed from 1 January to 31 March. Additional assessments to those captured as referrals have included the formal application for Danjera Dam Stewardship Site, Dog access at Narrawallee, as well as a desktop feasibility study of operational lands that may be suitable Stewardship sites in future for ShoalWater.	Number of Environmental Assessments complete	Count	61	●	Manager - Environmental Services	61 internal referrals from the Development Assessment Officers completed in the quarter January - March 2022. This increase on usual 30-40 referrals can be attributed to additional two fixed term staff members funded by salary savings and income generated by chargeable internal works conducted by the team.





# Prosperous Communities

## Progress Snapshot



## Highlights

- Three Industrial subdivisional works projects are underway at South Nowra (115,000sm) Yerrilyong - AATP (50,000sm) and Woollamia (18,600sm) - each project will be available for sale in second half of 2022
- Significant cross-government collaboration resulting in initiatives such as the Business Community Resilience Toolkit, free for all Shoalhaven Businesses, designed to help get business ready for disasters
- Federal announcement of \$372M to be allocated towards Princes Highway Milton-Ulladulla Bypass
- Campaigns such as the 100 Beach Challenge, Conscious Traveller, and Visitor Guide helped disperse and educate visitors during summer, whilst the Art and Culture campaign promoted Autumn visitation and Winter Wine and Whales campaign planning
- Three community events were delivered in partnership with community organisations and Chambers, including Vibe in the Village at Sussex Inlet, Burradise Live Sunset Session at Culburra Beach, and the Berry Better Business Forum
- Round two of Event Support Funding went live in January 2022 with twelve tourism events being supported with an estimated return-on-investment equating to \$24.8 million
- 95% of the design for the new Ulladulla Boardwalk is complete with the project scheduled for completion in early 2023
- Ulladulla Town Centre DCP Amendment (update) finalised

## Our Performance for the last 3 months

↑ **8.4%** increase  
in 'Our Tourism' newsletter  
subscribers year-on-year

subscribe

↑ **7,672**  
Calls to the Visitor Centre

**6** blocks  
of employment  
land available

**4.3 stars**  
Shoalhaven Visitor  
Centre Rating


















Ulladulla Town Centre DCP Amendment



Round two of Event Support Funding



100 Beach Challenge Campaign


Action Key	 Completed	 On Track	 Behind Schedule	 Not Due to Start	KPI Status	 Critical	 Needs Attention	 On Track
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment	
	3.1.01.01 Develop, maintain and/or enhance industry and government networks and relationships							
	Staff continue to develop and maintain industry and government relationships. This quarter transition of the previous Economic Development Manager to a liaison role and a new Acting Manager has taken place. Acting Economic Development Manager has played an active role participating in growing relationships, for example participation in the Women in Business Forum, public speaking at events with the Shoalhaven Business Chamber and Berry Business Chamber, participating on the Steering Committee of the Shoalhaven Defense & Industry Group, attending meetings Destination Sydney Surrounds South and working on business recovery with the Kangaroo Valley business community.	Number of government and industry meetings attended	225	264		Manager - Economic Development	Attended 39 Industry meetings and 30 Government meetings.	
	3.1.01.02 Maintain stocks of employment land in line with Council's employment land strategy							
	Three Industrial subdivisional works projects are underway at: <ul style="list-style-type: none"><li>• South Nowra - 115,000sm - 40%</li><li>• Yerriyong (AATP) - 50,000sm - 50%</li><li>• Woollamia - 18,600sm - 95% (plan registration issues)</li></ul> Each project will be available for sale in second half of 2022.	Number of blocks of employment land available	6	6		Manager - Economic Development	Three subdivision projects are currently underway to yield: <ul style="list-style-type: none"><li>• Sth Nowra - 115,000sm</li><li>• Yerriyong - 50,000sm</li><li>• Woollamia - 18,600sm</li></ul> Each project should be available for sale in second half of 2022	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.01.03 Deliver key outcomes in the Economic Development Strategy 2017-26 which focus on transport infrastructure; liveability and lifestyle; labour force capability and future economic vision for a Productive Shoalhaven						
	<p>Employment lands being developed by Council. Funding rolled out for a range of Strategic Infrastructure projects:</p> <ul style="list-style-type: none"> <li>• Ulladulla Berthing Facilities</li> <li>• Ulladulla Harbourside</li> <li>• Ulladulla Boardwalk</li> <li>• Tourism infrastructure</li> <li>• Business precinct redevelopment</li> <li>• Export development</li> <li>• Defence support development</li> </ul> <p>Additional business support for trade export have been rolled out through the quarter with a video series in production.</p>	Develop Stage 10 at Flinders Industrial Estate	30%	35%	●	Manager - Economic Development	Progress involving bulk earthworks proceeding well. Aiming to have lots for sale in second half of 2022.
		Develop Stage 5 at Albatross Aviation Technology Park	40%	30%	●	Manager - Economic Development	Subdivision works proceeding in accordance with timeline. Bulk earthworks completed; Progressing with utility reticulation. Firefighting water storage and reticulation. Design completed; tender documents being prepared for release in Jan 2022.
		Redevelop Vincentia's Burton Street Mall	80%	15%	●	Manager - Economic Development	Tender report to Council in October 2021 seeking to negotiate a reduced price with contractor. Issue not resolved.
		Develop a berthing facility within Ulladulla Harbour	40%	25%	●	Manager - Economic Development	Design aspects concluded. Two tenders are currently open - Rock excavation; Pontoon system & Piling. Tenders should be determined in Feb 2022 with 4-8 month construction period.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.01.04 Facilitate business training and enhance labour force capabilities in parallel with bushfires and pandemic recovery						
	Ongoing advocacy has led to significant cross government collaboration on training and development, staff have been actively advocating and sharing training opportunities. One great example is the Business Community Resilience Toolkit, free for all Shoalhaven Businesses, designed to help get business ready for disasters.	Number of business training sessions facilitated	8	0	●	Manager - Economic Development	Significant government funding has been committed to training programs allowing council to share information rather than run training directly. Whilst '0' is not on target, this is a good result for our local business who have access to a broad range of development opportunities, for example, Business Connect (NSW funding) has up to 60 hours FREE business mentoring for Shoalhaven business.
ⓘ	3.1.02.01 Investigate, facilitate and develop economic development and infrastructure projects that meet the objectives of relevant federal and state government grants						
	Federal announcement of \$372m towards Princes Highway Milton Ulladulla Bypass announced. Rains during quarter have seriously affected east/west crossings of Illawarra Escarpment through land slips. Routes through Kangaroo Valley and Macquarie Pass are closed to HVs and will be for several months. This fact needs to be pushed with politicians and road agencies to secure funding to make route based on MR92 suitable for HVs through Queanbeyan Palerang Regional Council and Goulburn Mulwaree Council up to HML standard between Nerriga and Tarago.	Increase in grant funds secured	Q4	Due June 2022	N/A	Manager - Economic Development	
		Number of grant applications submitted	Q4	Due June 2022	N/A	Manager - Economic Development	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.01 Advocate for strategic Destination Management Planning to effectively manage and drive visitation and tourism expenditure goals for the region						
	The Tourism Destination Management Plan is due to be updated in 2023. The team have worked with industry stakeholders to create an interim Tourism Recovery Action Plan (TRAP) for the next 12 months during recovery. This was reported to the Shoalhaven Tourism Advisory Group in early 2022 and a workshop was held in March to discuss the action plan.	Maintain strong relationships with the tourism industry through regular meetings with the Shoalhaven Tourism Advisory Group	3	3	●	Manager - Tourism	Regular meetings ongoing with the Shoalhaven Tourism Advisory Group (STAG), recent workshop would like to see the STAG joined with the Business Employment and Development Committee (BED) to form a new committee focused on business growth in the region. Aiming for a report to Council end of April / early May.
➤	3.1.03.02 Deliver effective Destination Marketing to promote the Shoalhaven as a diverse region, drive off-season visitation and encourage visitor dispersal in peak periods						
	The visitor economy has been heavily affected by disasters since 2020, however, travel began to flow freely this quarter, including international visitation. Campaigns such as the 100 Beach Challenge, Conscious Traveller, and Visitor Guide helped disperse and educate visitors during summer, whilst the Art and Culture campaign promoted Autumn visitation and Winter Wine and Whales campaign planning. The total estimated spend for the year ending January 2021 was down to \$892million. Although this is an increase year on year (due to both time periods being heavily affected by COVID lockdowns) it is still down on the \$1billion goal reached in December 2019.	Number of Shoalhaven Tourism Advisory Group endorsed flagship marketing campaigns delivered	3	3	●	Manager - Tourism	Across the summer months, the 100 Beach Challenge, and Visitor Guide campaigns continued, moving to an Arts and Culture Campaign coinciding with the launch of Bundanon Art Museum from February to April with brochure updates, journalist famils, and online advertising.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Total economic impact of expenditure by all visitors to the Shoalhaven	Q4	Due June 2022	N/A	Manager - Tourism	
	Increase in total subscribers to the direct marketing consumer database	8%	8%		Manager - Tourism	The visitor email newsletter list is at 8,651 subscribers and 10,444 contacts. We have 208 new subscribers this quarter, an increase of 8.4% from the previous year. A new gadget on shoalhaven.com accounted for a spike in sign-ups of 329.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.03 Deliver an event support program to drive off season visitation to reduce seasonality of tourism employment opportunities						
	<p>Round two of Event Support Funding went live in January 2022. In this round, twelve Tourism Events were supported with an estimated return-on-investment equating to \$24.8 million.</p> <p>Looking ahead there is a total of thirty events supported up until the end of FY 2022/23, which is a strong outcome given the uncertainty around COVID-19 event restrictions over the last 24 months.</p> <p>It is anticipated that various event grants will become available over the next 12 months, the Events Team will continue to connect event owners with opportunities and assist with letters of support where possible.</p>	Maintain or increase number of supported events	3	5	●	Manager - Tourism	5 events were supported through the Event Support Program. All supported events occurred outside of peak holiday periods. Given the uncertainty around COVID-19 event restrictions this is a fantastic outcome.
		Increase total return on investment for supported events	8%	136%	●	Manager - Tourism	The 5 events supported delivered an estimated return-on-investment of \$6,020,000, this up from \$2,555,944 in the same quarter the year prior. The team is very happy with this outcome.




	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.04 Facilitate and support the delivery of community and tourism events striving to achieve engaged, activated and liveable communities						
	Throughout this quarter, three community events were delivered in partnership with community organisations and Chambers. Events included Vibe in the Village at Sussex Inlet, Burradise Live Sunset Session at Culburra Beach, and the Berry Better Business Forum. All three events have received considerable positive feedback from attendees. The first two, successfully activated public spaces and united community following ongoing COVID-19 restrictions, and the Business Forum successfully engaged local businesses connecting them with relevant information and resources. Outside of this, the Events Team continues to support community event organisers by answering questions and assisting with the event application process.	Number of approved events on Council owned or managed land	40	28	●	Manager - Tourism	28 events were approved throughout this period. Given the rising COVID-19 case numbers in January, and uncertainty around event restrictions, the team were happy with this number.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.05 Support local tourism businesses and industry with regular communications and funding for cooperative precinct marketing projects						
	<p>Around nine emails were sent this quarter with one extra special edition email sent in February in response to the floods to our database on 1,485 operators. A survey was sent out to businesses to see what kind of support they need and 42% said they wanted more marketing and around 15% said they wanted more face-to-face connections.</p> <p>With recent floods, specific attention has been focused on supporting Kangaroo Valley by their business chamber KVCTC by providing emergency marketing support and matched funds of \$2,500 for a campaign to support visitation as businesses saw a drop in 80% after road closures due to floods.</p>	Number of regular email communications to the tourism operator database	9	21	●	Manager - Tourism	We have consistently shared one Tourism Talk email a month this quarter with one extra special edition email sent in February in response to the floods to our database of 1,485 operators. We also launched a refreshed design in January to help increase readability and functionality.
		Deliver financial assistance for precinct marketing programs	\$15,000	\$30,105	●	Manager - Tourism	This quarter \$2,500 was allocated to for Kangaroo Valley Campaign 'It's worth the drive' campaign to support visitation after indirect effects from flooding and road closures. Active campaigns include Shoalhaven Food Network Directory and Bendalong Historical book, with Currarong Art Trail sending an acquittal report.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.03.06 Provide product development, marketing and trade support to Aboriginal Tourism Operators						
	<p>The numbers of active tourism products in Shoalhaven have dropped due to an extended period of COVID lockdowns.</p> <p>The National Aboriginal Tourism Operators Council (NATOC) mentoring program via Destination Sydney Surrounds South has been extended, and a new business mentoring program via the Department of Primary Industries has been launched.</p> <p>This enables staff to feed operators in and help coordinate product development and mentoring for Aboriginal businesses.</p> <p>Three have active listings on shoalhaven.com but there are many who are operating and/or preparing business plans or have ideas they are seeking funding for. The current focus is staying connected and making sure there are plenty of promotional opportunities.</p>	Number of additional Australian Tourism Data Warehouse listings for Aboriginal Tourism Operators	Count	3	●	Manager - Tourism	Due to extended COVID lockdowns, many Aboriginal tourism businesses have taken a step back. Product development support from Council and other organisations continues in the background with many seeking funding and writing business plans. Three businesses are active on shoalhaven.com



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.04.01 Annual review and delivery of a strategic plan for visitors' services including growing ambassadors, delivery of operational visitors centres and mobile tourism services						
	Inquiries for Visitor services remain constant via telephone, email and live chat. Mobile services were operated over the January Holiday period and were well received by visitors and locals. Nowra Visitor Services have been operating from the admin building whilst maintenance is carried out at the Entertainment Centre.	Maintain a high quality of service and achieve Google business reviews equal to or above 4 stars for the Shoalhaven Visitor Centre	4	4	●	Manager - Tourism	During the period Nowra and Ulladulla Visitor Centre's achieved a combined Google rating average of 4.3 out of a possible 5 stars. Many of the recent reviews show positive comments, resulting in 5-star appraisals. This is a pleasing result, demonstrating that even though the Nowra team temporarily relocated into the admin building, customer service levels were maintained.
		Grow the number of tourism ambassador volunteers	5%	0%	●	Manager - Tourism	Due to COVID-19 and the temporary relocation of Nowra Visitor services into the admin building. The decision was made to postpone any volunteer engagement, until Nowra visitor services are fully operational from within the Shoalhaven Entertainment Centre.

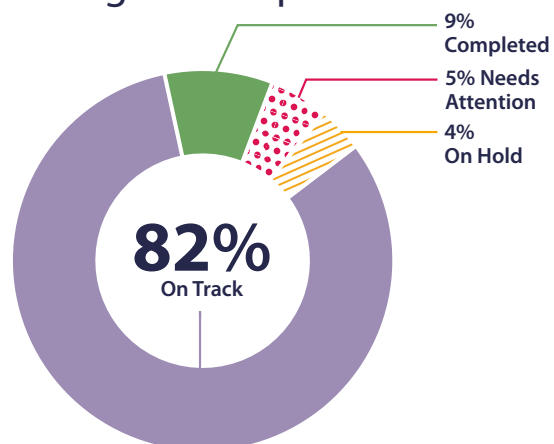
Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Maintain Customer Service enquiry numbers at Visitor Centres	14,000	7,672		Manager - Tourism	Due to COVID-19, Nowra Visitor Services relocation and inclement weather, which resulted in flooding and road closures. There has been an impact on the number of visitor inquiries at the front counters. Telephone inquiries, emails and live chat interactions remain constant.
 3.1.05.01 Maintain Holiday Haven Revenue at record 2020-21 level						
Due to COVID lockdowns and ongoing flooding revenue figures are lower than budget target.	Holiday Haven Revenue compared to same period in 2020-21	Number	See comment		Manager - Commercial Services	Q3 -3% vs prior year, Q3 YTD -17% vs prior year. COVID closures July to October and La Nina rain events/flooding from December onwards have resulted in significant impacts to revenue outside of our control.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	3.1.05.02 Review each Holiday Haven Park Contractor service level agreement every six months						
	Business unit manager meets with each park's contract managers monthly to ensure contractual agreement is being adhered to.	Six monthly review and performance feedback provided to Contractors	50%	50%	●	Manager - Commercial Services	On track meetings held per schedule.
ⓘ	3.1.06.01 Undertake projects in the Strategic Planning Works Program to activate and strengthen Shoalhaven's CBD's and town centres including progressing the activation of the Shoalhaven River-Front Precinct and the Nowra CBD revitalisation.						
	Range of projects underway or progressing. Focus continuing on the Nowra Riverfront Precinct and supporting the Nowra Riverfront Advisory Taskforce. Ulladulla Town Centre DCP Amendment (update) finalised. Work on review of Nowra CBD Building Heights needs renewed focus due to competing priorities.	Annual Council report on Strategic Planning Works Program by June 2022	Q4	Due Dec 2021	N/A	Manager - Strategic Planning	



## Responsible Governance

### Progress Snapshot



### Highlights

- Shoalhaven's drinking water judged as the best tasting in NSW/ACT at the Water Industry Operators Association of Australia conference
- The investment returns for March 2022 (excluding growth fund) were 0.76% p.a. - exceeding the benchmark Ausbond Bank Bill Index by +72 basis points
- Existing Library website is being revamped and moved to a new platform by end of April 2022
- Over the last quarter Council's Contact Centre has received over 42,000 enquiries, up 15.5% from the previous quarter, with over 80% resolution being achieved for Rates, Water, Rangers and City Services enquiries
- Shoalhaven confirmed as the cheapest typical residential bill for water supply when compared with all other large water utilities across Australia
- 89% of development application and subdivision referrals to Shoalhaven Water completed in 21 days - above the target of 80%
- Achieving a zero vacancy rate with all suitable Council properties currently leased
- Engagement activities to review and update the Community Strategic Plan

### Our Performance for the last 3 months



**21.8%**  
electronic  
delivery of  
rate notices

**78%**  
of IT service desk requests  
completed within SLAs



**25,187**  
Facebook followers



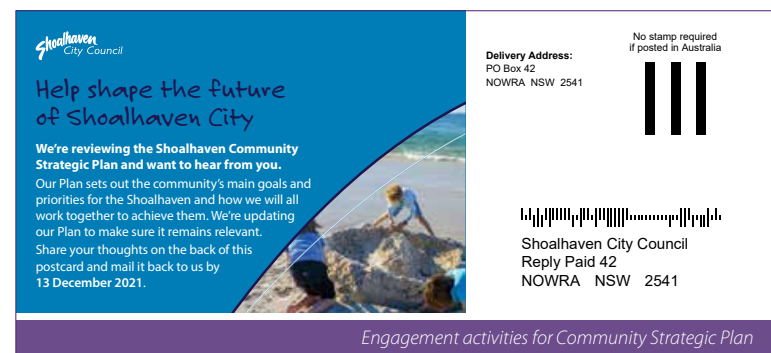
**189** register  
registrations on  
Council's Get  
Involved website



Best Tasting Water in NSW/ACT



Council's Contact Centre Enquiries



Engagement activities for Community Strategic Plan



<div> <div> <div>Action Key</div> <div> <div>✓ Completed</div> <div>🕒 On Track</div> <div>⚠ Behind Schedule</div> <div>🛑 Not Due to Start</div> </div> <div> <div>KPI Status</div> <div> <div>🔴 Critical</div> <div>🟡 Needs Attention</div> <div>🟢 On Track</div> </div> </div> </div> </div>							
	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
🕒	4.1.01.01 Provide an excellent customer experience through resolving customer enquiries at first contact						
	<p>The Contact Centre continues to focus on improving the customer experience and resolving customer enquiries at first contact. In the last quarter, the Contact Centre has received over 42000 enquiries, which is an increase of 15.5% from the last quarter. The first contact resolution rate is averaging 66%, however for enquiries that have transitioned to the Contact Centre, the resolution rate is higher. Some examples of this include a greater than 80% resolution being achieved for Rates, Water, Rangers and City Services enquiries. As we transition more enquiries the overall resolution rate will improve.</p>	Percentage of calls to Contact Centre answered within 30 seconds	90%	45%	🔴	Manager - Customer Experience	From January to March 2022, the Contact Centre answered 45% of calls within the SLA of 30 seconds. The average call answer time was 1 min 16 seconds. The increased wait times this quarter was caused by an increased call volume of 15.5% compared with the previous quarter, as well as staff shortages due to COVID.
		Average wait time at the Customer Service Counter	<5 minutes	1 minute	🟢	Manager - Customer Experience	Average wait time at the Customer Service Counter was 54 seconds from January - March 2022.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.1.01.02 Ensure Council's website provides accurate and actionable customer service information and utilise the digital platform to improve service delivery						
	Council continues to provide accurate and actionable customer service information on it's website. Planning is ongoing for a self-service customer request management system to be introduced in Quarter 4 of this financial year which should improve visibility and customer satisfaction. The existing Library website is also being revamped and moved to a new platform by end of April 2022.	Number of customer service digital initiatives implemented	1	1	●	Chief Information Officer	Online booking system for campsites is due to 'Go Live' in mid April, followed by the implementation of for all Council venues in July. Online customer request management system is currently being implemented and is due for 'Go Live ' in July as well.
➤	4.1.01.03 Establish and grow Council's new Contact Centre						
	Council's Contact Centre has been operating for 8 months and is continuing to focus on cross training to improve agent's skills and knowledge across all areas of Council. In the period from January - March 2022, the Contact Centre averaged 696 interactions per day, an increase of 11% from the last quarter.	New Customer Experience team trained and new phone software operating by August 2021	100%	100%	●	Manager - Customer Experience	The Contact Centre launched successfully in late July, with the Customer Experience team trained and the new phone system operational.
		Customer Quality Assurance plan developed by September 2021	25%	25%	●	Manager - Customer Experience	The development of the customer quality assurance plan is in progress but is not completed. The revised date to complete this plan is end June 2022.




Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Service levels agreed and calls transitioned to the new Contact Centre by December 2021	75%	75%	●	Manager - Customer Experience	Contact Centre scripting for the agreed scope is complete and will be maintained regularly in business as usual. Planning is now underway to transition additional customer enquiries scope into the Contact Centre as part of a Customer Experience Phase 2 program.
<div> ➤ 4.1.02.01 Coordinate the delivery of a high quality Family Day Care service </div>						
Shoalhaven Family Day Care continues to deliver high quality care and education. Shoalhaven Family Day Care has adhered to all COVID rules and restrictions relating to our industry. All safety and support visits completed. There have been no issues of non-compliance.	Increase the number of Family Day Care Educators	Q4	Due June 2022	N/A	Manager - Community Connections	
	Percentage of scheduled Family Day Care inspections undertaken	100%	100%	●	Manager - Community Connections	Every annual home safety check that was due for renewal has been completed, on time during the last quarter. All home safety visits were completed within the month they were due.





	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.1.03.01 Maintain cemeteries to meet community standards						
	Cemetery maintenance undertaken as weather permitting.	Maintain or improve satisfaction levels with services	99%	99%	●	Manager - Commercial Services	6/934 services delivered in the Qtr.
➤	4.1.03.02 Maintain and enhance Bereavement industry connections and involvement in policy and legislation development and implementation						
	Attendance at working group for new legislation.	Contribution to Industry Associations and Statutory Authorities through meeting attendance	75%	75%	●	Manager - Commercial Services	Contribution to Interment Industry Scheme through working group.
➤	4.1.04.01 Create the annual Capital Works Program which outlines new roads, bridges and drainage infrastructure						
	Council staff regularly inspect and perform minor maintenance works. Larger defects are assessed and placed into Council's capitals works program via a budget bid which is ranked by priority through financial year programming.	Annual new capital works program for roads, bridges and drainage developed by June 2022	Q4	Due June 2022	N/A	Manager - Works & Services	
➤	4.1.04.02 Far-North Collector Road						
	Construction contract awarded to Cleary Bros. Start date for construction works delayed to 2nd May following recent wet weather. Still on track to deliver the project in accordance with the funding deed.	Present a financial and works program to Council before 31 August 2021	100%	100%	●	Manager - Technical Services	Completed via Councillor Briefing in 2021.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.1.04.03 East Nowra Sub Arterial Road						
	Project feasibility work completed by Council staff and presented to Councillor Briefing and TfNSW. Action now sits with TfNSW to escalate prioritisation of project. Digital images of potential intersection with North St being prepared to assist in community consultation and project lobbying.	Present an option report to Council before 31 August 2021, having regard to the latest geotechnical information received	100%	100%		Manager - Technical Services	Completed via Councillor Briefing in 2021.
>	4.1.05.01 Provide customer support services and full range of Council functions at Ulladulla Service Centre						
	The Ulladulla Service Centre has continued to provide a range of services and customer contact functions.	Percentage of the full range of Council services that can be accessed via the Ulladulla Service Centre	100%	90%		Manager - Ulladulla Service Centre	The restructure has been completed with full range of services maintained at Ulladulla Centre being line managed within the Organisational structure. Evaluation and ongoing assessment to be undertaken to inform any future changes.





	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
①	4.1.06.01 Construct Sewer & Water infrastructure to support Moss Vale Road Urban Release Areas						
	Wastewater construction progress being hampered by weather conditions. Project due for completion in July 2023. Water supply design work at 80% completion and tenders being developed for reservoir and pumping station.	Percentage of annual capital works completed that support Moss Vale Road Urban Release Areas	75%	75%	●	Manager - Water Asset Planning & Development	Wastewater component of project underway. Project well progressed however delays due to weather will impact on overall program. Water supply designs and delivery program have been brought forward and are ahead of original program.
➤	4.2.01.01 Manage the organisational corporate planning and reporting needs and continue to provide improvements in business planning and reporting						
	<ul style="list-style-type: none"> <li>October - December Q2 Delivery Program Operational Plan Performance report completed and reported to 21 February Ordinary Meeting</li> <li>Engagement activities completed for the review and update of the Community Strategic Plan</li> <li>Development of new Delivery Program 2022-26 undertaken with Council's senior leadership team</li> <li>Draft Operational Plan 2022-23 progressed ahead of public exhibition to be undertaken during May and June 2022</li> </ul>	Produce the Annual Community Report by November 2021	100%	100%	●	Manager - Corporate Performance & Reporting	2020-2021 Annual report endorsed by Council, uploaded to Council's website and advice sent to the Office of Local Government.
		Develop new Delivery Program Operational Plan by June 2022	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.01.02 Support collaboration through Illawarra Shoalhaven Joint Organisation (ISJO) to advance Council and regional strategic objectives						
	A new round of ISJO managed capacity building projects have been endorsed by the Board including initiatives on a circular economy, low emission fleet transition, agritourism strategy and operationalising the affordable housing roundtable	Number of partnership initiatives for mutual benefit of ISJO stakeholders	3	3	●	Manager - Corporate Performance & Reporting	ISJO delivered promotional activities for Community Recycling Centres. Coordinated input to the EPA on the NSW Government Waste and Sustainable Materials Strategy to address regional concerns.
➤	4.2.02.01 Coordinate Audit, Risk and Improvement Committee functions & responsibilities and deliver the planned internal audits						
	The Audit, Risk and Improvement Committee planned activities as per their Charter and annual work plan has occurred. The internal audit plan is also on track for planned activities.	Audit, Risk and Improvement Committee meetings delivered as per the Charter requirements	1	1	●	Internal Auditor	All the planned meetings have occurred with an additional in camera session held in March.
➤	4.2.02.02 Provide legal services and support to the organisation including management of the external legal services panel						
	Legal Counsel continues to provide service and support to the organisation. Litigation matters remain high with 4 active Class 1 appeals being managed this quarter, 1 Class 4 judicial review. Advice requests total 39, 26 of which are being handled in-house.	Quarterly reporting to Executive Management Team on use of Panel and Legal issues facing Council	3	0	●	Manager - Business Assurance & Risk	Report has not been provided to EMT on use of legal panel and legal issues. The reporting process is still being developed for this area and it is anticipated reporting will commence in the next quarter.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
>	4.2.02.03 Increase knowledge and awareness of current legal issues impacting the organisation						
	Legal Counsel continues to distribute updates and notices on legal related issues as provided by Legal Services Panel or other sources. Legal Panel have provided online and face-to-face seminars for staff participation and newly inducted Councillors.	Number of legal education sessions delivered for Councillors and council staff	1	1		Manager - Business Assurance & Risk	Legal Panel member, Holding Redlich, provided webinar seminars of over 10 hours to legal services counsel on various local government issues which may be attributed to compulsory 10 hours continuing legal education.
>	4.2.02.04 Provide organisational support for the corporate planning and audit reporting software						
	<ul style="list-style-type: none"> <li>Improvements to the end user dashboard implemented to streamline reporting</li> <li>Ongoing quality support provided to the Reporting and Audit software users including training for new users</li> <li>Audit and Risk administrator portal improvements completed</li> </ul>	Percentage management satisfaction with the planning and reporting tool	Q4	Due June 2022	N/A	Manager - Corporate Performance & Reporting	





	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	4.2.03.01 Implement Council's Branding Guidelines across the organisation						
	Ongoing implementation of Council's brand continues. Council's Graphic Designers have been updating internal and external corporate documents with new Council phone numbers and contact details. Work this quarter has included, the onboarding of New Councillors, Staff Newsletters, Youth week promotion, DIAP, Council's Community Strategic Plan Document, DPOP, and Recovery support materials. The Graphics team having increase their time spent updating content on our website by 20 per cent.	Key templates with corporate branding identified and available for business	Q4	Due June 2022	N/A	Manager - Media & Communications	
	4.2.03.02 Review and implement Council's Media and Social Media Policy						
	The Executive Management Team endorsed adopting the Office of Local Government's draft social media model finalised policy. Council is awaiting the OLG's public consultation on the draft media policy. Once available the Communications and Media team will prepare a report to the EMT for endorsement. This draft is currently on exhibition with OLG.	Deliver Media improvement training for key staff and media spokespeople	Q4	Due June 2022	N/A	Manager - Media & Communications	
	4.2.04.01 Annual review and update of Council's Workforce Plan to ensure strategies are updated and implemented						
	The Annual Review of the Workforce Plan is underway.	Updated Workforce Plan completed by June 2022	Q4	Due June 2022	N/A	Manager - People & Culture	
		Number of Equal Opportunity Plan initiatives implemented	Count	75		Manager - People & Culture	Equal Opportunity Management Plan is awaiting approval.



Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Leadership Development Program implemented by June 2022	75%	50%		Manager - People & Culture	The Shoalhaven Leadership Team took part in a full day Situational Leadership Workshop which was facilitated off-site.
 4.2.05.01 Implement initiatives identified in the Work Health Safety & Injury Management Strategic Business Plan						
The plan is tracking as required with the following noted. <ul style="list-style-type: none"> <li>Revised depot site safety rules have been implemented and are operational</li> <li>There have been 7 investigations, 4 inspections and 8 manual handling training sessions</li> <li>Following a review of eye protection, there are additional products available for workers to ensure suitability for the task and individual needs</li> <li>COVID administration continues with the management of the COVID Inbox, the COVID register, an adequate supply of rapid antigen tests, and hygiene products</li> </ul>	Number of Strategic WHS Plan initiatives implemented	6	6		Chief Safety Officer	The plan is tracking as required. This period has required the WHS Team to allocate resources to the COVID Inbox, COVID register and respond to a consistent flow of COVID enquirers.
 4.2.05.02 Ensure Safety Performance improvement compared to previous 3 year period						
Action yet to commence.	Percentage improvement in Lost time Injury Frequency Rate	Q4	Due June 2022	N/A	Chief Safety Officer	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.05.03 Process application requests for access to public information						
	The majority of informal access applications have been completed within the timeframe for processing applications. A part time casual staff member has been assisting with informal access applications and this has ensured applications are being completed within the required timeframe.	Percentage of formal GIPA requests met within statutory requirements	Q4	Due June 2022	N/A	Manager - Business Assurance & Risk	
➤	4.2.05.04 Review and update Council's Business Continuity Planning Documents						
	The Business Continuity Planning (BCP) program has been active during the COVID-19 period, with the Continuity Management Team meeting regularly to manage the response. Review of the BCP is underway against the relevant Australian Standards.	Staff provided training on revised Business Continuity Plans	75%	0%	●	Manager - Business Assurance & Risk	Training will occur on completion of the BCP review.
✓	4.2.05.05 Support the 2021 Shoalhaven City Council Local Government Elections						
	Election held by NSWEC and results declared on 23 December 2021 - there have been no outstanding issues or matters requiring action of the Council notified. Declaration of Poll report to be considered at Ordinary Meeting on 25 January 2022.	Elections delivered as required by NSW Election Commissions	75%	100%	●	Manager - Business Assurance & Risk	Election finalised and Mayor and New Councillors announced. Have established onboarding calendar with both in person and teams capability for the sessions.
➤	4.2.05.06 Review and Implement Risk Management Framework						

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
<p>The supporting ERM framework documents are finalised after being endorsed by both EMT and ARIC. On the 7th and 29th March 2022 the Risk Appetite Statement was approved. On the 9th and 22nd of November 2021, the following was endorsed:</p> <ol style="list-style-type: none"> <li>1.ERM framework document</li> <li>2.Risk Assessment procedure</li> </ol> <p>The Risk Management Policy was finalised in at the Strategy and Assets meeting on the 14 September 2021.</p>	Risk Register reported to Executive Management Team and Audit Committee	3	3	●	Manager - Business Assurance & Risk	The status of risk register has been reported to both EMT and ARIC in the months of August, November 2021 and March 2022. Meetings held with individual Directors in December and January. High risk report was submitted to ARIC and EMT in March 2022.
<div>➤</div> <b>4.2.05.07 Manage Workers Compensation Self-Insurers Licence</b>						
<p>The actuary assessment was completed 15 July 2021. The wage declaration was submitted on the 30 August 2021. The self insurance case management audit was completed across the 24 and 25 November. The successful audit was submitted to SIRA on the 17 December 2021. The strategic business plan for RTW was submitted to SIRA at the end of February 2022. Further requirements are being submitted for the new Standard of Practice requirements.</p>	Achieve SIRA Auditing requirements for Workers Compensation Insurers Licencees	Q4	Due June 2022	N/A	Manager - Business Assurance & Risk	
<div>➤</div> <b>4.2.05.08 Provide effective, proactive and strategic support to the organisation for Human Resources</b>						
<p>The HR business partner model continues to provide effective and strategic support to the Council. HR continues to improve reporting tools for the analysis of people data to inform recommendations to the Executive Management Team.</p>	Number of workplace change initiatives implemented	Count	1	●	Manager - People & Culture	The Local Emergency Management Team workplace change in the Technical Services Department was presented to the Consultative Committee in February.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Recruitment and onboarding process reviewed and updated by June 2022	75%	50%		Manager - People & Culture	The implementation of the offboarding process continued with the assistance of the IT Team.
	Develop the talent attraction strategy by June 2022	75%	75%		Manager - People & Culture	Exit data review has continued to be reviewed to identify trends to assist with recommendations for change.
 4.2.06.01 Provide spatial services including Council's cadastre and land information maintenance, online GIS, mapping systems integration, road and place naming and property addressing						
The GIS unit continues to coordinate maintenance of mapping information across the Council and allocation of street numbering and road naming.	Percentage of Addressing and Road Naming applications processed within 7 days	100%	100%		Chief Information Officer	The statistics indicates that in Dec 2021 96.9% of the Property Addressing application have been processed in less than 7 days. Only 3.1% of requests have taken more than 7 days to be processed. No road naming application received within this period.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Percentage of registered plans processed within 2 days of Land Registry Services notification	100%	100%	●	Chief Information Officer	Plans are generally registered in Council's cadastre and TechOne within 2 x business days - 24 x plan changes were registered in March. Only 3 of the 24 plans received were registered outside of 2 days.
➤ 4.2.06.02 Maintain and improve Council's corporate business systems to ensure legislative compliance, effective operation and security						
Ongoing process to keep us in an optimal position and working efficiently, securely and compliant.	Council software licence compliance maintained	100%	100%	●	Chief Information Officer	All licensing Information Services manages has been renewed. No compliance breaches.
➤ 4.2.06.03 Provide effective, secure and efficient record keeping frameworks and services to meet strategic, legislative and operational requirements of the organisation						
Council continues to meet its record keeping obligations in an increasingly challenging environment. Information integration is being developed to ensure enterprise information creation and access is timely and accurate.	Percentage of strategic Information Management Service Review recommendations implemented	38%	30%	●	Chief Information Officer	The Service Review recommendations have been presented to EMT. Progress has slowed in past quarter due to impacts of Staffing & Flood Events.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.06.04 Provide efficient and secure Information Technology Support Services and Systems						
	Information Technology Support Services and Systems have been maintained to ensure efficient use of technologies and enable a mobile workforce. Significant effort has been allocated to cyber security to ensure information is transmitted and processed in a secure manner.	Critical Systems Up Time	100%	100%	●	Chief Information Officer	No significant outages or downtime occurred to critical systems or infrastructure during the previous quarter.
		Percentage of service desk requests completed within service level agreements	80%	78%	●	Chief Information Officer	Change in service desk staff has resulted in requests resolved within SLA not being marked as resolved affecting KPI. Weekly reports are now being generated to assist in identifying problems.
⏸	4.2.06.05 Commence planning for consolidation of Council's name and address register						
	Currently on hold pending the identification of name and address data sources and implementation of TechOne/OneCouncil Request Management	Strategic direction adopted and implementation strategy endorsed by June 2022	75%	0%	●	Chief Information Officer	Further work required to identify sources or name and address data as well as approach/solution for consolidation.
➤	4.2.07.01 Continue to improve operating efficiencies in Revenue Unit						
	We are continuing to see increasing registration numbers for the electronic delivery of rate notices. 21.8% of our rate notices are now being delivered electronically.	Percentage of electronic rate notice distribution	17%	21%	●	Manager - Revenue	We are continuing to see increasing registration numbers for the electronic delivery of rate notices. 20.8% of our rate notices are now being delivered electronically.





	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.07.02 Manage Council's liquidity						
	The balance outstanding represents 25.2% of the 2021/22 Rates and Charges levied. This is an excellent result considering that 25% of the Rates and Charges are not yet due for payment.	Rates and annual charges outstanding	Q4	Due June 2022	N/A	Manager - Revenue	
➤	4.2.07.03 Continue to improve operating efficiencies in Payroll Unit						
	The implementation of the new permanent structure of the pay office commenced which will increase efficiencies and customer experience.	Number of timesheet employees transitioned to electronic time and attendance system	Q4	Due June 2022	N/A	Manager - People & Culture	
➤	4.2.07.04 Manage Council's Investment Portfolio to maximise returns with due consideration for risk, liquidity and security						
	The Overall portfolio returned +0.28% p.a. for the month of March 2022. Fixed interest including cash returned a stable +6bp (0.76% p.a.) pre-Growth, exceeding the benchmark AusBond Bank Bill Index (+0.04% p.a.) by +72bp p.a.	Investment portfolio performance above AusBond Bank Bill Index	Count	1	●	Chief Financial Officer	The investment returns for March 2022 excluding growth fund were a stable 0.76% p.a. exceeding the benchmark Ausbond Bank Bill Index (+0.04%) by +72bp.









	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.07.05 Ensure procurement probity controls are in place and non-compliance is regularly reported to the Executive Management Team						
	<p>Purchase requisitions are reviewed by the Procurement Unit for compliance with the adopted procurement procedures.</p> <p>Requisitions identified that do not meet Council's adopted compliance requirements are investigated by Procurement. The level of non-compliance and results of investigations are reported to the Executive Management Team for action.</p>	Quarterly Non-compliance report provided to the Executive Management Team	3	2	●	Chief Financial Officer	Reviewed Procurement / Evaluation plans during the reporting period to ensure they meet a high standard. There is still some delay in the reporting frequency due to long-term leave of Procurement Manager and further development of the data compilation process.
✓	4.2.07.06 Comply with the engagement timetable for the 2020/21 financial statements						
	<p>Auditor General of NSW have audited the general purpose financial statements (GPFS) and Special Purpose Financial Statements (SPFS) of the Shoalhaven City Council (the Council) for the year ended 30 June 2021 as required by section 415 of the Local Government Act 1993 (the Act).</p> <p>Auditor General of NSW expressed an unmodified opinion on the Council's GPFS and SPFS.</p> <p>Auditor General NSW have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Shoalhaven City Council (the Council) for the year ending 30 June 2021.</p> <p>The Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting – update number 28 (LG Code), and is in accordance with the books and records of the Council.</p>	Annual audited statement adopted without qualified comments by October 2021	100%	100%	●	Chief Financial Officer	Unmodified audit opinion by 30 November 2021

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
✓	4.2.07.07 Approval of 2021-22 Budget assumptions by Council						
	Budget assumptions were reported to Councillors as part of the 2022/23 budget development process.	2021-22 Budget assumptions approved by 31 December 2021	100%	100%	●	Chief Financial Officer	Budget assumptions were incorporated into Councillor briefings and workshops held during February/March.
➤	4.2.07.08 Continue OneCouncil business improvement initiatives to achieve efficiencies and improve levels of service provided by Finance Department						
	Management continues implementing OneCouncil system and enhancing its reporting capabilities. Sourcing and Contracts systems are two modules that will be implemented in August 2022.	Number of improvement initiatives implemented	Count	2	●	Chief Financial Officer	Costing restrictions and additional "Responsible person" field was incorporated in procure to pay workflow. Implementation of 2 major modules in TechOne is well underway.
➤	4.2.07.09 Improve integration of Council's resourcing strategies with the Long Term Financial Plan to provide more accurate long term forecasting						
	This is currently underway with the formulation of the 2022/23 Budget and Long Term Financial Plan.	Updated Long Term Financial Plan endorsed by 30 June 2022	Q4	Due June 2022	N/A	Chief Financial Officer	

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
①	4.2.08.01 Provide Corporate Systems transformation through the implementation of TechnologyOne's OneCouncil system						
	<p>For Development related processes due to be rolled out in City Development, the system is very close to completion with a final round of testing required (configuration is 80 – 90% complete). From a change management perspective there are challenges around the organisations ability to absorb and adequately support the change. To accommodate this and due resource challenges in Finance (i.e staff availability during EOFY and the financial statement audit), the implementation has been delayed until October 2022.</p> <p>Other modules that were due to be implemented after DA's (i.e Licenses and Permits, Approvals, Enforcements and Certificates) will be implemented in a phased manner from May through to December 2022.</p> <p>For CRM the system, the implementation was moved to July to allow for financial year to close before implementation.</p>	Phase 4 - Regulatory DA Management - System live by November 2021	0%	90%	●	Chief Information Officer	Technically the system is ready for go live. From a change management perspective their are challenges around the organisations ability to absorb and adequately support the change. Due to resource shortages across City Development and Finance the Go Live has been delayed until October 2022.
		Reporting, Dashboarding and Data Strategy established across OneCouncil System by Feb 2022	35%	50%	●	Chief Information Officer	Key KPI dashboards are ready for DA's, and are being developed to support CRM go live in July 2022.
		Phase 4 - CRM, System Live by May 2022	75%	60%	●	Chief Information Officer	The Go Live is planned for July 2022 to meet needs of Water who requested the go live after Financial year end. System configuration due for completion in April, UAT May, Training June, Go live July.




Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Worx.Online Implementation Complete by June 2022	75%	70%		Chief Information Officer	Swim Sport Fitness/ Parks crews went live in March 2022. Team now planning for rollout to Roads in second half of 2022.
 4.2.09.01 Deliver mechanical services to the organisation						
Scheduled and reactive maintenance performed for Council and RFS assets.	Deliver plant and vehicles in accordance with the approved Replacement Program	25%	60%		Manager - Commercial Services	Vehicles and plant ordered; deliveries severely impacted by global supply chain issues - this is expected to be ongoing for the remainder of 2022.
	Scheduled maintenance of plant and vehicles including Rural Fire Service Fleet	75%	75%		Manager - Commercial Services	Council vehicles services completed as scheduled. RFS Winter services completed.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.10.01 Identify a number of potential future tenants for Council's properties to improve the timely letting of Council's properties						
	<p>Building Services maintain a list of interested parties who have enquired about occupying Council properties. This list is also expanded when EOIs for leasing occurs. e.g. 100 St Vincent Street and 177 Illaroo Road North Nowra.</p> <p>Integrity Real Estate manage and market any commercial properties in the portfolio for lease. Currently there are no vacancies, however any interested parties are referred to Council for consideration in the event that there are other suitable properties within the portfolio.</p>	Vacancy rate (across all categories) of Council tenanted buildings	5%	0%		Manager - Building Services	<p>Vacant Properties - NIL</p> <p>Properties not suitable for Leasing:</p> <p>16 Berry Street, Nowra (Former Betta Electrical Building)</p> <p>Approved Leases subject to DA for Change of Use;</p> <p>100 St Vincent Street, Ulladulla – MUHC and Safe Waters</p> <p>177 Illaroo Road, North Nowra – Veterans Motorcycle Club</p> <p>Recent Leases:</p> <p>1/3 Stewart Place, Nowra. Approval is currently being requested for a lease commencing 19 April 2022 for a period of two years at market rental.</p> <p>1/3 Schofields Lane, Nowra is now leased from March 2022 with no vacancy period</p> <p>37/43 Kinghorne Street, Nowra is being leased after a vacancy period of approximately 4 months from April 2022 at market rental</p>


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	4.2.10.02 Update the Shoalhaven City Council Property Strategy						
	It is intended to pursue a new Property Strategy, that takes a different strategic approach and direction to the previous 2016/2017 Property Strategy. Early works continuing ahead of internal dialogue and discussion with Council.	Property Strategy reviewed and updated by June 2022	75%	20%		Manager - Strategic Planning	Progress has also been impacted by competing priorities and staffing changes. Action underway to recruit new Strategic Property Manager who will lead this project.
	4.2.11.01 Ensure water is affordable for our customers						
	Results from National Performance Reporting, released in March 2022 for the financial reporting period ending 30 June 2021, confirm Shoalhaven has the cheapest Typical Residential Bill for Water Supply when compared with all other large water utilities across Australia.	Maintain ranking in the top 10% of the most affordable water price in utility category	Q4	Due June 2022	N/A	Manager - Water Business Services	
	4.2.11.02 Undertake regulatory and business performance reporting and report results annually to Council						
	Annual independent audit has been completed, confirmation received that Shoalhaven Water continues to demonstrate substantial compliance with Best Practice Management of Water Supply and Sewerage, in line with NSW DPE Guidelines.	Provide data for the annual Water Industry National Performance Report and report results to Council	100%	100%		Manager - Water Business Services	All Performance report data submitted as required.
		Participate in the annual Best Practice Management for Water Supply and Sewerage Systems Audit and report results to Council	Q4	Due June 2022	N/A	Manager - Water Business Services	


	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.12.01 Improve Shoalhaven Water's levels of service for Development & Regulatory function						
	Levels of service KPI in both the development and regulatory areas is 89% and 81% respectively. Improvements have been predominantly driven by process improvements. Ongoing monitoring and training should realise continued achievements of KPI's in both areas.	Percentage of Development Application and subdivision referrals completed within 21 days	80%	89%	●	Manager - Water Asset Planning & Development	Process improvements have enabled KPI to be achieved. Ongoing monitoring to continue to ensure KPI's continue to be achieved.
		Percentage of all approved Tradewaste discharge locations inspected	68%	81%	●	Manager - Water Asset Planning & Development	Process improvements and shared resourcing to be continued to ensure ongoing achievement of KPI.
➤	4.2.12.02 Implement initiatives to reduce the number of dry weather sewage overflow events						
	Product delivery delays due to COVID, has created an equipment shortage for the IOT float alarms. Staff have been able to source alternative components and hope to install units in the coming quarter.	Percentage of sewer relining program completed	75%	25%	●	Manager - Water Operations & Maintenance	Tenders closed for relining project. Works to commence shortly after tender award. Project will extend into next financial year.
		Number of monitoring sensors installed and monitored using "Internet of Things" technology	75	0	●	Manager - Water Operations & Maintenance	Product delivery delays due to COVID has created an equipment shortage for the IOT float alarms. Alternative components have been sourced and installation is due to commence in May and June.



	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.2.12.03 Provide potable water supply in accordance with Australian Drinking Water Guidelines						
	Council continues to provide water to quality compliant with Australian Drinking Water Guidelines	Number of E-Coli incidents encountered through testing program	Count	3		Manager - Water Operations & Maintenance	Three E-coli incidents reported. These incidents occurred during the wet weather periods and it is most likely caused from using an incorrect procedure during sampling. All sites were resampled and showed zero E-Coli.
➤	4.2.13.01 Investigate asset resilience and security of water supply opportunities						
	Water yield analysis now completed and outcomes are to be incorporated into strategic planning documents. Investigations into asset risks are ongoing, risk mitigation measures to be developed and implemented in future periods.	Options Report completed and Concept adopted for improved transfer of water from Northern to Southern Shoalhaven	75%	100%		Manager - Water Asset Planning & Development	Yield analysis completed and concept report completed, project to be moved into next phase subject to grant funding and budget constraints.
➤	4.3.01.01 Provide opportunities to connect with Council's civic events, major projects, key policies and future direction						
	Number of projects with engagement activities delivered: 16 Get Involved Engagement Platform Summary: Total Get Involved page visitors: 15,200 Total engaged visitors: 385 External Civic Events delivered: 7	Provide face to face opportunities for the community to connect	Count	7		Manager - Media & Communications	Easing of COVID-19 restrictions has seen an increase in the number of face to face opportunities for the community to connect.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Increase number of registrations on Council's Get Involved Platform	Count	189	●	Manager - Media & Communications	Achieved: 15,200 *note: this is not indicative of engaged visitors as many participants are not required to register. Also, only one measure - participants can be engaged in a wide variety of ways.
<div> 4.3.02.01 Provide opportunities for the community to engage with Council consultations, projects and information </div>						
Number of projects with engagement activities delivered: 16 Get Involved Engagement Platform Summary: Total Get Involved page visitors: 15,200 Total engaged visitors: 385 External Civic Events delivered: 7	Increase the publication of positive media releases through media outlets	5%	46%	●	Manager - Media & Communications	During the period 46 Media releases were sent out resulting in more than 400 external news articles. Flood communications and recovery dominated much of the content creation and the addition of a digital content creator improved reach with video. It should be noted that the South Coast Register is using our weekly e-newsletter as content as well.

Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
	Increase the engagement of Council's digital communications platforms	Count	See comment		Manager - Media & Communications	The period saw an increase in followers and engagement across all 4 targeted social media platforms. Facebook engagement grew with 25,187, with 930 new followers, Instagram grew by 123 to 3,635 followers, Twitter increased by 43 followers with a total of 3,209, LinkedIn grew by 328 followers to 3,915 in the period. Council weekly e-newsletter subscription is 3988 during the period with an average 43.2% open rate.

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.3.03.01 Engage with the community about maintaining and enhancing the natural environment						
	<p>Coastal Management Program (CMP) Advisory Committees exist for the following:</p> <ul style="list-style-type: none"> <li>• Lake Conjola CMP</li> <li>• Open Coast &amp; Jervis Bay CMP</li> <li>• Lower Shoalhaven River CMP</li> <li>• St. Georges Basin and Sussex Inlet, Swan Lake, and Berrara Creek</li> </ul> <p>Floodplain Risk Management Committees also exist for Northern Central and Southern.</p> <p>Shoalhaven Heads Estuary Taskforce (SHET) also exists to strategically investigate and determine the feasibility of any actions that the Shoalhaven Heads community derive and to create causative links with the Lower Shoalhaven CMP.</p> <p>Community engagement occurs on a daily basis in response to community concerns and to provide education to reduce environmental harm/maintain public health.</p>	Number of community engagement activities conducted	Count	15		Manager - Environmental Services	<p>Activities included Coastal Management Program (CMP) Advisory Committees, CMP drop in sessions/workshops, South Mollymook drop in session, mail outs on coastal hazards, Floodplain Risk Management Committee meetings, and Shoalhaven Heads Estuary Taskforce meeting.</p> <p>Engagement also takes the form of phone conversations, email dialogue and site meetings.</p>

	Action Comment	Reporting Measure	Target / Timeframe	Q3 Achieved	KPI Status	Responsible Manager	Reporting Measure Comment
➤	4.3.04.01 Inform and consult with the community in accordance with the community consultation policy for development applications						
	All Development Applications (DAs) and Modification Applications (Mods) were notified in accordance with the Community Consultation Policy and legislative requirements. Additionally, all applications were uploaded onto the DA tracking website.	Compliance with consultation policy for all development applications	100%	100%	●	Manager - Development Services	Development Applications and Modification Applications are notified in accordance with the Community Consultation Policy and legislation requirements. Furthermore, all applications are uploaded onto the DA tracking website.
➤	4.3.04.02 Inform and consult with the community about strategic planning in accordance with legislative requirements						
	Formal planning exhibitions during the quarter = 4	Number of formal exhibitions or consultations	Count	4	●	Manager - Strategic Planning	Four formal exhibitions during the period - 2021 Housekeeping PP, Clause 7.25 Amendment PP, Contributions Plan Amendment - Huntingdale Park and Draft VPA - Fishermans Paradise Reserve.



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CL22.244 - Attachment 1



# Quarterly Budget Review

31 March 2022





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## Quarterly Review Headlines

### General Fund

Council adopted a balanced budget, September QR adjustments decreased unrestricted cash by \$50K (unfavourable) and the December QR adjustments decreased it further by \$163K to \$213K (unfavourable). The March QR adjustments have a nil effect on unrestricted cash. Savings are required to be identified in the last quarterly review to fund this deficit. If savings are not identified capital projects will be required to be deferred.

General Fund is forecasting an end of year operating result deficit excluding capital grants and contributions of \$13.7M.

Operating Revenue (excluding capital grants and contributions) has decreased by \$2.2M (unfavourable); and March QR budget adjustments have increased Operating Expenses by \$2.8M (unfavourable) this quarter.

Capital Revenue has increased by \$6M due to expectation and / receipt of grant in the March and June quarters.. Capital Expenditures have decreased by \$22M, with the majority of the balance being carried forward into the 2022/23 financial year.

### Water Fund

Water Fund is forecasting a deficit before capital grants and contributions of \$2.6M, an increase from the current adopted budget deficit of \$904K.

Operating Revenue has decreased by \$2.2M (unfavourable); and Operating Expenses have decreased by \$508K (favourable) this quarter.

Capital Revenue forecast has decreased by \$2.3M, Capital Expenditure forecast has decreased by \$15.3M.

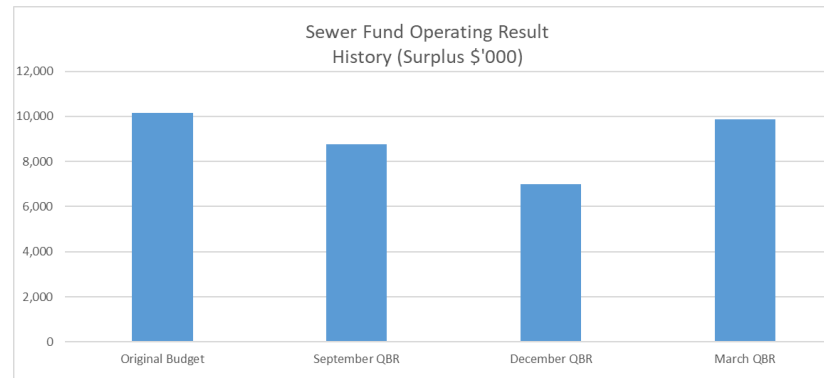
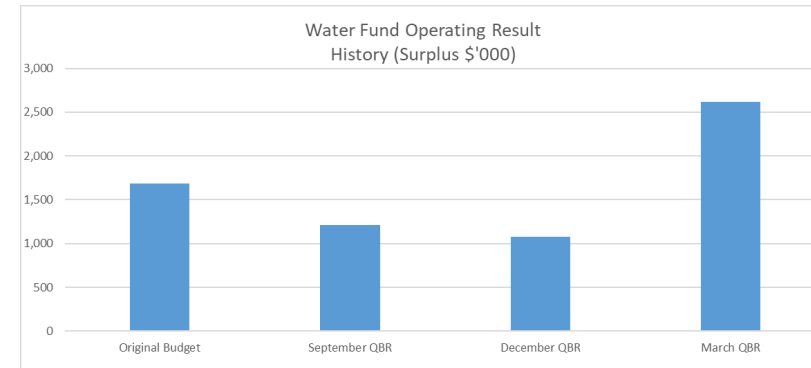
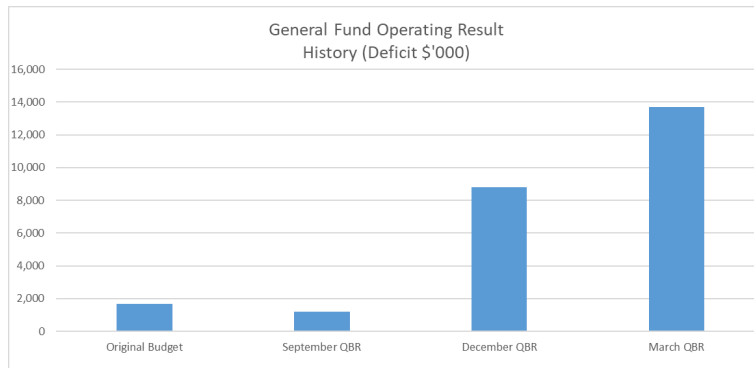
### Sewer Fund

Sewer Fund is forecasting a surplus before capital grants and contributions of \$9.9M, an improvement from the current adopted budget surplus by \$1.4M.

Operating Revenue has increased by \$264K (favourable); and Operating Expenses decreased by \$1.1M (favourable) this quarter.

Capital Revenue forecast remains unchanged; Capital Expenditures have decreased by \$15.5M.

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



## Summary of Movements and Projected Budget by Council Funds

### General Fund

#### Financial Position Overview

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

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	108,767	108,929	(162)	110,181	110,283	0	110,283	99%
User Charges and Fees	41,420	44,324	(2,903)	56,494	56,878	(3,578)	53,300	73%
Interest and Investment Revenue	126	1,382	(1,256)	1,709	1,809	0	1,809	7%
Other Revenues	2,874	2,864	10	3,885	4,086	283	4,369	70%
Internal Revenue	42,379	40,779	1,600	56,911	58,435	(350)	58,085	73%
Grants and Contributions provided for Operating Purposes	16,831	15,963	869	20,702	33,790	1,427	35,216	50%
Grants and Contributions provided for Capital Purposes	23,845	18,855	4,990	58,464	88,528	5,998	94,526	27%
<b>Total Income</b>	<b>236,242</b>	<b>233,095</b>	<b>3,148</b>	<b>308,346</b>	<b>353,808</b>	<b>3,780</b>	<b>357,588</b>	<b>67%</b>
Employee Benefits and On-Costs	59,587	58,942	(645)	74,042	80,543	250	80,793	74%
Borrowing Costs	1,196	1,189	(7)	1,974	2,079	0	2,079	58%
Materials and Services	53,163	51,792	(1,371)	68,099	82,537	(165)	82,372	64%
Depreciation and Amortisation	36,496	36,356	(140)	45,034	48,115	0	48,115	76%
Other Expenses	9,775	10,587	812	15,520	14,862	8	14,871	66%
Internal Expenses	36,593	33,393	(3,200)	46,547	45,793	2,744	48,537	80%
<b>Total Expenses</b>	<b>196,809</b>	<b>192,258</b>	<b>(4,551)</b>	<b>251,216</b>	<b>273,929</b>	<b>2,838</b>	<b>276,767</b>	<b>72%</b>
<b>Net Operating Results</b>	<b>39,433</b>	<b>40,836</b>	<b>(1,403)</b>	<b>57,130</b>	<b>79,880</b>	<b>942</b>	<b>80,822</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>15,588</b>	<b>21,981</b>	<b>(6,394)</b>	<b>(1,333)</b>	<b>(8,648)</b>	<b>(5,056)</b>	<b>(13,704)</b>	

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
<b>Other Cash Adjustments</b>								
Capital Expenditure	(75,367)	(105,792)	30,426	(199,267)	(200,726)	21,587	(179,138)	38%
New Borrowings	2,561	2,596	(36)	79,546	41,065	0	41,065	6%
Loan Principal Repayments	(6,054)	(5,972)	(83)	(10,375)	(10,867)	0	(10,867)	56%
Disposal of Assets	5,322	4,541	781	5,296	6,636	0	6,636	80%
Depreciation Adjustment	36,496	36,356	140	45,034	48,115	0	48,115	76%
Debtor / Credit Movement	(29,297)	(29,545)	248	0	0	0	0	0
<b>Net Cash Movement</b>	<b>(26,907)</b>	<b>(56,980)</b>	<b>30,073</b>	<b>(22,637)</b>	<b>(35,897)</b>	<b>22,530</b>	<b>(13,367)</b>	
<b>Reserve Movements</b>								
Transfers from Reserves	129,776	157,451	(27,674)	267,579	277,742	(13,288)	264,454	47%
Transfers to Reserves	(103,799)	(99,054)	(4,745)	(198,109)	(243,617)	(9,242)	(252,858)	43%
<b>Net Transfers from Reserves</b>	<b>25,978</b>	<b>58,397</b>	<b>(32,419)</b>	<b>69,470</b>	<b>34,125</b>	<b>(22,530)</b>	<b>11,596</b>	
General Fund carried forward from previous year			0		1,559		1,559	0%
<b>General Fund Net Cash Movement</b>	<b>(929)</b>	<b>1,416</b>	<b>(2,346)</b>	<b>46,833</b>	<b>(213)</b>	<b>(0)</b>	<b>(213)</b>	

The net operating result before capital revenue is \$6.4M lower (unfavourable) than the year-to-date adopted budget of \$22M at the March Quarterly Review.

## Current Operating Revenue Position and Budget Adjustments

A table below summarises the key movements by revenue category.

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	108,767	108,929	(162)	110,181	110,283	0	110,283	99%
User Charges and Fees	41,420	44,324	(2,903)	56,494	56,878	(3,578)	53,300	73%
Interest and Investment Revenue	126	1,382	(1,256)	1,709	1,809	0	1,809	7%
Other Revenues	2,874	2,864	10	3,885	4,086	283	4,369	70%
Internal Revenue	42,379	40,779	1,600	56,911	58,435	(350)	58,085	73%
Grants and Contributions provided for Operating Purposes	16,831	15,963	869	20,702	33,790	1,427	35,216	50%
<b>Total Operating Income</b>	<b>212,397</b>	<b>214,240</b>	<b>(1,843)</b>	<b>249,883</b>	<b>265,280</b>	<b>(2,218)</b>	<b>263,062</b>	<b>80%</b>

As at 31 March 2022, General Fund operating revenue (excluding capital revenue) has achieved 80% of the adopted budget, excluding rates and annual charges 67%.

Comments on major year to date variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	(162)	+148K additional domestic waste charges -195K behind in residential rates -116K pensioner subsidy for ordinary rates
User Charges and Fees	(2,903)	-2.4M reduced Holiday Haven revenue due to COVID -973K reduced SEC revenue due to centre closure -670K reduced Swim Sport and Fitness revenue -290K reduced Bereavement Services revenue -137K reduced Family Day Care revenue +1.55M increase in Waste Services revenue
Interest and Investment Revenue	(1,256)	-753K unfavourable fluctuation in long-term growth fund and investment fair valuations -305K reduction in investment received for term deposits and floating rate notes -198K shortfall in interest on overdue rates

Category	Variance (\$'000)	Comment
Internal Revenue	1,600	+700K additional revenue from increased waste activity at Waste Depots +570K Fleet Operations due to increased Internal Plant Hire +155K Building Services additional internal income for cleaning received +154K additional internal income from Holiday Haven Administration (Cabin lease charges) +153K additional income to Traffic Facilities +136K additional fleet hire income +107K additional income from Park & Street Waste Collection +64K additional income from Council Waste & Recycling collection -72K reduction in income from Green & Bulky Waste -40K reduction in income from Canteen Charges -302K reduction in income from Mechanical Services - Mechanics
Grants and Contributions provided for Operating Purposes	869	+1M emergency disaster grant received +147K tourism grant received -152K flood study grants not yet received -93K family day care grant below expectation



The March Quarterly Budget Review recommends a decrease in operating revenue of \$2.2M.

Proposed budget adjustments are summarised in the table below:

Category	Amount (\$'000)	
User Charges and Fees	(3,578)	-2M reduction in Holiday Haven revenue budget -851K reduction in SEC revenue budget -508K reduction in Swim Sport and Fitness revenue budget -158K reduction in Bereavement Services revenue budget -133K reduction in Family Day Care revenue budget +100K increase in Communications revenue budget
Other Revenues	283	+268K insurance reserve for claims to be received in last quarter +10K recovery of costs received by works and services
Internal Revenue	(350)	-400K reduction in Mechanical Services internal income offset by an increase in job cost recovery +42K additional income from communication towers +8K additional income received from Visitor Information Centre
Grants and Contributions provided for Operating Purposes	1,427	+1M emergency disaster grant received +236K natural disaster project office grant anticipated to be received in last quarter +147K tourism grant received

## Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	59,587	58,942	(645)	74,042	80,543	250	80,793	74%
Borrowing Costs	1,196	1,189	(7)	1,974	2,079	0	2,079	58%
Materials and Contracts	53,163	51,792	(1,371)	68,099	82,537	(165)	82,372	64%
Depreciation and Amortisation	36,496	36,356	(140)	45,034	48,115	0	48,115	76%
Other Expenses	9,775	10,587	812	15,520	14,862	8	14,871	66%
Internal Expenses	36,593	33,393	(3,200)	46,547	45,793	2,744	48,537	80%
<b>Total Expenses</b>	<b>196,809</b>	<b>192,258</b>	<b>(4,551)</b>	<b>251,216</b>	<b>273,929</b>	<b>2,838</b>	<b>276,767</b>	<b>72%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	
Employee Benefits and On-Costs	(645)	Due to additional roads and parks maintenance and disaster recovery expenditure
Materials and Services	(1,371)	+547K underspend in street lighting -483K increase in fleet & mechanical expenditure -477K increase in Domestic Waste expenditure -402K increase Development Assessment legal costs -371K Section 7.11 COVID subsidy -364K increase in parks tree management expenditure -187K increase in urban landscape maintenance
Depreciation and Amortisation	(140)	-70K additional depreciation for plant and equipment -70K additional depreciation for new roads and parks assets
Other Expenses	812	+1.2M waste levy charge incurred lower than budget -590K development and planning levies higher than budget

Category	Variance (\$'000)	
Internal Expenses	(3,200)	<ul style="list-style-type: none"> <li>-1.6M increase in other internal tipping fees</li> <li>-1.4M increase in waste disposal - domestic (red bin tip fee)</li> <li>-337K local roads maintenance overspend due to increased activity</li> <li>-273K Increase in waste management charges at Huskisson depot</li> <li>-182K stormwater maintenance due to increased activity</li> <li>-174K increase in council park &amp; street collection - waste management charges</li> <li>-161K increase in parks &amp; reserves due to increased activity</li> <li>-132K facilities maintenance due to increased activity</li> <li>-125K tree management roads overspend due to increased activity</li> <li>-91K increase in internal plant charges - Council park &amp; street collection</li> <li>-116K increased insurance, and timing of one off payments (Sewer &amp; Water) for community buildings</li> <li>+\$1.4M reduction in Ulladulla waste depot operations</li> </ul>

The March Quarterly Budget Review recommends an increase in operating expenditure of \$2.8M. Proposed major budget adjustments to operating expenditure are summarised in the table below:

Category	Amount (\$'000)	Reason
Employee Benefits and On-Costs	250	<ul style="list-style-type: none"> <li>+550K parks maintenance transfer from capital to fund shortfalls</li> <li>+250K road maintenance transfer from capital to fund shortfalls</li> <li>+200K tree maintenance transfer from capital to fund shortfalls</li> <li>-400K Mechanical Services in job cost recovery, offset by internal income</li> <li>-278K due to temporary closure of SEC, offset by reduced income</li> </ul>
Materials and Services	(165)	<ul style="list-style-type: none"> <li>+1M disaster recovery grant received</li> <li>+700K tree maintenance transfer from capital to fund shortfalls</li> <li>+536K public amenities transfer from capital to fund shortfalls</li> <li>+371K for developer contributions covid subsidy</li> <li>+207K parks maintenance transfer from capital to fund shortfalls</li> <li>-2.3M reduction in Waste Services due to change in accounting treatment for Bioelektra</li> <li>-345K transfer between operating and capital for streets as shared spaces grant</li> <li>-190K reduction in family day care expenditure budget (matched by reduced income)</li> </ul>
Internal Expenses	2,744	<ul style="list-style-type: none"> <li>+2M adjustment in domestic waste disposal (Red Bin Tip Fee)</li> <li>+273K local roads maintenance transfer from capital works projects to fund shortfalls</li> <li>+182K Stormwater Infrastructure transfer from capital works projects to fund shortfalls</li> <li>+159K increase in Parks &amp; Reserves transferred from capital works projects to fund shortfalls</li> <li>+125K Tree Management Roads transferred from capital works projects to fund shortfalls</li> </ul>

## Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	19,105	14,578	4,527	54,186	84,251	5,998	90,249	23%
Capital Contributions	4,740	4,277	463	4,277	4,277	0	4,277	111%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>23,845</b>	<b>18,855</b>	<b>4,990</b>	<b>58,464</b>	<b>88,528</b>	<b>5,998</b>	<b>94,526</b>	<b>27%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Capital Grants	4,527	+2.2M Bushfire Relief Local Economic Recover grants not yet received +1.5M economic development grants not yet received
Capital Contributions	463	+463K additional developer contributions received during the quarter

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

Category	Amount (\$'000)	Reason
Capital Grants	5,998	+16M Far North Collector Road grant to be received in last quarter -3.2M SCARP grant paid directly to Public Works Advisory -2.2M various pedestrian grants to be received in 2022/23 -1.6M Ulladulla High School safety improvement grant not expected to be received until 2022-23 -1.4M various traffic facilities grants to be received in 2022/23 -1.2M Bushfire Relief Local Economic Recover grants to be received in 2022/23 -1M various waterway infrastructure grants to be received in 2022/23

## Capital Expenditures Position and Budget Adjustments

Capital expenditures by Directorate are summarised in the table below:

Directorate	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	March Actuals	Favourable / (Unfavourable) Variance	Actual % of QR Proposed Budget
City Performance	3,497	1,501	118	1,619	1,389	230	86%
City Services	124,316	150,644	(17,836)	132,808	55,119	77,689	42%
City Development	2,518	2,333	(286)	2,047	349	1,698	17%
City Lifestyle	32,546	29,399	(5,664)	23,734	11,197	12,538	47%
City Futures	36,381	16,869	2,089	18,958	7,258	11,700	38%
Shoalhaven Water	9	56	(9)	47	59	(11)	124%
<b>General Fund Total</b>	<b>199,267</b>	<b>200,801</b>	<b>(21,587)</b>	<b>179,214</b>	<b>75,371</b>	<b>103,843</b>	<b>42%</b>

### Comments

Capital Expenditure as at 31 March 2021 is 42% of the proposed budget (excluding commitments). Including commitments, capital expenditures are at 55%.

The March Quarterly Budget Review recommends a budget decrease of \$21.5M. The majority of these adjustments are reforecasting the budget into the 2022/23 financial year with the main project being Far North Collector Road \$16M. There was also a reduction (deferral) of capital to fund the additional expenditure and income shortfalls due to COVID and natural disasters \$5.8M.

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

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

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Cemeteries	Bereavement Services Capital Expenditure	BER - CORP - Mgmt software & Tech1 interface purchase FY22	0	125,000	(125,000)	0	0	Budget carried forward to FY 22/23. Final Filer replacement options continue to be investigated
Coastal and Estuary Management	Coastal Programme	Coastal Erosion Works	0	387,350	(265,000)	122,350	122,350	Unrequired budget for this FY - adjust back into Coastal Management reserve
Community Services	Community Services - Capital	Recovery and Resilience Grant - capital components	342,466	1,556,043	(450,000)	1,106,043	763,578	Budget Carried forward to FY 22/23
Community, Residential and Commercial Buildings	Depot Improvements	Erina Rd, Woollamia - Office Extension Woollamia	8,451	275,000	(225,000)	50,000	41,549	Transferred to various projects to fund shortfalls
	Public Amenities	Myola Breakwall - New Public Toilet	0	100,000	(100,000)	0	0	Budget Carried forward to FY 22/23
		Public Amenity - Plantation Pt Vincentia	(103,400)	238,798	(342,000)	(103,202)	198	Reduction to fund operating shortfalls
	Public Buildings	Fire Services Upgrade - Nowra Showground	19,107	402,683	(383,580)	19,104	(3)	Budget Carried forward to FY 22/23
		SSF - S'ground Stimulus - Round 2a- K'Valley - Carpark Resurface'	32,720	219,872	(184,423)	35,449	2,729	Budget Carried forward to FY 22/23

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
	Showground Buildings	Berry Showground Resilience BLERF-0111	0	575,482	(575,482)	0	0	Budget Carried forward to FY 22/23
		K'Valley Showground Resilience BLERF-0111	0	440,145	(440,145)	0	0	Budget Carried forward to FY 22/23
		Milton Showground Resilience BLERF-0111	0	356,814	(356,814)	0	0	Budget Carried forward to FY 22/23
		Nowra Showground Resilience BLERF-0111	0	545,242	(545,242)	0	0	Budget Carried forward to FY 22/23
		SSF - Milton Showground - Internal Roads Upgrade	41,703	700,651	(182,944)	517,707	476,004	Transfer to S'ground Stimulus Round 1 - Milton - Amenities Bld
	Sportsfield Buildings	Shoalhaven Heads - Jerry Bailey Oval - New Public Toilet	15,333	195,000	(150,000)	45,000	29,667	Budget Carried forward to FY 22/23
Economic Development	Industrial Land Development	AATP Fire Water Storage	9,960	700,000	1,000,000	1,700,000	1,690,040	Adding new grant funding
Entertainment Centre	SEC Capital	SEC Upgrade & Cladding	1,627,456	4,196,031	(200,000)	3,996,031	2,368,576	Transfer of non loan component to fund SEC operating shortfalls
Fleet and Plant	Fleet & Mechanical Services Operations	Fleet & Mechanical - Bushfire Green Waste Cleanup	0	445,725	(445,725)	0	0	Budget Carried forward to FY 22/23
	Fleet Unit Purchase / Sale of Plant	Fleet Vehicle Purchases	2,698,210	6,121,595	(1,800,000)	4,321,595	1,623,384	Budget Carried forward to FY 22/23

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Information Technology	IT Capital Projects	ICT - Corporate Desktop and Laptop	195,839	329,070	(130,000)	199,070	3,231	Budget savings - to be used to fund overruns in operating expenses in IT
Insurance and Risk Management	Insurance & Claims	Property Damage - Rugby Park - Grandstand 7/9/19	29,845	0	269,500	269,500	239,655	Budget for insurance claims settlement to be received
Landfill and Transfer Station Operations	Waste Capital Expenditure	Bioelektra Resource Recovery Facility RRF	1,711,689	0	2,298,487	2,298,487	586,799	Budget moved from operational to capital due to change in accounting treatment
		Waste Plant Purchases	1,210,178	2,513,826	(350,000)	2,163,826	953,648	Budget Carried forward to FY 22/23
		West Nowra Leachate Treatment Project	493,328	500,000	500,000	1,000,000	506,673	Recognition of Grant
	Waste Management - Capital Expenditure	Waste Hardstands and Roads	25,758	(150,000)	435,000	285,000	259,243	Increase from waste reserve
Library	Library Furniture & Equipment	Shoalhaven Flood Boat	1,760	401,497	(401,497)	0	(1,760)	Reduction to fund operating shortfalls, project to be included in future capital listing
Parks, Reserves, Sport and Recreation Areas	Active Recreation	SCARP Croquet	0	1,000,000	(1,000,000)	0	0	Budget Carried forward to FY 22/23
		Showground Stimulus - Milton	80	265,093	(265,093)	0	(80)	Transfer to SSF - S'ground Stimulus Round 1 - Milton - Accessible Pathway and amenities projects
		SSF - S'ground Stimulus Round 1 - Milton - Amenities Bld	46,655	150,820	252,887	403,707	357,053	Transfer from Showground Stimulus - Milton
		SSF - S'ground Stimulus Round 1 - Milton - Accessible Pathway	230,293	14,534	215,759	230,293	0	Transfer from Showground Stimulus - Milton and Milton Showground internal roads



Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
		SSF - Sports Capital Works Partnership Program	73,226	289,101	(125,170)	163,931	90,705	Transfer to Community & Rec Grants Co-contributions
		Ulladulla Skate Park	64,035	1,250,000	(1,185,942)	64,058	23	Budget Carried forward to FY 22/23
		Ulladulla Sports Complex	0	150,000	(150,000)	0	0	Budget Carried forward to FY 22/23
	Passive Recreation	Nowra Showground Landscaping	1,723	170,000	(170,000)	0	(1,723)	Budget Carried forward to FY 22/23
		Playground - Bomaderry - Sampson Crescent	7,492	144,195	(123,991)	20,204	12,713	Budget Carried forward to FY 22/23
		Playground - Bomaderry - Sheraton Drive	9,117	141,299	(130,720)	10,579	1,462	Budget Carried forward to FY 22/23
		Ray Brooks Reserve Boardwalk	14,381	378,126	304,260	682,387	668,006	Additional grant \$185K, transfer from other projects
Property Management	Property Development	37 Hyams St Purchase	962,936	0	962,936	962,936	0	Purchase funded from Industrial Land Reserve Min22.45C
Roads	Bridge Program	Boolijah Creek Bridge Repair Disaster Assistance	16,050	329,483	(229,483)	100,000	83,950	Budget Carried forward to FY 22/23
		Boondobah Bridge Disaster Assistance Repair	36,248	522,034	(472,034)	50,000	13,752	Budget Carried forward to FY 22/23
		Tumblebar Ck Bridge Replacement	20,799	401,486	(247,500)	153,986	133,187	Funding operational & Capital shortfalls

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
	Local Road Repair Program	Landslip - Porters Creek Rd, Yatte Yattah - Natural Disaster	816	0	144,735	144,735	143,919	Additional grant funds received
		Murramarang Rd Bawley Pt CH0.320-1.360	48,203	538,417	(300,579)	237,838	189,636	Duplicate projects Transferred budget from Road to SUP to reflect defined works
		Wogamia Rd - Natural Disaster Mar22 - Landslip SH00276	0	0	250,000	250,000	250,000	Additional grant funds received
		Woodhill Mountain Rd - LRRP CH0 CH0 Rural Renewal	141,937	248,132	(106,000)	142,132	194	Transferred to other project to fund shortfalls
		Worrigeer - Worrigeer Rd - Fixing Local Roads Program	95,429	1,709,932	(572,529)	1,137,402	1,041,973	Transferred to various projects to fund shortfalls
	Regional Road Repair Program	Nowra - Kalandar St - CH0.55 to CH0.798 – RRRP	0	237,920	(237,920)	0	0	Transferred to other project to fund shortfalls
	Roads Strategy Projects	Far North Collector Road	1,379,085	3,647,809	(600,000)	3,047,809	1,668,724	Additional \$16M grant to be received in last quarter, \$16.6M to be spent in 2022/23
		Huskisson Service Lane - Morton Street	3,528	1,634,768	(1,624,768)	10,000	6,472	Budget Carried forward to FY 22/23
		Kings Point Drive (2kms from Princes Highway)	40,279	1,056,363	(556,363)	500,000	459,722	Budget Carried forward to FY 22/23
	Roads to Recovery Program	Culburra - Culburra Rd (R2R) - CH 1.760 to 2.700km	11,856	291,599	(266,600)	24,999	13,143	Transfers from various projects to fund shortfalls
		Greenwell Pt Rd (R2R)	259,011	529,910	(270,900)	259,011	0	Completed project - Reallocation of R2R budget to other project

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
		Orient Point Road, Culburra Beach - Road Rehab (D&C)	149,451	0	149,451	149,451	0	Transfers from various projects to fund shortfalls
Rural Roads	Rural Roads	Woodburn Rd - Road Seal Clyde Ridge>Brman Rural Upgrade/New	53,859	244,000	(144,000)	100,000	46,141	Transfer to other project to fund shortfalls
Shoalhaven Regional Gallery	Shoalhaven Regional Gallery Capital	Streets as Shared Spaces Grant	68,561	0	345,195	345,195	276,634	Reclassify from operating to capital
Stormwater	Drainage	Curtis St/Village Dr - Ulladulla - Drainage	278,321	112,886	169,992	282,878	4,557	Transfers from various projects to fund shortfalls
		Judith Drive, North Nowra - Pond & GPT	14,591	229,873	(129,873)	100,000	85,409	Budget Carried forward to FY 22/23
		River Road, Shoalhaven Heads - Drainage	72,963	246,508	(173,365)	73,143	180	Transferred to other project to fund shortfalls
Strategic Roads and Bridges	Regional, Sub-Arterial and Industrial	Callala Bay Rd - Roads Strategy CP02ROAD2007 Urban New	0	150,000	(150,000)	0	0	Budget Carried forward to FY 22/23
		Culburra Rd - RRRP CH7.71 CH8.413 Rural Renewal	298,736	447,595	237,920	685,515	386,779	Transfers from other projects to fund shortfalls
		Moss Vale Road URA Road Construction	1,348,874	1,250,000	100,000	1,350,000	1,126	Additional budget from reserves to fund commitments
		St Vincent St - Roads Strategy CP05ROAD4008 Urban New	0	200,000	(200,000)	0	0	Transferred to other project to fund shortfalls

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Tourist Parks	Holiday Haven Amenities	Lk Tabourie Amenities Build	3,390	600,000	(550,000)	50,000	46,610	Reduction in capital expenditure to offset Holiday Haven loss in revenue
	Holiday Haven Cabin Development	HH - BP - Cabin - Rpl - FY22	0	310,000	(283,000)	27,000	27,000	Reduction in capital expenditure to offset Holiday Haven loss in revenue
		HH - KV - Cabin motel st - New - FY22	0	130,000	(130,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
	Holiday Haven Other Buildings	HH - BP - Mgr residence - New - FY22	0	100,000	(100,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
		HH - CG - Camp Kitchen S1 - New - FY22	0	150,000	(150,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
		HH - KV - Office - New - FY22	6,859	230,000	(220,000)	10,000	3,141	Reduction in capital expenditure to offset Holiday Haven loss in revenue
	Holiday Haven Other Infrastructure	HH - HB - Redevelopment Design/Concept Plan FY22	9,433	150,000	(140,000)	10,000	568	Reduction in capital expenditure to offset Holiday Haven loss in revenue
		HH - LC - Electrical works - Upg - FY22	0	147,000	(147,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
		HH - LT - Plant & equip PH - Upg - FY22	0	100,000	(100,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
	Holiday Haven Roadworks	HH - LC - Bypass Road - New - FY22	0	250,000	(250,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue
	Holiday Haven Siteworks	HH - BL - Soundproof fence - New - FY22	0	100,000	(100,000)	0	0	Reduction in capital expenditure to offset Holiday Haven loss in revenue

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Traffic Management	Traffic Facilities Program	Currambene/Bowen St, Huskisson - R/bout Safer Roads Project	2,471	436,381	(426,000)	10,381	7,910	Budget Carried forward to FY 22/23
		Elizabeth St & Berry St - Roundabout - Blackspot Program	46	337,955	(237,955)	100,000	99,954	Budget Carried forward to FY 22/23
		Kangaroo Valley Rd SRP - Ch1.48-13.80km	0	215,111	(215,111)	0	0	Project completed remaining grant funding not to be received
		O'Keeffe Ave Nowra Ped Traffic Sig Grant	51,357	263,986	(203,986)	60,000	8,643	Budget Carried forward to FY 22/23
		Owen/Sydney St Roundabout Huskisson	1,647	300,000	(220,000)	80,000	78,353	Transferred to various projects to fund shortfalls
		Queen St Berry Ped X-ings Grant	40,698	241,198	(180,000)	61,198	20,500	Budget Carried forward to FY 22/23
Urban Roads	Pathways	BBRF3 Myola Active Transport	47,436	432,500	(357,500)	75,000	27,564	Budget Carried forward to FY 22/23
		Greenwell Pt Rd / Pyree Ln Ints Shoulder (Cycling Treatment)	10,031	300,000	(300,000)	0	(10,031)	Unsuccessful grant funding removed
		Lake Conjola, LC Entrance Road - SUP Bridge - BLERF	4,450	1,000,000	(900,000)	100,000	95,550	Budget Carried forward to FY 22/23
		Main Rd, Cambewarra - Raised Children's Crossing	2,165	150,000	(100,000)	50,000	47,835	Budget Carried forward to FY 22/23
		Matron Porter Drive SUP - Leo St to Bangalow St	550,220	438,577	173,888	612,465	62,245	Transfers from various projects to fund shortfalls

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
		Matron Porter/Bishop Dr - Pedestrian SUP Con Urban New	0	300,000	(250,000)	50,000	50,000	Budget Carried forward to FY 22/23
		Murramarang Rd – Shared User Path (Bawley Point - Kioloa)	33,592	393,923	300,579	694,502	660,910	Duplicate projects, budget transferred from other project
		Owen St - Streetscape Urban Upgrade	0	100,000	(100,000)	0	0	Transferred to other project to fund shortfalls
		Princes Hghwy - Pedestrian Unallc SUPBrdg Urban New	0	200,000	(200,000)	0	0	Budget removed unsuccessful grant, project not proceeding will reapply in year 8
		Princes Hwy South St Ulladulla Pedestrian	0	289,571	(144,786)	144,786	144,786	Transferred to other project to fund shortfalls
		River Rd, Shoalhaven Heads – Shared User Path and K&G	480,050	0	576,758	576,758	96,707	Transfers from various projects to fund shortfalls
		St Vincent St - Pedestrian High Schl Safety Const Urban New	54,638	1,750,000	(1,600,000)	150,000	95,362	Budget Carried forward to FY 22/23
		St Vincent St - Pedestrian Safety Improvements	118,266	(3,329)	121,867	118,538	272	Additional Grant funding received, transferred budget from other projects to fund shortfall
		Thomson St, Sussex Inlet - Raised Median, Cyclist Treatment	2,588	500,000	(440,000)	60,000	57,413	Budget Carried forward to FY 22/23
		Vincentia safety improvements	19,753	150,000	(110,000)	40,000	20,247	Transferred to other project to fund shortfalls

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
	Public Carpark Construction	Road Unalloc - Parking CH0 All Day Urban Upgrade/New	0	300,000	(300,000)	0	0	Budget Carried forward to FY 22/23
		Sanctuary Point Carparking	9,650	714,116	(684,116)	30,000	20,350	Budget Carried forward to FY 22/23
		Sussex Inlet - Nielson Rd - Carpark (behind Peace Park)	110	442,077	(392,077)	50,000	49,890	Budget Carried forward to FY 22/23
Waterways Infrastructure	Waterways Infrastructure	Bendalong & Kioloa – Fishing Access Improvements	0	140,490	(140,490)	0	0	Carried forward budget \$40,490, available GF transferred to other projects to fund shortfalls
		Callala Bay - widen ramp and new walkway - Lackersteen St	18,273	361,000	(281,000)	80,000	61,727	Carried forward budget \$190,750, available GF transfer to other projects to fund shortfalls
		Crookhaven Hds Boat Ramp Upgrade	0	166,618	(166,618)	0	0	Transferred to other projects to fund shortfalls
		Currambene Ck - Waterways Path / Fishing Fac Rural Renewal	0	118,140	(118,140)	0	0	Duplicate projects, grant funding removed and available GF transferred to other project
		Frank Lewis Way single vehicle carpark	0	135,525	(135,525)	0	0	Grant unsuccessful, project completed removed budget
		Myola – Catherine St -Renewal– Boat Launching Ramp & Pontoon	16,086	395,000	(325,000)	70,000	53,914	Budget Carried forward \$226,250, available GF transferred to other projects to fund shortfalls
		Nowra (Terara) - Flood Levee - P1L2 - Natural Disaster	0	0	161,208	161,208	161,208	Adding budget for new grant funding

Project Description			March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
		Shoalhaven Levee Restoration Works	0	200,000	(200,000)	0	0	Carried forward budget \$180,000, available GF transferred to other projects to fund shortfalls
		St George Basin – Fishing Access Improvements	135	195,965	(165,965)	30,000	29,865	Budget carried forward to FY 22/23
		St Georges Basin - Jetty Asset Renewal	0	166,000	(166,000)	0	0	Duplicate projects, grant funding removed and available GF transferred to other project
		Ulladulla Harbour Asset renewals	16,536	350,000	(275,000)	75,000	58,464	Transferred to other projects to fund shortfalls



## Capital Projects Reforecast into 2022/23

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

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
BBRF3 Myola Active Transport	357,500	0	0	357,500
Bendalong & Kioloa – Fishing Access Improvements	40,490	0	0	40,490
BER - CORP - Mgmt software & Tech1 interface purchase FY22	125,000	0	125,000	0
Berry Showground Resilience BLERF-0111	575,482	0	0	575,482
Bill Andriske Oval Irrigation	34,202	0	0	34,202
Boolijah Creek Bridge Repair Disaster Assistance	229,483	0	0	229,483
Boondobah Bridge Disaster Assistance Repair	472,034	0	0	472,034
Callala Bay - widen ramp and new walkway - Lackersteen St	190,750	0	0	190,750
Callala Bay Rd - Roads Strtgy CP02ROAD2007 Urban New	150,000	0	150,000	0
Currambene/Bowen St, Huskisson - R/bout Safer Roads Project	426,000	0	0	426,000
Elizabeth St & Berry St - Roundabout - Blackspot Program	237,955	0	0	237,955
Fire Services Upgrade - Nowra Showground	383,580	0	112,490	271,090
Fleet & Mechanical - Bushfire Green Waste Cleanup	445,725	0	0	445,725
Fleet Vehicle Purchases	1,800,000	0	1,800,000	0
Far North Collector Road	16,600,000	0	0	16,600,000
Frogs Holla Reserve Drainage	294,906	0	294,906	0
HH - BP - Cabin ## - Rpl - FY22	310,000	0	0	310,000
HH - KV - Cabin ## motel st - New - FY22	130,000	0	0	130,000
HH - UD - 4-Way ensuite - New - FY22	25,000	0	0	25,000

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
Huskisson Service Lane - Morton Street	1,624,768	0	0	1,624,768
Jervis Bay / Currumbene Creek / Myola – Fishing Access Impro	78,140	0	0	78,140
Judith Drive, North Nowra - Pond & GPT	129,873	0	129,873	0
K'Valley Showground Resilience BLERF-0111	440,145	220,073	0	220,073
Lake Conjola, LC Entrance Road - SUP Bridge - BLERF	900,000	0	0	900,000
Lk Tabourie Amenities Build	550,000	0	0	550,000
Main Rd, Cambewarra - Raised Children's Crossing	100,000	0	0	100,000
Matron Porter/Bishop Dr - Pedestrian SUP Con Urban New	250,000	0	0	250,000
Milton Showground Resilience BLERF-0111	356,814	0	0	356,814
Myola – Catherine St -Renewal– Boat Launching Ramp & Pontoon	226,250	0	0	226,250
Myola Breakwall - New Public Toilet	100,000	0	0	100,000
Nowra Showground Landscaping	170,000	0	0	170,000
Nowra Showground Resilience BLERF-0111	545,242	0	0	545,242
O'Keeffe Ave Nowra Ped Traffic Sig Grant	203,986	0	0	203,986
OneCouncil Implementation - Phase 4 (GF)	700,000	0	700,000	0
Playground - Bomaderry - Sampson Crescent	123,991	0	3,172	120,819
Playground - Bomaderry - Sheraton Drive	130,720	0	0	130,720
Queen St Berry Ped X-ings Grant	180,000	0	0	180,000
Recovery and Resilience Grant - capital components	450,000	0	0	450,000
Road Unalloc - Parking CH0 All Day Urban Upgrade/New	300,000	0	185,388	114,612
Sanctuary Point Carparking	684,116	0	684,116	0
SCARP Croquet	1,000,000	0	0	1,000,000
Shoalhaven Heads - DiscoveryPI/NoakesSt - Sinkholes - Remedi	76,614	0	1,614	75,000

Project	Reforecast Amount	Funding Source		
		General Fund	Internal Reserves	External Reserves
Shoalhaven Heads - Jerry Bailey Oval - New Public Toilet	150,000	0	150,000	0
Shoalhaven Levee Restoration Works	180,000	0	55,000	125,000
SSF - S'ground Stimulus - Round 2a- K'Valley - Carpark Resu	184,423	0	85,171	99,252
St George Basin – Fishing Access Improvements	165,965	0	20,000	145,965
St Vincent St - Pedestrian High Schl Safety Const Urban New	1,600,000	0	0	1,600,000
St Vincent St - Roads Strategy CP05ROAD4008 Urban New	156,208	0	0	156,208
Sussex Inlet - Nielson Rd - Carpark (behind Peace Park)	392,077	0	392,077	0
Sydney/Bowen St - Rds Strtgy CP03ROAD2115 Con Urban Upgrade	60,000	0	49,722	10,278
Thomson St, Sussex Inlet - Raised Median, Cyclist Treatment	440,000	0	0	440,000
Titania Park Exercise Circuit	143,821	78,440	0	65,381
Ulladulla Skate Park	1,185,942	0	0	1,185,942
Ulladulla Sports Complex	150,000	0	150,000	0
Victoria St, Berry - Raised Children's Crossing	70,000	0	0	70,000
Waste Plant Purchases	350,000	0	0	350,000
Worrigee - Worrigee Rd/Isa Rd Intersection - Drainage Const	88,363	0	0	88,363
<b>Total</b>	<b>37,465,563</b>	<b>298,513</b>	<b>5,088,528</b>	<b>32,078,522</b>

## Water Fund

### Financial Position Overview

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	3,396	3,284	112	4,438	4,438	0	4,438	77%
User Charges and Fees	15,115	16,780	(1,666)	21,140	21,334	(2,089)	19,246	71%
Interest and Investment Revenue	406	551	(144)	831	831	(241)	590	49%
Other Revenues	6	4	1	6	6	3	9	99%
Internal Revenue	2,080	1,971	109	2,113	2,593	106	2,699	80%
Grants and Contributions provided for Operating Purposes	52	52	0	0	58	0	58	90%
Grants and Contributions provided for Capital Purposes	1,892	1,744	148	850	4,795	(2,262)	2,533	39%
<b>Total Income</b>	<b>22,948</b>	<b>24,386</b>	<b>(1,365)</b>	<b>29,377</b>	<b>34,054</b>	<b>(4,482)</b>	<b>29,572</b>	<b>67%</b>
Employee Benefits and On-Costs	4,322	4,509	187	5,486	6,407	(3)	6,405	67%
Materials and Services	4,486	5,087	601	7,389	7,150	(506)	6,645	63%
Depreciation and Amortisation	7,885	7,899	14	10,754	10,456	0	10,456	75%
Other Expenses	4	5	2	18	38	0	38	9%
Internal Expenses	4,726	4,698	(28)	5,512	6,112	(0)	6,111	77%
<b>Total Expenses</b>	<b>21,423</b>	<b>22,198</b>	<b>775</b>	<b>29,159</b>	<b>30,163</b>	<b>(508)</b>	<b>29,655</b>	<b>71%</b>
<b>Net Operating Results</b>	<b>1,525</b>	<b>2,188</b>	<b>(589)</b>	<b>219</b>	<b>3,891</b>	<b>(3,974)</b>	<b>(83)</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>(368)</b>	<b>444</b>	<b>(738)</b>	<b>(631)</b>	<b>(904)</b>	<b>(1,713)</b>	<b>(2,617)</b>	
<b>Other Cash Adjustments</b>								
Capital Expenditure	(7,094)	(19,362)	12,268	(27,995)	(27,582)	15,310	(12,272)	26%
Disposal of Assets	268	120	148	120	120	148	268	224%
Depreciation Adjustment	7,885	7,899	(14)	10,754	10,456	0	10,456	75%
Dividend to General Fund	0	0	0	(170)	(170)	(259)	(429)	0%
Debtor / Credit Movement	(938)	518	(1,456)	1,052	1,052	0	1,052	-89%
<b>Net Cash Movement</b>	<b>1,646</b>	<b>(8,637)</b>	<b>10,283</b>	<b>(16,021)</b>	<b>(12,234)</b>	<b>11,226</b>	<b>(1,008)</b>	

The net operating result before capital revenue is \$738K lower (unfavourable) when comparing to the year to date adopted budgeted surplus of \$444K as at the March quarter. Operating income is \$1.6M lower (unfavourable) than year to date budget, while expenditures are \$775K lower (favourable) as at the March quarter.

The net cash movement is \$10M higher (favourable) than the year-to-date adopted budget deficit of \$8K as at March 2022.

## Current Operating Revenue Position and Budget Adjustments

A table below summarises the key movements by revenue category.

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Revised Budget
Rates & Annual Charges	3,396	3,284	112	4,438	4,438	0	4,438	77%
User Charges and Fees	15,115	16,780	(1,666)	21,140	21,334	(2,089)	19,246	71%
Interest and Investment Revenue	406	551	(144)	831	831	(241)	590	49%
Other Revenues	6	4	1	6	6	3	9	99%
Internal Revenue	2,080	1,971	109	2,113	2,593	106	2,699	80%
Grants and Contributions provided for Operating Purposes	52	52	0	0	58	0	58	90%
<b>Total Operating Income</b>	<b>21,055</b>	<b>22,642</b>	<b>(1,587)</b>	<b>28,527</b>	<b>29,259</b>	<b>(2,221)</b>	<b>27,039</b>	<b>72%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	112	+112K additional water access income received
User Charges and Fees	(1,666)	-1.5M reduced water usage due to wet weather -227K communications income reduced +31K new compliance fee +38K additional special meter readings

Category	Variance (\$'000)	Comment
Interest and Investment Revenue	(144)	-144K investment interest down
Internal Revenue	109	+62K internal plant charges +47K other internal income

The March Quarterly Budget Review recommends a decrease in operating revenue of \$2.2M. Proposed major budget adjustments to operating revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
User Charges and Fees	(2,089)	-2M reduced water usage due to wet weather -125K communications income transferred to General Fund due to reallocation of asset +40K additional income from new compliance fee
Interest and Investment Revenue	(241)	-196K reduced interest income on investments -45K reduced interest income on overdue accounts
Internal Revenue	106	+63K additional internal plant charges +43K additional other internal income mainly Azility admin recovery

## Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	4,322	4,509	187	5,486	6,407	(3)	6,405	67%
Materials and Contracts	4,486	5,087	601	7,389	7,150	(506)	6,645	63%
Depreciation and Amortisation	7,885	7,899	14	10,754	10,456	0	10,456	75%
Other Expenses	4	5	2	18	38	0	38	9%
Internal Expenses	4,726	4,698	(28)	5,512	6,112	(0)	6,111	77%
<b>Total Expenses</b>	<b>21,423</b>	<b>22,198</b>	<b>775</b>	<b>29,159</b>	<b>30,163</b>	<b>(508)</b>	<b>29,655</b>	<b>71%</b>

As at 31 March 2022, Water Fund operating expenditure (excluding capital) has achieved 71% of the adopted budget.

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Employee Benefits and On-Costs	187	employee costs tracking slightly under budget
Materials and Contracts	601	contractor and trainee costs under budget
Depreciation and Amortisation	14	minor depreciation variances
Internal Expenses	(28)	additional internal plant charges

The March Quarterly Budget Review recommends a budget decrease in operating expenditure of \$506K. Proposed major budget adjustments to operating expenditure are summarised in the table below:

Category	Amount (\$'000)	Reason
Materials and Contracts	(506)	-349K wet weather has delayed projects resulting in reduced contractor costs -175K trainee costs lower than expected due to vacancies

### Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	712	712	0	0	3,545	(2,412)	1,133	20%
Capital Contributions	1,181	1,032	148	850	1,250	150	1,400	94%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>1,892</b>	<b>1,744</b>	<b>148</b>	<b>850</b>	<b>4,795</b>	<b>(2,262)</b>	<b>2,533</b>	<b>20%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Capital Contributions	148	additional developer contributions received

The March Quarterly Budget Review recommends a budget decrease in capital revenue of \$2.2M. Proposed major budget adjustments to capital revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
Capital Grants	(2,412)	claims delayed due to wet weather hampering the progress of capital projects
Capital Contributions	150	recognise increase in developer contributions



## Capital Expenditures Position and Budget Adjustments

Capital expenditure as at 31 March is 26% of the current adopted budget (excluding commitments). Including commitments, capital expenditure is at 79%.

A reduction of \$15.3M is recommended. As a result of the March budget review, the following major adjustments, greater than \$100k, were made to the capital projects:

Project Description	March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Bendeela Reservoir	54,534	741,402	(500,000)	241,402	186,868	Budget carried forward to FY 22/23 due to wet weather and additional consultation requirements
Brundee WPS 33kv substation	109,696	573,484	(160,000)	413,484	303,788	Budget carried forward to FY 22/23
Burrier Replacement of Raw Water Supply	269,866	546,166	(200,000)	346,166	76,300	Budget carried forward to FY 22/23
Burrier WPS 33 kv Substation	301,802	911,735	(300,000)	611,735	309,932	Budget carried forward to FY 22/23
Danjerra Dam Bridge	0	300,000	(300,000)	0	0	Project reclassified as operational
Milton WTP MCC replacement - investigation	81,115	240,000	(150,000)	90,000	8,885	Carry forward budget \$30K to FY 22/23 and transfer balance to reserve
Nowra Sth, Flinders Depot electrical work	220,533	4,609,809	(3,369,688)	1,240,120	1,019,587	Carry forward budget \$1.6M to FY 22/23 and transfer balance to reserve
Nth-Sth transfer system improvements	0	232,333	(182,333)	50,000	50,000	Budget transferred to reserves
SCADA hardware renewals	0	100,000	(100,000)	0	0	Budget transferred to reserves
Water Moss Vale Road expansion area	1,890,037	4,260,000	(2,078,247)	2,181,753	291,716	Carry forward budget \$2.152M to FY 22/23 and transfer balance from reserve
Water Plant Purchases	333,386	1,979,000	(905,478)	1,073,522	740,136	Budget Carried forward to FY 22/23 due to delays in delivery of plant items.
Water TM relining - Currumbene Crk Woollamia	0	510,000	(460,000)	50,000	50,000	Budget carried forward to FY 22/23
Water Various Main Replacements	1,698,873	8,133,649	(6,000,000)	2,133,649	434,776	Budget carried forward to FY 22/23
Water Various road replacements	18,842	165,000	(120,000)	45,000	26,158	Budget transferred to reserves
Water Vehicle Purchases	475,548	1,004,000	(197,975)	806,025	330,477	Budget Carried forward to FY 22/23 due to delays in delivery of vehicles.

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

## Capital Projects Reforecast into 2022/23

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

Project	Reforecast Amount
Brundee WPS 33kv substation	160,000
Burrier Replacement of Raw Water Supply	200,000
Burrier WPS 33 kv Substation	300,000
Nowra Sth, Flinders Depot electrical work	564,784
Water Moss Vale Road expansion area	651,548
Water Plant Purchases	905,478
Water TM relining - Currumbene Crk Woollamia	460,000
Water Various Main Replacements	1,000,000
Water Vehicle Purchases	197,975
<b>Total</b>	<b>4,439,785</b>

## Sewer Fund

### Financial Position Overview

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Rates & Annual Charges	36,044	36,027	17	46,734	47,929	0	47,929	75%
User Charges and Fees	3,028	2,716	312	3,965	3,795	334	4,129	80%
Interest and Investment Revenue	252	244	8	360	360	(35)	325	70%
Other Revenues	1	1	0	0	1	0	1	108%
Internal Revenue	1,174	1,195	(21)	1,574	1,594	(35)	1,559	74%
Grants and Contributions provided for Capital Purposes	2,395	2,396	(1)	3,350	2,798	0	2,798	86%
<b>Total Income</b>	<b>42,893</b>	<b>42,579</b>	<b>314</b>	<b>55,983</b>	<b>56,477</b>	<b>264</b>	<b>56,741</b>	<b>76%</b>
Employee Benefits and On-Costs	7,450	7,303	(147)	9,769	10,280	0	10,280	72%
Borrowing Costs	3,517	3,517	0	3,680	3,680	0	3,680	96%
Materials and Services	6,242	7,707	1,465	11,135	10,758	(1,142)	9,617	58%
Depreciation and Amortisation	10,958	10,977	19	11,989	14,581	0	14,581	75%
Other Expenses	35	35	0	0	35	0	35	100%
Internal Expenses	4,192	4,201	9	5,909	5,884	0	5,884	71%
<b>Total Expenses</b>	<b>32,395</b>	<b>33,740</b>	<b>1,345</b>	<b>42,482</b>	<b>45,220</b>	<b>(1,142)</b>	<b>44,078</b>	<b>72%</b>
<b>Net Operating Results</b>	<b>10,498</b>	<b>8,839</b>	<b>1,659</b>	<b>13,501</b>	<b>11,257</b>	<b>1,406</b>	<b>12,663</b>	
<b>Net Operating Result before capital grants and contributions</b>	<b>8,103</b>	<b>6,443</b>	<b>1,660</b>	<b>10,151</b>	<b>8,459</b>	<b>1,406</b>	<b>9,865</b>	
<b>Other Cash Adjustments</b>								
Capital Expenditure	(10,457)	(18,357)	7,901	(33,164)	(32,920)	15,533	(17,386)	32%
Loan Principal Repayments	(6,621)	(6,621)	0	(7,562)	(7,562)	0	(7,562)	88%
Proceeds from the disposal of assets	153	75	78	100	100	53	153	153%
Written Down Value	(119)	0	(119)	0	0	(120)	(120)	0
Disposal of Assets	153	75	78	100	100	53	153	153%
Dividend to General Fund	0	0	0	(1,479)	(1,479)	(70)	(1,550)	0%
<b>Net Cash Movement</b>	<b>(6,392)</b>	<b>(15,989)</b>	<b>9,597</b>	<b>(28,504)</b>	<b>(30,504)</b>	<b>16,856</b>	<b>(13,649)</b>	

The net operating result before capital revenue is \$1.7M higher (favourable) comparing to the year to date adopted budget surplus of \$8.8M. Operating income is \$315K higher (favourable) than year to date budget, while expenditures are \$1.3M lower (favourable) as at the March quarter.

The net cash movement is \$9.6M higher than the projected movement as at March 2022.

### Current Operating Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Revised Budget
Rates & Annual Charges	36,044	36,027	17	46,734	47,929	0	47,929	75%
User Charges and Fees	3,028	2,716	312	3,965	3,795	334	4,129	80%
Interest and Investment Revenue	252	244	8	360	360	(35)	325	70%
Other Revenues	1	1	0	0	1	0	1	108%
Internal Revenue	1,174	1,195	(21)	1,574	1,594	(35)	1,559	74%
Grants and Contributions provided for Operating Purposes	0	0	0	0	0	0	0	0
<b>Total Operating Income</b>	<b>40,498</b>	<b>40,183</b>	<b>315</b>	<b>52,633</b>	<b>53,679</b>	<b>264</b>	<b>53,943</b>	<b>75%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Rates & Annual Charges	17	availability revenue tracking slightly ahead of budget
User Charges and Fees	312	+123K effluent usage +171K private works +24K diagram fees
Internal Revenue	(21)	-38K internal fleet revenue +13K septic tank charge

The March Quarterly Budget Review recommends a budget adjustment in operating revenue of \$264K. Proposed major budget adjustments to operating revenue are summarised in the table below:

Category	Amount (\$'000)	Reason
User Charges and Fees	334	+172k additional private works revenue +123K effluent usage charges +25K additional sewerage diagram fees
Interest and Investment Revenue	(35)	-35K interest on investments is down
Internal Revenue	(35)	-50K reduced internal fleet revenue +15K additional septic tank revenue

### Current Operating Expenditures Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Employee Benefits and On-Costs	7,450	7,303	(147)	9,769	10,280	0	10,280	72%
Borrowing Costs	3,517	3,517	0	3,680	3,680	0	3,680	96%
Materials and Contracts	6,242	7,707	1,465	11,135	10,758	(1,142)	9,617	58%
Depreciation and Amortisation	10,958	10,977	19	11,989	14,581	0	14,581	75%
Other Expenses	35	35	0	0	35	0	35	100%
Internal Expenses	4,192	4,201	9	5,909	5,884	0	5,884	71%
<b>Total Expenses</b>	<b>32,395</b>	<b>33,740</b>	<b>1,345</b>	<b>42,482</b>	<b>45,220</b>	<b>(1,142)</b>	<b>44,078</b>	<b>72%</b>

Comments on major variances are tabled below:

Category	Variance (\$'000)	Comment
Employee Benefits and On-Costs	(147)	employee overtime costs tracking above budget
Materials and Contracts	1,465	+347K decrease in materials for treatment works and mains maintenance +650K decrease in contractor payments +100K decrease in trainee costs +357K decrease in other operating expenses
Depreciation and Amortisation	19	minor depreciation variances

The March Quarterly Budget Review recommends a budget decrease in operating expenditure of \$1.1M. Proposed major budget adjustments to operating expenditure are summarised in the table below

Category	Amount (\$'000)	Reason
Materials and Contracts	(1,142)	-237K reduction in materials budget for operational and maintenance works -593K reduction in contractor budget for operations and maintenance works -97K reduced trainee costs due to vacancies -158K reduction in other operational budget

### Capital Revenue Position and Budget Adjustments

	Year to Date (\$'000)			Full Year (\$'000)				
	March Actuals	Adopted Budget	Favourable/ (unfavourable) Variance	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Actual % of Adopted Budget
Capital Grants	1,046	1,046	0	2,500	1,098	0	1,098	95%
Capital Contributions	1,349	1,350	(1)	850	1,700	0	1,700	79%
<b>Grants and Contributions provided for Capital Purposes</b>	<b>2,395</b>	<b>2,396</b>	<b>(1)</b>	<b>3,350</b>	<b>2,798</b>	<b>0</b>	<b>2,798</b>	<b>86%</b>

Capital revenue achieved 86% of its adopted budget. No major budget adjustments or reforecasting are recommended in this March Quarterly Budget Review.

## Capital Expenditures Position and Budget Adjustments

Capital expenditure as at 31 March is 32% of the current adopted budget (excluding commitments). Including commitments, capital expenditure is at 86%.

A reduction of \$15.5M is recommended. As a result of the March budget review, the following major adjustments, greater than \$100k, were made to the capital projects:

Project Description	March YTD Actuals	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	Full Year Variance	Comments
Callala SPS 3 RM Replacement	0	160,000	(110,000)	50,000	50,000	Budget transferred to reserves
Electrical protection upgrade - RCD for EOne Systems	0	220,000	(220,000)	0	0	Project reclassified as operational
Flinders Depot Extension - Sewer Fund contribution	0	0	1,240,120	1,240,120	1,240,120	Carry forward budget \$200K to FY 22/23 and project funded 50% from Sewer fund reserves
FY- SPS Electrical Control Panel Replacements	1,163	750,000	(740,000)	10,000	8,838	Budget transferred to reserves due to resource shortage
FY21 - SPS Electrical Control Panel Replacements	90,694	281,281	(100,000)	181,281	90,587	Budget transferred to reserves
Moss Vale Rd expansion area - WWtr	1,948,585	15,351,978	(12,551,978)	2,800,000	851,415	Budget carried forward to FY 22/23
Nowra Lyrebird SPS2 GM Upgrade	0	115,000	(115,000)	0	0	Budget transferred to SPS upgrade project
Nowra Nth surcharge main upgrade stage1	2,475,161	4,368,605	(1,000,000)	3,368,605	893,444	Budget carried forward to FY 22/23
Nowra St Anns & Lyrebird Sewer Rising Main	624,668	530,000	170,000	700,000	75,332	Transfer budget from reserves
Pressure Sewer System Installation	254,306	174,455	150,000	324,455	70,149	Transfer budget from reserves
Relining - Sewer Mains	3,911	0	100,000	100,000	96,090	Transfer budget from reserves
REMS 2.0 - New 900ML Storage Dam	202,024	400,000	(100,000)	300,000	97,976	Carry forward budget \$200K to FY 22/23 and transfer balance from reserves
Sewer Land Purchases	9,849	200,000	180,000	380,000	370,151	Transfer budget from reserves
Sewer Vehicle Purchases	5,294	237,000	(137,299)	99,701	94,407	Budget Carried forward to FY 22/23 due to delays in delivery of vehicles.
South Nowra Surcharge Main	286,460	700,000	(216,588)	483,412	196,952	Carry forward budget \$100K to FY 22/23 and transfer balance to reserve
St Anns and Lyrebird Park SPS Upgrade	972,275	3,959,432	(1,700,000)	2,259,432	1,287,158	Carry forward budget \$2.5M to FY 22/23 and transfer balance from reserve
Sussex Inlet UV System	615,391	789,034	(120,000)	669,034	53,643	Budget transferred to reserves

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

### Capital Projects Reforecast into 2022/23

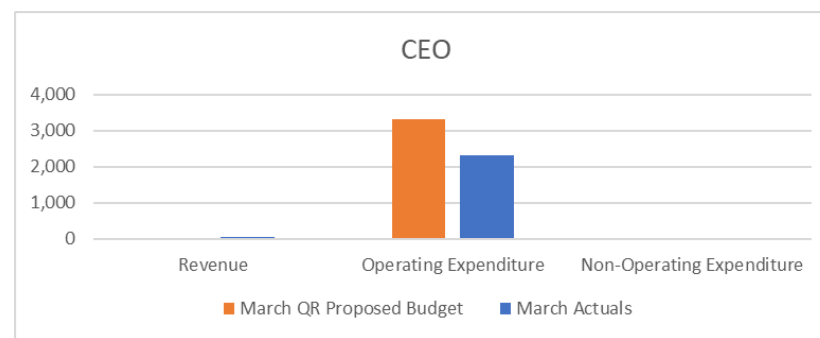
The March Quarterly Budget Review is recommending the following capital projects be rephased into the 2022/23 Financial Year.

Project	Reforecast Amount
Moss Vale Rd expansion area – waste water	12,551,978
Nowra Nth surcharge main upgrade stage1	1,000,000
REMS 2.0 - New 900ML Storage Dam	200,000
Sewer Vehicle Purchases	137,299
South Nowra Surcharge Main	100,000
<b>Total</b>	<b>14,554,061</b>



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

### Chief Executive Office



The recommended budget changes, revised budget and result to date for the Chief Executive Office are summarised below.

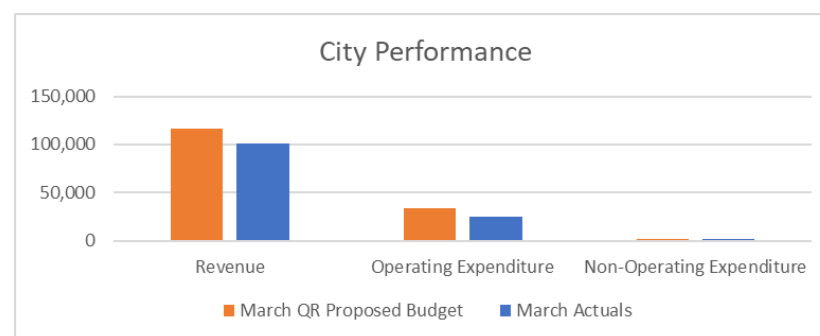
\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	19	33	0	33	36	109.36%
Operating Expenditure	2,174	3,198	102	3,300	2,318	70.23%
Non-Operating Expenditure	0	0	0	0	0	NA

#### Comments:

The **Chief Executive Office** finished slightly over budget for the quarter due to the ongoing impact of COVID-related and disaster recovery costs being captured in this area. The additional costs were able to be offset by disaster recovery payments. There have been additional corporate expenses incurred this quarter that have been offset by savings in the full year budget.

**Media and Communications** has some budget savings this quarter due to vacant positions. The Communications and Media team have been supporting the onboarding of new Councillors and their induction process. The recent flood events required additional work load for staff in relation to both general and emergency communications to the community including the promotion of Harmony Week, Seniors Week, Youth Week, Emergency Preparedness for Older Adults and recovery support meetings throughout the community. The team have continued to assist the organisation with media promotion and marketing, graphic design and web content, civic events and managing any ongoing media issues that might emerge.

## City Performance Directorate



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

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	114,566	115,773	268	116,041	101,003	87.04%
Operating Expenditure	28,735	33,630	(394)	33,236	25,264	76.01%
Non-Operating Expenditure	3,497	1,501	118	1,619	1,389	85.81%

### Comments:

Overall, the Directorate has a revenue downturn due to factors outside of management control such as an unfavourable fluctuation in the long-term growth funds and lower than anticipated interest on overdue rates.

**Financial Services**

As addressed in the March 2022 investment report, Council's investment in long-term growth fund experienced a significant downturn due to fluctuations in the stock market, resulting in a negative variance of \$348K in the budget.

Interest on ordinary rates was also behind budget by \$200K due to a lower charge rate adopted this year.

Overall operating expenditure within finance is tracking \$288K over budget, mainly due to an increase in audit fees and unavoidable Technology One consulting fees required to address system issues.

**Information Services**

A review of capital expenditure has identified \$197K savings in IT equipment. This quarterly review proposes to transfer these savings to fund operating overspends in software licences, enabling IT to finish this financial year within budget.

The enterprise software projects have a surplus variance of \$827K as of the end of March due to a change in scheduling to allow business readiness to absorb the change. All the remaining budget for this financial year will be carried forward to meet with the delivery schedule. A carry forward of \$700K is suggested in this stage with the rest to be addressed in the June QR.

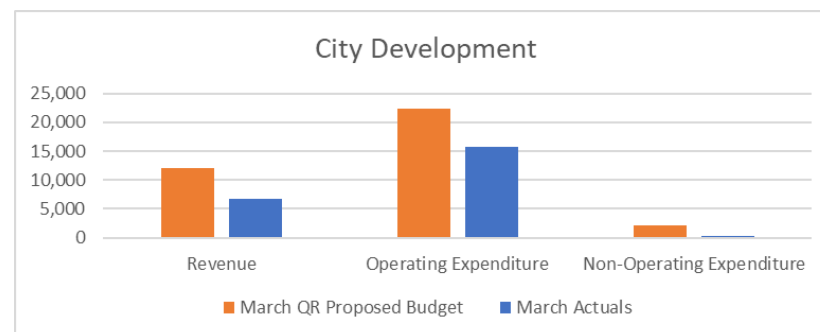
**Business Assurance & Risk**

Budget for Business Assurance & Risk has been adjusted by \$268K. This includes a settlement of \$211K for the reinstatement of a damaged grandstand at Rugby Park in 2019 and a rebate of \$57K on motor vehicle insurance premiums. This rebate is for the positive claims performance in previous financial years and will be used towards a Driver Safety Training initiative.

**Customer Experience and People & Culture**

Expenditure for Customer Experience and People & Culture has been tracking in line with budget, with a slight overrun in recruitment costs.

## City Development Directorate



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

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	11,004	12,047	25	12,073	6,816	56.46%
Operating Expenditure	20,162	22,139	115	22,254	15,701	70.55%
Non-Operating Expenditure	2,518	2,333	(286)	2,047	349	17.06%

### Comments:

Overall income is tracking below budget as an effect of COVID shutdown earlier in the year and expected to be improved in the coming periods. Excluding the grants income yet to be received of \$2.6M, operating income has achieved 70% of the full year budget at the end of March quarter.

### Development Services

Development Services revenue is \$172K higher than anticipated due to higher number of development applications lodged this financial year. However, the benefit of the increased revenue has been eroded by \$400K overspent in legal costs.

### Environmental Services

Operating Revenue has continued to track under budget by \$117K, mainly due to the reduction in public health and food premises inspections as the result of COVID closure. Revenue budget has been adjusted by \$25K for additional grant revenue to be received for Prohibited Weed on Roadsides control and Collingwood Beach Implementation Program.

Capital Expenditure appears underspent due to the timing of the spend of the grant funded projects. Expenditure is expected to catch up to budget with carry forwards to be reviewed in the last quarter for continuing projects. In this review, \$200K is adjusted back into the Coastal Management reserve for the unallocated portion of coastal erosion works for the remainder of the year.

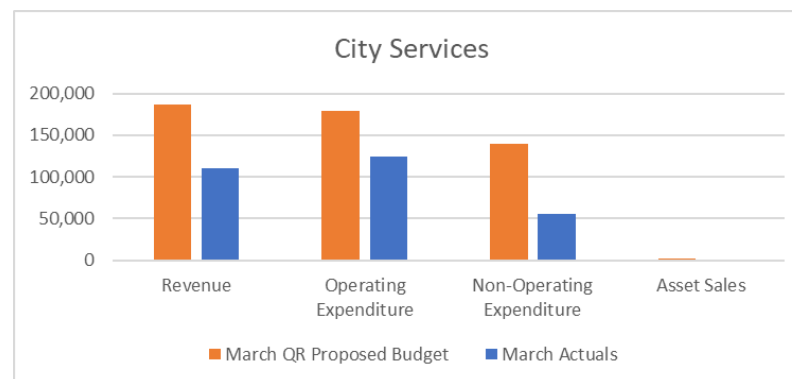
Operating Expenditure is tracking in line with budget. Adjustments have been made to transfer \$65K from capital budget to fund operational coastal works and withdraw \$30K from Dog-Off Leash reserve to fund the engagement of resources to review Access Areas for Dogs Policy.

**Certification and Compliance Services**

Overall, revenue ended the quarter lower than forecasted due to the reduction in fines and certificates income received by Rangers and Building Compliance. This was partially offset by companion animal charges and sewer application fees. The total shortfall impact in revenue is \$535K as of the end of the quarter.

Operating expenditure exceeded forecast mainly due to additional employee costs in Rangers which is expected to be offset with additional income to be received in the coming quarter.

## City Services Directorate



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

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	138,150	178,205	8,589	186,793	110,078	58.93%
Operating Expenditure	164,663	175,292	3,959	179,251	124,488	69.45%
Non-Operating Expenditure	124,316	150,644	(17,836)	132,808	55,119	41.50%
Asset Sales	2,096	2,096	0	2,096	876	41.81%

### Comments:

#### Overall

Overall Capital revenue budget is over forecast by \$268K and Operating Revenue has a shortfall of \$857K due to a reduction in user fees and charges. Operating expenditure is \$4.6M overspent. Commentary on significant items is detailed below:

**Roads and Transport**

Revenue is \$200K lower than forecasted, with additional grants of \$600K primarily from Natural Disasters offset by a reduction of \$800K primarily from unsuccessful grant applications.

Operating expenditure has continued to increase and is overbudget largely due to maintenance in roads, the overspend has been funded by a reduction of \$800K in the capital works program.

From the Capital Works Program \$10.5 million has been carried forward for completion in 2022/23FY, with a further \$3.5 million transferred to other projects to fund operational and capital shortfalls.

The remaining capital works program is progressing with 49% of the 2021/22 budget being either spent or committed, the Special Local Repair Program is progressing with 49% either spent or committed.

**Building and Property**

Operating income is slightly higher than budget due to the receipt of Building Management income. Operating expenditure is over budget in amenity cleaning as previously reported, this over expenditure will have been covered with a reduction in capital works. The remaining capital works are progressing well with 87% of the 2021/22 budget spent or committed.

**Parks and Reserves**

Operating Income is on track with some minor movements to other units within Council. Operating expenditure is still behind budget due to routine maintenance, urban landscapes, and tree management with \$2.7 million in over expenditure being funded from the capital works program.

**Tourist Parks**

Tourist Park income has been significantly impacted as a result of Park closures due to COVID-19. Year to date revenue loss for Holiday Haven is \$2.2M which has been offset by a reduction in capital works budget of \$2M.

Park closures has also seen a slight reduction in operational expenditure including cleaning, electricity and gas, communications, water/sewer, and park manager contractor payments.

Capital works has been reduced to offset the loss of revenue plus \$1M has been carried forward to 22/23 financial year.

**Waste Services**

Overall operational income budget is ahead with domestic waste charges and pensioner subsidies, and the recycling scheme. Capital revenue is ahead of budget due to additional grant funding of \$400K being received for Bushfire Recovery grant. The budget has been increased to reflect the additional grant funding received. Operational expenditure is slightly under budget with a reduction in waste levy.

Capital works are on track with actual expenditure plus committed funds close to budget, however Waste plant purchases of \$350K have been carried forward to 22/23 financial year due to longer than usual lead times.

**Bereavement Services**

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

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

Capital works are progressing, however the software replacement for Final Filer has been carried forward to 22/23 financial year.

**Fleet and Mechanical Services**

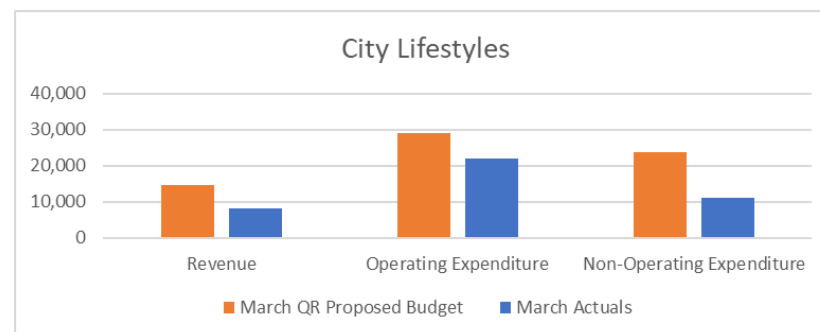
Overall operational revenue for fleet and mechanical services is ahead of budget. With an increase in fleet internal income resulting from additional vehicle/plant hire, and a reduction in internal income in mechanical services. There has been an adjustment to decrease mechanical revenue.

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

Capital works are behind schedule due to longer than usual lead times, as a result \$1.8M has been carried forward into 22/23 financial year.



## City Lifestyles Directorate



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

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	13,367	20,984	(6,374)	14,610	8,177	55.97%
Operating Expenditure	27,250	30,341	(1,386)	28,955	21,921	75.71%
Non-Operating Expenditure	32,546	29,399	(5,664)	23,734	11,197	47.18%

### Comments:

#### Shoalhaven Entertainment Centre (SEC)

The refurbishment at the Entertainment Centre building was completed this quarter, with the first show going on-stage within 24 hours of being reopened to the public. Of the 3 shows hosted within 48 hours of being reopened, 2 were sold-out. With the reduction of COVID restrictions, the SEC was able to sell over a 1,000 tickets in 24 hours, however half were cancelled due to the Whitlams needing to reschedule at very short notice after contracting COVID.

The first offsite programming held in Kangaroo Valley and Ulladulla (Rivoli) generated a lot of interest but was severely impacted due to the closure of roads to Kangaroo Valley as a result of flooding and severe weather event.

The SEC has incurred another dramatic loss of staff due to shutdowns and has undertaken recruitment in line with reopening. There are currently 20 new staff undergoing training.

Though all resourcing has been carefully managed, the ongoing disruption to operations with COVID impacting the venue during Quarters 1 and 2 of the financial year and the closure for essential building works in Q3 at the SEC has resulted in reduced income that is not able to fully offset the ongoing fixed costs of running a large facility this quarter.

### **Swim, Sport, Fitness (SSF)**

Swim, Sport, Fitness have experienced a large increase in demand for Learn to Swim programs, however enrolment week was delayed by one week due to COVID impacts limiting the number of available staff. The income from enrolments week will be reported in the April to June quarter this year, rather than the January to March quarter. Gym visitation is returning to pre-COVID levels and the Bay and Basin Leisure Centre experienced a large increase in visits following the implementation of 24-hour access from mid-January.

The Indoor Sports Centre is operating at pre-COVID capacity with large events being hosted most weekends. The outdoor pools continued to be impacted by unseasonal / inclement weather. Whilst the financial performance this quarter was close to budget, the full year-to-date revenue is down due to closures earlier in the financial year which will not be recovered in the months remaining in this financial year.

The Parks Precincts staff have been impacted this quarter by flood damage and general wet-weather damage to parks, car parks and sports fields. This has resulted in a budget overspend in these areas which should reduce once maintenance has been caught up and the weather cools down. Community Building and Showgrounds capital costs incurred were slightly below budget with some work being delayed through COVID closures, the change in market conditions and supply issues. The change in market conditions have led to difficulty securing construction workers, an increase in associated costs and supply chain delays which have been reflected in the increase in tender prices.

### **Libraries**

Libraries income is lower than budget year to date due to COVID closures resulting in reduced user fees and the cancellation of meeting room bookings earlier in the financial year, however the number of public programs on offer and the number of attendees at programs has increased over the last quarter, with particular interest in the adult programs. The Belated Book Launch is being prepared for May as a combined launch for those that were missed during COVID lockdown. This, along with a State Library campaign, is expected to increase membership numbers in the next quarter.

This quarter, spending of the Local Priority Grant was focused on purchasing new technology, in particular i-pads and electronic pens and providing training on new devices as a result of increased up-take of technology during and post COVID lockdowns. The lower income was fully offset by expenditure savings and the libraries finished the quarter in a sound position.

### **Shoalhaven Regional Gallery**

The Art Centre income has improved this quarter with meeting room hire, public programs and art sales rebounding to approximately 75% of their pre-COVID levels. To date, the lower income has been able to be offset through close attention to resourcing. The Regional Gallery continues to deliver a number of grant and Council funded capital programs, with Streets as Shared Spaces, Digital Buzz (Digitalisation Project) nearing completion. The capital improvements to the Gallery's

modular wall storage system were also completed this quarter. The overall result for the Shoalhaven Regional Gallery for March quarter is close to the original budget.

### **Community Planning and Projects**

This quarter the Community Planning and Projects team continued to deliver Master Plans, playgrounds, floodlighting and drainage programs across the region. The Dog Policy was reported to Council and the preferred option for the Bomaderry basketball stadium was adopted. Works commenced at Artie Smith Oval and Boongaree netball courts, with Boongaree skate park due to commence soon.

Works continue to progress across the showgrounds and detailed design phase for Bay and Basin Leisure Centre and development approval was lodged for Sanctuary Point Library. Significant feedback and community interest has been received in major projects, including Boongaree, Ulladulla Sports Master Plan, Bawley Point BBQ, Bomaderry Basketball and Dog Policy. Capital project delivery and budgets continue to be significantly impacted by extensive rain, labour and material shortages. Operational areas performed close to budget.

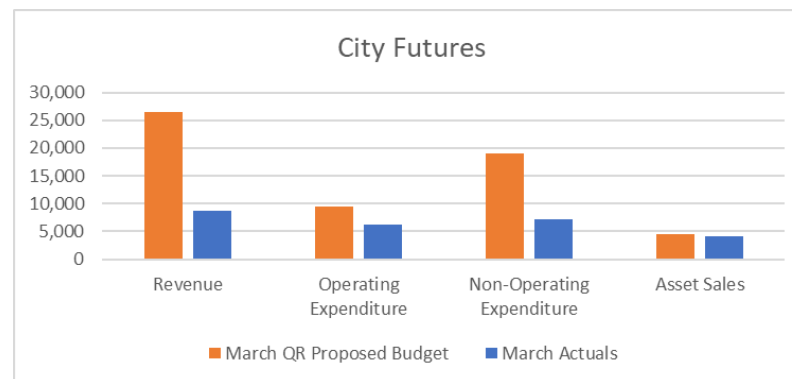
### **Community Connections**

Community Connections were able to host popular events that had been deferred previously due to COVID. Youth Week hosted 3 successful events, including a Battle of the Bands in Ulladulla. Seniors Week provided several programs hosted across various locations and was well attended. Harmony Week was also well received. Good progress has been made on the Disability Inclusion Action Plan which was almost completed this quarter and goes to Council for consideration in early May.

Family Day Care revenue was lower than budget this quarter due to the ongoing reduction in demand for in-home childcare due to COVID and the change in working patterns with some parents choosing to work from home. The reduction in revenue was fully offset by savings in expenditure. The landscaping improvements at the Family Day Care centre are nearing completion.

Grant funded programs such as Recovery Into Resilience and Bushfire Community Resilience continue to progress. Recovery Into Resilience is nearing completion on the solar and battery installation with 21 out of 23 sites completed.

## City Futures Directorate



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

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	30,052	25,308	1,129	26,437	8,644	32.70%
Operating Expenditure	7,063	8,972	474	9,445	6,255	66.22%
Non-Operating Expenditure	36,381	16,869	2,089	18,958	7,258	38.28%
Asset Sales	3,200	4,541	0	4,541	4,134	91.06%

### Comments:

#### Economic Development

The main factor for the low revenue is the capital grants that have not yet been received \$15M. Operating revenue for Economic Development is on track for the quarter while operating expenses ended slightly over budget, mainly due to additional costs incurred for Business Network Expansion. This will be monitored for the remainder of the year to ensure Economic Development tracks closely to the budget.

### Strategic Land Use Planning

Both operating revenue and expenses for Strategic Land Use Planning have ended up above budget. Developer Contributions were higher than anticipated, however this was offset by the COVID Contributions Discount Subsidy. Budget has been adjusted to factor the actual COVID Subsidy provided in the quarter.

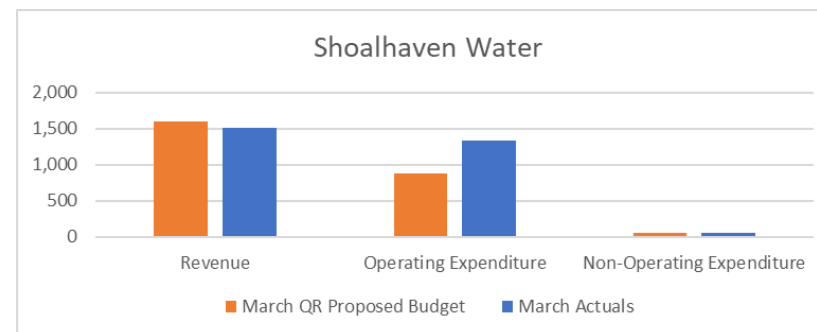
Capital expenditure is on track with revised budget.

### Tourism and Events

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

Operating Expenditure is tracking below budget with fewer merchandise purchases. This has been adjusted and offset against the reduced Visitor Centre revenue.

## Shoalhaven Water



The recommended budget changes, revised budget and result to date for Shoalhaven Water (General Fund) are summarised below.

\$'000	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	March Actuals	%
Revenue	1,188	1,459	143	1,602	1,503	93.82%
Operating Expenditure	1,170	910	(31)	879	1,327	150.93%
Non-Operating Expenditure	9	56	(9)	47	59	123.77%

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

#### Comments:

##### Communication Towers GF

Communications income is tracking slightly ahead of budget. An adjustment of \$143K has been recommended in this review.

Operating expenditure is tracking below the year to date budget. An adjustment of \$23K has been recommended in this review.

Non-Operating expenditure is tracking above budget mainly due to a final variation payment for the Red Rocks Tower.

##### Shoaltech

Revenue is on track with budget. No adjustment has been recommended in this review

Operating expenditure is tracking ahead of budget, largely due to the recovery of costs. A review of this process is underway.

## Cash and Investments

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

	Estimated Balance 30 June 2022				March 2022 Actual Balance
	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Externally Restricted</b>					
Specific Purpose Unexpended Grants	0	0	(1,936)	(1,936)	13,197
Specific Purpose Unexpended Loans	0	0	4,826	4,826	20,648
Developer Contributions - General Fund	16,922	15,305	297	15,602	20,225
Developer Contributions - Water Fund	15,633	25,918	150	26,068	20,459
Self Insurance Claims	1,725	2,304	0	2,304	2,884
Special Rates Variation	0	0	760	760	5,711
Stormwater Levy	0	0	163	163	702
Domestic Waste Management	5,488	10,303	(2,085)	8,218	4,678
Water Supplies	24,359	26,316	24,068	50,384	39,388
Sewer Services	14,755	12,332	16,802	29,134	37,017
<b>Total Externally Restricted</b>	<b>78,882</b>	<b>92,477</b>	<b>43,045</b>	<b>135,522</b>	<b>164,909</b>
<b>Internally Restricted</b>					
Arts Collection	41	70	0	70	70
Cemeteries	211	161	(161)	0	159
Coastal Management	0	0	226	226	777
Committed Capital Works	0	0	1,111	1,111	2,333
Communication Towers	265	194	120	314	466
Critical Asset Compliance	397	0	0	0	666
Dog-Off leash	20	20	40	60	112
Economic Development Projects	985	736	0	736	854
Employee Leave Entitlement	7,924	7,050	0	7,050	7,050
General Insurance	578	0	0	0	0
Industrial Land Development	11	4,865	(963)	3,902	4,952
Jervis Bay Territory Contract	0	0	0	0	0

	Estimated Balance 30 June 2022				March 2022 Actual Balance
	Original Budget	Current Adopted Budget	March Review Adjustment Recommended	March QR Proposed Budget	
Jetty Licensing	19	19	0	19	19
Land Decontamination	0	0	0	0	0
Plant Replacement	318	0	1,748	1,748	1,462
REFund Reserve	0	316	0	316	86
S7.11 Matching Funds	247	311	0	311	311
S7.11 Recoupment	2,804	6,750	1,952	8,702	4,246
Shoalhaven Foreshore Development	1,171	1,131	(30)	1,100	1,146
Sporting Facilities	2	0	3	3	21
Strategic Projects	0	143	(143)	0	253
Strategic Property Reserve	886	386	0	386	0
Trust - Mayors Relief Fund	0	0	0	0	162
Trust - General Trust	3,018	2,873	0	2,873	3,707
<b>Total Internally Restricted</b>	<b>18,897</b>	<b>25,024</b>	<b>3,904</b>	<b>28,929</b>	<b>28,852</b>
<b>Total Restricted</b>	<b>97,779</b>	<b>117,502</b>	<b>46,950</b>	<b>164,451</b>	<b>193,761</b>
<b>Total Cash and Investments</b>	<b>101,363</b>	<b>119,026</b>	<b>46,950</b>	<b>165,975</b>	<b>198,491</b>
<b>Available Unrestricted Cash</b>	<b>3,584</b>	<b>1,524</b>	<b>0</b>	<b>1,524</b>	<b>4,730</b>

Notes:

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

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

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



## Cash and Investments

### Statements

#### Investments

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

#### Cash

Cash was last reconciled with the bank statement for this quarterly budget review on the 31 March 2022

#### Reconciliation

##### **Cash Reconciliation 31/03/2022**

Bank Balance per statement	859,238
Unpresented cheques / Deposits	95,049
Cash on hand	21,530
<b>Total Cash on Hand Balance</b>	<b>975,816</b>
Term Deposits	123,077,000
AMP At Call Account	688
AMP Notice Account	4,168,420
CBA Business Saver	5,200,828
Managed Funds	19,822,009
Bonds	5,000,000
FRN	40,200,000
Restrict Invest - Trust	161,468
Fair Value adjustment	-114,968
<b>Total Investments</b>	<b>197,515,444</b>
<b>Total Cash &amp; Investments balance</b>	<b>198,491,260</b>
<b>Total Cash &amp; Investments per Ledger</b>	<b>198,491,260</b>

## Contracts and Other Expenses

### Consultancy and Legal Expenses

Expense	Expenditure YTD	Budgeted Y/N
Consultancies	679,370	Yes
Legal Fees	1,019,850	No

**Notes:**

There has been a large amount of legal fees paid in the Development Services Directorate, some of which is not covered by their allocated budget.

**Definition of Consultant:**

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

## Responsible Accounting Officers Report

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

*For the period 1 January 2022 to 31 March 2022*

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

It is my opinion that the Quarterly Budget Review for Shoalhaven City Council for the quarter ended 31 March 2022 indicates that Council's projected financial position at 31 March 2022 will be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Olena Tulubinska

Responsible Accounting Officer



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

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

### Capital Projects Status Report as at 17 May - over \$400K

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
Bridges	Croobay Rd - Bridge Pettys FCB Rural Upgrade/New	262,528	761,470	813,413	94%	City Services	●	Design has been completed. Pre cast elements of the bridge have been manufactured and delivered to Council. Construction has commenced and is well on track for completion in accordance with the Funding Deed.
Buildings and Property	Executive Suite Refurbishment	607,186	607,186	444,054	137%	City Performance	●	Works are complete
	Nowra Admin Building Compliance (fire)	366,562	474,358	1,037,884	46%	City Services	●	Task 1 - Draft NISO (1) (notice to issue safety order) has been issued by Certification and Compliance for an updated Fire Safety Schedule. Review and feedback provided 7 April 2022. Expecting FSO to be issued 20 May 2022.  Task 2 - Draft NISO (2) has been issued by Certification & Compliance for commission of a Fire Engineering Report (FER). Review and feedback provided on 7 April 2022. Expecting FSO to be issued 20 May 2022.  The FER will define exact scope of building fire upgrades. Works continuing on combined fire water supply, impacted by weather.
	Nowra Library - Roofing	592,702	623,332	623,332	100%	City Services	●	Project is within Defect Liability Period until December 2022. No defects reported for the month.
	Public Amenity - Hyams Beach Reserve - Design	38,399	359,373	448,688	80%	City Services	●	Tender awarded to Davone Constructions on 29 April 2022. Letter of Acceptance received on 2 May 2022. Site establishment is being conducted 11 May 2022. Practical completion date is 8 July 2022.
	Sanctuary Point Library - Design & Invest	438,892	1,000,000	1,000,000	100%	City Lifestyles	●	The detailed design documentation has progressed to 85% completion. The Project Control Group is currently reviewing the design documentation and is providing feedback to the team of architects.
	SSF - Milton Showground - Internal Roads Upgrade	50,064	70,484	517,707	14%	City Lifestyles	●	Stage 1 Tender Review underway, construction scheduled for May 2022.
Commercial Undertakings	Comerong Ferry Overhaul	1,847,537	1,924,768	2,088,163	92%	City Services	●	Final inspections taking place this financial year
	Fleet Plant Purchases	2,642,027	3,193,792	3,193,792	100%	City Services	●	Processing, delivery times starting to increase. World Stock levels low
	HH - LC - Aquatic Recreation Area	1,178,834	1,178,834	1,105,000	107%	City Services	●	Works not completed on schedule due to ongoing weather delays Then project on hold during peak period ,Additional weather events has continued to delay the completion as significant delay have been occurred due to extended weather delays . Additional budget required due to adverse site conditions and rising costs of materials and contributed to cost overruns including minor scope changes Due for completion June
	Mechanical Workshop Capital	0	0	425,400	0%	City Services	●	Requirements being determined, contribution to up graded vehicles committed. Order for new hoist placed
	SEC Upgrade & Cladding	2,967,459	3,600,074	3,996,031	90%	City Services	●	The facility is operational with a full program of events. Minor defects have been identified and are being attended to. The prolonged rain has further delayed the external works until the end of June. The scoping of the BCA and maintenance repairs is being developed. Building Compliance undertook inspections of the works to date and the Fire Order will be closed when the sprinkler works are complete and commissioned.
Community and Culture	Basin Walking Track Stage 1 (Sus Tour Infr Grant)	562,814	562,814	501,494	112%	City Services	●	This project is the construction of shared pathway along Sanctuary Point Road. It consists of 2m wide concrete path with 3 bridge crossings and approx. 50m of boardwalk.  95% of the path has been completed and 2 bridges and one section of boardwalk have been installed. Wet weather is causing delays.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	Basin Walking Track Stage 2 (Sus Tour Infr Grant)	1,733,516	1,733,516	1,147,589	151%	City Services	●	This project is the upgrade of the existing Basin Walk approx. 5km long. The path is a mixture of compacted gravel and raised boardwalk traversing low-lying areas around St Georges Basin Water Body. All sections of gravel was completed prior to the March Storm Events. Damage to the path was considerable. New boardwalk withstood the storm whilst old boardwalks were lost. A quote was obtained and the claim has been successful for lost boardwalks only. Additional SCC funding to be sourced to replace the <u>vulnerable gravel areas with boardwalk</u> .
	Books & Audio Visual	294,856	365,782	422,196	87%	City Lifestyles	●	Books and audiovisual materials are being purchased regularly and the budget is on track.
	Recovery and Resilience Grant - capital components	413,901	803,528	1,106,043	73%	City Lifestyles	●	Three Project Workstreams are progressing well and are on track. Workstream 1 - Community-led Resilience Workshops led by Griffith University towards the Shoalhaven Community-Led Adaptation and Resilience Planning Strategy have suffered under COVID. PCG has endorsed extension to Workstream 1 until end of 2022 to achieve its outcomes. The first of eight community engagement workshops was held on 24 February 2022 and the first face to face workshop took place on 29 April. Workstream 2 - Community Readiness The Community Readiness Checklist packages and Tourism Operators All Events Guide were both released digitally in early December through the SCC website. Hard copies of the Tourism Operators All Events guide were mailed directly to registered tourism operators. (While the All Events Guide production is under its own discreet funding grant, the distribution and release was coordinated within the RRP to achieve maximum possible reach and effect with the community). 10,000 hard copies of the 2 X A4 back to back Community Readiness Information and Contact lists were inserted into the Shoalhaven local print media over the first three editions in January of the South Coast Register, Nowra Shoalhaven and Nowra News (free edition), and Ulladulla Times newspapers. The first two of 21 Community Pop-ups was held on 1 March but the program was cancelled due to rain and floods. Further community consultation will occur at scheduled CCB meetings. Workstream 3 Infrastructure Works 23 power and communications upgrade installations are to be fitted under RRP. Of the 19 local halls and facilities, all but two have been surveyed, and the equipment acquired and installed. Four Holiday Haven Caravan sites have also <u>been surveyed and the power installations are imminent</u> .
Economic Development	AATP Fire Reticulation	16,262	27,376	665,000	4%	City Futures	●	This forms part of a \$6m project at AATP This provision of a reticulated non potable water system will supplement existing supply for firefighting at the AATP industrial premises to meet DoD industry firefighting requirements. The contract has yet to be awarded with construction <u>expected to commence in June/July 2022</u>
	AATP Fire Water Storage	13,360	13,360	1,700,000	1%	City Futures	●	This forms part of a \$6m project at AATP This provision of non potable water storage for firefighting at the AATP will enable water reserves to meet DoD industry firefighting requirements. The contract has <u>been awarded with construction to commence in June 2022</u>
	AATP Stage 5 - Subdivision	1,417,260	1,417,260	1,395,860	102%	City Futures	●	This forms part of a \$6m project at AATP This stage of the AATP subdivision will yield an additional 50,000m <sup>2</sup> of serviced industrial land
	EDO - Huskisson Mangrove Boardwalk	3,677	4,602	443,605	1%	City Futures	●	A Geotech report has been completed though rest of activity on hold awaiting Funding deed from Regional NSW pre commencement of Draft Tenders and Detail.
	EDO - Ulladulla Boardwalk and Ulladulla Harbourside	123,317	257,402	500,000	51%	City Futures	●	Detailed design continues. Working towards a DA lodgement on 18/5.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	EDO - Ulladulla Harbourside	0	0	1,048,514	0%	City Futures	●	Finalisation of carpark design and waterfront treatment being negotiated with Council and other agencies Construction will occur later in 2022 following Boardwalk construction activities
	Flinders Roadworks - Stage 10	1,916,534	4,185,200	4,185,200	100%	City Futures	●	See progress reported on Flinders Stage 10
	Ulladulla Maritime - Berthing Facility	288,552	2,238,715	2,238,715	100%	City Futures	●	Inclement weather have delayed commencement of project within Harbour Negotiations proceed between SCC & Ulladulla Fishermens Co-op to manage vessels within Harbour during construction Aligning various contractual agreements is proving to be difficult in this maritime environment
Fire Protection and Emergency Services	BLD Lake Conjola RFS Upgrade Existing Station	10,503	11,703	717,303	2%	City Services	●	Bushfire Report due to be completed by the 12th May. Based on the bushfire report, revisions to the design will be required as the building will need to be Flame Zone compliant. The Statement of Environmental Effects 95% complete, awaiting Bushfire Report. The DA will be lodged by the 19th May.
	BLD Manyana Bendalong new RFS station	6,245	29,860	1,752,930	2%	City Services	●	Flora and Fauna assessment has indicated that further field surveys are required. Indicated completion date for final report is now late June 2022. Provided the above additional study does not require design modification, Bushfire Report, and Statement of Environmental Effects can be completed. Target date for DA lodgement is now early July 2022
	Shoalhaven Fire Control Centre - roads and parking LCL	60,676	85,305	1,225,400	7%	City Services	●	Tenders for the construction of the Secured Overflow Carpark and Helicopter Landing Site close on Tuesday 17th May at 10am. Allowing 2 weeks for tender evaluation and post tender clarifications we will be in a position to engage a contractor by 31st May with commencement of works onsite June 2022.
Internal Corporate Services	Fleet Vehicle Purchases	2,814,292	4,321,595	4,321,595	100%	City Services	●	Replacement forms have been sent out to drivers. Orders have been raised for quoted vehicles. New vehicle continue to arrive. <u>Not all vehicles will be received this FY</u>
Open Space, Sport and Recreation	Boongaree - Stage 1 - (BBRF, ECF, ECP)	1,885,023	2,149,600	2,149,600	100%	City Lifestyles	●	Boongaree Nature Play Park Stage 1 works completed, open for the public to use. Completed construction of Youth, Early Childhood, Exercise Zone, Learn to Ride Area, Car Park, and Public Amenity Building. Planned opening of December 2021 was delayed due to wet weather however opening occurred in January 2022.
	Boongaree - Stage 2 to 7	79,279	2,198,893	2,198,893	100%	City Lifestyles	●	Stages 2 & 3 (Skatepark and Pump Track) Tender has been awarded to Convic. Demolition and delivery has commenced. Stage 4a - Netball / Cricket Nets - Detail design complete. Tender awarded to Fulton Hogan. Delivery has commenced. Stage 4b - Reconciliation Garden concept planning underway. Consultation and stakeholder workshops ongoing. Aboriginal Advisory Report completed. Stages 5 and 7 - Eastern Fields, and Parking. Review of detail design for cricket pitch to identify best design. Review of detail design based on Hydraulic Assessment of Stage 7 sporting field design. Stage 6 - Dog park and Recreational Vehicle (RV) Parking. Dog Park fenced off leash area is currently in the concept stage. Consultation for design has commenced. Delivery for works proposed to occur in early 2023. Longitudinal Survey occurred on 21 January 2022, next survey set for July 2022. Award applications sent for Parks and Leisure Australia as well as for UDIA. Grant application for bike repair facility submitted under UCI Legacy. Project Pitch occurred on 29/04/2022. Advice for success will be provided in May 2022.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	C&R Bay and Basin Leisure Centre Redevelopment	23,402	520,000	520,000	100%	City Lifestyles	●	Council has engaged CO-OP Studio to undertake the detail design documentation for the Bay and Basin Leisure Centre and Vincentia Oval upgrades. A meeting with the consultant and Council's project team was held on 5 May to review initial concept options presented by CO-OP Studio.
	Horse & Cattle Precinct - Nowra Showground	924,700	924,700	917,915	101%	City Lifestyles	●	Family café and judges box handover complete. Final inspection for Occupation Certificate identified performance solution requirements are being investigated by the contractor.
	Nowra Showground Pavilion Reroofing	0	0	417,994	0%	City Lifestyles	●	Project programmed to commence construction at the start of 3rd quarter of 2022. Contractor engagement was delayed whilst additional funding was identified.
	Ray Brooks Reserve Boardwalk	19,106	498,308	682,387	73%	City Lifestyles	●	Contract execution complete. Programmed for commencement in June 2022. Project delayed due to time taken to identify additional funding.
	Southern SCARP - Artie Smith	657,817	1,000,000	1,000,000	100%	City Lifestyles	●	Joss Group Pty Ltd are progressing the construction of the Artie Smith Oval redevelopment. The project is proceeding to plan except for some days lost due to recent rain. However, this has not impacted overall program. Bulk earth works have been completed, work on underground services has recently commenced.
	SSF - S'ground Stimulus Round 1 - Milton - Amenities Bld	58,448	72,505	403,707	18%	City Lifestyles	●	Delivery of the amenities building at Milton Showground has faced significant delays across the first five months of 2022 due to the consistent, and significant rain that has fallen which has impacted the overall program. This included the delaying of the required earthworks due to the soft ground conditions initially, but then continued during the framework stage with works unable to proceed on many days due to the rain falling and then the subsequent drying time required to continue. Works in the past month have progressed well however, with a gap in the weather, and the building is scheduled to have the roof installed in the first week of June which should reduce further delays with the majority of the works still to be completed internal and not so reliant on good weather. Estimated completion for this project is now July 2022.
	Ulladulla Tennis Lighting Upgrade	39,297	754,297	825,180	91%	City Lifestyles	●	Works underway. Programmed for completion September 2022. Program will not be extended due to materials stranded in China. Project start delayed due to persistent wet weather.
Roads and Transport	Basin - LRRP - Resheet / Reseal	114,471	225,079	414,991	54%	City Services	●	Inclement weather has pushed back the delivery of the resheet/reseal program. The contract has been awarded and current estimate for completion of the Basin District program is mid June.
	Bolong Rd 9.46-10.08 widen shldr	0	0	839,343	0%	City Services	●	Council is seeking approval from TfNSW on funding variation of an additional \$1M. Current issues relating to acid sulphate soil, further geotechnical advice is needed.
	Braidwood Road - Safer Roads Project	630	560,000	560,000	100%	City Services	●	On track for Q4 construction
	BTU Rd (SRV 2014)	1,729,155	2,020,097	2,857,119	71%	City Services	●	Project completed in April 2022.
	Callala Bch Rd - LRRP CH0.54 - CH1.82 Rd&Culv Rural Renewal	238,181	293,902	450,000	65%	City Services	●	Project design scope was altered to include the addition of a pedestrian walkway and box culvert. This scope will be postponed until 22/23FY. \$200k pavement rehab between Emmett St and Forest Rd was completed 17 December 21.
	Central - LRRP - Resheet / Reseal	585,762	639,939	724,991	88%	City Services	●	Natural disaster event has delayed preparation works resulting in partial completion of the Central Resheet/Reseal program. Resources have been redirected to emergency response and ongoing critical road repairs.
	Coonemia Rd - CH 2.090 to 4.520	1,507,950	2,186,307	2,371,166	92%	City Services	●	Project completed in April 2022.
	Croobyr Rd, Milton - Road Rehab & Widening	239,927	903,001	965,130	94%	City Services	●	Contract has been awarded, Contractor was originally scheduled to start construction in March 2022. Adverse weather conditions have meant that this project will need to be reverted into 22/23 FY.
	Culburra - Culburra Rd (R2R) - CH 0.760 to 1.13km	9,204	9,204	512,180	2%	City Services	●	Design is 95% complete. Construction programmed for Q1 2022/23.




Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	Curarong - Curarong Rd ?Rehab - CH7.5-1 CH1.7	2,093,182	2,093,182	1,562,022	134%	City Services	●	Stage 1 Chainage 7.50km to 11.40km RFQ for crash barrier installation has been issued with the intention that installation works will be completed in June.  Stage 2 Chainage 11.40km to 11.70km The design will now incorporate an option to increase the culvert size at Plutus Creek to a twin 1.2m x 1.5m box culvert with a 1 in 10yr capacity.
	FCB - Chisolms Ck Culvert - Bundewallah Bridge, Bundewallah	110,805	197,255	599,504	33%	City Services	●	Design is completed. Pre cast elements of the bridge have been ordered. Tenders for the Civil works will be advertised in May 2022. Construction is programmed to commence in Q1 in the 22/23 FY. Grant funds need to be expended by March 2024.
	FCB - Good Dog Ck Culvert - Tannery Rd, Cambewarra	199,758	424,698	424,698	100%	City Services	●	Design has been completed. Pre cast elements of the bridge have been manufactured and delivered to Council. Construction has commenced and is well on track for completion in accordance with the Funding Deed.
	FCB - Henrys Bridge - Main Rd Cambewarra	187,891	450,187	479,968	94%	City Services	●	Design has been completed. Pre cast elements of the bridge have been manufactured and delivered to Council. Construction has commenced and is well on track for completion in accordance with the Funding Deed.
	FCB - Koloona Bridge - Koloona Drive, Bangalee	215,262	873,888	873,888	100%	City Services	●	Design has been completed. Pre cast elements of the bridge have been manufactured and delivered to Council. Construction has commenced and is well on track for completion in accordance with the Funding Deed.
	FCB - Yarramunmun Ck Culvert - Yalwal Rd, Buangla	146,154	295,014	1,030,000	29%	City Services	●	Design is completed. Pre cast elements of the bridge have been ordered. Tenders for the Civil works will be advertised in May 2022. Construction is programmed to commence in Q1 in the 22/23 FY. Grant funds need to be expended by March 2024.
	Ferry Ln - Pedestrian SUP & K&G Rural New	118,334	141,210	475,616	30%	City Services	●	Tender documentation being prepared for construction. Weather events have delayed program.
	Hillcrest Ave (SRV 2019)	801,138	801,138	801,138	100%	City Services	●	Project completed on 24/08/2021.
	Junction Court Revitalisation	651,964	752,925	925,458	81%	City Services	●	Final work in Junction Court will be completed in late May 2022 and will include: -Installation of overhead festoon lighting -Installation of additional round plant containers and bin within Junction Court -Reconstruction of footpath opposite Nowra Mall loading dock  Installation of overhead Festoon lighting in Jelly Bean Park will be carried out in mid-May 2022
	Kings Point Drive (2kms from Princes Highway)	74,980	500,000	500,000	100%	City Services	●	Contract for 1st stage awarded to Stefanutti Construction. Construction commencement end of May 2022. Project will continue into 2022/23 financial year.
	Lake Conjola Ent Rd - LRRP Various Sites Urban Upgrade	30,594	926,746	1,138,497	81%	City Services	●	Contract awarded to Cleary Bros. Works expected to commence in June 2022. Project will continue into 2022/23 financial year.
	Main Rd, Cambewarra (SRV 2014)	1,649	1,649	420,995	0%	City Services	●	Tender awarded and contractor engaged for commencement in late May.
	Matron Porter Dr SRP - (CH 3.65-3.96km)	62,601	643,405	643,405	100%	City Services	●	Stefanutti Construction awarded contract. Works have commenced on site. Electrical relocation works delayed until Mid-May 2022. Construction on track for completion by EOFY.
	Matron Porter Drive SUP - Leo St to Bangalow St	633,139	633,139	612,465	103%	City Services	●	Construction in progress, currently working on Leo Drive/Matron Porter Drive Intersection.  Estimated completion date mid May 22 (Leo Drive)
	Moss Vale Road South URA land acquisitions	9,732	9,732	979,944	1%	City Services	●	The matter is 90% complete with final land transfer expected by end of June 2022.
	Murramarang Rd – Shared User Path (Bawley Point - Kioloa)	34,912	693,981	694,502	100%	City Services	●	Contract awarded to Vogue Landscape and Design. Construction to commence on site in May 2022.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	North - LRRP - Resheet / Reseal	228,345	385,818	556,991	69%	City Services	●	Works involve pavement repairs, sealing, maintenance grading of various roads in the Northern District. Sealed Cavan Road in Barrengarry and Toolijooa Road in Toolijooa. Seal preparatory works in progress at various locations in the district.
	Nowra CBD Renewal	15,000	45,374	1,409,593	3%	City Services	●	Action Plan for next three years adopted by Council in August 2021 - need to progress implementation of initial years actions. CBD Place Manager position has been advertised closing 12th May 2022
	Placemaking for Vincentia Village BBRF	49,126	3,160,517	3,160,517	100%	City Services	●	Construction works started on the 11th April. Temporary construction fences were erected allowing for some parking in the southern carpark. The Contractor has commenced main stormwater lines in the southern carpark. It has been highlighted that there maybe some design issues that will require coordination with the existing services, but the project team is working diligently not to delay the programme. The Project team is in constant weekly discussions with the land owners and retail tenants either through email or site conversations. The team is working on providing additional mesh notifications on the fences for customer information.
	Reconstruct Wheelbarrow Rd CH4.9 - Natural Disaster	135	13,985	776,660	2%	City Services	●	Design and tender documentation in progress. Works planned for completion in Q1 22/23
	River Rd, Shoalhaven Heads – Shared User Path and K&G	536,221	568,521	576,758	99%	City Services	●	Constructed new K&G and Shared User Path on the southern side of River Road, between Renown Ave and Matthews Street.
	Sanctuary Point -The Park Drive (Larmer - Boronia Ave) R2R	747,319	754,205	802,302	94%	City Services	●	Works completed. Non-conformance's identified during practical completion inspection. Awaiting project plan from contractor to undertake remedial works. Works expected to be completed this FY.
	South - LRRP - Resheet / Reseal	416,260	449,241	744,992	60%	City Services	●	70 roads resealed. Rackman Cres, Nth Durras Rd, Mount Agony Rd, Coral Court & Slaughterhouse Rd postponed due to rain and the need to reallocate resources to reactive road maintenance tasks (eg. pothole repairs). 18 Culdesacs resurfaced with Asphalt Deering St / St Vincent St Roundabout resurfaced with Asphalt
	South Nowra - Browns Rd (From McDonalds east)	39,353	500,000	500,000	100%	City Services	●	Project has commenced. Delays have occurred to due weather. The project is scheduled for completion this FY.
	Special Local Roads Improvement Program	4,133,637	5,665,383	10,000,000	57%	City Services	●	All funds allocated to districts along with work orders. Program set out for spray sealing with road project resourcing being worked through to contract and in house works. Asphalt and road rehabilitation works have been affected by wet weather which is impacting the Spray sealing program and shortening the period for resealing activities.
	Sussex Inlet - The Springs Road Shared User Path Bridge(D&C)	131,852	1,378,657	4,200,460	33%	City Services	●	Contractor has completed the design phase of the project. Construction has commenced on site. Completion expected July 2022.
	The Wool Rd/Mernie - CHRs - Blackspot Program	312,874	459,105	459,105	100%	City Services	●	Works generally completed. Defect in pavement has been identified and requires rectification. Works expected to be completed in May.
	Upper Kangaroo River Rd, Kangaroo Valley - Safer Roads Proj	0	0	685,000	0%	City Services	●	Works were scheduled for March 2022, however due to the landslip on this road the works will need to be deferred to 22/23 FY.
	Worrigee - Worrigee Rd - Fixing Local Roads Program	99,079	99,079	1,137,402	9%	City Services	●	Works are from Regelia Pde to Isa Rd. Tree removal completed in January 2022. Telstra relocations in progress. Construction Tender approvals in progress.
Stormwater	Moss Vale Road South URA Drainage	1,185,533	1,185,533	2,861,200	41%	City Futures	●	Works in Kind Agreement for Stage 1 (SF10632) drainage infrastructure has been signed and executed with the developer. Construction almost completed.
Strategic Roads and Bridges	Culburra Rd - RRRP CH7.71 CH8.413 Rural Renewal	560,468	685,515	685,515	100%	City Services	●	Works commenced in late February and recent weather events have delayed the scheduled March completion. The project is now rescheduled for completion in early June.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	Far North Collector Road D & C	1,447,133	3,647,809	3,647,809	100%	City Services	●	The formal contract was executed with Cleary Bros on 3rd May 2022. Site pre-commencement activities are substantially complete with all management plans have been reviewed and accepted by the Superintendent. Establishment of the project site office at 333 Illaroo Road Cambewarra (owned by Council) began on 2nd May 2022. Site works including fencing and clearing were due to commence in the week commencing 9th May 2022 but have been hampered by the wet weather. Updated design drawings have been issued to TfNSW and the Project Verifier to close out comments made by these parties in their review of the Moss Vale Road roundabout. Contact with the DPI Fisheries has commenced to get final approval to commence works in and adjacent to Bomaderry Creek.
	Moss Vale Road URA Road Construction	1,348,874	1,348,874	1,350,000	100%	City Futures	●	WIKI for Stage 1 subdivision SF10632 in Moss Vale Road South URA has been executed and the relevant part of the road completed. The remainder of the road network will be rolled out as the URA is developed overtime.
Waste and Recycling Program	Biolektra Resource Recovery Facility RRF	1,711,689	2,298,487	2,298,487	100%	City Services	●	The project is experiencing rain delays Revised program targets commissioning in late 2023
	Landfill Extension - West Nowra	510,721	578,000	578,000	100%	City Services	●	Ground preparation works - subject to rain delays
	Materials Recovery Facility	7,984,403	16,140,000	16,140,000	100%	City Services	●	Earthworks delays due to extreme rainfall. Development consent delays putting construction commencement out to 1st quarter of 2022/23. Contract for the design install and commission of the sorting plant has been awarded to Australian Bale Press Target date for commissioning June 2023
	Shoalhaven MICROfactorie	502,337	661,000	661,000	100%	City Services	●	Plant design completed Construction and procurement continues
	Waste Landfill Cell Construction - West Nowra	129,824	727,272	2,100,000	35%	City Services	●	Ongoing project. Procurement continues
	Waste Plant Purchases	1,362,211	2,163,826	2,163,826	100%	City Services	●	Plant replacements ordered in accordance with schedule
	West Nowra Leachate Treatment Project	493,328	986,655	1,000,000	99%	City Services	●	Design phase continues Procurement continues
Water and Sewer Services	Brundee WPS 33kv substation	116,981	413,484	413,484	100%	Shoalhaven Water	●	Contract negotiations close to completion. Works to move into construction phase over next few months.
	Burrier WPS 33 kv Substation	383,694	611,735	611,735	100%	Shoalhaven Water	●	Construction drawings have been completed and tender awarded. Stage 2 RFT released in early Feb 2022, awarded in March 2022. RFT has closed and evaluation is underway.  Works proceeding with procurement (approx. 12wks remaining) Materials expected to arrive in May. Costs on track with variation in time and extension of time, expected in coming weeks.
	Flinders Depot Extension - Sewer Fund contribution	0	0	1,240,120	0%	Shoalhaven Water	●	Project to be funded 50/50 between the Water and Sewer Fund. Transfer of 2021-22 costs to occur in next quarter.
	Moss Vale Rd expansion area - WWtr	2,988,856	2,988,856	2,800,000	107%	Shoalhaven Water	●	Change request to be submitted to address project changes. Poor weather has delayed schedule and increase costs being requested by contractors. Costs at least 20% over baseline.
	Nowra Nth surcharge main upgrade stage1	2,478,739	3,368,605	3,368,605	100%	Shoalhaven Water	●	Project is dependant on bridge construction by TfNSW. Delays related to bridge works are impacting on construction program. This is impacting on work and cost. Additional variation in costs due to additional hours worked to complete the interconnection. Cost less than 10% over baseline.
	Nowra St Anns & Lyrebird Sewer Rising Main	674,792	700,000	700,000	100%	Shoalhaven Water	●	Interconnections completed, minor clean up work to be completed when area dries out. Project moving into close out phase
	Nowra Sth, Flinders Depot electrical work	961,696	1,240,120	1,240,120	100%	Shoalhaven Water	●	Price Escalation submitted by contractor which will impact on project costs by approximately 5%. Wet weather continuing to impact progress, extension of time requests expected. Request for information continue with architects and structural engineers for steel and slab confirmations.

Program Description	Project Description	Actuals (\$)	Actuals & Commits	Proposed Budget (\$)	% Complete Inc Commits	Directorate	Current Status	Last Comment
	Sewer Currowan Fire Restor -Fishermans Paradise SPS F1 Upgra	461,457	462,820	474,908	97%	Shoalhaven Water	●	All major work completed. Final decommissioning to be completed April and May. Project expected to be completed in next quarter.
	Sewer Plant Purchases	218,792	250,933	589,000	43%	Shoalhaven Water	●	Replacement forms have been sent out to drivers. Orders have been raised for quoted vehicles. New vehicle continue to arrive. <u>Not all vehicles will be received this FY</u>
	South Nowra Surcharge Main	313,996	483,412	483,412	100%	Shoalhaven Water	●	Project on track; design and investigation work continuing anticipating completion by June 22.
	SPS Emergency storage upgrade program	1,221,506	1,221,506	1,205,000	101%	Shoalhaven Water	●	Project completed.
	St Anns and Lyrebird Park SPS Upgrade	1,543,455	2,259,432	2,259,432	100%	Shoalhaven Water	●	Project delays due to rock and poor weather experienced for St Annes St and weather delays for Lyrebird Park. Discretionary extension of time to be considered to set new baseline for remainder of contract works. Cost less than 10% over baseline.
	Sussex Inlet UV System	622,540	630,514	669,034	94%	Shoalhaven Water	●	Project complete and in close out phase.
	Water A&W minor works program	291,964	322,548	430,000	75%	Shoalhaven Water	●	No major projects undertaken in this quarter. A number of design projects being progressed.
	Water Moss Vale Road expansion area	1,996,805	2,176,323	2,181,753	100%	Shoalhaven Water	●	Project delayed due to design development delays which is impacting on deliverables. Increase in cost due to scope changes and increase design requirements. Current delay is 74 days.
	Water New services instal & relocate	631,718	637,474	879,465	72%	Shoalhaven Water	●	Service installations progressing, but have been delayed by wet weather.
	Water Plant Purchases	835,387	1,073,522	1,073,522	100%	Shoalhaven Water	●	Processing, delivery times starting to increase. World Stock levels low
	Water Various Main Replacements	1,723,053	2,133,649	2,133,649	100%	Shoalhaven Water	●	Project tracking well, the first package of work is well advanced in detailed design phase. Second and third packages now in investigations phase however are on track with program. Project schedule, work and cost on all track.
	Water Vehicle Purchases	655,958	806,025	806,025	100%	Shoalhaven Water	●	Processing, delivery times starting to increase. World Stock levels low
Waterways Infrastructure	Conjola Lake-Havilland St - Boat Launch Ramp & C/park BLERF	688,505	1,530,831	1,611,692	95%	City Services	●	Contract awarded and construction in progress. Project Completion expected June 2022.
<b>Total:</b>		<b>76,908,016</b>	<b>121,460,314</b>	<b>153,704,178</b>	<b>79%</b>			

Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

	Planning Report – <i>Updated June 2022</i> S4.15 Environmental Planning & Assessment Act 1979
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DA Number	DA16/1465
Property	173 Kinghorne Street & 2 & 4 Albatross Rd Nowra Lots 1, 29 & 30 DP 25114
Applicant(s)	Lee Carmichael Town Planning NTA PDC Planners
Owner(s)	Bill Zervos and Jasmine Anne Simpson & John Irwin Gould

#### **Conflict of interest declaration**

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

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

#### **1. Detailed Proposal**

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

- 8 x one-bedroom apartments
- 31 x two-bedroom
- 16 x three-bedroom
- 3 commercial tenancies (total commercial floor area 259m<sup>2</sup> (267m<sup>2</sup> 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 be constructed along 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 1 – 12.**

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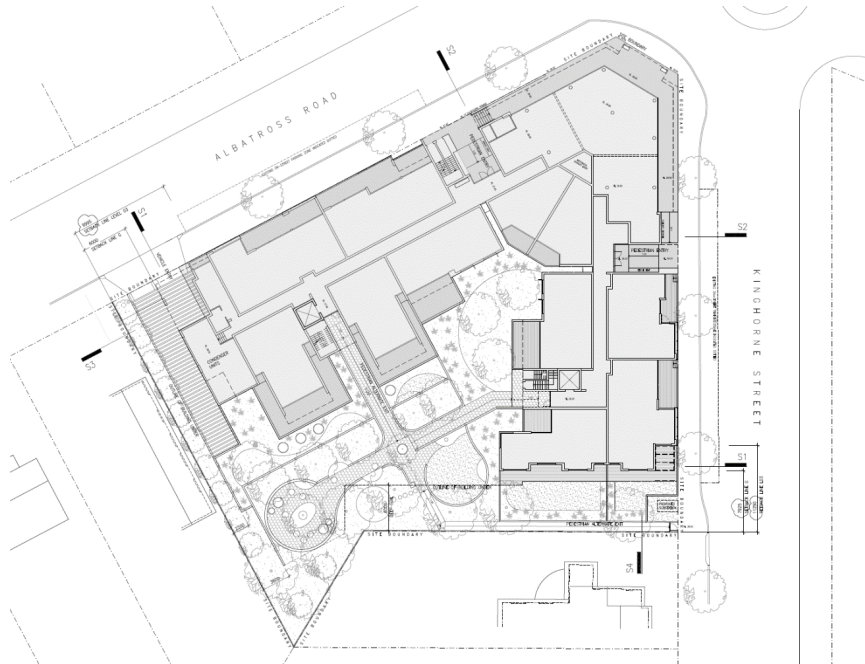


Figure 1 - Site Plan of the proposed development.

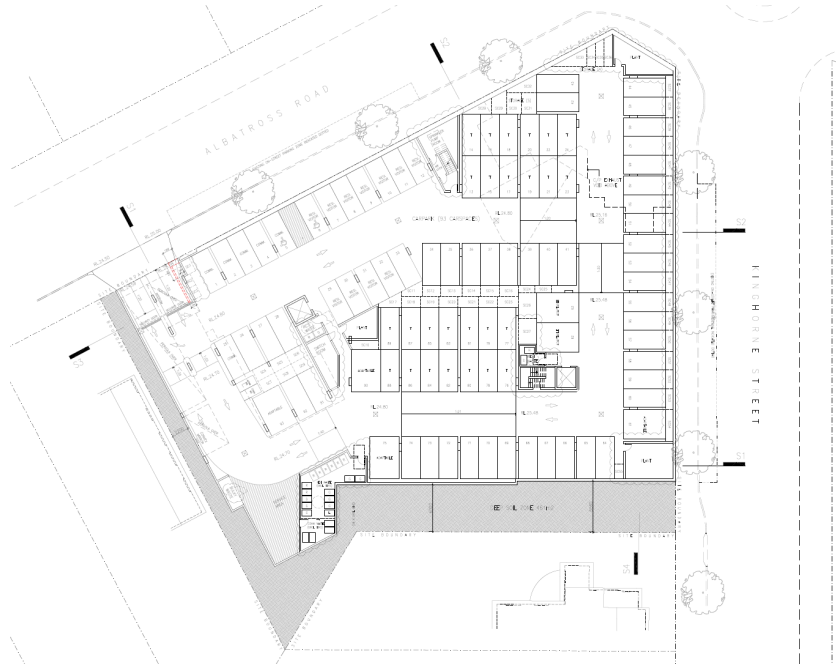


Figure 2 - Basement floor plan of the proposed development.

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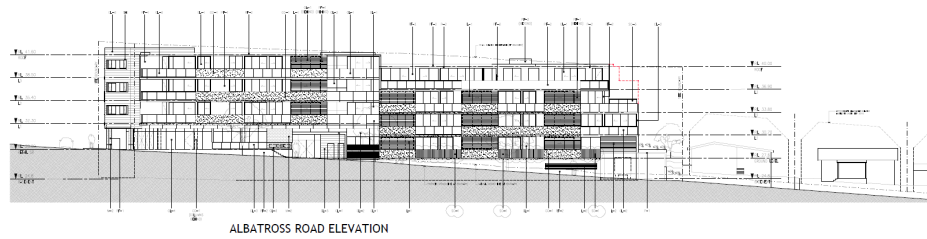


Figure 3 – Elevation of the proposed development (western elevation – Albatross Road).

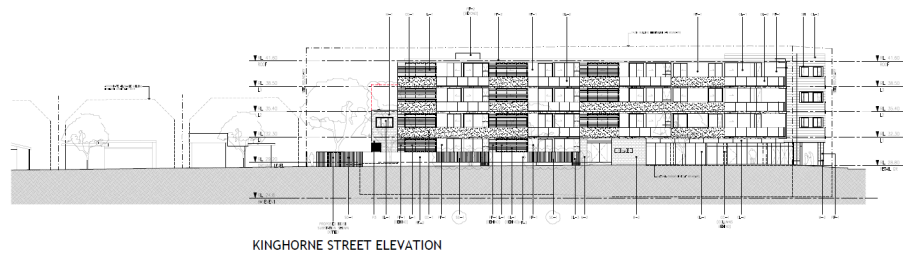


Figure 4 - Elevations of the proposed development (eastern elevation – Kinghorne Street).

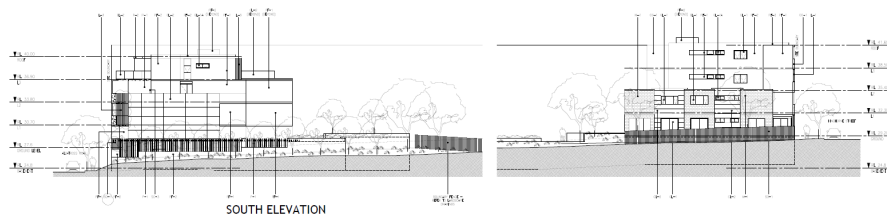
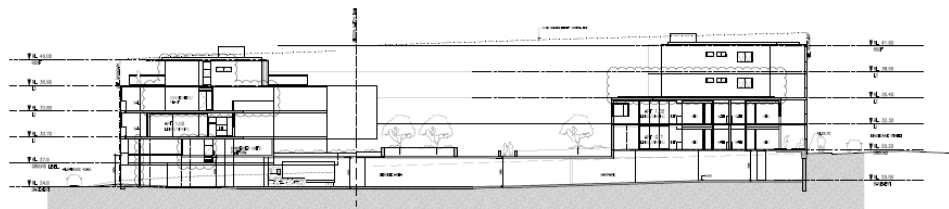


Figure 5 - Elevation of the proposed development (southern elevation)





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Figure 6 - Section plans of the proposed development.



Figure 7 - Section plans of the proposed development.



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CL22.252 - Attachment 1

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Figure 9 - Photomontage view from the south-eastern (Kinghorne Street).



Figure 10 - Photomontage view from the north-eastern corner of Kinghorne and Kalandar Street.

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Figure 11 -Photomontage of the south-western elevation of the development as viewed from Albatross Road.

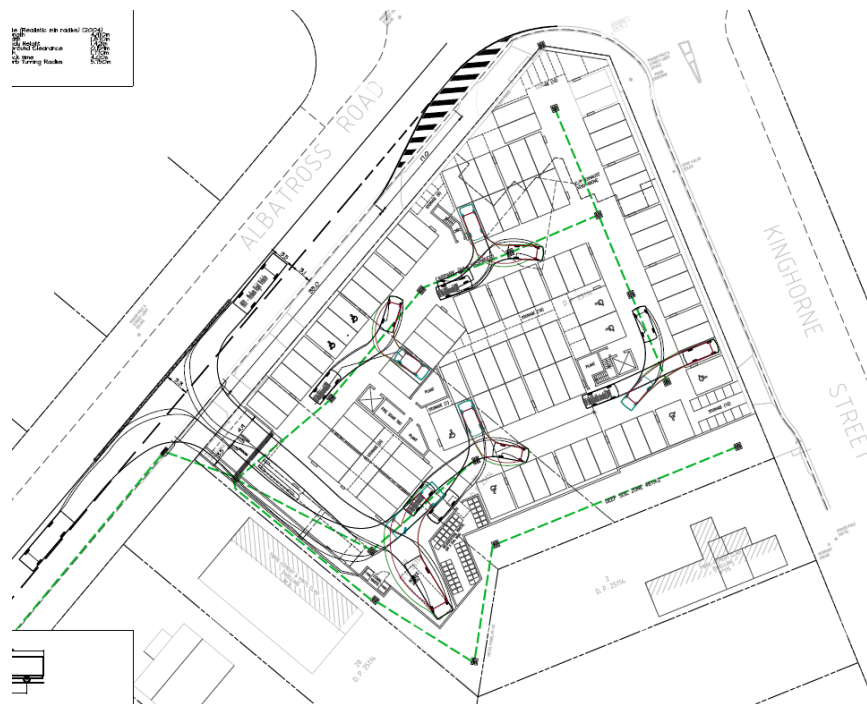


Figure 12 - Extract of engineering design plan indicating the slip-lane and entry design to the development. The design includes a central median on Albatross road to limit vehicle movements to a left in and left out movement.



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## 2. Subject Site and Surrounds

The subject site comprises 3 lots (subject site) and is located on the south-western corner of the intersection of Kinghorne Street, Albatross Road and Kalandar Street. The subject site is described as 173 Kinghorne Street and 2 & 4 Albatross Road, Nowra and legally identified as Lot 1, 29 and 30 DP 25114.

The subject 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 combined land area of the lots is approximately 3497m<sup>2</sup>. The site grades gradually to the south-western corner of the site.

The site previously operated as a car servicing workshop that serviced and repaired motor vehicles in association with local car dealerships, however, the site is now operating as an electrical supplies wholesaler (L&H Electrical Supplies). The site is adjoined by established residential uses to the south and west, a tyre service and residential uses to the north and public open space to the east. 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 (DA19/1846) two - four-storey residential flat buildings, consisting of 91 apartments and a basement car park.

The surrounding land uses are a mix of residential, commercial and public open space. An aerial image of the subject site is provided in **Figure 13** below.

### Deposited Plan and 88B Instrument

A review of the deposited plans reveals that there is no impediment to the development of the site as proposed.

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Figure 13 - Aerial image of the subject site in the local context.

### 3. Background

#### Post-Lodgement

Key dates following the lodgement 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.

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- **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 application was reported to the Development & Environment Committee recommending the refusal of the application. The 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."***

Council took the following actions in relation to the above matter, following the 6 October 2020 Council resolution:

- **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).
- **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.
- **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 February 2021**, Council emailed the applicant (D21/43579) offering to meet to discuss the additional information.

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- **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.
- **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).
- **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).
- **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.
- **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.
- **11 May 2021, the application was reported to the Development and Environment Committee recommending the refusal of the application. The Committee resolved:**  
*"That the Item be deferred to the June Development and Environment Committee meeting for further consideration." (MIN21.256).*

Council took the following actions in relation to the above matter, following the 11 May 2021 Council resolution:

- **18 May 2021**, the applicant was emailed (D21/203761) to again request the additional information.
- **27 May 2021**, the applicant submitted a revised SIDRA analysis (D21/227623) for the proposed development.
- **1 June 2021, the application was reported to the Development and Environment Committee where it was resolved:**  
*"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).*

Council took the following actions following 1 June 2021 Council resolution:

- **27 May 2021**, the applicant's revised SIDRA analysis (D21/227623) was referred Council's Development Engineers and City Services for further consideration.
- **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)

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- That potential development to the west of their proposal would need to access from Albatross Road (Driveway)
- **26 October 2021, the application was reported to the Ordinary Meeting where it was resolved that:**  
***“That in relation to 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) the matter be deferred to early 2022.” (MIN21.775).***

Council has taken the following actions following 26 October 2021 Council resolution:23

**November 2021**, a meeting was held with the applicant and Council City Development staff where the applicant advised that their position on traffic matters remained unchanged and it was recognised that the meeting would be reported again in the new year.

- **16 March 2022**, Council staff (City Development and City Services) met with the applicant to discuss the development application and specifically the traffic matters and classification of Albatross Road. The applicant outlined that their position on the outstanding traffic matters have still not changed since the meeting and subsequent Council report in October 2021.  
 At this meeting it was raised by Council staff that an amended design relocating the access to the development to be from Kinghorne Street would be accepted, despite the significant amount of time that has lapsed since lodgement, in an attempt to resolve the application, and a commitment of a further meeting was made. **7 April 2022**, a further meeting was held with the applicant and Council City Development staff where the applicant advised that due to the subsequent impacts on development yield and cost of an architectural redesign, that an amended design would not be submitted to Council. Staff advised that the application would be accordingly reported to Council in accordance with the October resolution.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 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 the zoning of the subject land from B5 Business Development to B4 Mixed Use.
- Height of Buildings – Sheet HOB\_013E - amend maximum height of building from no mapped maximum building height to a height determined by the outcome of the character assessment (maximum of 15m). *Note: the current height for the site is up to 11m as per clause 4.3(2A) of Shoalhaven Local Environmental Plan (LEP) 2014.*

On 12 September 2017, the Development Committee resolved (MIN 17.776) 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).



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On 6 October 2017, Amendment No. 16 to SLEP 2014 was published on the NSW Legislation website and commenced, bringing 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 of time. A site inspection revealed that the use is ongoing.

#### 4. Consultation and Referrals

Internal Referrals		
Referral	Recommendation	Comment
Development Engineer	<p>The Development Engineer has raised concerns raised in relation to the design of the access/egress, pedestrian safety and servicing of the development.</p> <p>The applicant's revised SIDRA analysis (D21/227623) was referred to Council's Development Engineers and City Services for further consideration. The comments provided as part of the City Services referral (D21/228297) are the result of consultation with the development engineer and City Service and are considered to be the shared views of the assessing engineers.</p>	Noted. Conditions have not been provided.
Traffic & Transport Unit	<p>Council's Traffic &amp; Transport Unit has reviewed the proposal along with the following reports:</p> <ul style="list-style-type: none"> <li>• <i>SIDRA Analysis</i> prepared by JN Engineering dated 25 May 2021 (D21/227623);</li> <li>• <i>Traffic SIDRA Analysis</i> prepared by Jones Nicholson Consulting Engineers dated 31 July 2019 (D19/280251);</li> <li>• <i>Traffic Management Report</i> prepared Jones Nicholson Consulting Engineers dated 27 February 2018 (D18/89444);</li> <li>• <i>Traffic Management Report</i> prepared Jones Nicholson Consulting Engineers dated 23 November 2016 (D17/38303); and</li> <li>• <i>Assessment of Traffic and Parking Implications</i> prepared by Transport and Traffic Planning Associates dated April 2016 (Revision C) reference 16029 (D16/110933)</li> </ul> <p>The following provides a summary of their comments.</p>	Noted. Conditions have not been provided.

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	<p>Further detailed comments provided by Council's Civil Engineer are included below this table.</p> <p>In summary, the applicant has not provided sufficient justification as to why access for the proposed development should not satisfy the requirements of Clause 101(2)(a) of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (ISEPP), pertaining to development with frontage to a classified road.</p> <p>Clause 101(2)(a) of ISEPP is a mandatory requirement that necessitates that the vehicular access be via a local road (Kinghorne Street), being part of the unclassified road network and to which the site has an extensive street frontage.</p> <p>The desired outcome is for access to the land 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).</p> <p>Council's City Services has considered the applicant's submitted Traffic Reports and has concluded that the information provided does not establish that the safety, efficiency and ongoing operation of the 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.</p> <p>The applicant's revised SIDRA analysis (D21/227623) submitted on 27 May 2021 was referred to City Services for consideration. City Services has concluded that:</p> <ol style="list-style-type: none"> <li>1. The proposed access on Albatross Road reduces: <ol style="list-style-type: none"> <li>a) lane capacity (via a reduction in width) and</li> <li>b) Council's ability to adequately service the surrounding road network.</li> </ol> </li> <li>2. Given the higher volume of traffic on Albatross Road, relative to Kinghorne Street, there is likely to be increased conflicts on Albatross Road.</li> <li>3. 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.</li> <li>4. The application of the most current Austroads standards and turning treatments indicates that a compliant treatment for a right turn treatment (CHR(s)) into the development on Kinghorne Street will provide a compliant and suitable treatment for entry to the development from a minor road (not the regionally classified road – Albatross Road).</li> <li>5. The approach sight distances to turning vehicles are significantly improved with the Kinghorne street option</li> </ol>	
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	<p>when compared to the Albatross Road option.</p> <p>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, which requires vehicular access to be via a local road (Kinghorne Street), being part of the unclassified road network and to which the site has an extensive street frontage.</p>	
Building Surveyor	<p>The BCA Report and the Access Report have identified several non-compliances with the Building code of Australia (BCA). The reports make recommendations that these matters be addressed at the Construction Certificate stage. Some of these matters are non-compliances with the Deemed to Satisfy provisions of the BCA. Where compliance with the Deemed to Satisfy provisions of the BCA is not achieved, an alternative solution addressing the Performance Provisions of the BCA must be provided. Any fire engineered alternative solution must be prepared by a C10 Accredited Fire Engineer and approved by an A1 Accredited Certifier (accredited by the Building Professionals Board).</p> <p>The building is required to be accessible in accordance with Part D3 of the BCA and the requirements of AS1428.1-2009.</p> <p>The accessible car parking space required by Clause D3.5 of the BCA to service the shops are located within a secure parking area and has not been made readily available/accessible to the public that may use the shops. This will need to be addressed before the determination of the development application as additional spaces may be required to be provided.</p> <p>Subject to the imposition of the recommended conditions to address the above matters, the Building Surveyor has not objected to the development application.</p>	<p>If approved conditions are recommended to be imposed as required to reflect the conditions recommended.</p>
Waste	<p>Subject to the imposition of the recommended conditions, the Waster Services Section has not objected to the development application.</p>	<p>If approved conditions are recommended to be imposed as required to reflect the proposed conditions.</p>
Shoalhaven Water	<p>Shoalhaven Water has issued a Shoalhaven Water Notice for the proposed development.</p>	<p>The Shoalhaven Water Notice is to be issued with the Development Consent if approved.</p>
Environmental Health Officer –	<p>Environmental Services has reviewed the <i>Acoustical</i></p>	<p>If approved conditions are</p>

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Acoustic Assessment	<p><i>Report – Proposed Residential Unit Development At – 172 Kinghorne Street, Nowra NSW by Koikas Acoustics Pty Ltd – Ref: 3907R20191105PD173KinghorneStNowra_DA – 6NOV2019.</i></p> <p>The report has concluded that “there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines.” The conclusion has also stated that sufficient insulation against external sources of noise can be dealt with through acoustic glazing and internal insulation of the building complies with the BCA-although verification of the system should be given prior to constructing.</p> <p>The design as outlined in the architectural drawings submitted by Kannfinch Architects are the basis for the noise assessment and as such any deviation from the designs may change the outcomes of the noise report.</p> <p>A condition should also be included as follows:</p> <ol style="list-style-type: none"> <li><i>1. A detailed assessment of mechanical plant noise must be prepared for the development prior to construction.</i></li> <li><i>2. In-situ noise assessment must be undertaken by a suitable qualified sound engineer on a fully installed floor/ceiling assembly to ensure adequate acoustic insulation prior to the installation of floors/ceilings throughout the building. A report must be submitted to Council's Senior Environmental Health Officer outlining findings of the investigation.</i></li> </ol>	recommended to be imposed as required to reflect the proposed conditions.
Environmental Health Officer – Contamination	<p>Environmental Services has reviewed the following contamination reports:</p> <ul style="list-style-type: none"> <li><i>Validation of Remediation Works – 173 Kinghorne, Nowra NSW 2541– REP-19-8156 – 12<sup>th</sup> July 2019 by Envirotech.</i></li> <li><i>Environmental Site Assessment (Targeted Phase II Site Investigation) 173 Kinghorne Street, Nowra NSW – 1<sup>st</sup> March 2016 by Envirotech</i></li> </ul> <p>It is noted that the <i>Environmental Site Assessment</i> conducted additional sampling around the property to ascertain if there was contamination at sites other than the underground petroleum storage (UPPS) tanks. This report clears the site from requiring additional remediation other than at the UPSS.</p> <p>Conditions have been recommended to deal with any unexpected finds and to reflect the recommendations of the submitted contamination and validation reports.</p>	If approved conditions are recommended to be imposed as required to reflect the proposed conditions.
Landscape Architect	<p>No objection has been raised, subject to consideration of the following:</p> <p><u>Plants</u></p> <p>The choice of plants although very densely planted is generally suitable for the development. However, they may</p>	If approved conditions are recommended to be imposed as required to reflect the proposed

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	<p>want to consider the following:</p> <ul style="list-style-type: none"> <li>The native area planting appears to be overplanted. Planting of 4 large Eucalyptus trees plus other native trees in an area approx. 5 x 10m will cause future issues to the property owner. The proposed understorey planting will not succeed here as there will be too much shade plus the fact that the garden is south facing.</li> <li>The proposed hedge – <i>Metrosideros thomasi</i> will require regular pruning to keep it a suitable height as it is a small tree. Perhaps consider the Fuji Fire variety which is smaller.</li> </ul> <p><u>Streetscape</u></p> <p>There is no proposed streetscape treatment along Kinghorne Street and Albatross Road. The development should be in keeping with similar developments in Nowra such as the Quest Apartments. Street trees must be included the proposal and a minimum of 100Litre pot size – <i>Lagerstroemia indica</i> 'Natchez' is existing on Kinghorne Street and should continue on this development.</p> <p><u>Building</u></p> <p>Panel on Southern end of building is a bit stark and imposing. Suggest using a softer colour or same treatment as front – Timber look</p> <p><u>Further Action</u></p> <p>Please provide details of the streetscape on Kinghorne Street and Albatross Road.</p>	conditions.
GIS	<p>Recommended unit numbering has been provided and is to be included on the Development Consent if approved.</p>	If approved conditions are recommended to be imposed as required to reflect the proposed conditions.

Further detailed assessment from Council's Traffic and Transport Unit:

*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 however from Albatross Road.

To facilitate this vehicular access, the following access and upgrades along the Albatross Road frontage are proposed to form part of the development:

- 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.

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- 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 aforementioned 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 from Albatross Road it is considered by (both) Council's Development Engineer and City Service's Engineers that the following roads proximate to the subject site (**refer Figure 14**) 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



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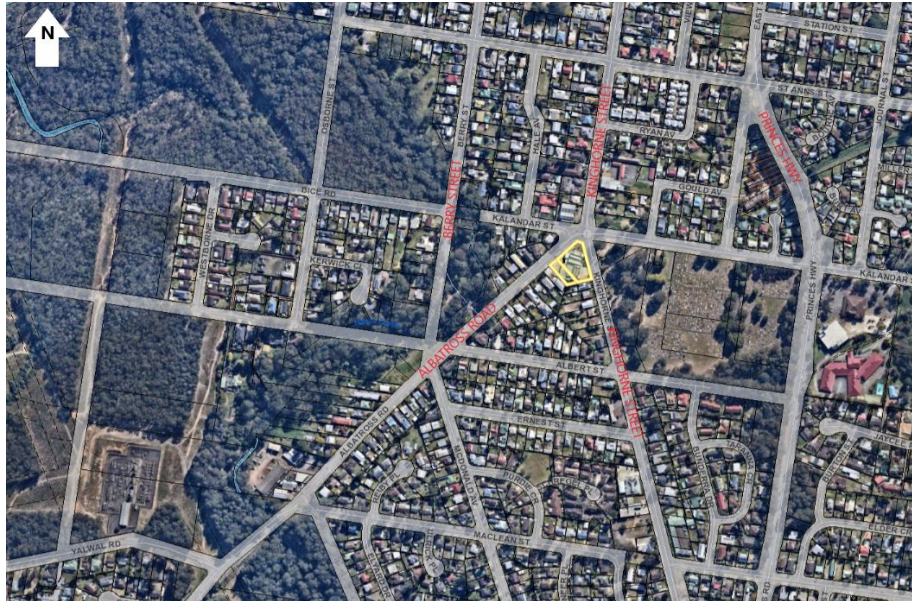


Figure 14 – Aerial image of the site indicating the roads in proximity to the site that will be impacted by the proposal

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

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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 will provide a compliant and suitable treatment for entry to the development from a lower order road (not the regionally classified road – Albatross Road).
- (e) The approach sight distances to turning vehicles are significantly improved with the Kinghorne Street option when compared to the Albatross Road option.
- (f) 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 (Kinghorne Street), being part of the unclassified road network and to which the site has an extensive street frontage.

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Throughout the assessment of the DA, Council staff have consistently advised that irrespective of Council's internal strategic plans, 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 Kinghorne Intersection is a key intersection in the Local and Regional and State Road network in the Shoalhaven.

*b) Access via Albatross Road vs. Kinghorne Street*

The applicant has stated that vehicular access to the site via Kinghorne Street is not capable 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 Kinghorne Street would in fact be compliant by both 2017 and 2021 standards. The total length available along the Kinghorne 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 to 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 rezoning and reclaiming 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 15**.

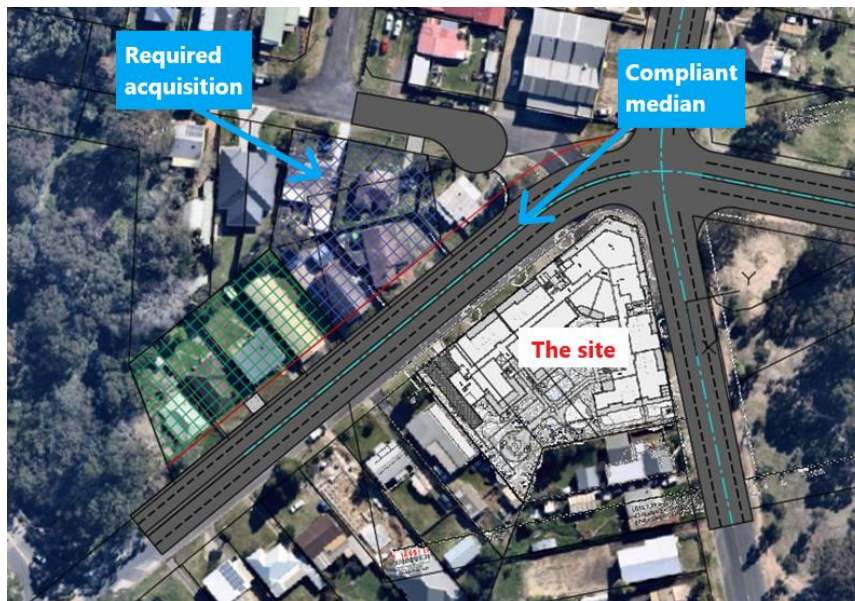


Figure 15– Aerial image with overlay showing required works and acquisition that would be required to provide a compliant treatment of Albatross Road associated with access to the site off Albatross Road.



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

The applicant has raised that despite any future road upgrades or growth of Albatross Road, sites to the west of their proposal will always require access from Albatross Road (see **Figure 16**). Accordingly, to deny access to the subject site is illogical as future development will cause impact on the road network.



Figure 16 – 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 under the ISEPP assessment in this report), and the sites to the west do not have a secondary frontage to a lower order local road.

External Referrals		
Agency	Recommendation	Comment
Endeavour Energy	Endeavour Energy has raised no objection to the Development Application subject to the recommendations and comments in their letter dated 23 July 2020 (D20/331930).	If approved conditions are recommended to be imposed as required to reflect the recommendations and comments of Endeavour Energy.
Transport for NSW (formerly RMS)	On 30 March 2017, RMS provided a letter to Council (D17/105493) to clarify the RMS' position in relation to the proposed development and access arrangements onto the Regional Classified	Council has assessed the traffic implications of the development in accordance with

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	<p>Road (Albatross Road) as follows:</p> <p><i>“RMS has reconsidered its previous advice (i.e. letter dated 14 July 2016) and wishes to advise that Albatross Road (at this location) is a regional classified road, and Kinghorne Street (at this location) is an unclassified road, both managed by Shoalhaven City Council.</i></p> <p><i>RMS has reviewed its level of involvement on classified regional roads and considers that it is more appropriate for councils to determine if proposed access arrangements are acceptable from a network perspective (i.e. acceptable in terms of safety and efficiency).</i></p> <p><i>Given the above, RMS entrusts Council to assess the traffic implications of this development application.</i></p> <p><i>RMS recognises that the proposed access arrangements to Albatross Road would require Section 138 consent from Council and concurrence from RMS under Section 138 of the Roads Act, 1993. Should the developer be able to demonstrate to Council that the proposed access arrangements to Albatross Road are acceptable and comply with relevant standards, RMS would issue its concurrence under Section 138 of the Road Act, 1993.</i></p> <p><i>RMS highlights that in determining the application under Part 4 of the Environmental Planning and Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.”</i></p>	<p>ISEPP, SDCP 2014 and the relevant standards. Council's City Services does not believe that the applicant has demonstrated that the proposed access arrangements to Albatross Road are acceptable and comply with relevant standards, and therefore RMS may not be in a position to issue their concurrence under Section 138 of the Roads Act 1993.</p>
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## 5. Other Approvals

Integrated Approvals and Concurrences		
Agency	Recommendation	Comment
NRAR	On 17 July, NRAR notified Council, that to avoid any further delays NRAR would be acceptable to impose your condition requiring that the applicant be required to apply for and obtain a Controlled Activity Approval under the <i>Water Management Act 2000</i> prior to the issue of a CC (D20/325590)	Should the application be approved, a condition is recommended to be imposed to require the applicant to apply for and obtain a Controlled Activity Approval under the <i>Water Management Act 2000</i> prior to the issue of a CC

## 6. Statutory Considerations

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

Instrument	Relevant
Shoalhaven LEP 2014	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<input checked="" type="checkbox"/>
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Resilience and Hazards) 2021 (former SEPP No 55 - Remediation of Land)	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Former SEPP (Infrastructure) 2007)	<input checked="" type="checkbox"/>

Additional information on the proposal's compliance with the above planning instruments is detailed below in Section 7 (Statement of Compliance/Assessment) of this report.

## 7. Statement of Compliance/Assessment

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

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

Environmental Planning and Assessment Act 1979

Section 4.46 – Integrated Development		
Act	Provision	Approval
<i>Water Management Act 2000</i>	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3
<i>Roads Act 1993</i>	S138	Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road

**i) Environmental planning instrument**

On 1 March 2022, the thematic State Environmental Planning Policies (SEPPs) commenced with 11 new SEPPs introduced which re-organised and repealed 45 former SEPPs. Former SEPPs which applied at the time of the lodgement of this DA, now exist as 'Chapters' within the new instruments.

There are no savings and transitional provisions contained in the new instruments. Rather, each instrument contains a 'transferred provision' clause which states that section 30A of the Interpretation Act 1987 is taken to apply. This means that the transfer of clauses to the new instruments will not affect their operation, and the clauses should be construed as if they had not been transferred.

Accordingly the following assessment assesses the proposal under the new SEPPs as the former SEPPs no longer apply to existing development applications and consents, and the new SEPPs apply instead. The operation and meaning of the transferred provisions has not changed, unless modified in the new SEPPs – this is identified where required in this assessment.

*State Environmental Planning Policy (Transport and Infrastructure) 2021*

This SEPP repealed and replaced SEPP (Infrastructure) 2007 and any reference to SEPP (Infrastructure) in any documentation for this DA is thus taken to be a reference to the new SEPP. Under the new SEPP (Transport and Infrastructure) 2021, as the subject site has frontage to Albatross Road (MR92), being a classified regional road, section 2.118 (formerly clause 101 of SEPP (Infrastructure) 2007) applies and reads as follows:

**2.118 Development with frontage to classified road**

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

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

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- (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. (**emphasis added**)*

Under subsection 2.118(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 subsection 2.118(2) are collective. Therefore, any one of the pre-conditions in subsection 2.118(2) about which Council is not satisfied could prevent the issue of consent:

- Subclause 2.118(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 17 and 18**) to demonstrate that practicable and safe, vehicular access to the land can be provided by a road (Kinghorne Street) other than the classified road.

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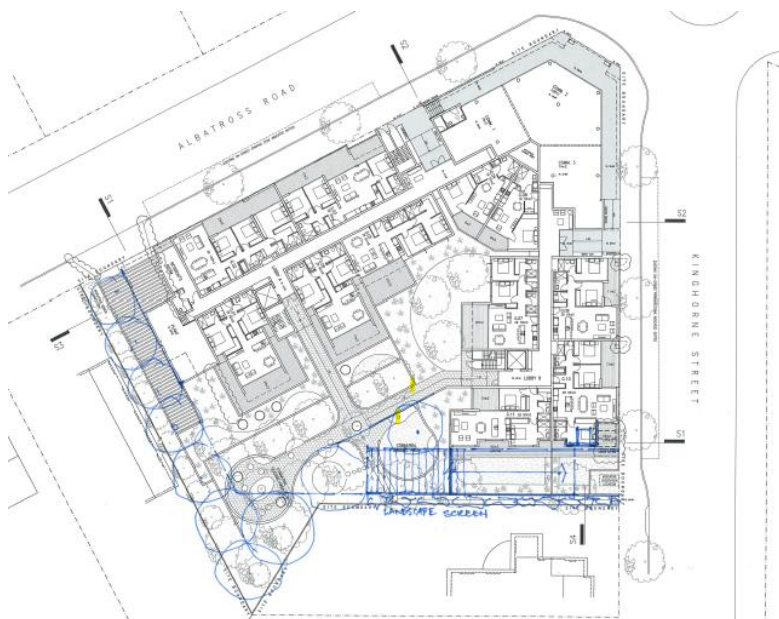


Figure 17 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.

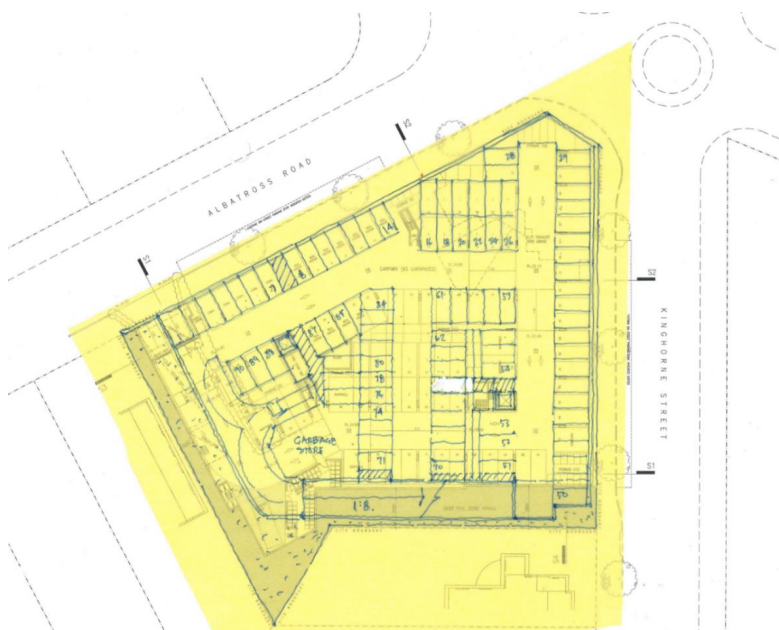


Figure 18 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.



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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 2.118(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 2.118(2)(b) (“to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads”) is relevant in that 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 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 2.118(2)(b)(i) and (iii) of the new Transport and Infrastructure SEPP. It follows therefore that the development has not been able to meet preconditions 2.118(2)(a) and (b) and that Council therefore has questionable ability under the SEPP to approve the development application in its current form.

- Subclause 2.118(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 2.118(2)(c) are capable of being addressed by appropriate development consent conditions, if approved.

It is considered that:

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1. Practicable and safe, vehicular access to the land is 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 Transport and Infrastructure SEPP the Council **must not** consent to the development.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP repealed and replaced:

- SEPP 33 – Hazardous and Offensive Development;
- SEPP (Coastal Management) 2018; and
- State Environmental Planning Policy 55 – Remediation of Land.

The latter two apply to the subject development and have been replaced with Chapter 2 and 4 of the new SEPP respectively.

Chapter 4 Remediation of land: Section 4.6 – Contamination and remediation to be considered in determining development application applies to the subject development.

In accordance with Section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

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



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Question	Yes	No
might be present in soil or groundwater?	site assessment	SEPP 55 and DCP.

Comment:

In accordance with Subsection (2) – (4) of SEPP (Resilience and Hazards) 2021 Council must consider the potential for contamination on the site and its suitability for the proposed use. In accordance with Council's mapping, the site is listed as potentially contaminated land. The aim of the investigation was to assess whether there is soil contamination adjacent to an underground storage tank. The site previously operated as a car servicing workshop that serviced and repaired motor vehicles in association with local car dealerships, however, the site is now operating as an electrical supplies wholesaler (L&H Electrical Supplies).

The applicant submitted a report in support of the application titled *Environmental Site Assessment (Targeted Phase II Site investigation)* by Envirotech (Ref: REP-277015-A – 1/3/2016). Believed to be located within the site are an underground petrol storage system (UPSS) tank and associated fuel bowers.

The report recommends that the decommissioned Underground Petroleum Storage System (UPSS) tank be removed and disposed of off-site. Removal of the tank must be undertaken in accordance with NSW legislation and guidance, relevant Australian Standards and applicable work health and safety legislation.

Soil sample results were compared to the Health Investigation Levels (HILs) Guidelines and Ecological Screening Levels (ESLs) for residential allotments with limited soil access (NEPM 2013). The report concludes that chemically, the results meet the criteria of the Health Investigation Limits for all of the analyses contaminants across the site. In relation to the area of investigation, this area is deemed suitable for the proposed development.

An additional report titled *Validation of Remediation Works* prepared by Enviro Tech dated 12 July 2019 (D19/388658). The additional validation report has been considered by Council's Environmental Services unit to be satisfactory and appropriate conditions are recommended should the application be approved.

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

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 2020* (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.

State Environmental Planning Policy (Planning Systems) 2021 (former SEPP (State and Regional Development) 2011)

At the time of lodgement Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EPA Act) was operative.

The proposed development has a capital investment value of (excluding GST) of \$15,197,610.

As the development does not meet or exceed the nominated CIV that would trigger determination by the Southern Regional Planning Panel and Council is the determining authority for the application.

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State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

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 accordance with Clauses 50(1A) & 50(1AB) of the EP&A Regulation 2000. The SEPP 65 Design Statement has address Schedule 1 of SEPP 65. Council's assessment of the design quality principles is provided in the table below:

Schedule 1 Design quality principles	
Design quality principle	Comment
<p><b>Principle 1: Context and neighbourhood character</b></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>It is noted that 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 a basement car park (DA19/1846).</p> <p>It is noted that the subject site was the subject of a planning proposal to the zoning of 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</p>

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	<p>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 the 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><b>Principle 2: Built form and scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future 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>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 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 attempted 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 <u>not</u> considered to satisfy this design principle</p>
<p><b>Principle 3: Density</b></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 3,509m<sup>2</sup>, has a dwelling density of approximately 1 dwelling per 64m<sup>2</sup>.</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 particular concern and is likely to result in poor liveability associated with 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</p>

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	<p>relates to standards for solar access, apartment size and layout, private open space, landscaped deep soil zone for larger blocks (15% deep soil zone for sites exceeding 1500m<sup>2</sup>), setbacks to the adjoining low-density development, common circulation and spaces, apartment mix and suitability of car parking. These non-compliances suggest an overdevelopment of the site and an inappropriate density.</p> <p>It is likely that the proposed density can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p> <p>The development is <u>not</u> considered to satisfy this design principle</p>
<p><b>Principle 4: Sustainability</b></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 9 am and 3 pm in mid-winter</p> <p>13 of 55 apartments (24%) of apartments receive no sunlight between 9am and 3pm in mid-winter.</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 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 receive inadequate 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 receive poor access to sunlight and this cannot be resolved without a complete reconsideration of the design 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&amp;A Regulation.</p> <p>Stormwater is proposed to be reused for gardens in the communal area.</p> <p>The development is <u>not</u> considered to satisfy this design principle as it relates to the design of single bedroom units.</p>
<p><b>Principle 5: Landscape</b></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</i></p>	<p>The proposed landscaping meets the minimum deep soil requirements under the ADG. The total area of deep soil area is 461m<sup>2</sup> (13% of the site area). 328m<sup>2</sup> (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 1500m<sup>2</sup> and therefore it may be appropriate to require 15% of the site as deep soil landscaped area. Additional deep soil planting could have been provided through the removal of the single bedroom</p>

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<p><i>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>apartments and redistribution of these units throughout the development and the potential for additional landscaping along the Kinghorne and Albatross Road frontages.</p> <p>Landscape plans have been reviewed by Council's landscape architect and are considered to be 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 <u>not</u> considered to satisfy this design principle.</p>
<p><b>Principle 6: Amenity</b></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, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</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 – Appendix A.</p> <p>The development is <u>not</u> considered to satisfy this design principle</p>
<p><b>Principle 7: Safety</b></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</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 the 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</p>

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<i>maintained and appropriate to the location and purpose.</i>	visitors. The development is considered to satisfy this design principle.
<p><b>Principle 8: Housing diversity and social interaction</b></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 (20m<sup>2</sup>) 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>Despite the deficiencies in the design of the communal room, the development is considered to satisfy this design principle.</p>
<p><b>Principle 9: Aesthetics</b></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 designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape</i></p>	<p>The architectural treatment is satisfactory.</p> <p>The development is considered to satisfy this design principle.</p>

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

The development has been assessed against the Apartment Design Guide and a full assessment is provided under **Appendix A** of this Report.

Shoalhaven LEP 2014

The land is zoned B4 Mixed Use under the SLEP 2014.

#### **Characterisation and Permissibility**



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The proposal is best characterised as a ‘mixed use development’ consisting of ‘commercial premises’ on the ground floor and ‘residential flat building’ under the SLEP 2014. The proposal is permitted within the zone with the consent of Council.

The above terms are defined in the Dictionary to SLEP 2014 as follows:

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**mixed use development** means a building or place comprising 2 or more different land uses.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.


#### Zone objectives

Objective	Comment
<i>To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	The development is considered to satisfy the objectives of the B4 zone. The development would provide a mixture of compatible uses (commercial and residential accommodation). the development would likely provide the potential for the use of the ground floor commercial tenancies for business, office or retail land uses below residential units. The site is in an accessible location on the southern fringe of the Nowra town centre with opportunities for walking and cycling to the CBD.

#### SLEP 2014 Clauses

Clause	Comments	Complies
<b>Part 2 Permitted or prohibited development</b>		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Yes.
<b>Part 4 Principal development standards</b>		
4.3 Height of Buildings	<p><i>Clause 4.3 Height of Buildings</i></p> <p>The objectives of this clause are stated in subclause (1) as follows:</p> <ul style="list-style-type: none"> <li>(a) <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,</i></li> <li>(b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></li> <li>(c) <i>to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</i></li> </ul> <p>In accordance with subclause (2), the height of a building on any land is not to exceed the maximum height shown for the land on</p>	No.

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	<p>the Height of Buildings Map.</p> <p>In April 2016, a Planning Proposal (PP) was lodged concurrently with this DA to rezone the subject site from B5 Business Development to B4 Mixed Use zone and increase the maximum height of the building limit from 11m to 15m. The planning proposal was approved, and commenced on 6 October 2017 (Amendment No. 16 to SLEP 2014); however, the height limit was increased only to 14m for the majority of the site.</p> <p>An 8.5m maximum building height associated with a 9m wide portion, 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 was applied to the subject site.</p> <p>The Height of Buildings Map indicates that the subject site has split height standards of 14m (N2) and 8.5m (I2). An extract from the Height of Building Map is provided in <b>Figure 19</b> below.</p> <p>Despite the PP coming into effect during the assessment of the subject DA, the design of the development was not amended to comply with the approved heights under the site specific PP.</p> <p>The development proposed exceeds the 14m height limit for the portion of the building located in this mapped area where the maximum building height is 14m – I2. The application seeks a variation to clause 4.3 in accordance with clause 4.6 of SLEP 2014.</p>  <p><i>Figure 19 - Extract from the SLEP 2014 Height of Building Map.</i></p>	
4.4 Floor Space Ratio	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>There is no Floor Space Ratio Map that relates to the subject site.</p>	N/A.
4.6 Exceptions to	<p>Development consent may, subject to clause 4.6, be granted for development even though the development would contravene a</p>	No.



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development standards	<p>development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>The development standard is not excluded from the operation of clause 4.6 as it is not listed within 4.6(8) of SLEP 2014.</p> <p>The application seeks a variation to Clause 4.3 in accordance with Clause 4.6 of SLEP 2014.</p> <p>An assessment of the applicant's request under Clause 4.6 to vary the development standard relating to building height under Clause 4.3 is provided immediately following this table.</p>	
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage Conservation	<p>The objectives of this clause are as follows:</p> <p><i>(a) to conserve the environmental heritage of Shoalhaven,</i></p> <p><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p><i>(c) to conserve archaeological sites,</i></p> <p><i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p> <p>The subject site is not identified as a heritage item or within a heritage conservation area under Schedule 3 of SLEP 2014. It is noted that the development site is opposite and nearby an item of local heritage significance under Schedule 3 of SLEP 2014, the item is listed as Item 361 - Nowra General Cemetery.</p> <p>The development is consistent with the objectives of the heritage provisions in that does not directly or indirectly adversely impact on the cemetery.</p>	Yes.
<b>Part 7 Additional local provision</b>		
7.1	<p>It is unlikely that the proposed works would disturb, drain or expose acid sulfate soils to the atmosphere to cause environmental damage.</p> <p>The subject works are proposed to be undertaken on Class 5 acid sulphate soil. The works would not involve disturbing the earth at a depth of 5 metres or the lowering of the watertable</p> <p>Despite this, a precautionary condition to ensure that if acid sulfate soils are identified during site preparatory works or excavation an acid sulfate management procedure is to be put in place should the application be recommended for approval.</p>	Yes.
7.2	The development will include significant earthworks to facilitate the construction of the basement separate consent for these works is not required outside of this consent.	Yes.
7.3	The subject land is not identified as a Flood Planning Area by mapping supporting the SLEP 2014.	N/A.

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7.5	The subject property is not identified as being affected by areas of terrestrial biodiversity under this clause. In this regard, no adverse environmental impacts are likely to arise. Given these circumstances, the provisions of this clause, therefore, do not apply to the proposal.	N/A.
7.6	The subject property is not identified as containing or within 40m of any watercourses under the provisions of Clause 7.6.  However, the proposed drainage works which include drainage works within 40m of Nowra Creek will require the issue of a CAA from NRAR. The proposed development is considered to be consistent with this clause (subject to appropriate conditions if approved).	N/A.
7.7	The site of the proposed development is <u>not</u> subject to a slope in excess of 20% and is not identified as a ' <i>Sensitive Area</i> ' by Natural Resource Sensitivity - Land Mapping that supports the Shoalhaven LEP 2014.	N/A.
7.8	The Scenic Protection Area Map that accompanies the Shoalhaven LEP 2014 does not identify the subject land as being located within a ' <i>Scenic Protection</i> ' area.	N/A.
7.11	The subject site has access to all essential services. All services are to be augmented as required.	Yes

Clause 4.6 Variations Assessment

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

The development standard is not excluded from the operation of clause 4.6 as it is not listed within 4.6(8) of SLEP 2014.

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

Development Standard to be Varied

Clause 4.3 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 the 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.

The Extent of the Variation

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Parts of the building exceed the 8.5m (I2) and 14m (N2) height limit for 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.

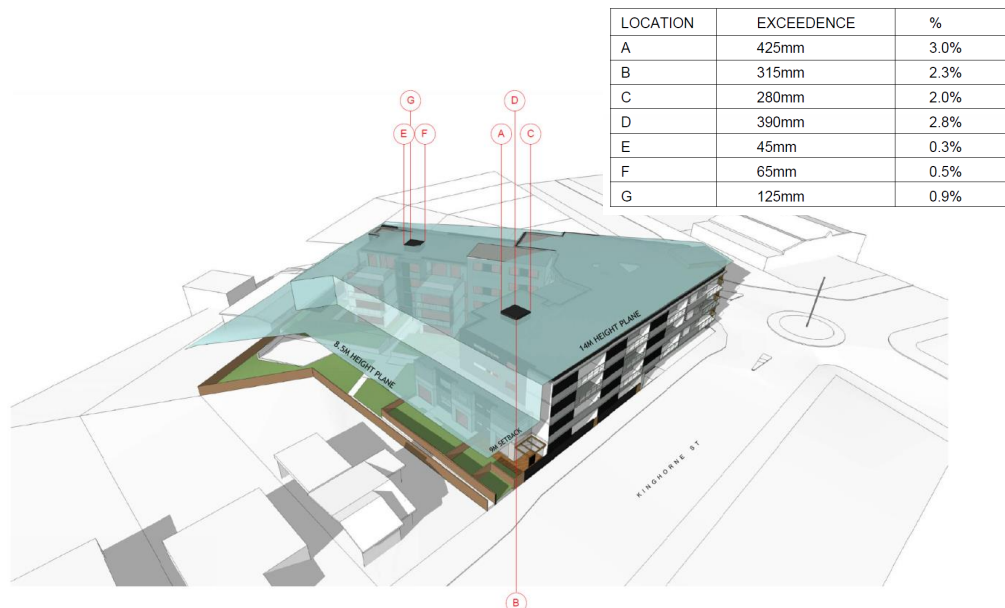


Figure 20 - Height plane instructions relating to the 14.0m (N2) maximum building height - south-eastern view from Kinghorne Street.

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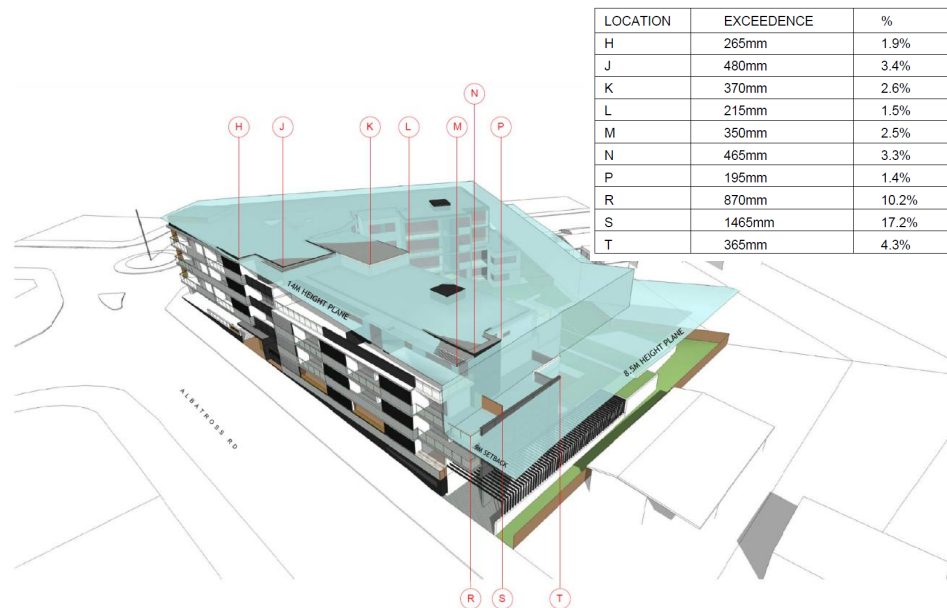


Figure 21 - Height Plane instructions relating to the 14.0m (N2) and 8.5m (I2) maximum building height - southwestern view from Albatross Street.

The applicant has submitted an amended written request to justify the contravention of the development standard under the requirements of clause 4.6 of SLEP 2014 (D19/423702)

Council is required to consider sub-clauses (3), (4) and (5) of Clause 4.6. Clause 4.6(3) -(5) are extracted from SLEP 2014 below:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:

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- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence."*

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

The first step in satisfying clause 4.6(4)(a)(i), is to consider whether the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). Sub-clause (3) requires the following two matters to be addressed:

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

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

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

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

The "5-part Test" and the applicant's response the separate tests is provided below:

**Test 1.** *The objectives of the development standard are achieved notwithstanding noncompliance with the standard.*

This single test relied upon by the applicant to demonstrate that compliance with the standard in the circumstances of the case would be unreasonable or unnecessary. The applicant's position is extracted from their Clause 4.6 Variation Report below:

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*In this instance it is considered that the best way to demonstrate compliance is both unreasonable and unnecessary is because the underlying objectives of the development standard (Clause 4.3) are achieved.*

*The objectives of Clause 4.3 are to.*

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

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

- 1) The arrangement of the development on the site, together with the site orientation, ensures that no overshadowing, significant view loss, or other amenity impacts arise out of the proposed height exceedance.*
- 2) The proposed development is setback from boundaries to adjacent lower-density zoned land and stepped to minimise the bulk and scale in relation to surrounding development. The points of exceedance are minor in nature and largely oriented along the Albatross Road frontage away from adjacent residential development. With the exception of the handrail and privacy screen that exceeds the 8.5m height limit the remainder of the exceedance points are located such that they would not be readily detectable from the public domain. The privacy screens are the building elements located the closest to adjoining residential properties. These building elements are in place to protect the amenity of neighbouring properties. Removing these building elements in order to comply with the height limit would have an adverse impact on adjoining property.*
- 3) The proposed development has architectural merit and provides an attractive streetscape to a prominent intersection whilst providing amenity for occupants and existing/future neighbours.*
- 4) The proposed development addresses the emerging neighbourhood character and desired future character by:*
  - Providing a greater number of dwellings in order to address housing growth and in recognition of the site's location west of the Princes Highway and approximately 1km south of the CBD within the existing urban area providing access to a wide range of services, community facilities and shopping.*
  - The development includes business premises at the ground floor which will be capable of supplying services and facilities to this development, as well as existing and future development in the area.*
  - Responding to the site's location at the edge of the identified urban consolidation areas (particularly Nowra CBD South) and at one of the area's more significant intersections by accentuating this significant corner with a larger and appropriately scaled development in keeping with the scale of development anticipated by the planning controls.*

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- *Providing larger building form reflecting the likely future increasing urban character of the area and helping include a greater diversity of housing types and housing choice in Nowra. The development provides additional housing, of differing sizes, to fulfil a need identified by several strategic plans.*
- *The stepping of subsequent floors of the building protects solar access and privacy for existing and future adjacent development.*
- 5) *Photomontages have been prepared and submitted. The photomontages illustrate how the new building will sit within the street and the extent to which it enhances the built environment.*
- 6) *The building will not obstruct any important views. Privacy impacts associated with the development have been managed through ensuring compliance with SEPP 65 and the associated ADG. The design is consistent with the relevant ADG design criteria relating to privacy.*
- 7) *Overshadowing studies have been undertaken the results of which have been depicted on shadow diagrams which form part of the architectural plan set. The shadow diagrams demonstrate that the proposal is acceptable with respect to how it impacts on the adjoining residential properties. The diagrams demonstrate that the proposal does not unduly impact on solar access to adjoining properties.*
- 8) *The proposal will have no adverse impacts on any heritage items.*

*For these reasons it is considered that the proposal meets the objectives of Clause 4.3 of the SLEP 2014.*

#### **Council's Consideration of the written request relating to clause 4.6(3)(a)**

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

The applicant has provided an assessment of the proposed development in accordance with the "5 Part Test" established in the L&EC case of *Wehbe v Pittwater Council* [2007] NSWLEC 827, to argue that the development standard is unreasonable or unnecessary in the circumstances of the case.

The applicant has principally sought to argue that 'the objectives of the standard are achieved notwithstanding non-compliance with the standard'.

Based upon a consideration of the applicant's written request, it is not considered that the applicant's written request has adequately addressed those matters required to be demonstrated by clause 4.6(3)(a).

- The variation to the development standard is not considered to have satisfied objectives (i) and (ii) of clause 4.3 as it relates to the portion of the building that exceeds the 8.5m (I2) height limit,
  - i. to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
  - ii. to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*



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It is noted that the variation to the 8.5m (I2) height limit is not compatible with the height, bulk and scale of buildings located in this transitional zone of the site.

- The subject site was subject to a planning proposal to rezone the land and increase the maximum height of the building limit from 11m to 15m. The planning proposal was approved; however, the height limit was increased only to 14m for the majority of the site. An 8.5m maximum building height associated with a 9m wide portion, 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 was applied to the subject site. A *Character Assessment* was prepared on the proponent's behalf by Urbanac (D17/257485) which recommended graduation in height, transitioning from two storeys at the southern interface to four storeys to the north. The *Character Assessment* acknowledges the importance of an appropriate transition from the low-density zone to the south and the higher density proposed on the subject site.
- 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 the 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.
- 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 Kinghorne 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.
- It is noted that the portion of the building that exceeds the 14m (N2) height limit is considered to adequately address those matters required to be demonstrated by clause 4.6(3)(a), however, the request to vary the development standard must be considered on the whole and despite the non-compliance relating to the 14m maximum building height being supported, it is not considered that the non-compliance on a whole is supportable due to the exceedance of the maximum building height as it relates to the 8.5m development standard.

**Clause 4.6(3)(b) - Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?**

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

The applicant's clause 4.6 variation report provides a written request that seeks to justify that there are sufficient environmental planning grounds to justify contravening the development standard. It states:

*The Environmental Planning grounds in favour of the variation are as follows:*

- a. Careful revision of the submitted plans and diagrams attached to this submission will reveal that the extent of the encroachment is reasonable and limited to only a small portions of the building that are located away from adjoining lands.*
- b. The physical form of the building is well articulated and a variety of building materials are proposed to be used in construction. The proposal will enhance the streetscape qualities of the area despite the encroachments made.*
- c. The parts of the structure that exceed the height limit will not be visually prominent compared to the remainder of the building from any important public places. The height of*



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*the structure will be compatible with the existing built environment despite the exceedance.*

*d. The site was subject to a planning proposal to rezone the land and increase the height limit from 11m to 15m. The planning proposal was approved, however the height limit was increased only to 14m, rather than the requested 15m. The design of the building has not changed and the 15m height limit was applied for specifically to allow for the lift overruns and roof features as indicated. It is not clear why the 14m limit was adopted as the planning proposal demonstrated that the site can accommodate a 15m height limit without unreasonable development impacts. In this regard, there are no documented urban design or planning reasons for the strict imposition of a 14m height limit for the subject land.*

*e. Despite the height limit exceedance, the scale of the building is not increased, nor is any additional floor space or habitable area created. From the public domain the areas of the building exceeding the 14m height limits are not readily identifiable and do not increase the perception of bulk.*

*f. There are no overshadowing, or significant view loss or other amenity impacts arising out of the proposed height exceedance g. Adjusting the building to achieve strict compliance with the building height limit would reduce internal amenity and result in greater cut into the site for no clear planning or developmental outcome benefit.*

*h. The development site is at the far southern end of the existing Nowra CBD with several B4 and R3 zoned lots to the north. While land to the south and west is predominantly low-density residential development the site itself remains suitable for the proposal given the proximity of the CBD and higher density development on the northern side of Kalandar Street. Where the site adjoins low density residential development the building has been setback and stepped to minimise the perception of bulk and avoid unnecessary amenity impacts.*

*i. The proposal remains consistent with the objectives of Clause 4.3 as outlined earlier in this report.*

*j. The proposal is consistent with relevant aims of the Shoalhaven Local Environmental Plan 2014 as;*

- i. The proposal seeks to provide additional housing in the locality which in part is consistent with the aim to facilitate the social and economic wellbeing of the community (aim (b)). In this respect, without the variation to the applicable height limits being granted, there would likely be a loss of the number of apartments proposed, a change the apartment mix, or a re-arrangement of the entire development that would likely result in a sub-standard design outcome.*
- ii. The proposal, despite the breach to the maximum height limit does not harm the community (aim e)). The development proposed is permitted within the B4 zone and the design of the new building has no unreasonable negative impacts on the built or natural environment.*

*k. The proposal remains consistent with the relevant objects of the Environmental Planning and Assessment Act despite the variation to the development standard as it;*

- i. In relation to object (c) the proposal is representative of orderly and economic use and development of the land. The exceedance to the maximum height limits allows the building to maintain a consistent built form, with accessible internal circulation. One way of achieving compliance would be to have the offending building / part of the development cut into the site further. The benefits of this (i.e. achieving full compliance with the height limit) are outweighed by the disadvantages which would include increased excavation, a deeper basement, and uneven building floor levels. Further to this, no neighbouring properties would benefit in terms of noticeably reduced impacts with respect to overshadowing / solar access / privacy.*

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*Alternatively, less or smaller apartments could have been proposed, however, this is not considered representative of a good economic use of the land. The site is within a location where the provision of housing ought to be maximised as it is within an existing urban area providing access to a wide range of services, community facilities and shopping.*

- ii. *The design of the development incorporating the exceedance to the maximum height limits promotes good design and amenity of the built environment (object (g)).*

*With respect to amenity of the built environment, the parts of the building that exceed the applicable height limits have no negative impacts on adjoining buildings with respect to overshadowing or privacy. In fact, the privacy screens which exceed the height limit aim to reduce impacts on adjoining properties. In terms of other potential amenity impacts on the surrounding built environment, the parts of the building that exceed the height limit would not reasonably increase the potential for additional and unacceptable acoustic impacts, visual impacts, or impacts on view sharing.*

*The design of the development is representative of good design not only due to the lack of impacts on the amenity of the built environment but the design with the proposed height exceedance allows the building to maintain a consistent built form, and provides for the internal circulation within buildings to be largely level and with a maximised accessibility.*

- l. The proposal if approved, will not result in any inconsistencies with other environmental planning instruments.*

- m. The proposal if approved will not set an undesirable precedence for reasons outlined above.*

The applicant's written request has not adequately addressed those matters required to be demonstrated by clause 4.6(3)(b). The applicant's written request does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The "environmental planning grounds" go chiefly toward the development as a whole as opposed to the contravening elements of the development;
- The contravention as it relates to the southern element of the building along the Albatross Road frontage results in potential overlooking and overshadowing in addition to that is inconsistent with the development standard and will result in the potential for amenity impacts as a result of the non-compliance.
- The non-compliance as it relates to the Albatross Road frontage could likely be eliminated from the development through the adoption of a 9m setback to the southern boundary in accordance with the ADG and reducing the height of the development to two storeys as was anticipated by Council as part of supporting the PP for the site.
- The proposal is not considered to promote the objects of the EPA Act, namely: the orderly and economic use and development of land (Section 1.3(c)), and good design and amenity of the built environment (Section 1.3(g)).

Council cannot be satisfied that the written request has adequately addressed those matters required to be demonstrated by clause 4.6(3)(b). The requirement to demonstrate that there are sufficient environmental planning grounds to justify contravention has not been made out.

Were the application to be amended to remove the contravening element of the building which exceed the 8.5m (l2) height limit i.e. through increasing the setback to the southern boundary and reconfiguration of the unit layout to remove the need for the use of privacy screening for POS areas associated with units on the southern portion of the building fronting Albatross Road it is

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likely that there would be sufficient environmental planning grounds to justify contravening the development standard.

**Clause 4.6(4)(a)(ii) – Will the Proposed Development be in the Public Interest Because it is Consistent with the Objectives of the Particular Standard and Objectives for Development within the Zone in Which the Development is Proposed to be Carried Out?**

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

The proposed development is not consistent with the objectives of the Height of Buildings development standard, for the reasons outlined above.

Pursuant to the provisions of the SLEP 2014, the land is zoned B4 – Mixed Use. The objectives of this zone are as follows:

- *To provide a mixture of compatible land uses*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

The proposal is consistent with each objective of the B4 – Mixed Use zone, for the following reasons:

1. The application includes a compatible commercial floor area at ground level to activate the Kinghorne and Albatross Road frontage with residential units provided to the rear of the commercial units at the ground floor and an additional three (3) levels of residential above.
2. The future use of the commercial floor space is likely to be consistent with the desired needs of the community in an accessible location approximately 950m from the centre of the Nowra CBD.
3. The location of the site and adjacent pathway network provides opportunities for walking to and from the Nowra CBD, bus and taxi connections.

While the development is considered to be consistent with the B4 zone objectives, for the reasons outlined previously, it is not considered that the development satisfies the objectives of the height of building development standard under Clause 4.3(1) and is therefore not considered to be in the public interest.

The identified departures proposed within the development demonstrate the development has not been properly considered for the site, given the site constraints and opportunities. The written request fails to demonstrate that there are sufficient environmental planning grounds to justify contravention of the development standard. The proposal fails to promote the objects of the EPA Act, namely: good design and amenity of the built environment (Section 1.3(g)).

Consequently, the applicant's written submission under clause 4.6 is not in the public interest under clause 4.6(4)(a)(ii) and is not supported.

**Clause 4.6 (4) (b) – Concurrence of the Secretary has been obtained**

Council has assumed concurrence.

**Clause 4.6 (5) – Decision to grant concurrence**

Specific clauses must be considered. See below.

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**Clause 4.6(5)(a) - Would Non-Compliance Raise any Matter of Significance for State or Regional Planning?**

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

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

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

The applicant has failed to demonstrate that there will be better planning outcomes achieved through 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.

**Clause 4.6(5)(c) - Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

There no other matters required to be taken into consideration by the Secretary before granting concurrence.

**Summary and conclusion with regard to clause 4.6**

The clause 4.6 variation request does not adequately explore the issues. It is problematic for the following reasons:

- It does not demonstrate that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- 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; and
- Does not demonstrate that the proposed development is in the public interest and there is a public benefit in maintaining the standard.

**ii) Draft Environmental Planning Instrument**

There are no Draft EPIs that require consideration by Council.

**iii) Any Development Control Plan**

Shoalhaven DCP 2014

Generic Chapters
<b>G1: Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas</b>
<b>5.1 Site Analysis</b>  A1.1 A site analysis is provided with a development application with appropriate details for consideration of the site and the broader context.

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A1.2 For development other than for a single dwelling house and associated structures, your development application should show:

- Topographical features such as slope, existing natural vegetation and opportunities for the creation of views and vistas.
- Opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.
- The character of the surrounding development, particularly to setbacks and subdivision layout.
- The likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views.
- The extent to which driveways and/or parking areas are likely to dominate the appearance of the development.
- The visibility, width and design speed of proposed roads and/or driveways.
- Bush fire, flooding and drainage constraints, easements for services and extent of contaminated land.
- The character of any adjacent public land/reserves, particularly the location of mature trees in relation to the proposed development.

Comment: Adequate detail has been displayed within the submitted plans to ascertain compliance with the DCP.

#### **G2: Sustainable Stormwater Management and Erosion/Sediment Control**

Appropriate sediment and erosion controls will be required prior to the commencement of works and until such time as the site is stabilised.  
A stormwater plan will be required before a Construction Certificate can be granted and will be conditioned accordingly.

All stormwater is to be disposed of via Albatross Road within street drainage upgrades required along the eastern side of Albatross road running south of the site with ultimate disposal via an existing drainage easement on the northern side of Albatross Road and discharge into Nowra Creek.

On 17 July 2020, NRAR notified Council, that to avoid any further delays NRAR would be acceptable to impose a condition requiring that the applicant be required to apply for and obtain a Controlled Activity Approval under the Water Management Act 2000 prior to the issue of a CC (D20/325590).

#### **G3: Landscaping Design Guidelines**

##### **5 Controls**

A1.1 Existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land. Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.

Comment: Satisfied. Suitable landscaping is proposed and subject to recommended conditions of consent.

A2.1 For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, prepared by a qualified landscape architect or designer. The plans should meet

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the performance criteria.

Comment: The submitted plan is satisfactory in this regard, subject to recommended conditions of consent.

A3.1 A landscape plan must be submitted with the development application illustrating the following landscape principles:

- The location, height and species of all existing and proposed vegetation;
- Methods employed to minimise soil erosion; and
- Cross-section through entire site indicating major level changes, existing retained and proposed landscaping that demonstrates the proposed finished landscape (hard and soft).

Comment: The submitted plan is satisfactory in this regard. There are no major level changes. Additional commentary provided under **Appendix A** in relation to compliance with the ADG as it relates to landscaped areas and communal spaces.

#### **G4: Tree and Vegetation Management**

There are no significant trees on the site. The development is unlikely to require the removal or modification of vegetation on an adjoining lot.

#### **G7: Waste Minimisation and Management Controls**

5 Controls

A.1.1 A waste minimisation and management plan are submitted with the development application in accordance with Council's Waste Minimisation and Management Guidelines 2009.

Comment: Satisfied. The application is supported by a WMMP prepared by MRA Consulting Group. The WMMP addresses waste streams generated during the demolition, construction and ongoing operation.

Waste collection from the site will be facilitated via an 8.0m waste collection vehicle with basement collection of bins from the nominated service area in the south-eastern corner of the basement. The waste storage area provides an area for the storage of 56 x 240L bins.

Suez have previously indicated in a letter to Kannfinch Architects dated 1 April 2016 that their waste collection vehicles are capable of servicing the site (D16/110218). It is acknowledged that the design has been amended subsequent to the submission of the letter from Suez, however, the design changes are considered to be inconsequential for the purposes of waste contractor servicing.

#### **G13: Medium Density and other Residential Development**

A32.1 The development is designed in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.

Comment: The development is designed in accordance with SEPP 65 and the Apartment Design Guide (ADG) and an assessment against the Policy and the ADG are provided in this report and Appendix A.

It is noted that the development does not demonstrate full compliance with the Design Quality Principles of SEPP 65 or the objectives and acceptable design criteria and guidance of Chapter

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3 and 4 of the ADG. A full assessment of the development against the ADG is provided in <b>Appendix A</b> of this Report.
<b>G21: Car Parking and Traffic</b>
5.1 Car Parking Schedule
<p><i>Residential Parking Rate</i></p> <p>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; <i>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.</i></p> <p>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 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.</p> <p>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.</p> <p>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 <b>66.1 residential and visitor car parking spaces</b>.</p> <p><i>Commercial Parking Rate</i></p> <p>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.</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 24m<sup>2</sup> gross floor area.</p> <p>The commercial floor of 267m<sup>2</sup> 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, 267m<sup>2</sup> divided by 24m<sup>2</sup> = <b>11.13 commercial car parking spaces</b>.</p> <p><i>Section 5.14 Loss of On-Street Car Parking – Major Developments/ Redevelopments</i></p> <p>Section 5.14 of Chapter G21 of SDCP2014 notes that, where</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</i></p>



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*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
Onstreet parking loss	6	spaces	1	6.00
			<b>TOTAL</b>	<b>83.23 spaces</b>
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
Onstreet parking loss	6	spaces	1	6.00
			<b>TOTAL</b>	<b>103.63 spaces</b>
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
Onstreet	6	spaces	1	6.00



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parking loss				
			<b>TOTAL</b>	<b>115.63 spaces</b>

• *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 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 22**)

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 Kinghorne Street and Albatross Road.

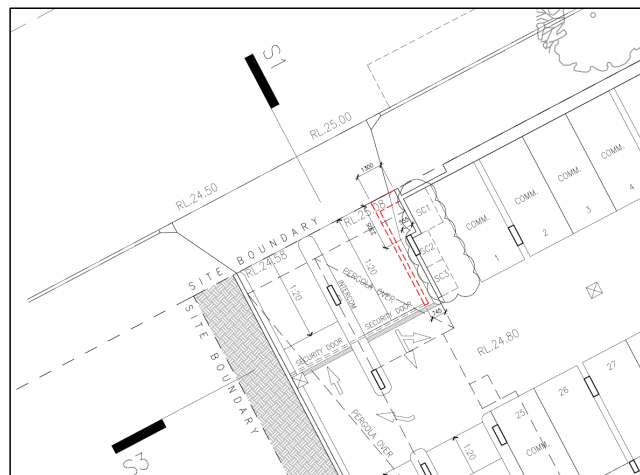


Figure 22 – Extract of the proposed basement plan indicating the location security door and intercom to gain access to the basement car park.

5.2 Traffic

P1 To ensure new development:

- can be accommodated without adverse impact on the surrounding road network.
- Does not jeopardise the provision of future network requirements.

P2 To provide safe and efficient circulation, manoeuvring and parking of vehicles

P3 To minimise potential for pedestrian conflict.

P4 To ensure that a vehicle can enter and leave the parking space in no more than two manoeuvres.

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Comment: The development application has been assessed by City Services. The development is not considered to meet the Performance Criteria. The development is not considered to provide sufficient information or justification for the anticipated adverse impact that the development will likely have on the surrounding road network. Furthermore, the development is likely to jeopardise the provision of future network requirements associated with Albatross Road and any upgrade works required to the adjoining intersection of Kinghorne Street and Albatross Road.

### 5.3 Parking Layout and Dimensions

Comment: Despite the shortfall in car parking the and subject to conditions being recommended by Council's Development Engineer, the layout and dimensions are likely to be capable of being conditioned to comply with AS 2890.1. The minimum car bay and aisle requirements stipulated in the AS 2890.1:2004 for user class 1A are 2.4m width, 5.4m length and 5.8m aisle width. All the proposed regular car spaces comply with the above dimensional requirements and could be conditioned to comply with the relevant Australian Standards.

### 5.4 Access

*P5.1 To ensure that driveways relate to:*

- i) Type of land use
- ii) Frontage road type
- iii) Size of parking facility
- iv) Type of vehicle likely to enter the development

*P5.2 To ensure that traffic safety is preserved both on-site and within the local road network.*

Comment: The proposed site entry and exit have been designed to provide entry via Albatross Road. The proposed access to Albatross Road is not considered to facilitate and preserve traffic safety on Albatross Road. the submitted information does not satisfactorily demonstrate compliance with Australian Standard AS2890.1 Figure 3.2 (refer to **Figure 23** below). City Services does not consider this will be possible for Albatross Road but can be satisfied on Kinghorne Street.

Frontage Road Speed (km/hr)	Domestic Property Absolute Minimum (m)	Minimum SSD (m)
40	30	55
50	40	69
60	55	83
70	70	97
80	95	111
90	125	130
100	139	160
110	153	190

Figure 23 - Minimum Sight Distance Requirements - adapted from AS 2890.1: Figure 3.2

The current speed limit is 50km/h. When assessing public road designs the RMS requires Council to consider designing for 10km/h greater than the prevalent speed zone, so in this case sight distance and designs should also be checked for a 60km/h speed environment.

Australian Standard AS 2890 requires domestic property access to have a sight distance of 40m

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(for a 50km/h speed zone) or 55m for a 60 km/h speed zone.

AS2890 (Figure 3.2) suggests an absolute minimum value of 40m however wherever practicable, domestic property accesses should try and achieve sight distances in the range 45-69m (for a 50 km/h speed zone) or 65-83m (for a 60 km/h speed zone).

If access to the development was from as far south as possible (at the developments southern boundary), sight distance looking back to the north, to approaching traffic, is approximately 40m on Albatross Road, and approximately 60m on Kinghorne Street (for traffic turning left into Kinghorne Street), but is significantly greater to southbound traffic approaching from the north. The sight distance restriction on Albatross Road is due to the bend immediately to the west of the intersection of Albatross Road/Kinghorne Street. There is no such restriction on Kinghorne Street.

Further, irrespective of whether a roundabout is retained, or future traffic signals are installed at the intersection of Albatross Road/Kinghorne Street, the movements of concern are:

- Albatross Road - traffic approaching from the northern or eastern legs would have the greater approach speeds, travelling quickly around the bend. This is a road safety concern, given the limiting sight distance downstream around the bend
- Kinghorne Street - traffic approaching from the north would have the greater approach speed, however, since there is very good sight distance to the north, this is less of a concern.

This means:

- AS2890 (domestic sight distance) cannot be achieved in all respects on Albatross Road
- AS2890 (domestic sight distance) can be achieved on Kinghorne Street

The other type of sight distance that needs to be considered is 'approach sight distance'. This sight distance is also a concern on Albatross Road, due to the bend immediately to the east of the intersection of Albatross Road/Kinghorne Street.

For a 50km/h speed environment, AUSTROADS (Guide to Road Design Part 4A) states in Table 3.1 that approach sight distance (ASD) needs to be 48m (for a reaction time of 1.5 seconds) or 55m (for a reaction time of 2 seconds), and notes (3) that "a 1.5 second reaction time is only to be used in constrained situations where drivers will be alert ... the general minimum reaction time is 2 seconds".

The available sight distance is 40m on Albatross Road, AUSTROADS (Guide to Road Design Part 4A) Table 3.1 demonstrates that ASD cannot be achieved on Albatross Road, but can be achieved on Kinghorne Street, where there is considerably greater sight distance.

This sight distance assessment indicates that Kinghorne Street is the only option that could satisfy sight distance requirements and not compromise the ongoing safety and efficiency of the classified main road network (Albatross Road).

City Services cannot support access from the development to Albatross Road based upon the current design which presents real safety risks in relation to sight distances. Alternative access to the development from Kinghorne Street would likely enable the satisfaction of the SDCP 2014 (as it relates to Section 5.4), Australian Standard AS2890.1 and AUSTROADS (Guide to Road Design Part 4A) Table 3.1

Furthermore, The applicant revised SIDRA analysis (D21/227623) submitted on 27 May 2021 was referred to City Services for consideration. City Services has concluded that:

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1. The proposed access on Albatross Road reduces:
  - c) lane capacity (via a reduction in width) and
  - d) Council's ability to adequately service the surrounding road network.
2. Given the higher volume of traffic on Albatross Road, relative to Kinghorne Street, there is likely to be increased conflicts on Albatross Road.
3. 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.
4. The application of the most current Austroads standards and turning treatments indicates that a compliant treatment for a right turn treatment (CHR(s)) into the development on Kinghorne Street will provide a compliant and suitable treatment for entry to the development from a minor road (not the regionally classified road – Albatross Road).
5. 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, which requires vehicular access to be via a local road (Kinghorne Street), being part of the unclassified road network and to which the site has an extensive street frontage.

#### 5.5 Manoeuvrability

Comment: Internal access driveways are designed to relevant standards and provide sufficient room for the manoeuvring of a vehicle.

Subject to Council's Development Engineer recommended conditions of consent, as amended the development is capable of satisfy the relevant performance criteria relating to manoeuvrability.

#### 5.6 Service Areas

Comment: A loading bay is not provided within the basement. A shared services area is provided adjacent to the bin storage area. Swept paths for a medium rigid vehicle (MRV) have been provided demonstrating the ability of a garbage truck to manoeuvre in the basement car park area for garbage collection.

The applicant has not provided a dedicated loading bay on the site to service the commercial tenancies. The applicant has indicated that a loading bay could be provided on the western side Kinghorne Street to provide direct servicing access to the commercial units. Such an approach would be subject to Local Traffic Committee approval.

#### 5.7 Landscape Design

A9.1 The application must include detailed landscape plans indicating dimensions, levels and drainage, existing vegetation as well as location, type and character of proposed plantings.

Comment: Satisfied. Plans included.

A10.1 Perimeter planting to screen the proposed car park is to be defined in your landscape plan. The minimum width of perimeter planting is 3m and 1m for driveways.

Comment: N/A. Basement car parking.

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A10.2 Internal plantings of car parking areas are to be of a nature to shade cars and soften the impact of hard paved surfaces without obscuring visibility.

Comment: N/A. Basement car park.

A10.3 Consideration should also be given to the types of trees planted within car parks. Plants which have a short life, tend to drop branches, gum or fruit or plants which interfere with underground pipes are not suitable for car parks.

Comment: Noted.

A10.4 Car parks should be located to complement existing streetscape qualities. Consideration should be given to the streetscape qualities of the locality and the possibility of locating a car park to the rear of a site, or the provision of suitable landscaping to minimise any visual intrusion.

Comment: While council has concerns with the proposed location of the access to the basement car park on Albatross Road, the access design and impact on the existing streetscape qualities are satisfactory when considered strictly from a landscape design perspective.

A10.5 Consideration should be given to incorporating stormwater control measures in the design of landscaped areas, to control and reduce the level of stormwater which enters Council's stormwater drainage systems.

Comment: Stormwater control measures are proposed to be incorporated into the development.

A11.1 Planting is to be designed appropriately so as not to impact upon minimum sight distance requirements (at access points, intersections, and around curves), clearance requirements (horizontal and vertical), and clear zone requirements.

Comment: Planting do not impact on minimum sight distance requirements. Concerns remain in relation to the proposed sight distances irrespective of compliance with the landscaping provisions of this section. Satisfied.

5.8 Drivers with a disability

Comment: The basement car parking has been designed with six (6) adaptable and two (2) disabled driver spaces have been provided within the basement car park.

5.9 Construction Requirements

Comment: Satisfied. Subject to Council's Development Engineer recommended conditions of consent if the application is approved.

5.10 Design of Driveways

Comment: Satisfied. Subject to Council's Development Engineer recommended conditions of consent if the application is approved.

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

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 embayments and car parking restrictions, where these are directly related to the development proposal and will require these to be replaced on site.

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Comment:

The design of the development including a 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 development frontage to facilitate access. This will result in the removal of approx. six (6) on-street car parking spaces.

The design of the development including a 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 development frontage to facilitate access. This will result in the removal of approx. six (6) on-street car parking spaces.

The development has made provisions for the replacement of these car parking spaces on-site. These however are provided for inside the basement building – essentially “privatising” the spaces and requiring access to them via an intercom as opposed to the publicly accessible on street spaces available at present.

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

there are no relevant planning agreements relating to the subject site.

**iv) Environmental Planning and Assessment Regulation 2000 and 2021**

*Environmental Planning & Assessment Regulation 2021* was introduced 17 December 2021. Schedule 6 Savings, transitional and other provisions, clause 3 states:

**3 Development applications and applications for complying development certificates**

*The 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.*

This applies to the subject DA, and thus reference to EP&A Regulation within this assessment means the 2000 Regulation..

**v) Repealed**

Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly described as a Medium Density/Dual Occupancy development for the purpose of calculating contributions under the Plan.

Commercial Land Use

Commercial gross floor area = 267m<sup>2</sup>

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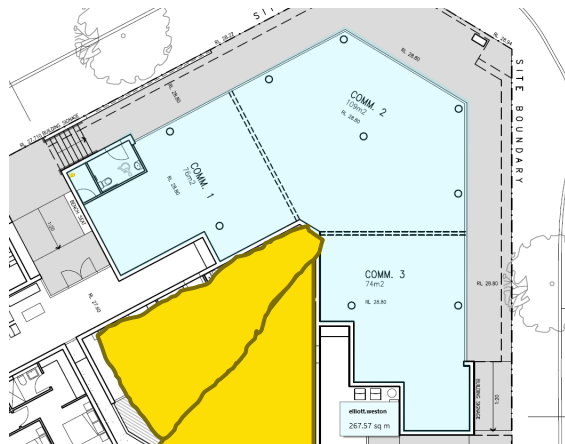


Figure 24 - Extract of Ground floor plan with the gross floor area of the commercial tenancies highlighted in blue with the floor area indicated. (yellow is a redaction of the internal floorplans of units).

**Section 94 ET Calculations - DA16/1465 (UPN: 36570)**

Close Reset Print Return Calc

☐ Residential ☒ Non-Residential

**Non Residential**  
Note: enter area in m2 and calculator will convert area to ET's.

Retail:	0	Proposed - Gross Area m2
Commercial Office:	267	Proposed - Gross Area m2
Hotel/Restaurant:	0	Proposed - Gross Area m2
BulkyGoods:	0	Proposed - Gross Area m2
Industrial:	0	Proposed - Gross m2, include parking/landscape
Retail:	0	Existing - Gross Area m2
Commercial Office:	0	Existing - Gross Area m2
Hotel/Restaurant:	0	Existing - Gross Area m2
BulkyGoods:	0	Existing - Gross Area m2
Industrial:	0	Existing - Gross m2, include parking/landscape
<b>Total ETs:</b>	<b>2.67</b>	<b>Management Project ETs: 1.34</b>

Residential Land Use

Floor	1-bedroom	2- bedroom	3-bedroom	Total
Ground Floor	2	6	3	11
First Floor	2	12	3	17
Second floor	2	9	4	15
Third floor	2	4	6	12
Total	8	31	16	55

Note: 3 ET credit is to be applied for the existing three lots.

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Section 94 ET Calculations - DA16/1465 (UPN: 36570)

Close

Reset

Print

Return Calc

Residential

Non-Residential

Calculation Type:

Medium Density/Dual Occupancy

Medium Density/Dual Occupancy

Proposed:

8

31

16

0

1 Bedroom Units

2 Bedroom Units

3 Bedroom Units

4 Bedroom Units

Existing:

3

0

0

0

0

Lots/Dwellings

1 Bedroom Units

2 Bedroom Units

3 Bedroom Units

4 Bedroom Units

Total ETs:

31.6

Project	Description	Rate	Qty	Total	GST	GST Incl
01AREC 0009	Planning Area 1 recreational facilities upgrades various locations	\$745.30	31.6	\$23,551.48	\$0.00	\$23,551.48
01 AREC 2006	Northern Shoalhaven Sports Stadium	\$582.03	31.6	\$18,392.15	\$0.00	\$18,392.15
01AREC 3007	Nowra Swimming Pool Expansion	\$414.31	31.6	\$13,092.20	\$0.00	\$13,092.20
01 CFAC 2012	Nowra District Integrated Youth Services Centre	\$33.16	31.6	\$1,047.86	\$0.00	\$1,047.86
CW AREC 0005	Shoalhaven Community and Recreational Precinct ScaRP Cambewarra Road Bomaderry	\$2,522.83	31.6	\$79,721.43	\$0.00	\$79,721.43
CW CFAC 0007	Shoalhaven Regional Gallery	\$72.29	31.6	\$2,284.36	\$0.00	\$2,284.36
CW CFAC 2002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$1,540.56	31.6	\$48,681.70	\$0.00	\$48,681.70
CW CFAC 2006	Shoalhaven City Library Extensions, Berry Street, Nowra	\$867.56	31.6	\$27,414.90	\$0.00	\$27,414.90
CW FIRE 2001	Citywide Fire & Emergency services	\$138.13	32.94	\$4,550.00	\$0.00	\$4,550.00
CW FIRE 2002	Shoalhaven Fire Control Centre	\$202.07	32.94	\$6,656.19	\$0.00	\$6,656.19
CW MGMT 3001	Contributions Management & Administration	\$574.39	32.94	\$18,920.41	\$0.00	\$18,920.41
				Sub Total:		\$244,312.66
				GST Total:		\$0.00
				Estimate Total:		\$244,312.66

Nowra Bomaderry Structure Plan 2008 (Structure Plan)

The Structure plan applies to the Nowra Bomaderry area and establishes a set of principles to manage growth in the area. The Structure Plan identifies Nowra as the primary commercial and administrative centre and supports an increase in people living in higher densities in existing areas, in a range of dwelling types, in close proximity to the Nowra CBD.

By limiting the overall commercial floor space in the development, the commercial primacy and vibrancy of the Nowra CBD will be maintained.

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

Head of Consideration	Comment
Natural Environment	The proposed development is unlikely to have an unsatisfactory impact on the natural environment. The site is cleared of vegetation and any associated impact through drainage works within the Nowra Creek can be appropriately managed via a Controlled Activity Approval issued by NRAR



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Head of Consideration	Comment
Built Environment	<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 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 and protrudes into the 8.5m maximum building height. While the exceedance of the maximum building height for the portions of the building which exceed the 14m building height are supportable, it is not considered that the design of the development suitably responds to the height controls relating to the transitional zone.</p> <p>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 desire for a more appropriate transition to the adjoining low density environment.</p> <p>the design of the development does not demonstrate comprehensive compliance with the ADG as it relates to standard for solar access, apartment size and layout, private open space, landscaped deep soil zone for larger blocks (15% deep soil zone for sites exceeding 1500m<sup>2</sup>), setbacks to the adjoining low density development, common circulation and spaces, and apartment mix.</p> <p>The proposed aesthetics, materials and finishes are considered appropriate, however, further consideration of the design of the development would likely result in a substantially better built environment outcome.</p>
Social Impacts	<p>It is considered that the development has the potential to have a positive contribution to the social context through the provision of an additional type of housing and the delivery of a small footprint commercial floor space.</p>
Economic Impacts	<p>The development has the potential to have a positive economic impact through the immediate construction jobs and ongoing use of the development, including, retail or commercial tenancies</p>

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

The site is zoned B4 – Mixed Use zone which permits '*mixed use*' development along with '*commercial*' and '*residential flat buildings*' amongst a range of other uses.

The site is proximate to the public transport, shopping and other services in the Nowra CBD – 950 north of the site.

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The site is located at the southern edge of the Nowra township in a predominately low-density residential environment, however, there are a small number of commercial developments to the north of the site. The future character of the locality and area is changing with the approval of a two-four storey residential flat building containing 91 apartments on the corner of Kinghorne and Kalandar Street (DA19/1846). Generally, the architectural design and aesthetics of the building are consistent with the existing and future character of the locality, albeit, that concerns remain in relation to the bulk and scale of the development as it relates to the Albatross Road frontage and transition R2 zone to the south.

The site is not identified as being encumbered by any potential constraints or natural hazards (excluding bushfire).

Whilst the site is suitable for this *type* of development, critical elements of the development, including the vehicular access onto Albatross Road with the identified issues with road safety and impacts on the surrounding traffic network, specific non-compliances with the ADG and non-compliance with the maximum building height development standard (clause 4.3 of SLEP 2014) which is not supported under clause 4.6, mean that the design as presented to Council is not suitable for the subject site.

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

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. Submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Notification period: 14 June – 14 July 2017

Submissions: Six (6) in objection and Nil (0) in support.

Summary of Public Submissions	
Objection Raised	Comment
The development is too large for the area. The height, density and mass are a concern.	The site has been the subject of a PP which considered the zoning and maximum building height associated with the site.
The site would be more appropriately developed for lower rise and townhouse/terrace style housing which would serve the area better and would provide a better streetscape and public amenity. The built form of the town is important. Larger buildings like these should be located by the river and closer to town.	It is considered that a development of this type and similar scale is appropriate for the site and reflects the future character of the area. However, it is considered that there are design elements that could be improved to create a more considered development.
Car parking on Kinghorne and Albatross Road will likely be negatively affected. The likely additional visitors and customers wishing to visit the commercial tenancies will be required to park on the surrounding streets where car parking is limited.	The application proposes 93 car parking spaces in a basement car park, accessed via Albatross Road.  The design of the development including a 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.

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	<p>Taking into account the car parking provided along the Albatross Road frontage (six (6) on-street spaces) the development is required to provide a total of 97 car spaces. The parking proposed is numerically compliant with the required parking rate under the Apartment Design Guide (SEPP65) and SDC 2014.</p>
<p>The development will result in unreasonable overshadowing and would impact on the private open space areas of adjoining residents.</p>	<p>The development will result in additional overshadowing of residential premises to the south of the site. The overshadowing will result in the loss of some solar access.</p> <p>It is apparent from the shadow diagrams prepared by Kannfinch (Sheet 1 – 7) that solar access to the glazed area of the window along the northern elevation of the dwelling located at No. 6 Albatross Road and No. 175 Kinghorne Street will be compromised, however, the north-facing living areas and principal open space of adjoining dwellings (No. 6 Albatross Road and No. 175 Kinghorne Street) will receive 3 hours of sunlight.</p>
<p>The shadow diagrams prepared by Kannfinch do not detail the extent of the overshadowing of the Albatross Road portion of the development.</p>	<p>The shadow diagrams prepared by Kannfinch Architects have been reviewed and are considered provide all required information required for a shadow diagram.</p>
<p>The planning proposal to raise the maximum building height from 11m has been made solely for commercial gain without a sound planning purpose.</p>	<p>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.</p>
<p>The additional traffic associated with the development cannot be supported by the local road network, with particular concern being raised when Nowra Creek is in flood and additional traffic is prevented from using the Berry Street bridge and is forced to utilise Kinghorne Street roundabout.</p> <p>The number of residents that could be added to this area would greatly increase the traffic flow and create problems for locals and those travelling to and from the highway as well as future residents of the proposed apartments with exit and entry onto a busy road.</p>	<p>The applicant has not provided sufficient justification as to why access for the proposed development should not satisfy the requirements of Clause 101(2)(a) of <i>State Environmental Planning Policy (Infrastructure) 2007</i>, pertaining to development with frontage to a classified road. This mandatory requirement would require the vehicular access to be via Kinghorne Street, being part of the unclassified road network and to which, the site has an extensive street frontage.</p> <p>The desired outcome is for access to the land 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).</p> <p>The applicant's submitted Traffic Reports do not establish that the safety, efficiency and ongoing operation of the classified road would not be adversely affected by the development</p>

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	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.
Servicing, waste collection and parking of trade vehicles associated with the commercial use does not appear to have been addressed.	<p>All servicing associated with the development is proposed to be via the basement car park and service area.</p> <p>A loading bay is not provided within the basement. A shared services area is provided adjacent to the bin storage area. Swept paths for a medium rigid vehicle (MRV) have been provided demonstrating the ability of a garbage truck to manoeuvre in the basement car park area for garbage collection.</p> <p>The applicant has not provided a dedicated loading bay on the site to service the commercial tenancies. The applicant has indicated that a loading bay could be provided on the western side Kinghorne Street to provide direct servicing access to the commercial units. Such an approach would be subject to Local Traffic Committee approval.</p>
The location of pedestrian access on the southern boundary on Kinghorne Street will result in noise and safety issues for the adjoining residents.	<p>The proposed pedestrian access points are considered to be appropriate and consistent with Objective 3G-1 and 3G-2 of the ADG. The building entries and pedestrian access connects to and addresses the public domain.</p> <p>Pedestrian access and entries access, entries and pathways are accessible and easy to identify.</p>
The setbacks of the development are insufficient and will impact on amenity and privacy of adjoining residents	<p>In accordance with Objective 3F-2 of the ADG</p> <p>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>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>Setback of the Kinghorne portion of the development to the adjoining southern property boundary requires a minimum setback of 9m. the building varies in separation for the ground and first-floor elements between 8 – 9m.</p>

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	<p>Setback of the Albatross portion of the development adjoining the south western 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 must be a minimum of 9m.</p> <p>It is not considered that the setback of the development to the adjoining residential development is sufficient and will result in amenity impacts, overshadowing and does not provide for an appropriate transition from the low density (R2) development to the south and the proposed high density development on the subject site.</p>
The application is unlikely to result in a reduction in traffic noise is identified in the application.	Noted.
The development will obscure sight distances across the roundabout adjoining the site	City Services have raised concerns with the required sight distances associated with the vehicular access/egress on Albatross Road.
The development will result in potential glare from reflected glass surfaces on traffic approaching the adjoining roundabout from the north and east.	An assessment of glare associated with the development has not been completed by the applicant, however, it is not considered that any associated glare would be significant or warrant an amendment to the design of the development.

#### (e) The Public Interest

The development has been assessed against state and local environmental planning instruments, and the development control plan and related guidelines for the Shoalhaven City Council.

The assessment identified the development does not comply with:

- SEPP (Transport and Infrastructure) 2021 as it relates to access,
- SEPP 65 as it relates to the specified Design Quality Principles outlined above.
- The ADG as it relates to standards for solar access, apartment size and layout, private open space, landscaped deep soil zone for larger blocks (15% deep soil zone for sites exceeding 1500m<sup>2</sup>), setbacks to the adjoining low-density development, common circulation and spaces, and apartment mix.
- The building does not meet the maximum building height development standard contained under Clause 4.3 of SLEP and the written request for variation of the development standard is not supported.
- SDCP 2014 Chapter G21: Car Parking and Traffic as it relates to the design of the vehicular access required to service the development.

Accordingly, the proposal is not considered to be in the public interest.

#### Delegations

##### Guidelines for use of Delegated Authority

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

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On 1 October 2019, the Development and Environment Committee resolved in relation to Item No. DE19.107 *'That DA16/1465 – Residential Units and Commercial Space – 173 Kinghorne Street, Nowra be called in to Council for determination due to significant public interest.'* (MIN 19.727).

The development application must be determined by the elected Council.

#### **Recommendation**

This application has been assessed having regard for section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DA16/1465 be refused for the reasons outlined in the accompanying draft notice of determination (i.e. Attachment 2 of the Council Report reported to the June 2022 Ordinary Meeting).

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#### Appendix A - Apartment Design Guide Compliance Table

Objective	Assessment	Achieved?
<b>3A-1 Site Analysis</b>  Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis was provided with the DA demonstrating the site constraints and required information and diagrams as stipulated in the	Yes
<b>3B-1 Orientation</b>  Building types and layouts respond to the streetscape and site whilst optimising solar access within the development.	Building strongly defines Albatross Road and Kinghorne Street with direct access to both.  The primary living and balcony areas provided for the majority of apartments are orientated to the north, north east or north west and front the street or private road.  While, the development generally complies with this objective, further consideration of the location and redistribution of single bedroom apartments throughout the development is recommended to provide differing outlooks and improved solar access and cross ventilation	Yes
<b>3B-2 Orientation</b>  Overshadowing of neighbouring properties is minimised during mid-winter.	The development follows the street frontage creating a V-shape building footprint. This assists in minimising overshadowing to the south.  The orientation of the site and building layouts reduces overshadowing of adjoining buildings / properties. However, there will still be additional overshadowing impacts on the adjoining properties to the south. The overshadowing of the adjoining residences (No. 6 Albatross Road and No. 175 Kinghorne 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 development proposes a consistent building separation for the Ground floor and Level 1, with	Yes

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	<p>a greater separation for Levels 2 and 3.</p> <p>There are no solar collectors on the neighbouring buildings presently. A minimum of 4 hours of solar access is available to adjoining rooftop areas should solar collectors be desired.</p>	
<p><b>3C-1 Public Domain Interface</b></p> <p>Transition between private and public domain is achieved without compromising safety and security.</p>	<p>Unit G.09 and G.10 have direct street entry.</p> <p>The primary residential entries are well defined by boundary fencing and secure entry gates/doors.</p> <p>Opportunities for people to be concealed have been minimised.</p>	<p>Yes. Subject to Conditions in relation to the treatment of ground floor balustrades to require appropriate materials and colours of those ground floor balustrades so they provide a positive interaction with the streetscape. This would include a 50% transparent design with premium materials with consistent finish to the building.</p> <p>A condition of consent is to be imposed requiring the screening of any substation from public view.</p>
<p><b>3C-2 Public Domain Interface</b></p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>New landscaping and footpaths are proposed to be established as part of the proposal.</p> <p>Landscape plan displays a substation in view of Kinghorne Street. A condition of consent is to be imposed requiring the screening of any substation from public view.</p> <p>The visual prominence of underground car park vents through location at ground level along Albatross Road and the colours utilise assist in mitigating any visual prominence.</p>	<p>Yes</p>



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	Protrusion of the basement car park is generally minimised without the need for split level parking. The basement and services entry is located at the lowest corner of the site and the general basement level is consistent with this level in order to minimise excavation across the site.	
<b>3D-1 Communal and Public Open Space</b>  An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.  Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)  Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	25% of the site area comprises of communal spaces. The communal spaces are located at ground level  The communal open space area is 987m <sup>2</sup> or 28% of the site area.  Based on the plans submitted the development complies. The communal seating area receives a minimum of 50% direct sunlight from 11am-1pm.	Yes
<b>3D-2 Communal and Public Open Space</b>  Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Communal open space areas comprise of soft landscaping, seating, BBQ area and hard stand areas which encourage a variety of passive uses and activities.  The two principal communal open space areas are integrated well into the landscape design however the total area provided for usable communal activities that is not landscape gardens or otherwise used for pedestrian connection within the development is compact. The communal open space has been identified with a BBQ area with a variety of seating and the 'informal seating area'.  The two primary communal open space areas provide a combination of sheltered and outdoor environments	Yes
<b>3D-3 Communal and Public Open Space</b>  Communal open space is designed to	Communal spaces between buildings at the ground level are visible from habitable rooms and balconies of units facing into the	Yes

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maximise safety.	communal area.  No public open spaces areas are proposed nor is a public communal open space desirable based on the current design.	
<b>3E-1 Deep Soil Zones</b>  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.	The total area of deep soil landscaping is 461m <sup>2</sup> (13% of the site area). 328m <sup>2</sup> (9% of the site area) has a minimum dimension of 6m or larger. These areas have been designed to accommodate larger trees.	Yes
Deep soil zones are to meet the following minimum requirements: Minimum dimension: 6m Percentage of site area: 7%		
On some sites it may be possible to provide larger deep soil zones, depending on the site area and context: • 10% of the site as deep soil on sites with an area of 650m <sup>2</sup> - 1,500m <sup>2</sup> • 15% of the site as deep soil on sites greater than 1,500m <sup>2</sup>	The site exceeds 1500m <sup>2</sup> and therefore it may be appropriate to require 15% of the site as deep soil landscaped area  Landscape plans have been reviewed by Council's landscape architect and are considered to be satisfactory, subject to consideration of amended plantings	No.
<b>3F-1 Visual Privacy</b>  Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.  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  <b>Note:</b> 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)	The adjacent sites to the south of the development site are zoned R2 Low Density Residential and currently contain single dwelling houses per lot.  Setback of the Kinghorne portion of the development to the adjoining southern property boundary requires a minimum setback of 9m is required.  Setback of the Albatross portion of the development adjoining the south western 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 must be a minimum of 9m.	No. the development should have a 9m and 6m separation to habitable rooms and balconies and non-habitable rooms respectively.

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<p><b>3F-2 Visual Privacy</b></p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>The building has been designed to enable access of light and air to private outdoor spaces. Balconies and courtyards are appropriately screened as required to limit views into private open space areas (balconies and courtyards).</p> <p>Vertical blades are used in the internal courtyard windows where required to direct views away from habitable rooms and balconies.</p> <p>The applicant has proposed privacy screening to the units with balconies facing to the south.</p>	<p>Yes.</p>
<p><b>3G-1 Pedestrian Access and Entries</b></p> <p>Building entries and pedestrian access connects to and addresses the public domain.</p>	<p>Separate building entries are provided on Kinghorne Street and Albatross Street. Activated areas are appropriately located towards the northern intersection. Residential units at ground level or elevated above the street provide an appropriate transition to the R2 Low Density Residential adjoining the site to the south.</p> <p>Building entrances sufficiently relate to the street and existing pedestrian network.</p> <p>There is a clear line of sight between the street through the building entry into the main lobby space.</p>	<p>Yes</p>
<p><b>3G-2 Pedestrian Access and Entries</b></p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>All building entrances are well defined through architectural elements to enable easy identification from the street. All entrances are level to the footpaths and do not include steps.</p>	<p>Yes</p>
<p><b>3H-1 Vehicle Access</b></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 setback 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 stand point it is noted that the car park entry and access should be located on secondary streets or lanes where available.</p>	<p>No.</p>

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	<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 (Kinghorne 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>It is considered that consent must not be granted for access off Albatross Road if practicable vehicular access is available to the site from a road other than the Albatross Road (that being Kinghorne Street). The applicant has submitted concept plans (D18/355817) indicating that was practicable vehicular access from Kinghorne Street. This approach is reflected in the Land and Environment Court judgements.</p>	
<p><b>3J-1 Bicycle and Car Parking</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</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 component of the development is to be calculated according to Chapter G21: Car Parking and Traffic in SDGP 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 24m<sup>2</sup> gross</p>	<p>Yes</p>

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	<p>floor area.</p> <p>The commercial floor of 267m<sup>2</sup> 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, 267m<sup>2</sup> divided by 24m<sup>2</sup> = 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>	
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	<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 the site which is triangular. However, a logical layout is generally achieved.</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><b>3J-2 Bicycle and Car Parking</b></p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>Each resident has access to a secure storage cage which is large enough to accommodate a bicycle. It is proposed to provide residential visitor and customer bicycle spaces on the street in the form of post mounted bike rails attached to existing street does or signposts, should Council require them.</p>	<p>No. A condition is recommended for the provision of on-street bicycle parking should the application be approved.</p>
<p><b>3J-3 Bicycle and Car Parking</b></p> <p>Car park design and access is safe and secure.</p>	<p>All car parking is provided behind secure roller shutters. The car park design is in accordance with AS2890.</p>	<p>Yes</p>
<p><b>3J-4 Bicycle and Car Parking</b></p> <p>Visual and environmental impacts of underground car parking are minimised.</p>	<p>All car parking is below ground and accessed from Albatross Road, reducing any visual impacts.</p>	<p>Yes</p>
<p><b>4A-1 Solar and Daylight Access</b></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 direct sunlight between 9.00am and 3.00pm in mid-winter</p> <p>13 of 55 apartments (24%) of</p>	<p>No.</p>

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<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>apartments receive no sunlight between 9am and 3pm in mid-winter.</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>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 ample 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>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>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>The minor non-compliance with the requirement that no less than 70% of apartments in a building receive a minimum of 3 hours 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>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> <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</p>	

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	<p>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>	
<b>4A-2 Solar and Daylight Access</b>  Daylight access is maximised where sunlight is limited.		Yes
<b>4A-3 Solar and Daylight Access</b>  Design incorporates shading and glare control, particularly for warmer months.	Screening and overhanging elements protect openings from direct sun impact and solar gain.	Yes
<b>4B-1 Natural Ventilation</b>  All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated.	Yes
<b>4B-2 Natural Ventilation</b>  The layout and design of single aspect apartments maximises natural ventilation.	<p>All units are provided with floor to ceiling sliding doors and windows are openable permitting many opportunities for natural ventilation.</p> <p>The single aspect apartments have been designed with a modulated glazed façade with operable elements to create opportunities for natural ventilation. The apartment depth is also limited to improve daylighting and ventilation.</p>	Yes.
<b>4B-3 Natural Ventilation</b>  The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.	<p>Complies. 37 of 55 apartments (67%) of apartments are naturally cross ventilated in accordance with standard or previously proven design principles:</p> <ul style="list-style-type: none"> <li>- corner apartments</li> </ul>	Yes



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<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p>	<ul style="list-style-type: none"> <li>- through-apartments</li> <li>- single-aspect apartments with modulated facades and shallow floor plans</li> </ul> <p>Despite the numerical compliance it is noted that single aspect and 1-bedroom apartments are generally not naturally ventilated and will therefore rely on mechanical ventilation. Of concern is that none of the proposed 1-bedroom apartments will be naturally ventilated. This is not considered to be a positive design outcome.</p> <p>Through apartment depths are a maximum of 14.7m from glass line to glass line.</p>	
<p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>		
<p><b>4C-1 Ceiling Heights</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p>	<p>All levels provide for 2.7m ceilings. Ground floor commercial is provided with a 3.5m ceiling height.</p>	Yes
<p><b>4C-2 Ceiling Heights</b></p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>Ceiling heights are provided at 2.7m with few bulkhead intrusions etc.</p>	Yes
<p><b>4D-1 Apartment Size and Layout</b></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p>	<p>All units achieve minimum internal area requirements.</p>	Yes. Condition to confirm that all units are provided with a total minimum glass area of not less than 10% of the floor area of the room.
<p>Apartments are required to have the following minimum internal areas: Studio: 35m<sup>2</sup> 1 Bedroom: 50m<sup>2</sup> 2 Bedroom: 70m<sup>2</sup> 3 Bedroom: 90m<sup>2</sup> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>		

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Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		
<b>4D-2 Apartment Size and Layout</b>  Environmental performance of the apartment is maximized.  1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height  No.	All bedroom and living areas are located on the face of the building in order to allow for openable windows.  The room depths are acceptable.	Yes
<b>4D-3 Apartment Size and Layout</b>  Apartment layouts are designed to accommodate a variety of household activities and needs.  1. Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m (excluding wardrobe space)  1. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)/.  2. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1-bedroom apartments</li> <li>• 4m for 2- and 3-bedroom apartments</li> </ul> 3. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The open plan designs allow for a range of activities to happen in the kitchen and living spaces. Laundry, bedrooms and bathrooms have been collocated separately.  1-bedroom apartment widths are 3.5m - this is marginally under 3.6m. The non-compliance is considered to be 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.	No.
<b>4E-1 Private Open Space and Balconies</b>  Apartments provide appropriately sized private open space and balconies to enhance residential amenity.  1. All apartments are required to have primary balconies as follows:	All balconies exceed the minimum area for the respective unit types. All balconies have a minimum depth of 2m.  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,	No.

Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

<p>Studio: 4m<sup>2</sup> 1 Bedroom: 8m<sup>2</sup>, 2m minimum depth 2 Bedroom: 10m<sup>2</sup>, 2m minimum depth 3 Bedroom: 12m<sup>2</sup>, 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 15m<sup>2</sup> and a minimum depth of 3m.</p>	G.03,G.04, G.08, G.10).	
<p><b>4E-2 Private Open Space and Balconies</b></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	All balconies are located directly adjacent to living areas and master bedrooms.	Yes
<p><b>4E-3 Private Open Space and Balconies</b></p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	Balconies have been designed to respond to the location and to allow views while maintaining visual privacy.	Yes
<p><b>4E-4 Private Open Space and Balconies</b></p> <p>Private open space and balcony design maximizes safety.</p>	Private open spaces are located to ensure that passive surveillance is maximized to Albatross Road and Kinghorne Street and internal common areas.	Yes
<p><b>4F-1 Common Circulation and Spaces</b></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 a high level of amenity.</p> <p>* 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>	No. However, where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level
<p><b>4F-2 Common Circulation and Spaces</b></p> <p>Common circulation spaces promote safety and provide for social</p>	Circulation spaces are provided to each level of each building in the lift lobby, allowing for interaction of residents.	Yes

Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

interaction between residents.		
<b>4G-1 Storage</b> Adequate, well designed storage is provided in each apartments.	Storage spaces are provided within units and within the basement. All units meet the minimum requirement for storage space.	Yes
<b>4G-2 Storage</b> Additional storage is conveniently located, accessible and nominated for individual apartments.	Storage in apartment is located in dedicated built-in cupboards or in zones where future storage furniture could be reasonably provided. Storage cages are also provided in the basement (1 cage per apartment).	Yes
<b>4H-1 Acoustic Privacy</b> Noise transfer is minimized through the siting of buildings and building layout.	The separation of buildings as well as internal building layouts and materials used restrict noise transfer throughout the site.	Yes
<b>4H-2 Acoustic Privacy</b> Noise impacts are mitigated within apartments through layouts and acoustic treatments.	The applicant has provided an Acoustic Report prepared by KA Acoustics dated 6 November 2019 (D19/423688) addressing potential impact of road noise associated with the classified regional road (Albatross Road). the submitted <i>Acoustic Report</i> . The recommendations of the report ensure internal noise levels comply with those specified in Subclause 101(2)(c) of ISEPP and are capable of being addressed by appropriate development consent conditions.	Yes
<b>4K-1 Apartment Mix</b> A range of apartment types and sizes is provided to cater for different household types now and into the future.	The overall proposed development consists of the following units mix:  8 x 1-bedroom unit 31 x 2-bedroom units 16 x 3-bedroom units	Yes
<b>4K-2 Apartment Mix</b> The apartment mix is distributed to suitable locations within the building.	The mix of one-bedroom units is not considered to provide an appropriate distribution to suitable locations within the building.  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	No.

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	<p>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>	
<p><b>4L-1 Ground Floor Apartments</b></p> <p>Street frontage activity is maximized where ground floor apartments are located.</p>	<p>Direct street access achieved where feasible (G.09 and G.10 are provided with access from Kinghorne Street). While it would be preferred that the units facing Albatross Road were also provided with pedestrian access it is noted that the grade separation would likely result in a reduction in associated POS areas with the necessity for stairs from street level. A reduction in the POS areas of these units would not result in a better design outcome.</p>	Yes
<p><b>4L-2 Ground Floor Apartments</b></p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>All ground floor units are screened with decorative fencing and secure entry gates (G.09 and G.10 are provided with access from Kinghorne Street).</p>	Yes
<p><b>4M-1 Facades</b></p> <p>Building facades provide visual interest along the street while respecting the character of the local area.</p>	<p>A range of building materials and articulation have been used to enhance the appearance of the buildings.</p>	Yes
<p><b>4M-2 Facades</b></p> <p>Building functions are expressed by the façade.</p>	<p>The architectural features ensure that the primary building entrances are well defined and private entrances are less defined (G.09 and G.10 are provided with access from Kinghorne Street).</p>	Yes
<p><b>4N-1 Roof Design</b></p> <p>Roof treatments are integrated into the building designed and positive respond to the streets.</p>	<p>The roof treatments are integrated into the overall built form and massing of the proposal. The roof design is not considered to be a defining or strong element of the design.</p> <p>Complimentary roof material and façade cladding compliment the remainder of the building. Service elements are concealed from the</p>	Yes

Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

	building frontage behind a parapet wall.	
<b>4N-2 Roof Design</b>  Opportunities to use roof space for residential accommodation and open space are maximized.	N/A. The design does not include rooftop communal open space areas.	N/A.
<b>4N-3 Roof Design</b>  Roof design incorporates sustainability features.	Roof elements and overhangs have been designed to provide suitable shading during the hot summer months while still allowing for good levels of solar access during the winter months.	Yes
<b>4O-1 Landscape Design</b>  Landscape design is viable and sustainable.	<p>The landscape design incorporates and number of plantings that range in scale and height. The proposed landscaping responds to the soil depths and areas provided, as well as functionality for different spaces.</p> <p>Council's landscape architect has reviewed the submitted landscape design and has provided the following comments:</p> <ul style="list-style-type: none"> <li>The native area planting appears to be overplanted. Planting of 4 large Eucalyptus trees plus other native trees in an area approx. 5 x 10m will cause future issues to the property owner. The proposed understorey planting will not succeed here as there will be too much shade plus the fact that the garden is south facing.</li> <li>The proposed hedge – <i>Metrosideros thomasi</i> will require regular pruning to keep it a suitable height as it is a small tree. Perhaps consider the Fuji Fire variety which is smaller in habit</li> </ul>	Yes
<b>4O-2 Landscape Design</b>  Landscape design contributes to the streetscape and amenity.	Maintenance schedule provided on plans. Condition is to be imposed requiring adherence to that schedule or as modified.	Yes
<b>4P-1 Planting on Structures</b>  Appropriate soil profiles are provided.	The landscape plans provided demonstrate appropriate soil profiles.	Yes

Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

<b>4P-2 Planting on Structures</b>  Plant growth is optimized with appropriate selection and maintenance.	The landscape plans provided demonstrate appropriate soil depths to facilitate the plantings proposed.	Yes
<b>4P-3 Planting on Structures</b>  Planting on structures contributes to the quality and amenity of communal and public open spaces.	Planting is proposed for the communal spaces resulting in areas of high amenity.	Yes
<b>4Q-1 Universal Design</b>  Universal design features are included in apartment design to promote flexible housing for all community members.	The proposal provides 20% of units the incorporate Liveable Housing Standard and 10% adaptable units.	Yes
<b>4Q-2 Universal Design</b>  A variety of apartments with adaptable designed are provided.	All adaptable apartments have easy access to common areas (via common corridors and lift), and have appropriate parking as required by the relevant standards. Apartment layouts have been designed to ensure that minimal work is required to convert into adaption mode.	Yes
<b>4Q-3 Universal Design</b>  Apartment layouts are flexible and accommodate a range of lifestyle needs.	The open style design and nonloadbearing rooms allow for future adaptations.	Yes
<b>Part 4S – Mixed Use</b>  Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The commercial component of the proposed development is of a scale and in a located that is appropriate for its location and will provide convenience for the local community. The small-scale nature of the commercial floor area is unlikely to impact on the viability of the Nowra CBD.	Yes.
<b>Part 4S – Mixed Use</b>  Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Residential units are integrated within the development, and safety and amenity is considered to be satisfactory.	Yes.
<b>Part 4T – Awnings</b>  Awnings are well located and complement and integrate with the building design	Complies	Yes.
<b>Part 4T – Awnings</b>  Signage responds to the context and desired streetscape character	No signage proposed as part of the development.	Yes.

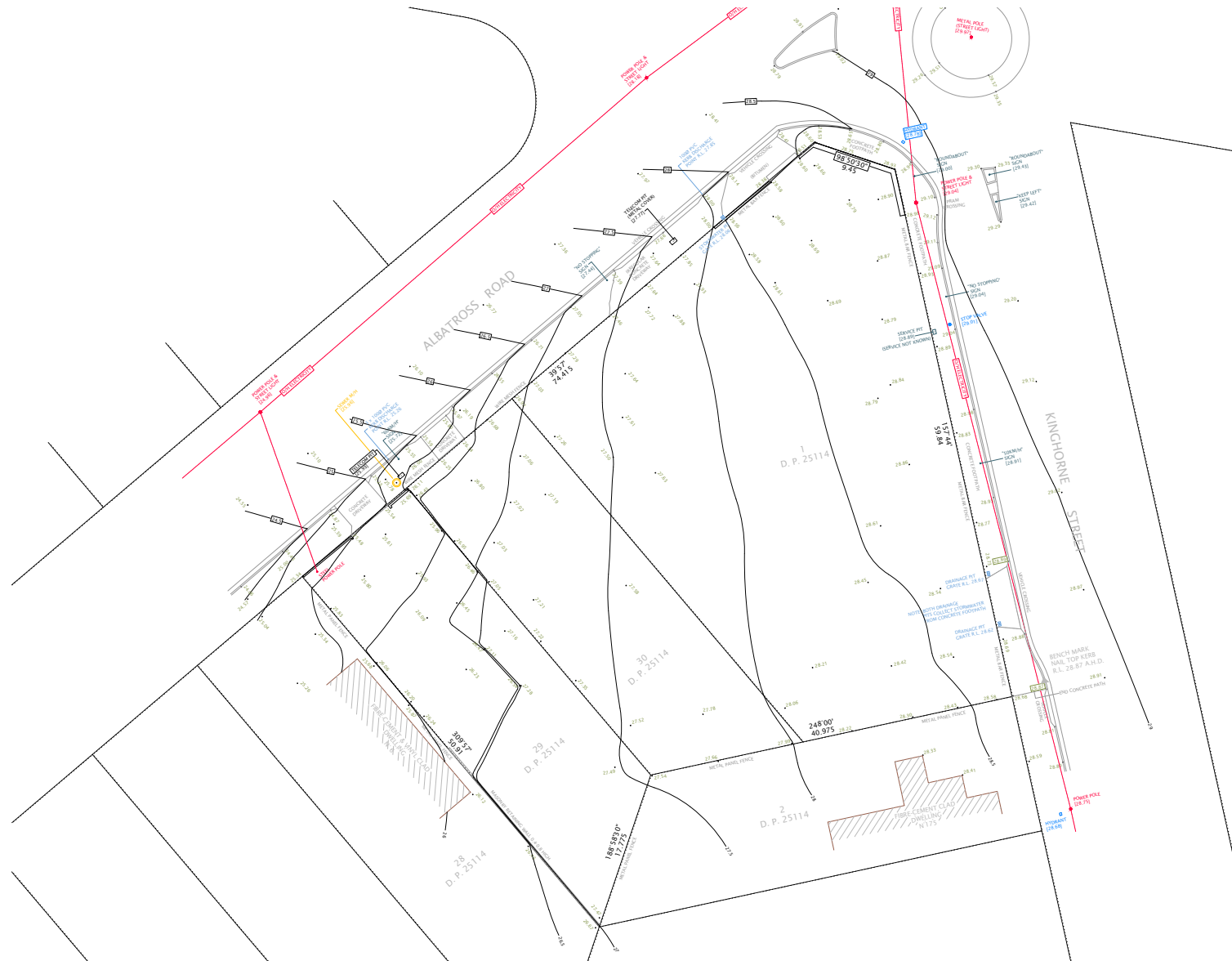
Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

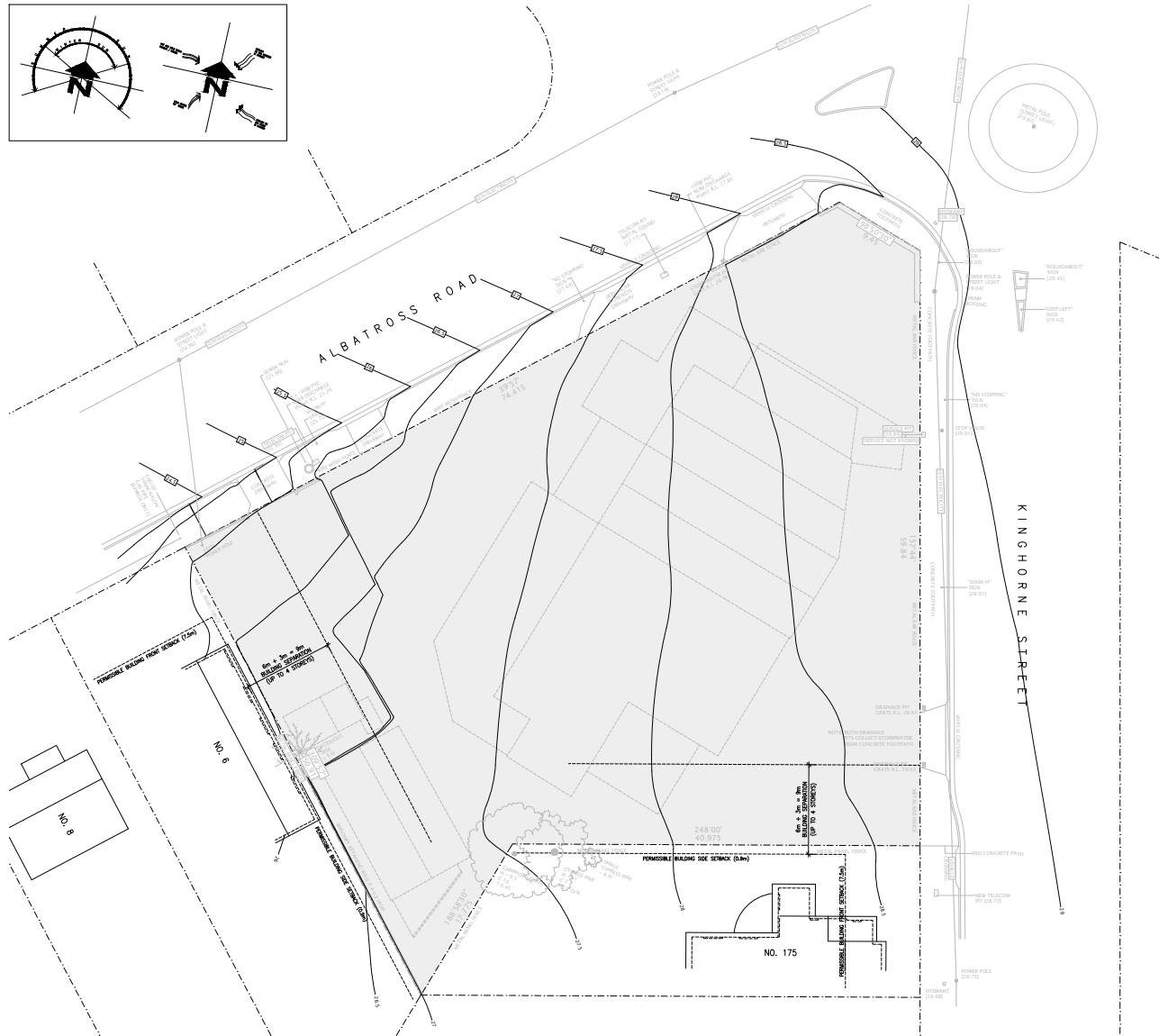
<b>4U-1 Energy Efficiency</b>  Development incorporates passive environmental design.	Natural light is provided to all habitable rooms in accordance with 4A, however, solar access to south facing (single aspect) units and single bedroom units which receive restricted solar access and in some cases no solar access during 9am and 3pm in winter.	Yes
<b>4U-2 Energy Efficiency</b>  Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.	The use of shading devices, awnings and wall insulation ensure that temperature is controlled during summer and winter.	Yes
<b>4U-3 Energy Efficiency</b>  Adequate natural ventilation minimises the need for mechanical ventilation.	All habitable areas are provided with openable windows to provide natural ventilation.	Yes
<b>4V-1 Water Management and Conservation</b>  Potable water use is minimised.	Water efficient devices. Drip irrigation system proposed as per landscape plans.	Yes
<b>4V-2 Water Management and Conservation</b>  Urban stormwater is treated on site before being discharged to receiving waters.	Rainwater tanks are proposed on the site to be used for irrigation.	Yes
<b>4W-1 Waste Management</b>  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Waste storage areas and temporary waste storage areas are provided within the building, minimizing the impacts on the streetscape and residents.	Yes
<b>4W-2 Waste Management</b>  Domestic waste is minimised by providing safe and convenient source separation and recycling.	Appropriately sized and located waste storage rooms are proposed. Waste collection is to be via a private contractor to be collected from the basement and accessed off Albatross Road.	Yes
<b>4X-1 Building Maintenance</b>  Building design detail provides protection from weathering.	A number of features such as roof overhangs, window hoods, drip groves / lines and cappings have been incorporated into the design to provide protection to areas of the building façade prolonging the need for building maintenance.	Yes
<b>4X-2 Building Maintenance</b>  Systems and access enable ease of maintenance.	Awning windows with opening restrictors are used for safety, in accordance with BCA requirements. Window cleaning is envisaged to be performed from balcony areas, accessible ground floor levels or via safety harness system from the	Yes



Planning Report – S4.15 Assessment - 173 Kinghorne Street and 2 & 4 Albatross Road, NOWRA - Lot 1, 29 & 30 DP 25114

	building's roof deck areas.	
<b>4X-3 Building Maintenance</b>  Material selection reduces ongoing maintenance costs.	The materials proposed are acceptable. The used of render and timber is minimised.  Applicant to provide detail as to how graffiti is to be deterred on the ground floor surfaces or how materials are easily cleaned.	Yes





No. 6 Albatross Road



No. 175 Kinghorn Street



Northern apex of the subject site



Albatross Road frontage looking south



Kinghorn Street frontage looking north



Subject site viewed from the north

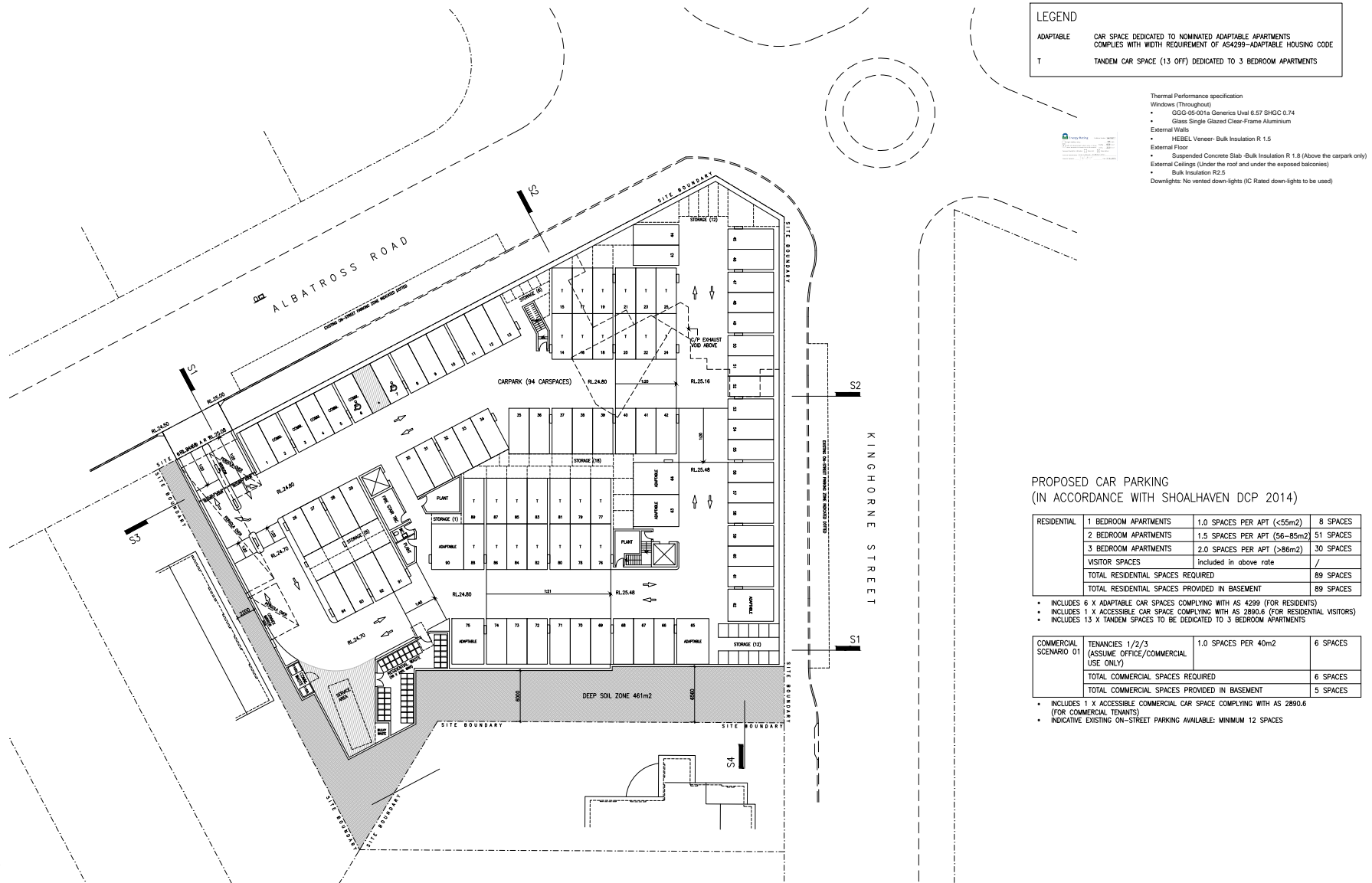
#### KEY OPPORTUNITIES

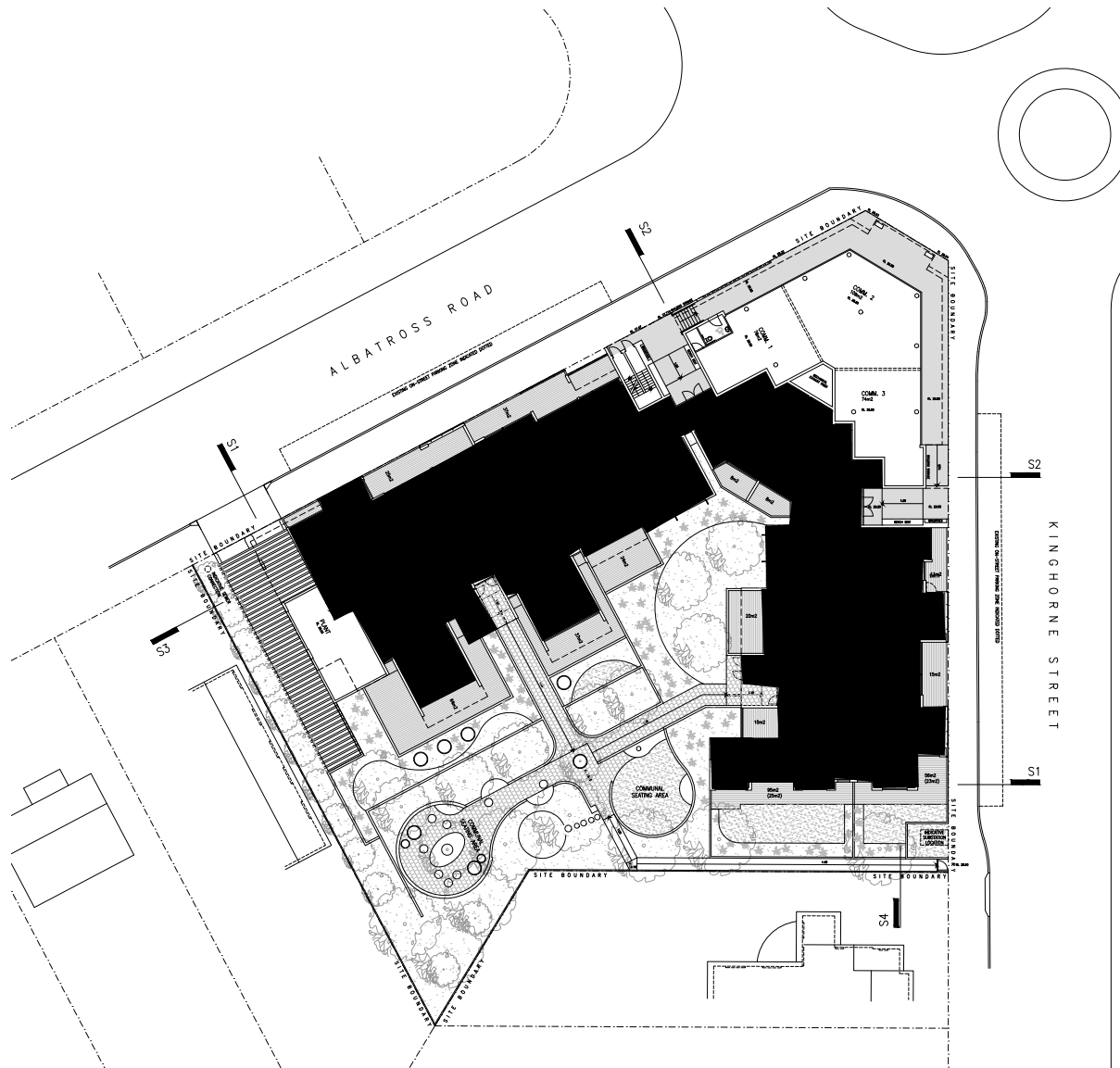
- Create an attractive and quality development that will enhance the existing streetscape and contribute to the character of an area undergoing transition.
- Create a focal point at the northern apex of the site and to activate the street edge with appropriate ground level uses on a relatively busy intersection.
- Provide facilities for retail activities that will benefit the local community.
- Create an informal connection across Kinghorn Street to the Nowra Cemetery by attracting mutually beneficial retail activities for visitors.

#### KEY CHALLENGES

- Significant slop of 3.26m along the Albatross Road boundary which will impact on potential overshadowing or loss of privacy for neighbouring property No.6 to the south.
- Surrounding properties are zoned R2 which creates a challenge for the proposed development to successfully relate to adjacent lower density residential development in terms of the scale, building massing and impact on neighbour amenity. This can be achieved through a contextual design process and appropriate choice of materials and colours.

PRELIMINARY



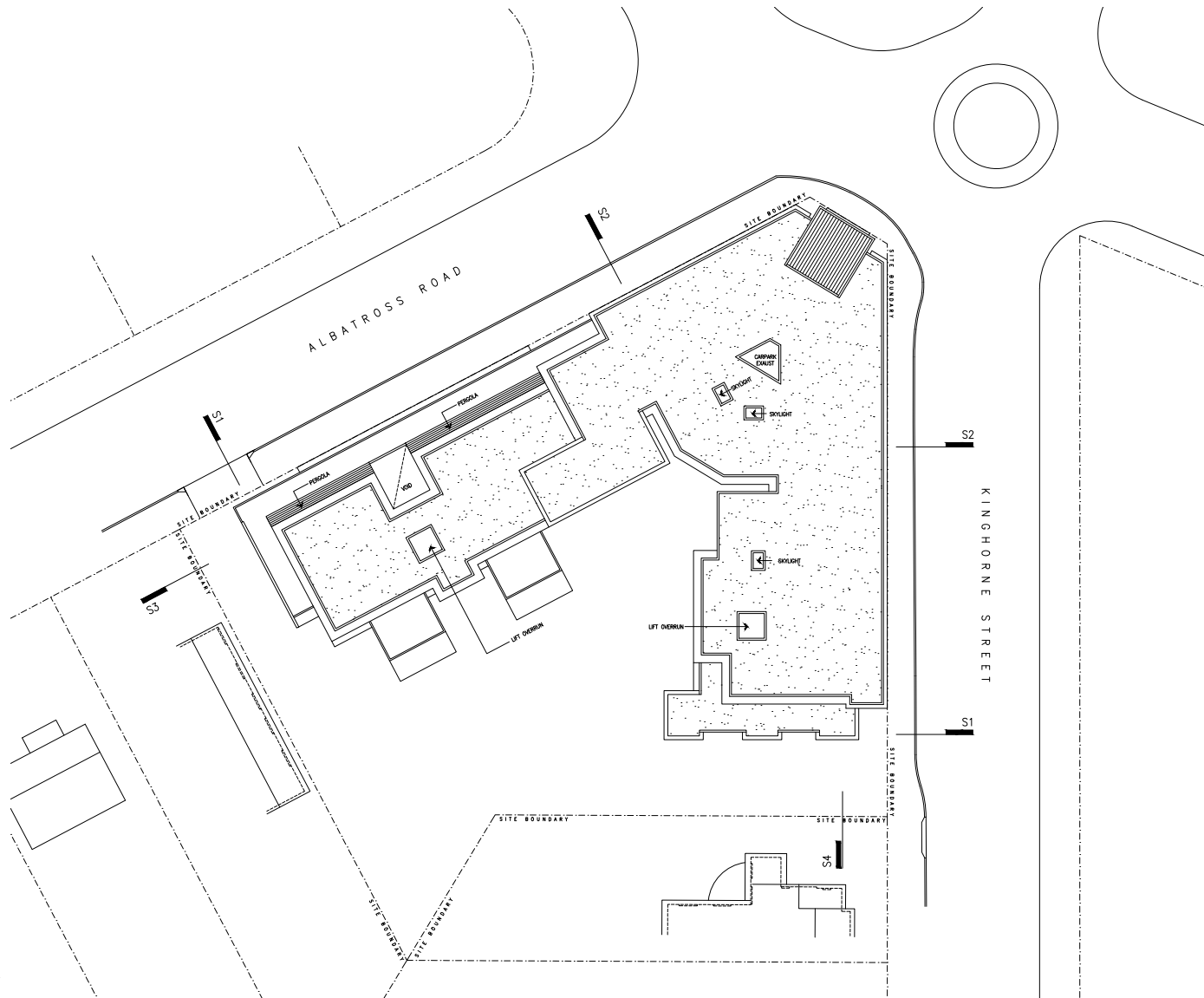


#### INDICATIVE APARTMENT MIX

	1 BEDROOM	2 BEDROOM	3 BEDROOM	TOTAL
GROUND	2	6	3	11
LEVEL 01	2	12	3	17
LEVEL 02	2	12	3	17
LEVEL 03	2	4	6	12
TOTAL	8 (14%)	34 (60%)	15 (26%)	57 (100%)

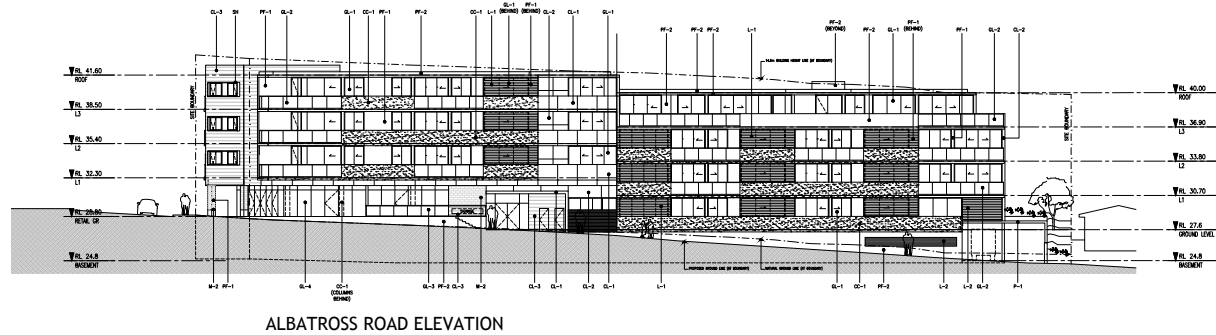
Thermal Performance specification  
Windows (Through)  
• GGG-05-001a Generics Uval 6.57 SHGC 0.74  
• Glass Single Glazed Clear-Frame Aluminium  
External Walls  
• HEBEL Veneer: Bulk Insulation R 1.5  
External Floor  
• Suspended Concrete Slab: Bulk Insulation R 1.8 (Above the carpark only)  
External Ceilings (Under the roof and under the exposed balconies)  
• Bulk Insulation R2.5  
Downlights: No vented down-lights (IC Rated down-lights to be used)



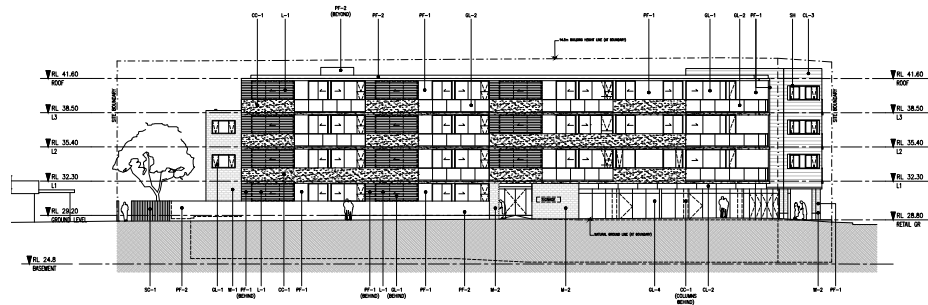


Thermal Performance specification  
Windows (Throughout)  
• GGG-05-001a Generics Uval 6.57 SHGC 0.74  
• Glass Single Glazed Clear-Frame Aluminum  
External Walls  
• HEBEL Veneer- Bulk Insulation R 1.5  
External Floor  
• Suspended Concrete Slab- Bulk Insulation R 1.8 (Above the carpark only)  
External Ceilings (Under the roof and under the exposed balconies)  
• Bulk Insulation R2.5  
Downlights: No vented down-lights (IC Rated down-lights to be used)

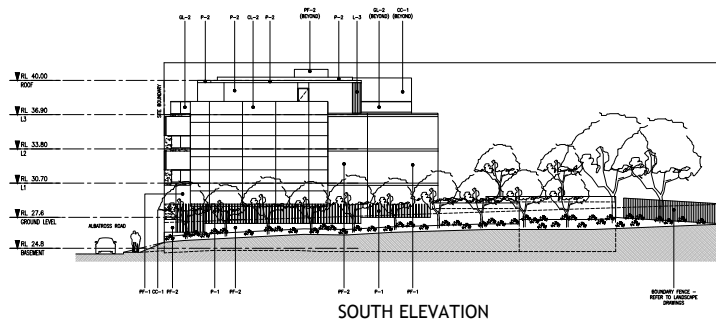




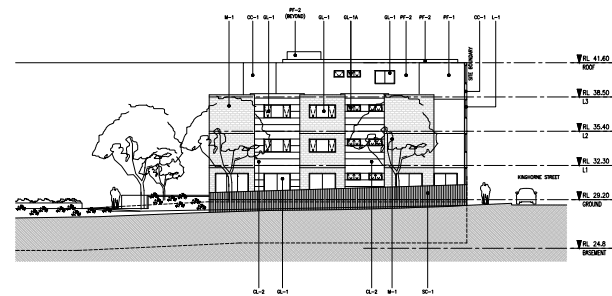
ALBATROSS ROAD ELEVATION

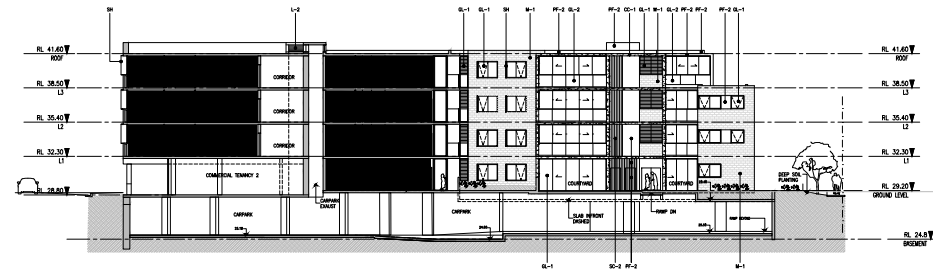


KINGHORNE STREET ELEVATION

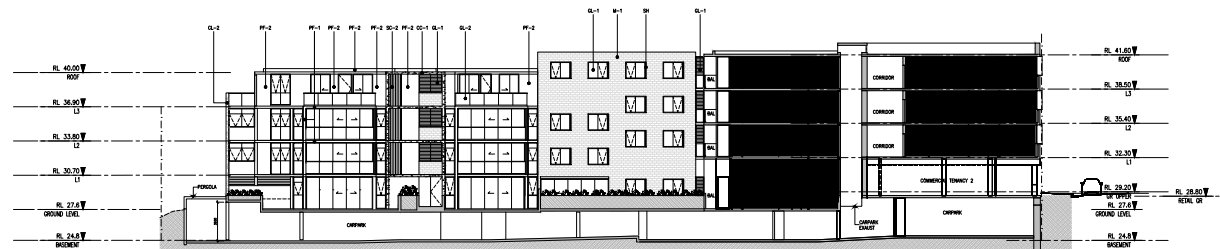


SOUTH ELEVATION





INTERNAL ELEVATION NORTH and SECTION S6



INTERNAL ELEVATION SOUTH and SECTION S5

FINISHES LEGEND	
C-1	OFF-FORM CONCRETE
CL-1	METALLIC DARK CHARCOAL PANEL CLADDING
CL-2	METALLIC ZINC PANEL CLADDING
CL-3	TIMBER EFFECT PANEL CLADDING
GL-1	NATURAL ANODISED ALUMINIUM FRAMED GLAZING
GL-1A	NATURAL ANODISED ALUMINIUM FRAMED GLAZING (TRANSLUCENT GLASS)
GL-2	CLEAR GLASS BALUSTRADE SYSTEM
GL-3	FRAMELESS GLASS BALUSTRADE WITH PREFINISHED METAL FRAME
GL-4	COMMERCIAL SHOP GLAZING SLATE
L-1	HORIZONTAL MANUALLY OPERABLE LOUVER SCREEN
L-2	PREFINISHED MECHANICAL LOUVER
L-3	VERTICAL FIXED ELIPTICAL LOUVER SCREEN
M-1	SMOOTH FACE MASONRY
M-2	TEXTURED FACE MASONRY
P-1	STEEL PERGOLA STRUCTURE
P-2	PREFINISHED AWNING PERGOLA
PF-1	OFF WHITE RENDER & PAINT FINISH
PF-2	DARK CHARCOAL RENDER & PAINT FINISH
SC-1	SCREEN FENCE - REFER LANDSCAPE DETAILS
SC-2	PREFINISHED BATTEN SCREEN COLOUR TO MATCH PF-2
SH	SILVER PREFINISHED SUNHOOD

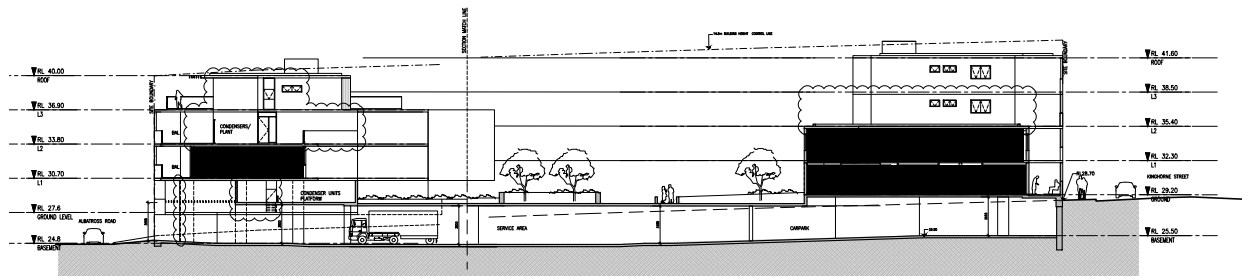
REFER TO DAKS COLOUR AND FINISH SCHEDULE FOR DESCRIPTION OF FINISHES

Thermal Performance specification  
Windows (Throughout)  
• GGG-05-001a Genetics Uval 6.57 SHGC 0.74  
• Glass Single Glazed Clear-Frame Aluminium  
External Walls  
• HEBEL Veneer- Bulk Insulation R 1.5  
External Floor  
• Suspended Concrete Slab- Bulk Insulation R 1.8  
(Above the carpark only)  
External Ceilings (Under the roof and under the exposed balconies)  
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Downlights: No vented down-lights (IC Rated down-lights to be used)

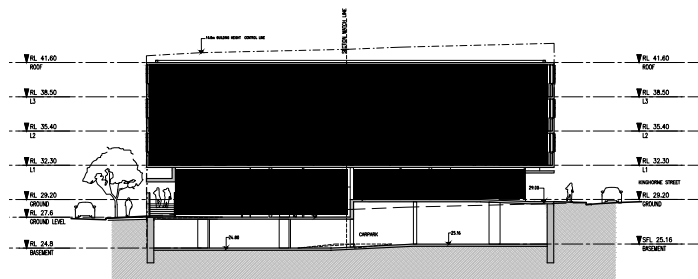




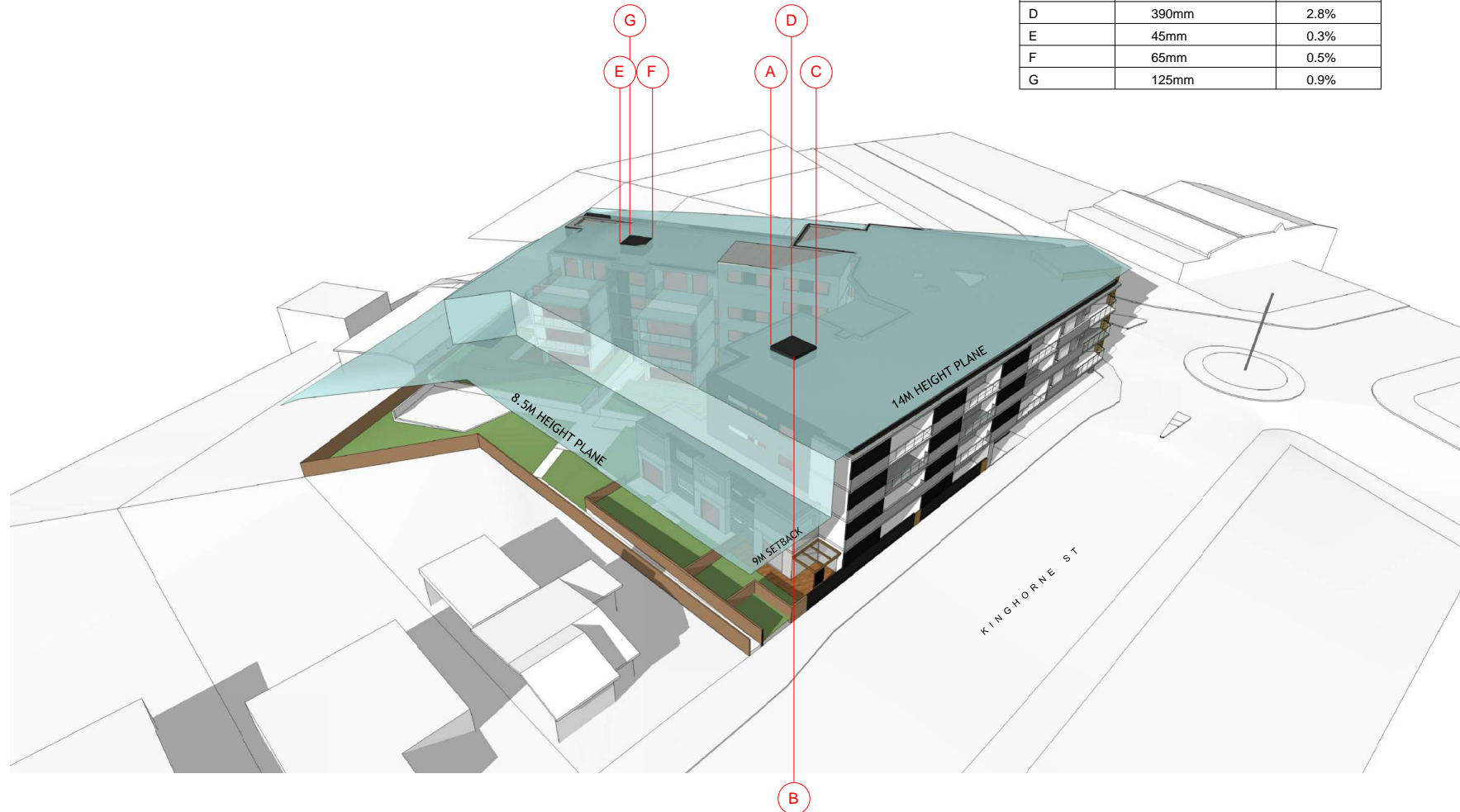
DA REVISIONS  
1. SECTION 1 AMENDED



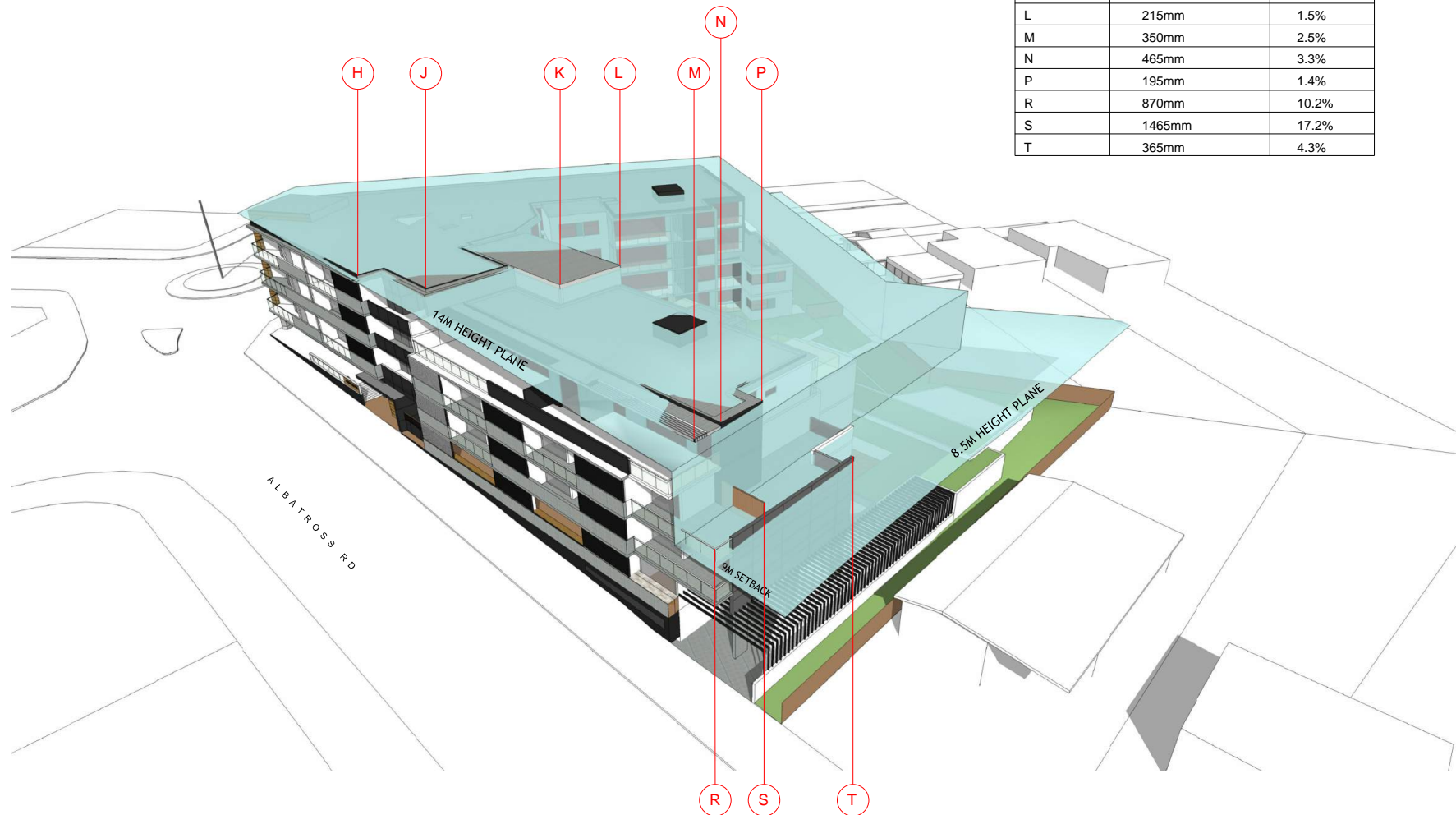
SECTION S1



SECTION S2



LOCATION	EXCEEDENCE	%
A	425mm	3.0%
B	315mm	2.3%
C	280mm	2.0%
D	390mm	2.8%
E	45mm	0.3%
F	65mm	0.5%
G	125mm	0.9%



LOCATION	EXCEEDENCE	%
H	265mm	1.9%
J	480mm	3.4%
K	370mm	2.6%
L	215mm	1.5%
M	350mm	2.5%
N	465mm	3.3%
P	195mm	1.4%
R	870mm	10.2%
S	1465mm	17.2%
T	365mm	4.3%













**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).

### 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.





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

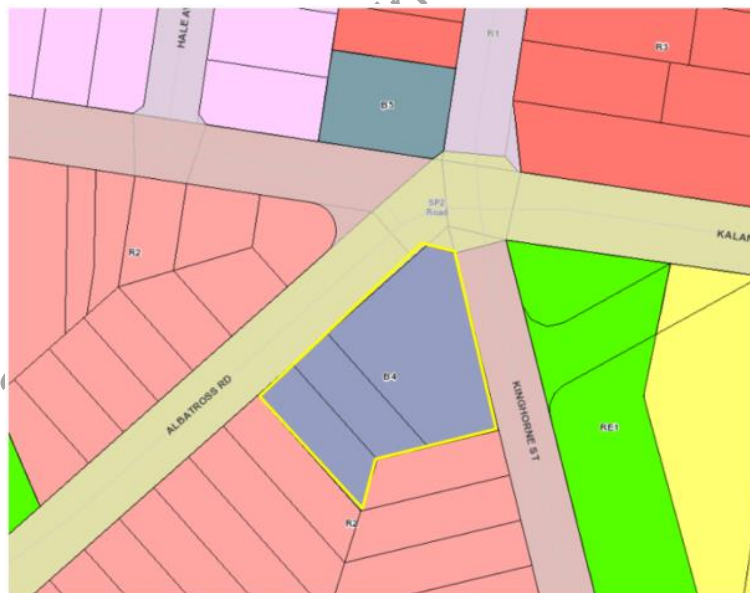


Figure 2 - Extract of the Shoalhaven Local Environmental Plan 2014  
Land Use Zoning Map with the subject site with a yellow border

## 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*

*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).

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 259m<sup>2</sup> (267m<sup>2</sup> 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.

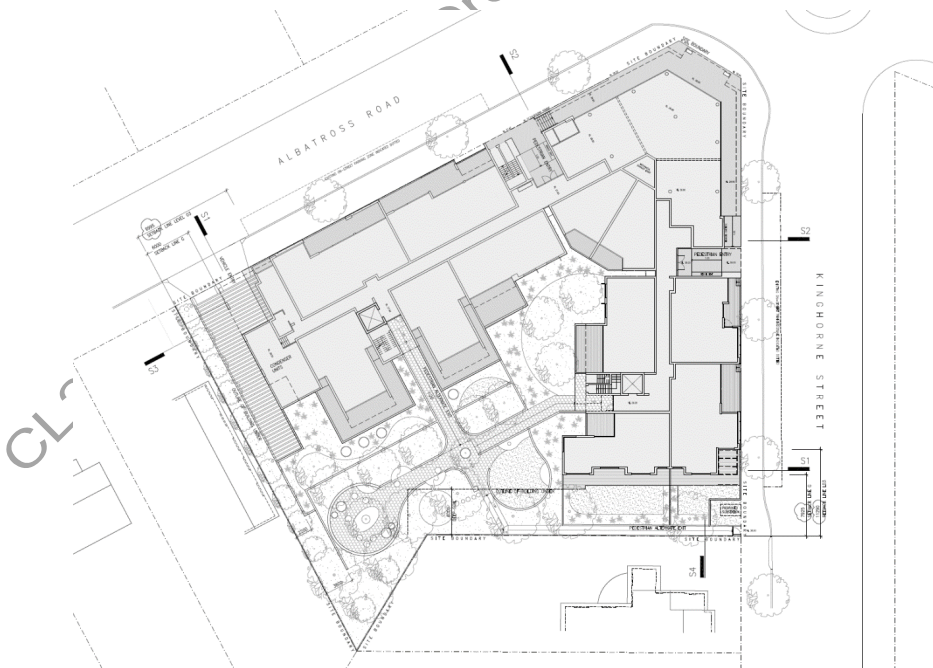




Figure 3 - Site Plan of the proposed development.

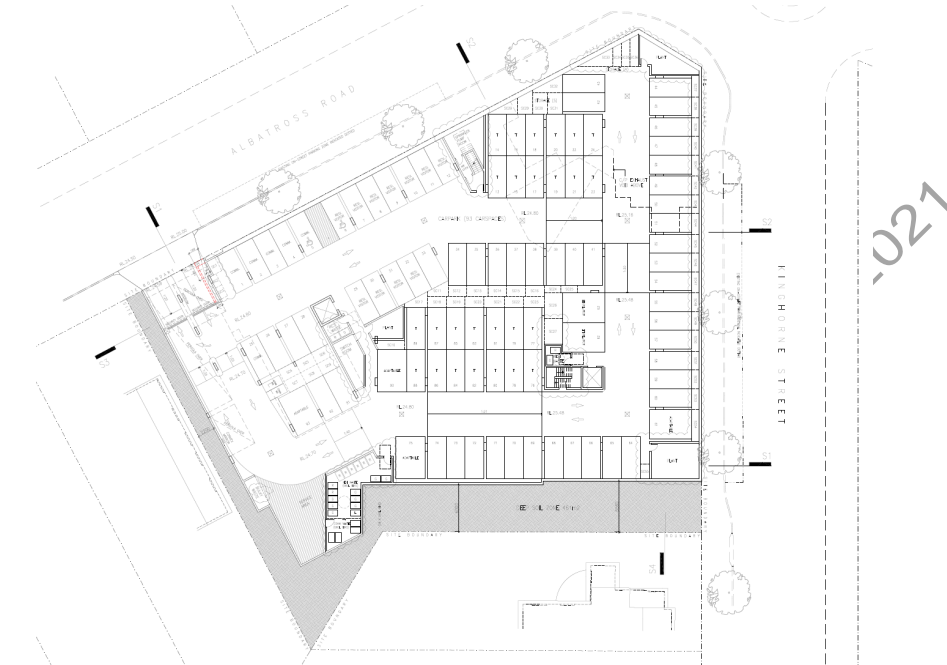


Figure 4 - Basement floor plan of the proposed development.

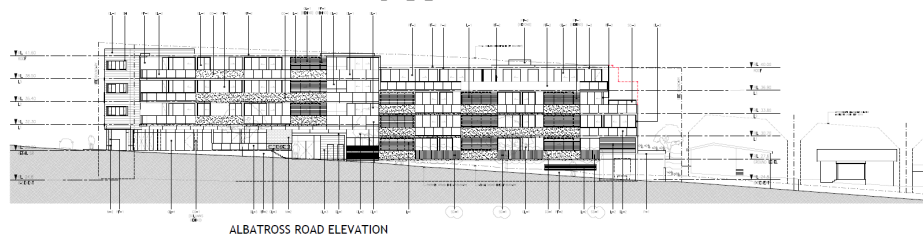


Figure 5 – Elevation of the proposed development (western elevation – Albatross Road)



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

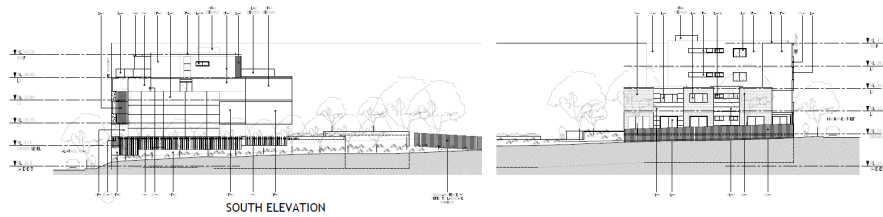


Figure 7 - Elevation of the proposed development (southern elevation).

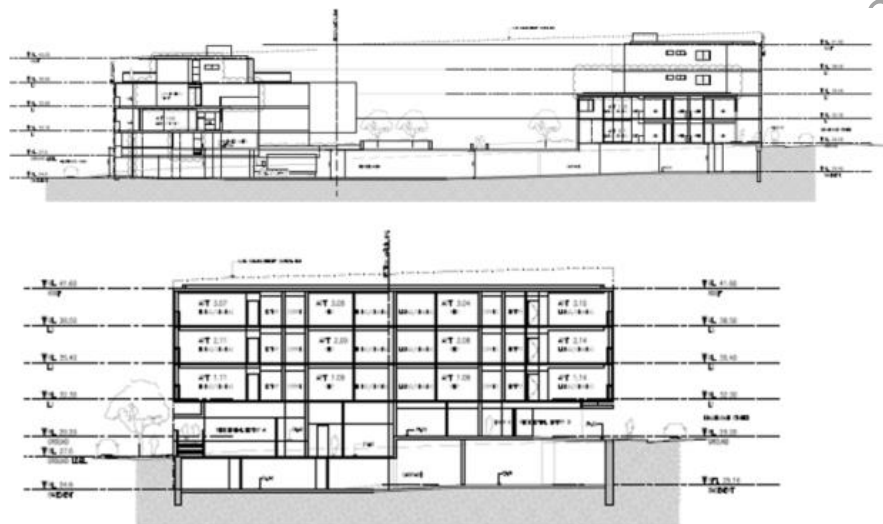


Figure 8: Section plans of the proposed development.

CL21.230 - Report to



Figure 9 - Section plans of the proposed development.

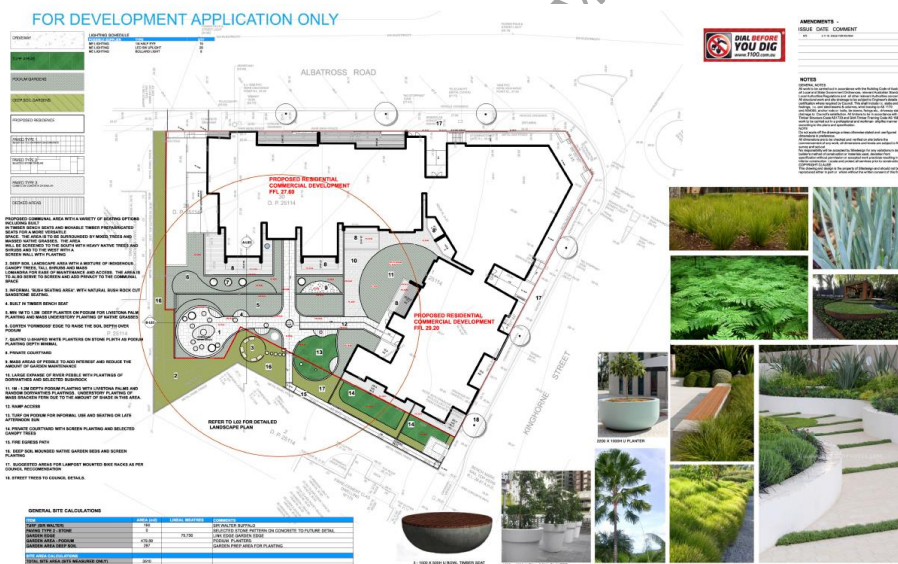






Figure 10 - Landscape plans of the proposed development.



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



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



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

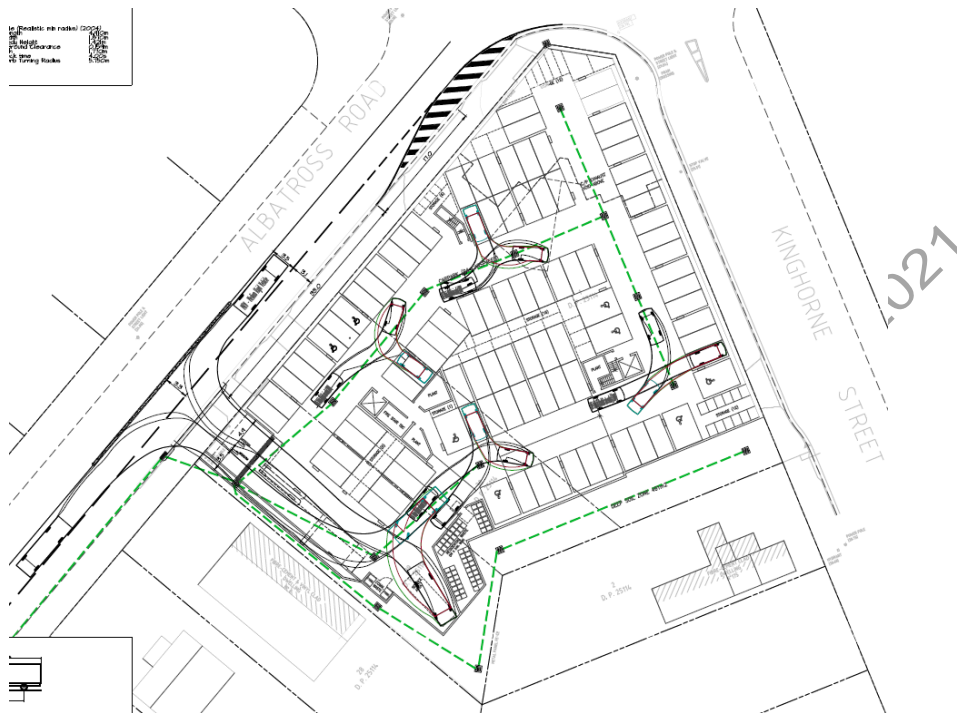


Figure 14 - Extract of engineering design plan indicating the slip-lane and entry design to the development. The design includes a central median on Albatross Road to limit vehicle movements to a left in and left out movement.

#### 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 3,497m<sup>2</sup>.

#### 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

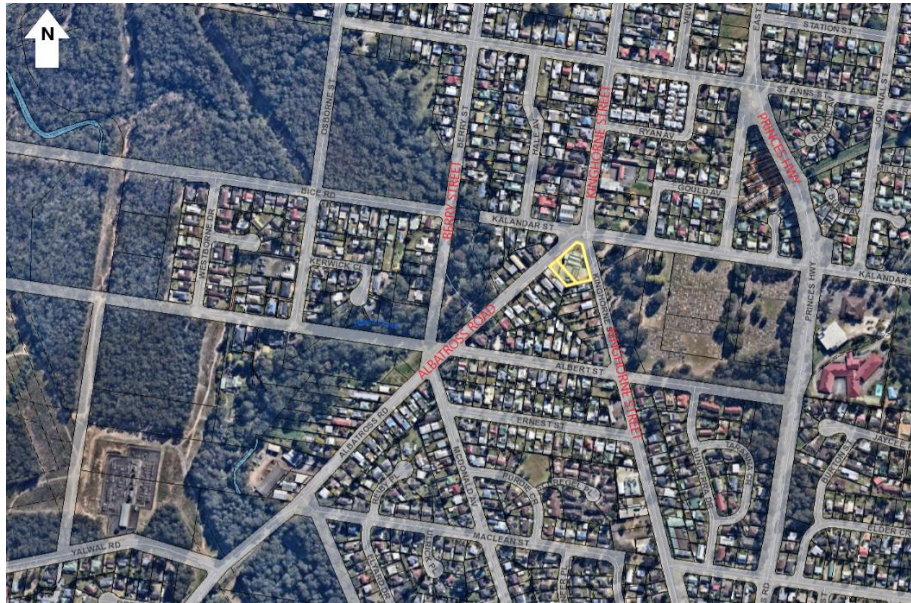


Figure 15 – Aerial image of the site indicating the roads in proximity to the site that will be impacted by the proposal

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

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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).
- (e) The approach sight distances to turning vehicles are significantly improved with the Kinghorne Street option when compared to the Albatross Road option.
- (f) 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 (Kinghorne 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 Kinghorne Intersection is a key intersection in the Local, Regional and State Road network in the Shoalhaven.

*b) Access via Albatross Road vs. Kinghorne Street*

The applicant has stated that vehicular access to the site via Kinghorne 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 Kinghorne Street would in fact be compliant with both 2017 and 2021 standards. The total length available along the Kinghorne 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.

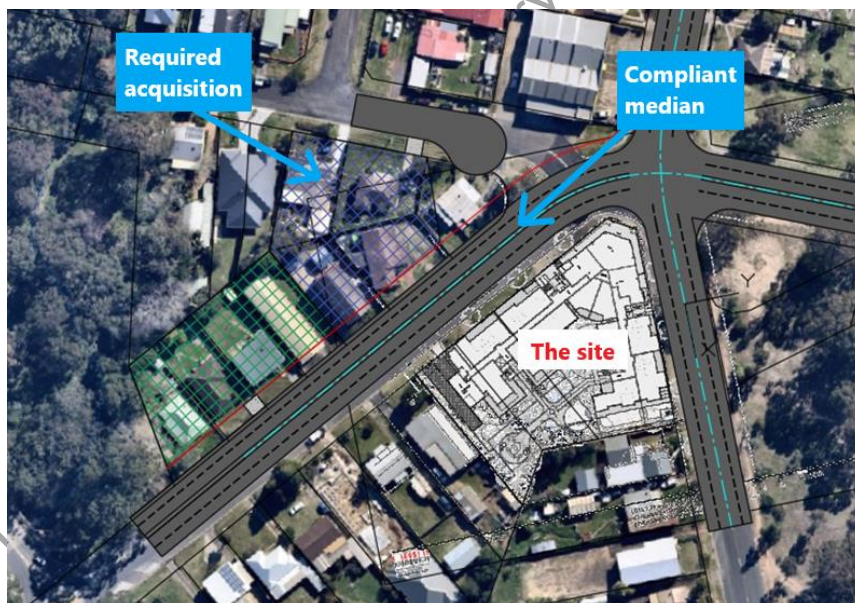


Figure 16 – Aerial image with overlay showing required works and acquisition that would be required to provide a compliant treatment of Albatross Road associated with access to the site off Albatross Road.

*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.

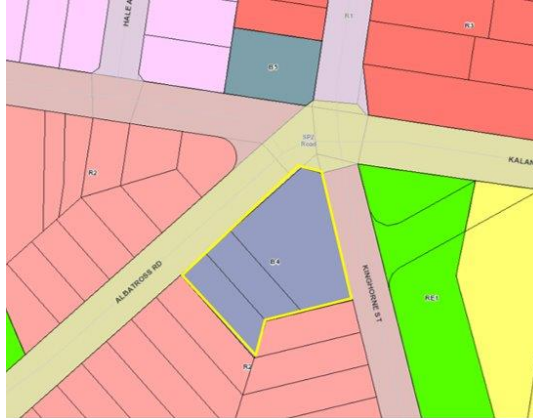


Figure 17 – Excerpt Lot Zoning Map Shoalhaven LEP 2014

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.

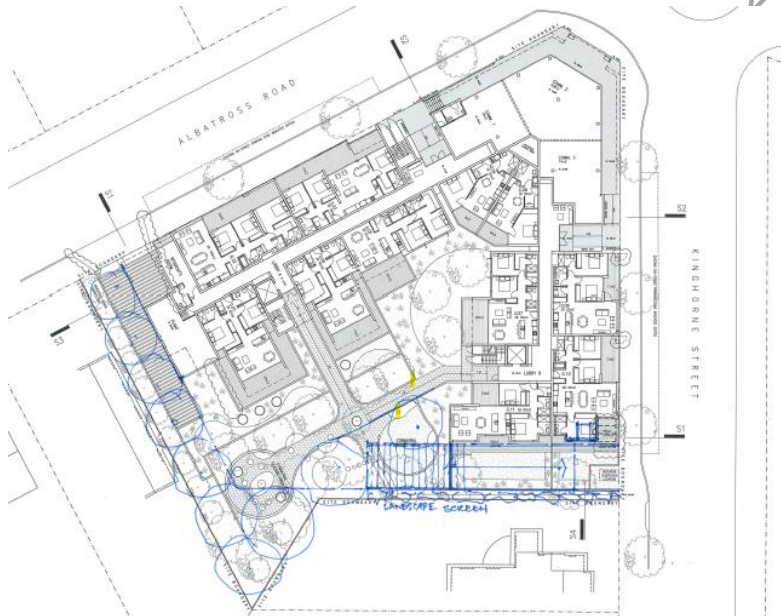


Figure 18 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.

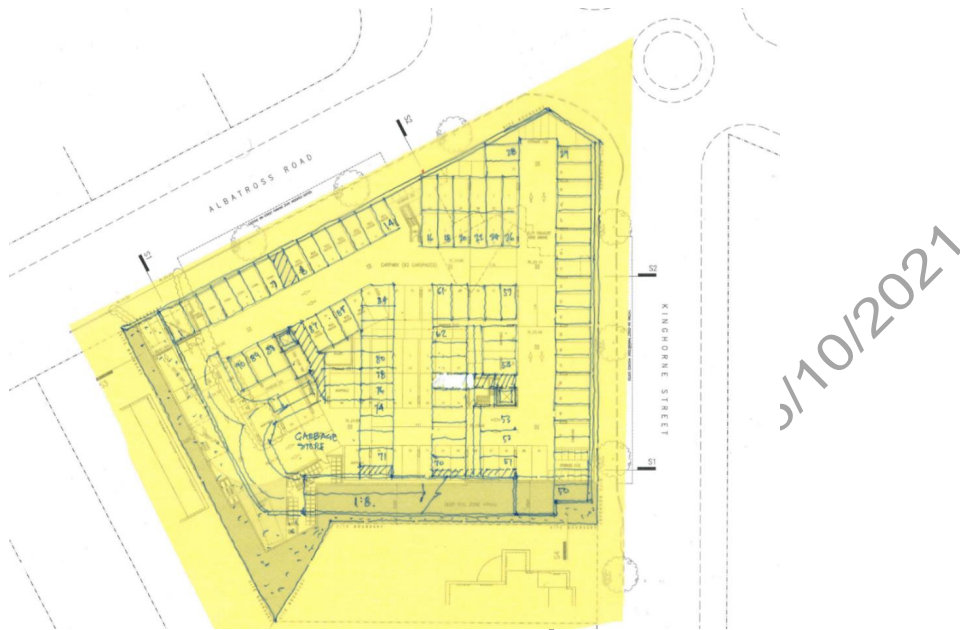


Figure 19 - Applicant's submitted concept plan, demonstrating that access via Kinghorne Street is capable of being achieved.

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

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 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 24m<sup>2</sup> gross floor area.

The commercial floor of 267m<sup>2</sup> 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, 267m<sup>2</sup> divided by 24m<sup>2</sup> = **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
			<b>TOTAL</b>	<b>83.23 spaces</b>
<b>Shoalhaven DCP Chapter G21 Version 3 and newly adopted Version 5</b>				
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
			<b>TOTAL</b>	<b>103.63 spaces</b>
<b>Shoalhaven DCP Chapter G21 Version 4</b>				
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
			<b>TOTAL</b>	<b>115.63 spaces</b>

- 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 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.

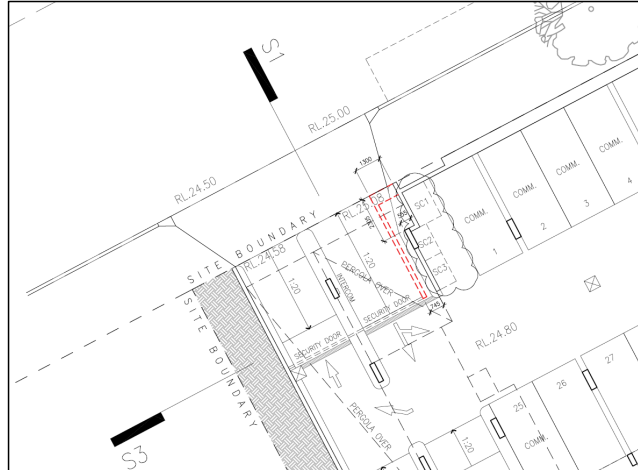


Figure 20 – Extract of the proposed basement plan indicating the location security door and intercom to gain access to the basement car park.

#### 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

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**).

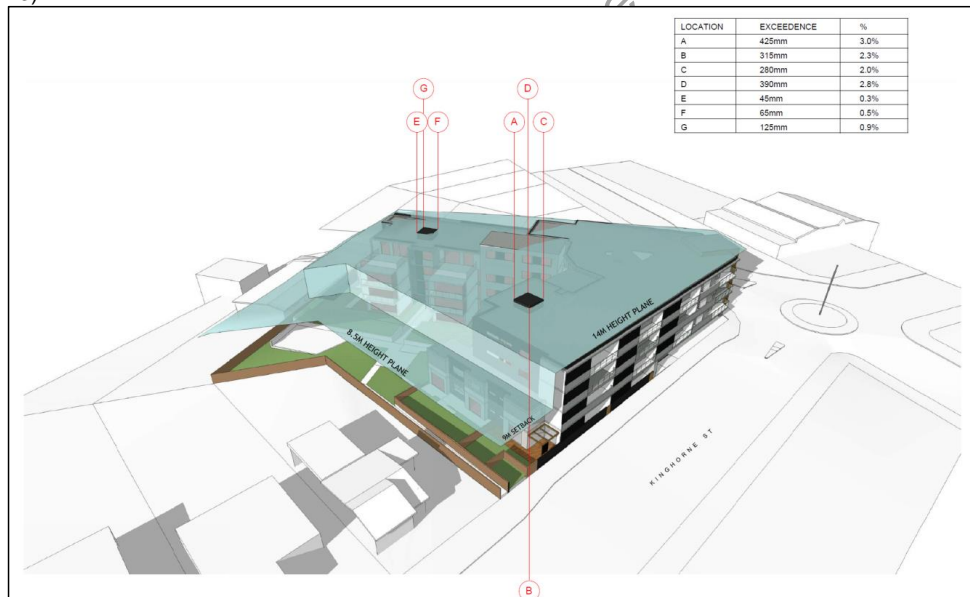


Figure 22 - Height plane instructions relating to the 14.0m (N2) maximum building height - south-eastern view from Kinghorn Street.

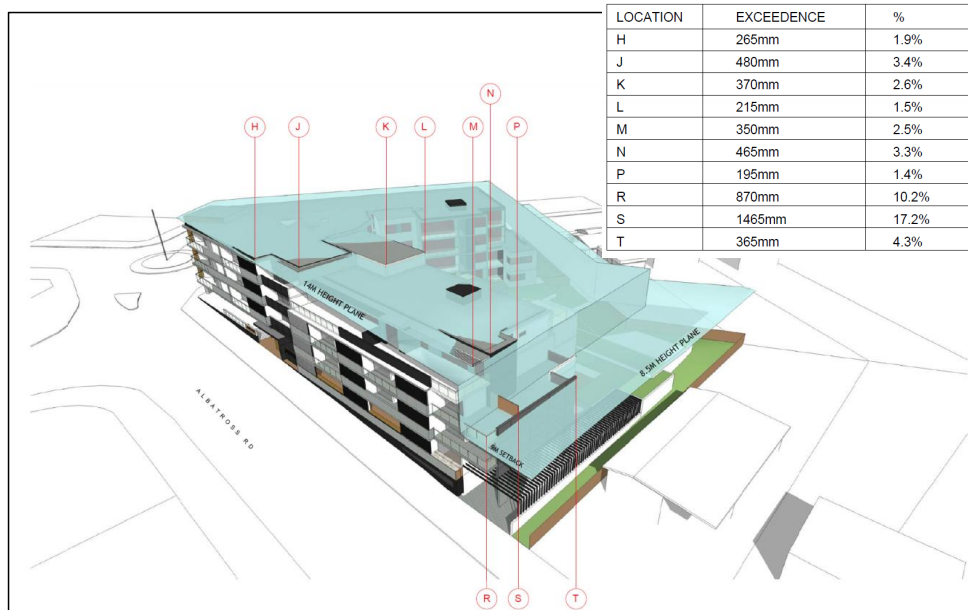


Figure 23 - Height Plane instructions relating to the 14.0m (N2) and 8.5m (I2) maximum building height - southwestern view from Albatross Street.

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 Kinghorne 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
<b>Principle 1: Context and neighbourhood character</b>	The surrounding development may be broadly characterised as low-density residential housing, consisting of single and two-storey dwelling houses. The

<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>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><b>Principle 2: Built form and scale</b></p> <p><i>Good design achieves a scale, bulk, and height appropriate to the existing or desired future 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</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 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><i>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>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><b>Principle 3: Density</b></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 3,509m<sup>2</sup>, has a dwelling density of approximately 1 dwelling per 64m<sup>2</sup>.</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 achieves a high level of amenity for residents and each apartment. 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"> <li>• <u>Solar access</u> - 13 of 55 apartments (24%) of apartments receive no sunlight between 9am and 3pm in mid-winter),</li> <li>• <u>Apartment size and layout</u> – the single bedroom apartment does not comply with the minimum widths (3.5m provided and 3.6m required)</li> <li>• <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).</li> <li>• <u>Landscaped deep soil zone for larger blocks</u> - The total area of deep soil landscaping is 461m<sup>2</sup> (13% of the site area). The ADG recommends 15% deep soil zone for sites exceeding 1,500m<sup>2</sup>.</li> <li>• <u>Setbacks to the adjoining low-density development</u> – the setback of the Albatross portion of the development adjoining the southwestern boundary 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.</li> </ul>

	<ul style="list-style-type: none"> <li>• <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.</li> <li>• <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.</li> </ul> <p>These non-compliances imply an overdevelopment of the site.</p> <p>The development is not considered to satisfy this design principle</p>
<p><b>Principle 4: Sustainability</b></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&amp;A Regulation; however, this is not reflective of the current layout.</p> <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><b>Principle 5: Landscape</b></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 461m<sup>2</sup> (13% of the site area). 328m<sup>2</sup> (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 1500m<sup>2</sup> 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><b>Principle 6: Amenity</b></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, storage, indoor and outdoor space, efficient layouts and service areas and ease of</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>



access for all age groups and degrees of mobility.	
<p><b>Principle 7: Safety</b></p> <p>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.</p> <p>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.</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><b>Principle 8: Housing diversity and social interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing, and facilities to suit the existing and future social mix.</p> <p>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.</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 (20m<sup>2</sup>) 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><b>Principle 9: Aesthetics</b></p> <p>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.</p> <p>The visual appearance of a well-designed apartment development responds to the</p>	<p>The architectural treatment is satisfactory.</p> <p>The development is considered to satisfy this design principle.</p>

*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
<b>3E-1 Deep Soil Zones</b>  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.  On some sites it may be possible to provide larger deep soil zones, depending on the site area and context: <ul style="list-style-type: none"> <li>• 10% of the site as deep soil on sites with an area of 650m<sup>2</sup> - 1,500m<sup>2</sup></li> <li>• 15% of the site as deep soil on sites greater than 1,500m<sup>2</sup></li> </ul>	The total area of deep soil landscaping is 461m <sup>2</sup> (13% of the site area). 328m <sup>2</sup> (9% of the site area) has a minimum dimension of 6m or larger. These areas have been designed to accommodate larger trees.  The site exceeds 1500m <sup>2</sup> 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.
<b>3F-1 Visual Privacy</b>  Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	The adjacent sites to the south of the development site are zoned R2 Low Density Residential and currently contain single dwelling houses per lot.  The setback of the Kinghorne portion of the development to the adjoining southern property boundary requires a minimum setback of 9m. The

<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><b>Note:</b> 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><b>3H-1 Vehicle Access</b></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><b>3J-1 Bicycle and Car Parking</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</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 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 24m<sup>2</sup> gross floor area.</p> <p>The commercial floor of 267m<sup>2</sup> 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, 267m<sup>2</sup> divided by 24m<sup>2</sup> = 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 the site which is triangular. 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</p>
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	<p>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><b>3J-2 Bicycle and Car Parking</b></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><b>4A-1 Solar and Daylight Access</b></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> <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</p>

	<p>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><b>4D-3 Apartment Size and Layout</b></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. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m (excluding wardrobe space)</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. 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"> <li>• 3.6m for studio and 1-bedroom apartments</li> <li>• 4m for 2- and 3-bedroom apartments</li> </ul>	
<p>3. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	
<p><b>4E-1 Private Open Space and Balconies</b></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: 4m<sup>2</sup> 1 Bedroom: 8m<sup>2</sup>, 2m minimum depth 2 Bedroom: 10m<sup>2</sup>, 2m minimum depth 3 Bedroom: 12m<sup>2</sup>, 2.4m minimum depth</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>

<p>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 15m<sup>2</sup> and a minimum depth of 3m.</p>	
<p><b>4F-1 Common Circulation and Spaces</b></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.</p> <p>* 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><b>4K-2 Apartment Mix</b></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>

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).

CL21.230 - Report to Ordinary Meeting 26/10/2021

CL22.252 - Attachment 4



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

[Address all correspondence to](#)

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

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

**NOTICE TO APPLICANT OF DETERMINATION OF 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:

CL22.252 - Attachment 4

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**

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

	Planning Report S4.15 Environmental Planning & Assessment Act 1979
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DA Number	DA22/1281
Property	13 The Bastion, MANYANA - Lot 871 DP 263106
Applicant(s)	Kate Wheeler - Le Mottee Group Pty Limited
Owner(s)	JFPG011 Pty Ltd

#### **Conflict of interest declaration**

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

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

Name

Choose an item.

14/04/2022

#### **Detailed Proposal**

Attached Dual Occupancy

Each unit of the proposed dual occupancy contains the following over two levels:

##### Ground Floor:

- One (1) bedroom with robe;
- Open plan kitchen, dining and living;
- Bathroom;
- Laundry;
- Alfresco adjoining kitchen, dining and living; and
- Single lock up garage.

##### First Floor:

- Three (3) bedrooms with robes, master with ensuite;
- Sitting area; and
- First Floor bathroom with separate toilet; and
- Balcony to the front.

#### **Subject Site and Surrounds**

##### **Site Description**

The site is located on the south side of The Bastion Manyana. It has an 18m frontage to The Bastion with a depth of 37m and total area of 665.9m<sup>2</sup>. The lot is zoned R2 Low Density Residential and surrounded by low density development which is a mix of one and two storey dwellings. The lot is reasonably flat with a slight slope from the west to east. The lot is currently vacant. The lot is approximately 860m from Manyana Beach and 2 km from the junction of Innyada Drive and Bendalong Road.



Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

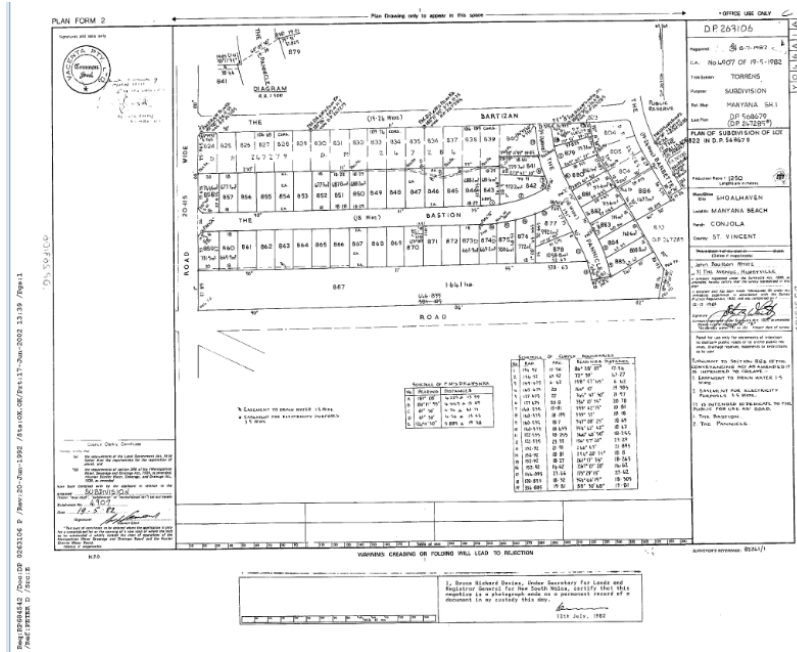


Aerial Map

CL22.253 - Attachment 1

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

### Deposited Plan and 88B Instrument



## Site Visit



Photo 1: Neighbours to the east



Photo 2: Front verge

# CL22.253 - Attachment 1

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106



#### Site History and Previous Approvals

No history of previous development on the lot.

#### Post-Lodgement

The following provides details on pre-lodgement discussions, post-lodgement actions:

- No informal enquiries or formal pre lodgement discussions were held prior to lodgement.
- The application was lodged on 9 March 2022.
- The application was referred for technical comment on 21 March 2022.
- No further information was requested from the applicant.

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

### Consultation and Referrals

#### Internal Referrals

Referral	Recommendation	Comment
Development Engineer	<p><b>Stormwater Drainage:</b></p> <ul style="list-style-type: none"> <li>For each dwelling, it is proposed that roof stormwater is discharge to a rainwater tank with overflow, and water captured in a driveway grated drain, directed to an absorption trench before being directed to the street stormwater network.</li> <li>The absorption trenches do not appear necessary because the stormwater can be directed straight to the street.</li> <li>Apart from the absorption trenches, the stormwater system is acceptable. The absorption trenches will be conditioned to be removed.</li> <li>Per DCP Chapter G2 OSD will be required and will be conditioned.</li> </ul> <p><b>Roads/Access:</b></p> <ul style="list-style-type: none"> <li>Access point is acceptable.</li> <li>Sight distances appear acceptable.</li> <li>It is proposed that 4 spaces are provided: 2 garages spaces and 2 stacked parking spaces. This is acceptable per the DCP.</li> <li>A driveway long section of the proposed driveway pursuant to Council's Standard Drawings will be conditioned. Per DCP Chapter G21, the longitudinal grade for stacked parking must not exceed 5%. The stacked parking can be demonstrated on the</li> </ul>	Conditions to be included in the consent

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

	longitudinal section. This will be conditioned.	
Shoalhaven Water	Request for COC application sent SW Notice conditions include S64 charges, meters and long conduit Conditions provided.	Conditions to be included in the consent.
GIS	The numbering for the proposed dual occupancy development with reference to the lodged Suite of Architectural Plans D22/98786 is:  Unit 1 – 13A The Bastion, Manyana Unit 2 – 13B The Bastion, Manyana  The primary address and the for the common property is 13 The Bastion, Manyana	Condition to be included in the consent.

#### Statutory Considerations

##### Environmental Planning and Assessment Act 1979

##### S4.14 Consultation and Development on Bushfire Prone Land

The land is mapped as bushfire prone. An assessment has been made of the development. The proposal is considered satisfactory subject to the imposition of conditions of consent.

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

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

A valid Biodiversity Offset Scheme Entry Threshold (BOSET) tool has been submitted as part of the application which shows the proposed development does not trigger the Biodiversity Offsets Scheme (BOS).

A site inspection has been undertaken along with a desktop review and it is concluded that the proposed development is unlikely to have a significant impact.

A review of the proposed development against the BOS triggers has concluded that the proposal does not trigger entry into the BOS.

##### Shoalhaven Contribution Plan 2019

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



Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

**Section 7.11 ET Calculations - DA22/1281 (UPN: 24500)**

☒ Residential
 ☐ Non-Residential

**Calculation Type:**  
 Medium Density/Dual Occupancy

**Medium Density/Dual Occupancy**

	Existing	Proposed
1 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
2 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
3 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
4 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
Lots/Dwellings (not via Affordable Rental Housing SEPP)	1	2
Boarding House Bedrooms	0	0
<b>Total ET</b>		<b>1</b>
		<b>0</b>

**Developer Contributions - New Calculation**

**Application:** DA22/1281  
**UTE:** 24500  
**Fin Year:** 2021/22

**Recipient:**  
 JFPG011 Pty Ltd

**Address:**  
 50 Hunter Street  
 NEWCASTLE NSW 2300

**Calculation ID:**  
**Address:** 13 The Bastion, MANYANA  
**Location:** Lot 871 DP 263106  
**UTE:** 24500  
**Stage:** 1

Contribution Total: \$8,282.24

Project	Description	Benefit Area	Contribution Amt	Qty	Contribution ADD
05AREC0005	Planning Area 5 - Active recreation facility upgrades various locations	01 Equivalent Tenement	\$1,054.53	1	\$1,054.53
05CFAC2010	Southern Shoalhaven Branch Library	01 Equivalent Tenement	\$530.63	1	\$530.63
05OREC0004	Manyana/Cunjurong	01 Equivalent Tenement	\$2,472.15	1	\$2,472.15
CWIREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bonaderry	05 Equivalent Tenement	\$1,104.42	1	\$1,104.42
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	05 Equivalent Tenement	\$834.71	1	\$834.71
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	01 Equivalent Tenement	\$1,292.05	1	\$1,292.05
CWCFAC5007	Shoalhaven Regional Gallery	01 Equivalent Tenement	\$70.93	1	\$70.93
CWFIRE2001	Citywide Fire & Emergency services	01 Equivalent Tenement	\$139.37	1	\$139.37
CWFIRE2002	Shoalhaven Fire Control Centre	01 Equivalent Tenement	\$203.89	1	\$203.89
CWIMGMT3001	Contributions Management & Administration	01 Equivalent Tenement	\$579.56	1	\$579.56

**Illawarra Shoalhaven Regional Plan 2041**

The proposal is consistent with the objectives of the Plan by promoting housing diversity in the region.

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#### 4.15 Assessment

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

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

##### i) Environmental Planning Instruments

Instrument
Shoalhaven LEP 2014
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

#### S4.14 EP&A Act Consultation and Development on Certain Bushfire Prone Land

The land is mapped as bushfire prone and the applicant has provided a Bushfire Assessment Report from a Bpad Level 2 consultant that determines the development as BAL 12.5.

Southern Bushfire Solutions has conducted a detailed assessment of the proposal in accordance with NSW Planning for Bushfire Protection 2019. Recommendations are made for the proposal to comply where necessary.

#### BAL Determination

Area FDI: Illawarra-Shoalhaven Fire Area (Shoalhaven Council) FDI = 100				
Hazard	Vegetation Classification	Effective Slope	Distance	BAL
A	Managed land	-	>100m	LOW
B	Managed land	-	>100m	LOW
C	Dry Sclerophyll Forest	0-5° Downslope	65m	BAL-12.5
D	Managed land	-	>100m	LOW

The dominant Bushfire Attack Level (BAL) for this proposal is determined to be:

**BAL- 12.5**

NOTE: This BAL determination is only valid for a period of 12 months from the date of issue.

#### SEPP (Resources and Energy) 2021

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	⊖ Proceed to Question 2



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

#### SEPP (Biodiversity and Conservation) 2021

The Site Investigation Area for Koala Plans of Management identifies the area where best to concentrate surveying for Koala's. These map does not depict 'core koala habitat' but predicts where koala habitat may be present. Not applicable to this site.

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site.

#### SEPP (Building Sustainability Index: BASIX) 2004

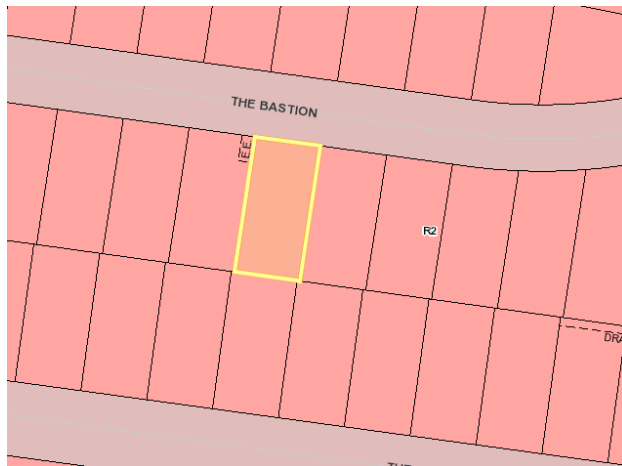
A valid BASIX certificate has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.

#### Shoalhaven LEP 2014

##### Land Zoning

The land is zoned R2 Low Density Residential under the SLEP 2014.

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Zone Map

#### Characterisation and Permissibility

The proposal is best characterised as Attached Dual Occupancy under the SLEP 2014. The proposal is permitted within the zone with the consent of Council.

#### Zone objectives

Objective	Comment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	The proposal will provide for the needs of the community
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.</li> </ul>	The proposed development is compatible with the detached housing character of the area.

#### SLEP 2014 Clauses

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

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Part 4 Principal development standards		
<b>4.1A</b> Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing	The lot is 665.9m <sup>2</sup> and therefore complies with the requirement of an attached dual occupancy lot being greater than 500m <sup>2</sup> .	Complies
<b>4.3</b> Height of buildings	The LEP maximum height of building is 8.5m. The proposed development is 8.01m.	Complies
Part 7 Additional local provisions		
<b>7.1</b> Acid sulfate soils	The lot is Class 5 Acid Sulfate Soils and not within 500m of any lower class of soils	Complies
<b>7.2</b> Earthworks	Minor Earthworks will be involved, no retaining walls are proposed.	

ii) Draft Environmental Planning Instrument

<http://www.planning.nsw.gov.au/Policy-and-Legislation/State-Environmental-Planning-Policies-Review>

iii) Any Development Control Plan

Shoalhaven DCP 2014

Chapter 2 General and Environmental Considerations	
Potentially Contaminated Land	N/A
European Heritage	N/A
Aboriginal Cultural Heritage	N/A
Crime Prevention Through Environmental Design	N/A

Generic Chapters
<b>G1: Site Analysis, Sustainable Design and Building Materials</b>
An appropriate Site Analysis Plan has been provided.
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>
A stormwater plan has been provided and reviewed by the Development Engineer who has provided conditions to be included in the consent.

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<b>G3: Landscaping Design Guidelines</b>
A landscaping plan has been provided that indicates deep soil zones and landscaped areas that comply.
<b>G4: Removal and Amenity of Trees</b>
No trees are proposed to be removed as part of this application.
<b>G7: Waste Minimisation and Management Controls</b>
A WMMP has been provided that complies.
<b>G13: Medium Density and other Residential Development</b>
See detailed assessment Appendices below.
<b>G21: Car Parking and Traffic</b>
The proposal requires two car parking spaces for each dwelling on the site. They are providing one in each garage and a stacked parking spot in the driveway outside which complies with DCP requirements.

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

iv) Environmental Planning and Assessment Regulation 2000

N/A

v) REPEALED

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

Head of Consideration	Comment
Natural Environment	The proposed dual occupancy will not have any adverse impacts on the natural environment.
Built Environment	The development will be compatible with the character of the surrounding residential area.
Social Impacts	The dual occupancy will contribute to the housing stock available in the area.
Economic Impacts	Employment related to the construction of the development will provide economic benefits to the tradesmen and the wider community.

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

The site is considered suitable for the proposed development for the following reasons:

- Compliant with objectives and requirements of SLEP 2014
- Compliant with objectives and acceptable solutions outlined in SDCP 2014
- The proposal raises no adverse impacts
- The proposal is compatible with surrounding land uses

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

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. Submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
<p>The application was notified from 18.3.2022 until 4.4.2022. A total of thirty (30) were received in objection, two (2) of which were from the same objectors. This includes two (2) submissions from the Red Head Village Association.</p> <p>One (1) submission was received in support.</p>	
Objection Raised	Comment
Holiday Letting	<p><u>Issue</u></p> <p>Concerns that the proposed development would be used for holiday letting for a large number of people, which impacts on the amenity of the neighbourhood</p> <p><u>Comment</u></p> <p>The potential for holiday letting is not a consideration for development approval for a dual occupancy application.</p> <p>Holiday letting is exempt development in dwellings, including dual occupancy dwellings, under SEPP (Housing) 2021 – Short Term Accommodation which applies to the entire State.</p>
Character of Locality	<p><u>Issue</u></p> <p>The proposal is of a bulk and scale that is inconsistent with the surrounding coastal character of the area. RHVA has provided a map of the street identifying the 6 two storey dwellings in the street.</p> <p><u>Comment</u></p>

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	<p>The proposed dual occupancy complies with the DCP building envelope, setbacks and FSR requirements. The design is sympathetic to the eclectic mix of one and two storey dwellings in the street. There are more than 6 two storey dwellings in the street as no 34 and 7 are also two storey dwellings.</p>
Bushfire	<p><u>Issue</u></p> <p>Many raised concerns about increasing density considering the recent bushfires putting further responsibility on the neighbourhood and evacuation during bushfires, especially if it is used for holiday makers.</p> <p><u>Comment</u></p> <p>Dual occupancy development is permissible, and the lot is mapped as bushfire prone. An assessment and a bushfire report from a Bad qualified consultant has been provided and an assessment in accordance with the legislation has been undertaken and conditions included in the consent. The application is for an attached dual occupancy whether it may be used for holiday makers is not a consideration as part of this process.</p>
Precedent	<p><u>Issue</u></p> <p>Allowing a dual occupancy development will set a precedent for more dual occupancies in the area.</p> <p><u>Comment</u></p> <p>Dual occupancy development is permissible in the R2 zone and was permissible in the previous zoning that applied to the land.</p>
R2 Zoning	<p><u>Issue</u></p> <p>Dual occupancy development is not consistent with the objectives of the R2 Low Density Residential zone which has as one of the objectives 'to provide an environment primarily for detached housing and to ensure that other development is compatible with that environment'.</p> <p><u>Comment</u></p> <p>Detached and attached dual occupancies are a mandated land use type in the R2 Low Density Residential zone. The objective says primarily for detached housing and not entirely. The attached dual occupancy is of a compatible bulk and scale to other two storey development in the area and complies with DCP</p>

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	requirements for bulk & scale, FSR and setbacks.
Solar Access and Privacy	<p><u>Issue</u></p> <p>The adjoining neighbours have raised concerns regarding solar access and privacy impacts to their properties.</p> <p><u>Comment</u></p> <p>The applicant has provided shadow diagrams that indicate that the neighbouring properties receive a minimum 3 hours sunlight between 9am and 3pm on 21 Jun which complies with the DCP and the Planning Principle for Sunlight Access. The main living areas and private open space are on the ground floor and fencing between properties will provide privacy to neighbours, which is compliant with the DCP. There is a small sitting room which adjoins the front balcony and overlooks the street frontage not any neighbouring dwellings.</p>
Infrastructure	<p><u>Issue</u></p> <p>Potential for dual occupancy development to increase the demand on local infrastructure.</p> <p><u>Comment</u></p> <p>The existing infrastructure is considered adequate for the proposed dual occupancy development which is a permissible use in the zone.</p>
Noise	<p><u>Issue</u></p> <p>Noise from holiday makers using the dwellings.</p> <p><u>Comment</u></p> <p>Whether the proposed dwellings are use for holiday letting is not a consideration for the development application as discussed above.</p>
Parking & Increased Traffic	<p><u>Issue</u></p> <p>Inadequate car parking and increased traffic will impact on the surrounding amenity.</p> <p><u>Comment</u></p> <p>The application provides for two car parking spaces on site for each dwelling which complies with the DCP requirements. The traffic generated from two dwellings will not have a significant impact on the surrounding road network.</p>
Adaptable Housing	<u>Issue</u>



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	<p>No adaptable unit has been provided</p> <p><u>Comment</u></p> <p>In accordance with the DCP, adaptable units are not required in a dual occupancy development only where 3 or more dwellings are proposed.</p>
Property Values	<p><u>Issue</u></p> <p>The proposal will impact on property values.</p> <p><u>Comment</u></p> <p>Impacts on property values is not a consideration for the development application. The proposal is permissible in the zone and compliant with the DCP.</p>
Clearing of Trees	<p><u>Issue</u></p> <p>That trees have already been cleared from the property.</p> <p><u>Comment</u></p> <p>The land is zoned R2 and it is possible that the trees were removed in accordance with Council's DCP Chapter 4 exemption policy which allows removal of trees where a tree is closer than its own height from an approved building – these being the neighbouring dwellings to the east and west.</p>
Subdivision Potential	<p><u>Issue</u></p> <p>The ability to subdivide duplexes is effectively abandoning the minimum allotment control for the whole of Manyana.</p> <p><u>Comment</u></p> <p>Subdivision of dual occupancies in the R2 zone is permissible under Clause 4.1A of Shoalhaven LEP.</p>
Neighbouring ground level calculations	<p><u>Issue</u></p> <p>That the survey ground level heights on the neighbouring dwelling are incorrect. As the RL is 29 and not 30.3 which is misleading</p> <p><u>Comment</u></p> <p>The 30.3G is the level of the gutter of the dwelling not the ground as indicated by the G.</p>

The applicant was requested to review the submissions and provide a response. Their response is saved in the file at D22/172531.

The following is a summary of their response:

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- Acknowledge no dual occupancies in the immediate area but nothing in the LEP that prohibits the development of the site.
- Proposal in keeping with the bulk and scale of new development in the area and is consistent with the established and desired future character of Manyana.
- Will not set a precedent for inappropriate development as permitted in the zone and mirrors existing development styles in the area.
- The proposal complies with the objectives of the R2 Low Density Residential Zone.
- Considerations have been given to design elements to improve the amenity and bulk and scale through ample setbacks and landscaping.
- Overall size, scale and character is similar to single dwellings located in Manyana.
- Provided some comparison photos:



Figure 1: Existing Single Dwelling façade at 13 The Pinnacle, Manyana (source: Google Earth).



Figure 2: Existing Single Dwelling façade at 9 The Barbette, Manyana (source: Google Earth).



Figure 3: Existing Single Dwelling façade at 9 The Bounty, Manyana (source: Google Earth).



Figure 4: Proposed dual occupancy Façade at 13 The Bastion, Manyana (source: Hotondo Homes South Coast).

- Provides adequate separation between dwellings adjoining dwellings and will not compromise the existing access to natural light, landscaping and privacy.
- The ground floor will be screened by existing fencing.
- The application is for the erection of a dual occupancy only not an Air bob. Use for the purpose of holiday letting is outside the scope of this proposal and not a valid consideration.
- Most likely to be used for long term residential.
- Proposal will not result in congested streets, illegal parking or damaged nature strips given there is ample off street parking.
- Not appropriate for Council to equate dual occupancy developments with the potential to attract anti social behaviour.
- Both dwellings will be ultimately occupied and operate as autonomous dwellings.

#### (e) The Public Interest

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

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#### Delegations

##### Guidelines for use of Delegated Authority

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

Given the number of submissions in objections received is 30 and the development must be approved by the Section Manager of City Development.

#### Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. DA22/1281 be [Choose an item](#).

[Choose an item.](#)  
[Choose an item.](#)  
City Development  
[Click here to enter a date.](#)

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#### Reviewers Comments:

Section 7.11 contributions have been reviewed and are agreed to

Draft Conditions of Consent have been reviewed and agreed to.

[Choose an item.](#)  
[Choose an item.](#)  
City Development  
[Click here to enter a date.](#)

CL22.253 - Attachment 1

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**Appendix – Assessment Checklist: Chapter G13: Medium Density and Other Residential Development**

<b>5 Medium Density Development</b>	
<b>5.1 Principle Controls</b>	
<b>5.1.1 Minimum Lot Size</b>	
<p>P1.1 To promote good built form outcomes and the efficient utilisation of land, lot consolidation/ amalgamation avoids the isolation of smaller lots that would prevent future medium density development on those lots.</p> <p>P1.2 To create lots of an appropriate size for the purpose including:</p> <ul style="list-style-type: none"> <li>• Provision for building footprint, landscaping, car parking, driveway, private recreation areas, manoeuvring on sites, setbacks, services and the like.</li> <li>• Preservation of the integrity of existing or desired future streetscape and neighbourhood character to enable consistent and visually harmonious development within the locality.</li> <li>• Provision of high quality amenity for residents and neighbours.</li> <li>• Accommodating on-site sewage storage and disposal where a reticulated sewerage scheme is not available.</li> </ul>	<p>The proposed lot is 665 m2. Dual occupancy attached is permissible on a lot greater than 500m2 in the R2 Low Density Residential Zone.</p> <p>Complies.</p>
<b>5.1.2 Density</b>	
<p>P2 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>• Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</li> <li>• Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul>	<p>The proposed two storey attached dual occupancy complies with the FSR and building envelope requirements of the DCP and will be an appropriate bulk and scale to the surrounding area which is an eclectic mix of one and two storey dwelling houses.</p> <p>The proposed design will complement the existing and desired future streetscape.</p> <p>The proposed development has an FSR of 0.5:1 which complies.</p> <p>GFA is 326m2 and lot is 665m2.</p> <p>Garages total 40m2 which is concessional as less than 50m2.</p> <p>Complies.</p>

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<b>5.1.3 Building Envelope, Heights and Setbacks</b>	
<p>P3.1 The bulk and scale of development is compatible with the existing or desired future character of the area and minimises adverse amenity impacts on neighbours, the streetscape and public domain.</p> <p>P3.2 Development enables view sharing with neighbours and the public domain.</p>	As above
<p>P4 The height of development:</p> <ul style="list-style-type: none"> <li>• Is compatible with the existing or desired future character of the area.</li> <li>• Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.</li> <li>• Relates to the land form, with minimal cut and fill.</li> </ul>	<p>The maximum height is 8.01m which is under the LEP maximum height of 8.5m.</p> <p>Shadow diagrams have been provided which indicate that adverse impacts from overshadowing and privacy have been minimised. No north facing living room windows will be affected by overshadowing and the POS of the neighbour to the east will receive ample sunlight during the morning.</p> <p>Complies.</p>
<p>P5.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.</p> <p>P5.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</p> <p>P5.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.</p> <p>P5.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.</p> <p>P5.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.</p> <p>P5.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p> <p>P5.7 The proposal maintains adequate provision for on-site car parking.</p>	<p>Front setback = 11.006m</p> <p>Side setbacks are 0.9 to ground floor and 1.2m to first floor.</p> <p>Rear setback is 10.3m</p> <p>Garage is 1.29m behind the front building line.</p> <p>Setback is between the two neighbouring houses and considered appropriate.</p> <p>Complies.</p>
<b>5.1.4 Landscaping</b>	
P6.1 Sufficiently dimensioned landscaping provides amenity to residents, effective	284m2 of landscaped areas provided.

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<p>screening and enables tree and large shrub planting.</p> <p>P6.2 A suitably sized deep soil planting area encourages:</p> <ul style="list-style-type: none"> <li>• Mature tree and shrub growth.</li> <li>• Opportunity for surface water to infiltrate naturally to groundwater.</li> </ul> <p>P6.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/drainage conditions.</p> <p>P6.4 Major existing trees are retained wherever practicable through appropriate siting of dwellings, structures and driveways.</p> <p>P6.5 Provision is made for appropriate street tree planting having regard to the appearance and role of the street, solar access requirements and utility services.</p> <p>P6.6 The visual impact of ancillary landscaping or retaining structures is considered.</p>	<p>43% impervious areas on the lot.</p> <p>Complies.</p>
<b>5.2 Siting the Development</b>	
<b>5.2.1 Local Character and Context</b>	
<p>P7 The scale and appearance of new development is compatible with, and sympathetic to, existing and future desired:</p> <ul style="list-style-type: none"> <li>• Development in the locality; and</li> <li>• Amenity and character of the locality;</li> </ul> <p>Particularly where the development site or its surrounds has some heritage significance or distinctive character.</p>	<p>The proposed dual occupancy is of an appropriate scale for the area given there are other two storey dwellings in the vicinity.</p> <p>Complies.</p>
<p>P8 Existing views from the private or public domain (including heritage or familiar dominant landmarks that are recognised and valued by the community) are not substantially or unreasonably affected where it is possible to design for the sharing of views.</p>	<p>No views will be affected.</p> <p>Complies</p>
<p>P9 The number, location and distribution of existing and proposed developments do not significantly alter the amenity and character of the area through concentrated localised areas of higher density development.</p>	<p>No other dual occupancies adjoining the development.</p> <p>The building faces and addresses the street and architecture sympathetic to the eclectic styles surrounding the development and neighbourhood character.</p>

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	Complies.
<b>5.2.2 Orientation and Siting</b>	
<p>P10.1 The site analysis informs the site design and layout.</p> <p>P10.2 The site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> <li>• Adequate pedestrian, cycle and vehicle links to street and open space networks.</li> <li>• Buildings that face and address streets and the public domain.</li> <li>• Buildings, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</li> </ul> <p>P10.3 The site layout enhances personal safety and minimises potential for crime and vandalism.</p>	Complies.
<p>P11.1 The frontage, entries and habitable room windows of dwellings address the street.</p> <p>P11.2 The design and orientation of the dwellings:</p> <ul style="list-style-type: none"> <li>• Enhance the streetscape.</li> <li>• Complement existing development in the vicinity.</li> <li>• Provide visual interest.</li> <li>• Allow casual surveillance of public or communal streets or public domain.</li> </ul>	<p>Frontage addresses the front street.</p> <p>Complements existing development and provides casual surveillance of the public domain.</p> <p>Complies</p>
<b>5.2.3 Vehicle and Pedestrian Access</b>	
<p>P12.1 Access arrangements are suitable for the development.</p> <p>P12.2 The design of the site and driveways, including manoeuvring areas, has regard to the safety of pedestrians, cyclists and vehicles.</p> <p>P12.3 Multiple driveways are avoided.</p>	<p>Single driveway access proposed. Development Engineer has reviewed and provided conditions to be included in the consent.</p> <p>Complies</p>
<p>P13.1 The visual dominance of driveways is minimised by:</p> <ul style="list-style-type: none"> <li>• The selection of paving materials e.g. decorative paving and brick banding.</li> <li>• Breaking up the appearance of driveways with landscaping and screen planting.</li> </ul> <p>P13.2 Driveways are designed to:</p>	Complies



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<ul style="list-style-type: none"> <li>• Minimise the volume of stormwater runoff.</li> <li>• Increase the area available for landscaping.</li> <li>• Retain established trees and vegetation.</li> <li>• Accommodate public services and infrastructure.</li> </ul>	
<b>5.3 Amenity</b>	
<b>5.3.1 Building Separation and Visual/Acoustic Privacy</b>	
<p>P14.1 Adequate separation between buildings is provided in proportion to the height and scale of the building.</p> <p>P14.2 Direct overlooking of main internal living areas and private open space of other dwellings and adjoining properties is minimised by building layout, location and design of windows, balconies, screening devices, landscaping or other effective means.</p>	<p>Fencing between dual occupancies and the neighbouring dwellings will provide privacy to POS and living areas. The first floor contains mostly bedrooms, main living rooms are on the ground floor. There is a sitting room on the first floor that adjoins the front balcony which overlooks the street and bedroom windows on the first floor on the side elevations are high set to enhance privacy.</p> <p>Complies</p>
P15 Site layout and building design protects the amenity of residents and/or adjoining properties by minimising noise transfer and nuisance.	<p>Adjoining residents' amenity is protected.</p> <p>Complies</p>
<b>5.3.2 Solar and Daylight Access</b>	
P16 Dwellings are sited and designed to maximise solar access to living areas and private open space.	<p>Dwelling is designed with living areas for unit 1 facing east and south.</p> <p>Unit 2 has the living areas facing west and south.</p> <p>The dwellings have been oriented this way to provide access to the POS at the rear.</p> <p>Complies</p>
<b>5.3.3 Private Open Space</b>	
<p>P17 Private open space is:</p> <ul style="list-style-type: none"> <li>• Functional and useable for residents all year round.</li> <li>• Dimensioned to suit the projected requirements of the residents, and to accommodate outdoor recreational needs and service functions.</li> <li>• Capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, active recreation and children's play.</li> </ul>	<p>The POS is functional and usable, and the alfresco areas adjoin the dining/living areas.</p> <p>Privacy will be maintained by the fencing between units and adjoining neighbours.</p> <p>Complies</p>

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

<ul style="list-style-type: none"> <li>• Located to take advantage of outlook and natural features of the site.</li> <li>• Located to mitigate against external noise.</li> <li>• Designed to take account of the impact of adjoining dwellings on privacy and overshadowing.</li> </ul>	
<b>5.3.4 Storage and Laundry Facilities</b>	
<p>P18.1 External clothes drying facilities are provided for each dwelling that are:</p> <ul style="list-style-type: none"> <li>• Adequate and easily accessible.</li> <li>• Well located.</li> <li>• Visually screened from the public domain.</li> </ul> <p>P18.2 A laundry is provided within each dwelling.</p>	<p>Laundries are provided to each dwelling. Drying facilities provided for both dwellings.</p>
<p>P19 Adequate space is provided to accommodate the laundry facilities, vehicle/s and associated circulation space in a garage.</p>	N/A
<p>P20.1 Adequate, well-designed storage areas are provided for each dwelling.</p> <p>P20.2 Storage areas are sympathetically integrated into the building design.</p>	<p>Adequate storage provided under the stairs. Complies</p>
<b>5.3.5 Car and Bicycle Parking</b>	
<p>P21 Parking is suitable for the development.</p>	<p>Parking is suitable for the development. One space within the enclosed garage and a stacked space in the driveway. Complies</p>
<p>P22 Car parking arrangements are suitable for, and consider, the surrounding road network.</p>	<p>Car parking suitable for the surrounding network. Complies</p>
<b>5.4 Configuration and Design</b>	
<b>5.4.1 Building Form, Design and Materials</b>	
<p>P23.1 A dual occupancy (attached) appears as a single dwelling.</p> <p>P23.2 Within rural and environmental protection zones, buildings are of a size and bulk that is compatible with the surrounding rural or environmental context in which they are located.</p>	<p>The attached dual occupancy appears as a single dwelling.</p> <p>The dwelling uses modulation and articulation and will provide visual interest when viewed from the street.</p> <p>The building materials will be similar. Complies with the performance criteria.</p>

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<p>P24.1 The selection of building materials and design complements existing development, and is sympathetic to the streetscape and existing landscape.</p> <p>P24.2 Roof treatments are integrated into the building design and make a positive contribution to the streetscape.</p> <p>P24.3 Building walls use modulation and articulation, and are limited in length to minimise massing and bulk issues as well as impact on neighbours and the public domain/streetscape.</p> <p>P24.4 The building design, detailing and finish provide an appropriate scale to the street, add visual interest and enable differentiation between dwellings when viewed from the public domain.</p> <p>P24.5 External metallic wall and roof materials are suitable and minimise reflectivity.</p> <p>P24.6 The development incorporates passive environmental design.</p>	
<p>P25 Garages and parking structures are sited and designed to:</p> <ul style="list-style-type: none"> <li>• Add visual interest.</li> <li>• Provide opportunity for passive surveillance.</li> <li>• Not dominate the street frontage.</li> </ul>	<p>Garages is appropriate for the development and do not dominate the street frontage.</p> <p>Complies</p>
<p>P26 Mailboxes, numbering and external storage facilities, as well as associated signage, are sited and designed for attractive visual appearance and efficient and convenient use.</p>	<p>Condition will be included in the consent.</p>
<p><b>5.4.2 Fences and Walls</b></p>	
<p>P27.1 Front fences and walls:</p> <ul style="list-style-type: none"> <li>• Enable some outlook from buildings to the street for safety and surveillance.</li> <li>• Do not impede the safety of pedestrians and cyclists with the movement of vehicles between the property and the roadway.</li> <li>• Avoid negatively impacting on the aesthetic and spatial quality of the street.</li> <li>• Assist in highlighting entrances and in creating a sense of communal identity within</li> </ul>	<p>N/A</p>

Planning Report – S4.15 Assessment - 13 The Bastion, MANYANA - Lot 871 DP 263106

<p>the streetscape. • Are designed and detailed to provide visual interest to the streetscape.</p> <ul style="list-style-type: none"> <li>• Are constructed of materials compatible with the proposed development and with examples of fences and walls in the streetscape to offer a sense of continuity.</li> <li>• Are compatible with facilities in the street frontage area, such as mailboxes and waste collection areas.</li> <li>• Do not impede safe sight distances for road users and pedestrians along the adjoining roadway.</li> </ul> <p>P27.2 The use and/or design of fences and walls in streetscapes of significance are appropriate to the heritage or environmental context.</p>			
<b>5.4.3 Universal Design</b>			
<p>P28.1 The required proportion of new Class 1a or 2 dwellings achieve appropriate levels of accessibility or are designed to be 'easily and affordably adaptable'.</p> <p>P28.2 Access is provided from the car parking space located on the premises to the principal entrance of the dwelling and access to and within the following areas:</p> <ul style="list-style-type: none"> <li>• A bedroom</li> <li>• Laundry.</li> <li>• A bathroom that includes a shower, WC and vanity.</li> <li>• Kitchen.</li> <li>• A living area.</li> <li>• An external private open space.</li> </ul>	<p>A28.1 All Class 1a and 2 developments, as defined in the Building Code of Australia, should provide accessible or adaptable housing at the following rate:</p> <ul style="list-style-type: none"> <li>• Developments containing 3-10 dwelling – 1 dwelling.</li> <li>• Developments containing 11 – 40 dwellings – 2 dwellings.</li> <li>• Development containing 41 – 60 dwellings – 3 dwellings.</li> <li>• Development containing 61 – 80 dwellings – 4 dwellings.</li> <li>• Developments containing 81 – 100 dwellings – 5 dwellings.</li> </ul> <p>A28.2 The required proportion of new Class 1a or 2 dwellings, should be</p>	N/A	

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	designed so the dwelling can be easily and affordably adaptable at a later date. In this regard the Silver Standard for accessibility as outlined in the Livable Housing Design Guidelines.	
<b>5.5 Environment</b>		
<b>5.5.1 Water Management and Conservation</b>		
P29 Stormwater is appropriately accommodated in the design including: <ul style="list-style-type: none"> <li>Stormwater from roofed areas is collected, stored and/ or conveyed to appropriate discharge points or disposal areas.</li> <li>Paved areas associated with buildings and driveways are graded and drained to minimise the discharge of surface water onto adjoining land.</li> <li>Permeable areas are utilised to reduce stormwater runoff.</li> </ul>	Development Engineer has reviewed the proposed plans and stormwater will be conditioned to drain to the street. Conditions to be included in the consent.  Complies	
<b>5.5.2 Servicing</b>		
P30.1 Development is adequately and safely serviced.  P30.2 The design and provision of public utilities, including sewerage, water, electricity, street lighting, telecommunication/ internet and gas services conform to the cost-effective performance measures of the relevant servicing authority.  P30.3 Compatible public utility services are co-ordinated in common trenching in order to minimise construction costs for underground services.  P30.4 Water supply for domestic and firefighting purposes is appropriate for the location and development type.	Complies	
<b>5.5.3 Waste Management</b>		
P31.1 Bin storage, presentation and collection arrangements:	A31.1 For each dwelling in a development, the kerbside frontage required for waste	WMMP has been provided and complies. Bin storage shown behind the front building line.  Complies

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<ul style="list-style-type: none"> <li>• Are appropriate for the nature of the development.</li> <li>• Consider site configuration and adequate street frontage, especially lots at the head of cul-de-sacs and battle-axe lots.</li> </ul> <p>P31.2 Bin storage is sited and designed for attractive visual appearance and for efficient and convenient use.</p>	<p>collection is at least 1m per bin, 0.5m separation between bins and 1m behind each bin.</p> <p>A31.2 Bin storage area/s are required and must be identified on the site plan for all developments, regardless of whether waste is collected from the kerbside or via alternative waste servicing options.</p> <p>A31.3 Bin storage areas must be located behind the front building line and where visible from the street, must be appropriately screened to conceal the contents from the public domain and adjacent properties.</p> <p>A31.4 Where a bin storage area is also the waste collection area or where a communal waste storage and recycling area is provided, it shall be:</p> <ul style="list-style-type: none"> <li>• Provided with a water tap for wash down purposes and drained to connect to the main sewer.</li> <li>• Roofed to comply with Council's requirements.</li> <li>• Readily accessible from within the site and serviceable from the adjoining roadway.</li> </ul> <p>A31.5 Bins must be able to be easily manoeuvred from the bin storage area for</p>	
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	presentation at the kerbside.	
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CL22.253 - Attachment 1





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

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

Environmental Planning and Assessment Act, 1979  
DA22/1281

**TO:**

Kate Wheeler - Le Mottee Group Pty Limited  
PO Box 363  
Raymond Terrace NSW 2324

**being the applicant(s) for DA22/1281 relating to:**

**13 The Bastion, MANYANA - Lot 871 - DP 263106**

**APPROVED USE AND OR DEVELOPMENT:**

Attached Dual Occupancy

**DETERMINATION DATE:**

TBA

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

TBA

**CONSENT TO LAPSE ON:**

TBA

*This consent is valid for five years from the date hereon.*

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS:**

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

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## PART A: GENERAL CONDITIONS

### 1. General

The consent relates to an attached dual occupancy as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Site Plan	DA030 Issue A Project No 21146	ELK	23.2.2022
Ground Floor Plan	DA100 Issue A Project No 21146	ELK	23.2.2022
First Floor Plan	DA110 Issue A Project No 21146	ELK	23.2.2022
North & East Elevation	DA300 Issue A Project No 21146	ELK	23.2.2022
South & West Elevation	DA301 Issue A Project No 21146	ELK	23.2.2022
Section Plan	DA400 Issue A Project No 21146	ELK	23.2.2022
Sediment Control Plan	DA960 Issue A Project No 21146	ELK	23.2.2022
Landscape Plan	Job No JFPG131221 Sheets 1 to 3	ELK	20.12.2021
Basix Certificate	Certificate No: 1275006M_02	Energy Advance	17.2.2022

*Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.*

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2. **Prescribed Conditions**

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

3. **Occupation / Use**

The development must not be occupied or used before an Occupation Certificate has been issued by the Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security).

4. **Shoalhaven Water - Certificate of Compliance**

A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

5. **Bushfire – Asset Protection Zone**

The entire property must be managed as an inner protection area (IPA) in accordance with Appendix 4 – Asset Protection Zone, Standards of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service Standards for Asset Protection Zones.

6. **Bushfire - Building works**

New construction must comply with:

- a) AS3959 Construction of Buildings in Bushfire Prone Areas
- b) BAL 12.5
- c) Planning for Bush Fire Protection 2019

**PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS**

NIL

**PART C: PRIOR TO THE COMMENCEMENT OF WORKS**

7. **Construction Certificate**

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

8. **Appointment of Principal Certifier**

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

9. **Notice of Commencement**

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

**10. Toilet Facilities - Temporary**

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

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

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

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

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

Note: all implemented measures must not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).

**12. Works within the Road Reserve**

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

**13. Dilapidation Report**

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

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

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

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

However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes of the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the *Principal Certifier* and the *Principal Certifier* may waive the requirement in relation to the relevant property.

Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.

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

##### 14. Evidence

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

##### 15. Local Infrastructure Contributions

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

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,054.53	1	\$1,054.53	\$0.00	\$1,054.53
05 CFAC 2010	Southern Shoalhaven Branch Library	\$530.63	1	\$530.63	\$0.00	\$530.63
05 OREC 0004	Manyana/Cunjurong	\$2,472.15	1	\$2,472.15	\$0.00	\$2,472.15
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,104.42	1	\$1,104.42	\$0.00	\$1,104.42
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$834.71	1	\$834.71	\$0.00	\$834.71
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	1	\$1,292.05	\$0.00	\$1,292.05
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	1	\$70.93	\$0.00	\$70.93
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	1	\$139.37	\$0.00	\$139.37
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	1	\$203.89	\$0.00	\$203.89
CW MGMT 3001	Contributions Management & Administration	\$579.56	1	\$579.56	\$0.00	\$579.56
					Sub Total:	\$8,282.24
					GST Total:	\$0.00
					Estimate Total:	\$8,282.24

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

Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

##### 16. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the [Building and Construction Industry Long Service Payments Act 1986](#) and prescribed by the [Building and Construction Industry Long Service Payments Regulation 2017](#) must be paid or, where such a levy

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is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

**17. Street Numbering of Dwellings**

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

Street numbering for the development must be as follows:

**Unit 1 – 13A The Bastion, Manyana**

**Unit 2 – 13B The Bastion, Manyana**

The allocated numbers must be shown on the engineering plans with the Construction Certificate. Where plans and details are provided to service suppliers, numbers must be in accordance with the above.

**18. Access Driveway Design Standards - Urban**

Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The access driveway design must comply with the following:

- a) Council's Engineering Design Standard Drawings.
- b) Provide a stacked parking space in front of each unit compliant with AS2890.1.
- c) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 100mm depth.
- d) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.

**19. On-Site Detention – Infill Subdivision and Development**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.

**20. Shoalhaven Water – Prior to the Issue of a Construction Certificate**

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

**21. Section 68 Application**

Prior to the issue of a Construction Certificate, an approval to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under section 68 of the *Local Government Act 1993*.

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**22. Stormwater - New Urban Dwellings**

Prior to the issue of a Construction Certificate stormwater plans must be prepared by a Licensed Plumber or professional engineer (as defined in the National Construction Code) and submitted to Council for approval under s68 of the *Local Government Act 1993*.

a) Drainage must be designed and constructed in accordance with:

- i) the approved concept plans prepared by Le Mottee Group dated 17/02/22, excluding the proposed absorption trenches.
- ii) the National Construction Code
- iii) Council's [Engineering Design Specifications](#)
- iv) [Development Control Plan G2](#)

The designed absorption trenches must not be constructed. Stormwater must be conveyed directly to the street gutter or registered drainage easement, as appropriate for the site conditions.

**23. Design Standards – Works Within Road Reserve**

Prior to the issue of a Construction Certificate, all civil works proposed within road reserves must be approved by Council.

**24. Erosion and Sediment Control Plan (ESCP)**

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan (ESCP) must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

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

**25. Existing Infrastructure**

Any required alterations or repair of damaged infrastructure will be at the developer's expense.

Note: it is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure this will potentially prevent unexpected costs and expenses.

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

NIL

**PART F: DURING WORKS**

**26. Hours for Construction**



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

**27. Noise**

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

**28. Aboriginal Objects Discovered During Excavation**

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

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

**29. Archaeology Discovered During Excavation**

If any object having interest due to its age or association with the past is uncovered during the course of the work, All work must stop immediately in that area.

Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

**30. Maintenance of Site and Surrounds**

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

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.

During construction:

- a) all vehicles entering or leaving the site must have their loads covered, and

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- b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

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

**31. Waste Management Plan**

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

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

**32. Earthworks and Excavation**

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

- i) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
- ii) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.
- iii) that is fill brought to the site, must contain only virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 to the *Protection of the Environment Operations Act 1997 (POEO Act)*.

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

- iv) that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

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

**33. Street Trees - Existing**

Unless prior written approval is obtained from Council:

- a) Street trees at the frontage of the property must be retained and protected during construction
- b) Excavation inside the drip line of any street tree is not permitted.
- c) The developer will be responsible for all costs associated with any necessary tree works.

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

**34. Compliance**

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with council (i.e. a security).

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**35. Air-Conditioning Systems - Noise Controls**

Prior to the Issue of an Occupation Certificate, air conditioning must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997 (POEO Act)*

Domestic air conditioners must not emit noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open—

- a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
- a) before 7 am or after 10 pm on any other day.

**36. BASIX**

Prior to the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

**37. Letter Boxes**

A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.

**38. Shoalhaven Water – Certificate of Compliance**

Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.

If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

**39. Driveway – Evidence of completion**

Prior to the issue of a full Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.

**40. Works as Executed - Stormwater Drainage**

Prior to the issue of the Occupation Certificate, Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).

**41. On-site Detention System**

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Prior to the issue of the Occupation Certificate, the developer must:

- a) create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system and provide it to the Certifier as follows:
  - i) The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Shoalhaven City Council.
- b) create a positive covenant under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule.

provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

**42. Works in the Road Reserve - Evidence of completion**

Prior to the issue of a full Occupation Certificate, the developer must provide the Certifier with a Construction Inspection Ticket provided by council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.

**43. Dilapidation Report – Evidence**

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

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

NIL

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

**44. Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater**

All excavation, backfilling and landscaping works must not result in:

- a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff shall be collected and directed to a legal point of discharge.

the redirection and/or concentration of stormwater flows onto neighbouring properties.

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

NIL

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**PART K: REASONS FOR CONDITIONS**

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

**Statutory requirements**

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

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

**Public notification**

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

**Submissions**

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

**Community views**

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

**Suitability of the Site**

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

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

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

**Impacts of the Development**

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

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

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e) the development does not conflict with the public interest.

#### **PART L: RIGHTS OF REVIEW AND APPEAL**

##### **Determination under Environmental Planning and Assessment Act, 1979**

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

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

##### **Approvals under Local Government Act, 1993**

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within the prescribed period.

#### **PART M: GENERAL ADVICE**

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

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**Disability Discrimination Act 1992**

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*.

**Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

**DBYD Enquiry - 'Dial Before You Dig'**

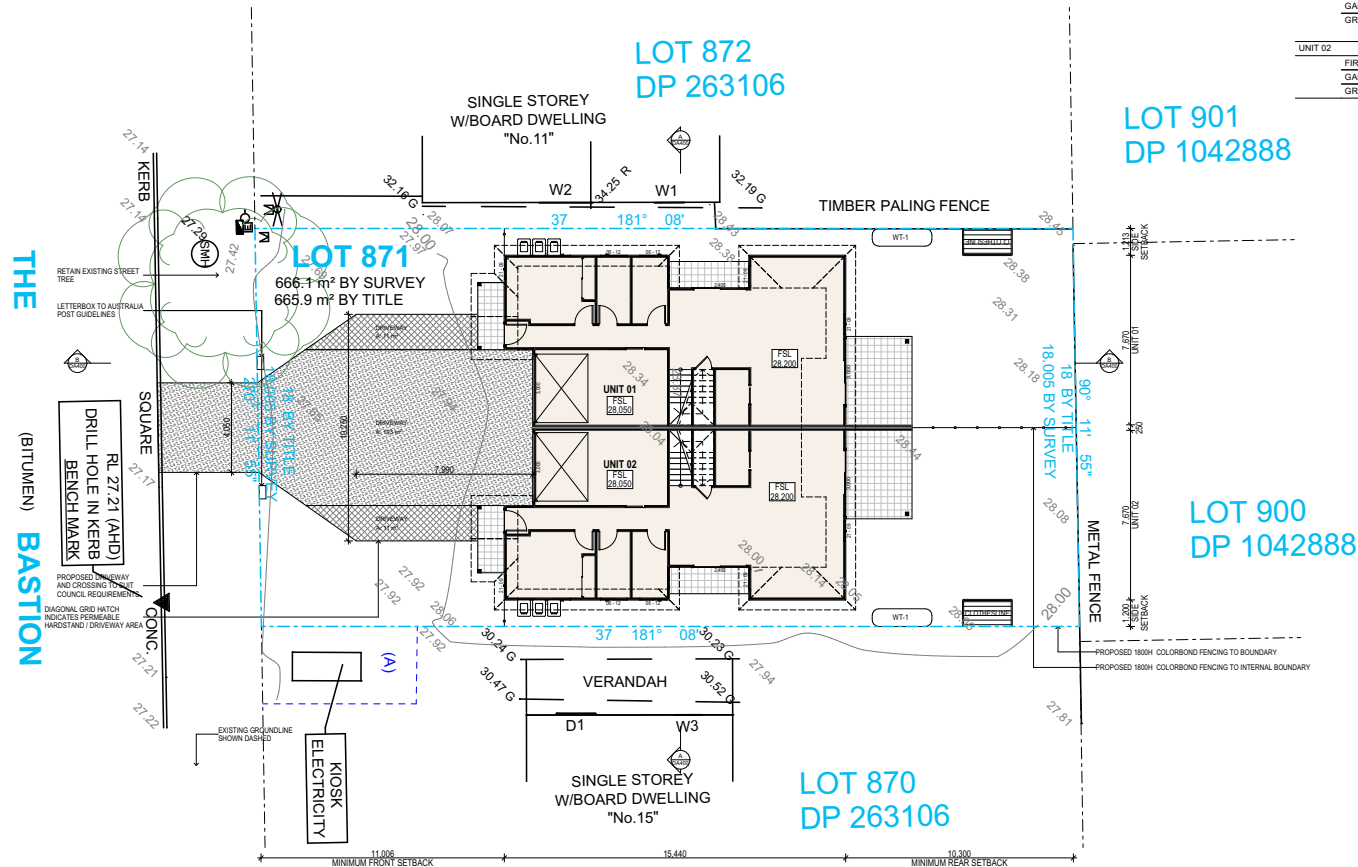
In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

**Existing and proposed Swimming Pool/ Spa Barrier**

Existing and proposed swimming pools or spas on the premises must comply with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and comply with all the relevant Australian Standards.

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





AREA CALCULATION (m2)		AREAS	
		SITE AREA	665.9m <sup>2</sup>
DEEP SOIL	122	FLOOR SPACE RATIO (MAX 0.50)	0.48
DRIVEWAY	125		
LANDSCAPING	282	TOTAL GFA	314m <sup>2</sup>
UNIT 01		LANDSCAPE	282m <sup>2</sup> 42.3%
FIRST FLOOR	73		
GARAGE	20	DEEP SOIL	122m <sup>2</sup> 18.3%
GROUND FLOOR	94		
UNIT 02		SITE LEGEND	
FIRST FLOOR	73		
GARAGE	20		
GROUND FLOOR	94		



- WT-1 4,000 LITRE ABOVE GROUND WATER STORAGE TANK TO ENGINEERS AND BASIX DETAILS
- WT-2 4,000 LITRE UNDER GROUND WATER STORAGE TANK TO ENGINEERS AND BASIX DETAILS
- RW
- RETAINING WALLS TO ENGINEERS SPECIFICATIONS & DETAILS
- EXISTING TREE TO BE RETAINED
- PROPOSED BUILDING FOOTPRINT
- EXISTING BUILDING FOOTPRINT

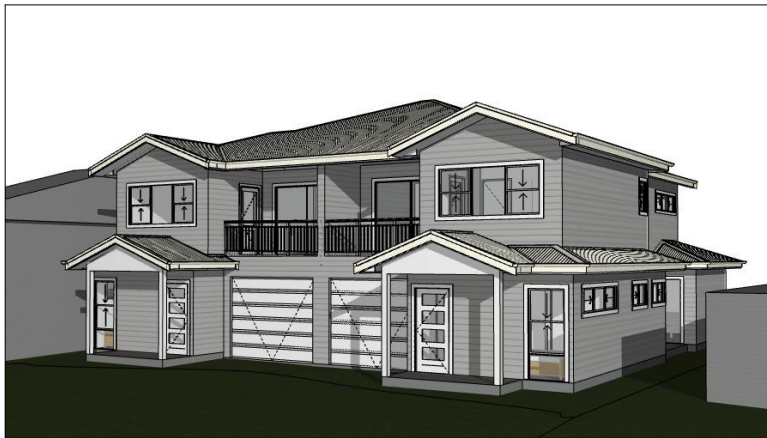
## SITE NOTES

1. GFA (GROSS FLOOR AREA) AS DEFINED BY THE LOCAL COUNCIL
2. PLEASE REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS
3. FOR ROADWAY, DRIVEWAY AND RETAINING WALL DESIGN & LEVELS REFER TO CIVIL ENGINEERS DOCUMENTATION
4. DOWNPIPE POSITIONS ARE INDICATIVE ONLY. POSITION OF DOWNPIES TO BE CONFIRMED BY HYDRAULIC ENGINEER OR BUILDER.
5. FOR LANDSCAPE DESIGN & FENCE LOCATIONS REFER TO LANDSCAPE DESIGNERS DOCUMENTATION



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<div>PO Box 601 Kotara NSW 2289 Ph: 49524429 Nominated Architect: Daniel Hadley 6209</div> <div>The information contained in this document is copyright and may not be used or reproduced for any other project or purpose. Verity of dimensions and levels on this and any other drawings prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. All signed dimensions only. Do not scale from drawings. E.L.K. Designs cannot guarantee the accuracy of content and format for copies of drawings created electronically. Users must check and authorise action before re-configuration of the status of the drawing. The drawing shall not be used for construction unless approved.</div> <div></div>	<div><b>Consultants</b></div> <div>Surveyor LE MOTTE GROUP p: 02 4897 1748 e: reagon@lemotte.com.au</div> <div>Two Planner LE MOTTE GROUP p: 02 4897 1748 e: reagon@lemotte.com.au</div> <div>Civil Engineer LE MOTTE GROUP p: 02 4897 1748 e: reagon@lemotte.com.au</div> <div>Energy Assessor Energy Advanta p: 1300 805 228 e: energy@energyadvanta.com.au</div> <div>Landscape Consultant JSC Gardenmakers p: 047252666 garden@j74@gmail.com</div>	<table><tr><th>Issue</th><th>Description</th><th>Date</th></tr><tr><td>P1</td><td>For Review</td><td>22/11/2021</td></tr><tr><td>P2</td><td>For Review</td><td>31/12/2021</td></tr><tr><td>P3</td><td>For Review</td><td>7/12/2021</td></tr><tr><td>P4</td><td>For Information</td><td>14/12/2021</td></tr><tr><td>P5</td><td>For Information</td><td>22/12/2021</td></tr><tr><td>P6</td><td>For Review</td><td>14/02/2022</td></tr><tr><td>A</td><td>For Development Application</td><td>23/02/2022</td></tr></table>	Issue	Description	Date	P1	For Review	22/11/2021	P2	For Review	31/12/2021	P3	For Review	7/12/2021	P4	For Information	14/12/2021	P5	For Information	22/12/2021	P6	For Review	14/02/2022	A	For Development Application	23/02/2022	<div><b>Project</b></div> <div><b>Dual Occupancy</b></div> <div><b>Location</b></div> <div><b>13 The Bastion</b></div> <div><b>Manyana</b></div> <div><b>Client</b></div> <div><b>Joanne Hands</b></div>	<div><b>Drawing</b></div> <div><b>SITE PLAN</b></div> <div><b>Scale</b></div> <div><b>1:200 @ A3</b></div> <div><b>DRAWN</b></div> <div><b>SV</b></div>	<div><b>Drawing Number</b></div> <div><b>DA030</b></div> <div><b>Issue</b></div> <div><b>A</b></div> <div><b>Project Number</b></div> <div><b>21146</b></div> <div></div>
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PROPOSED DEVELOPMENT AS SEEN FROM THE STREET



PROPOSED DEVELOPMENT AS SEEN FROM THE REAR



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Issue	Description	Date
P1	For Review	3/12/2021
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P3	For Review	14/12/2021
P4	For Information	22/12/2021
P5	For Review	14/02/2022
A	For Development Application	23/02/2022

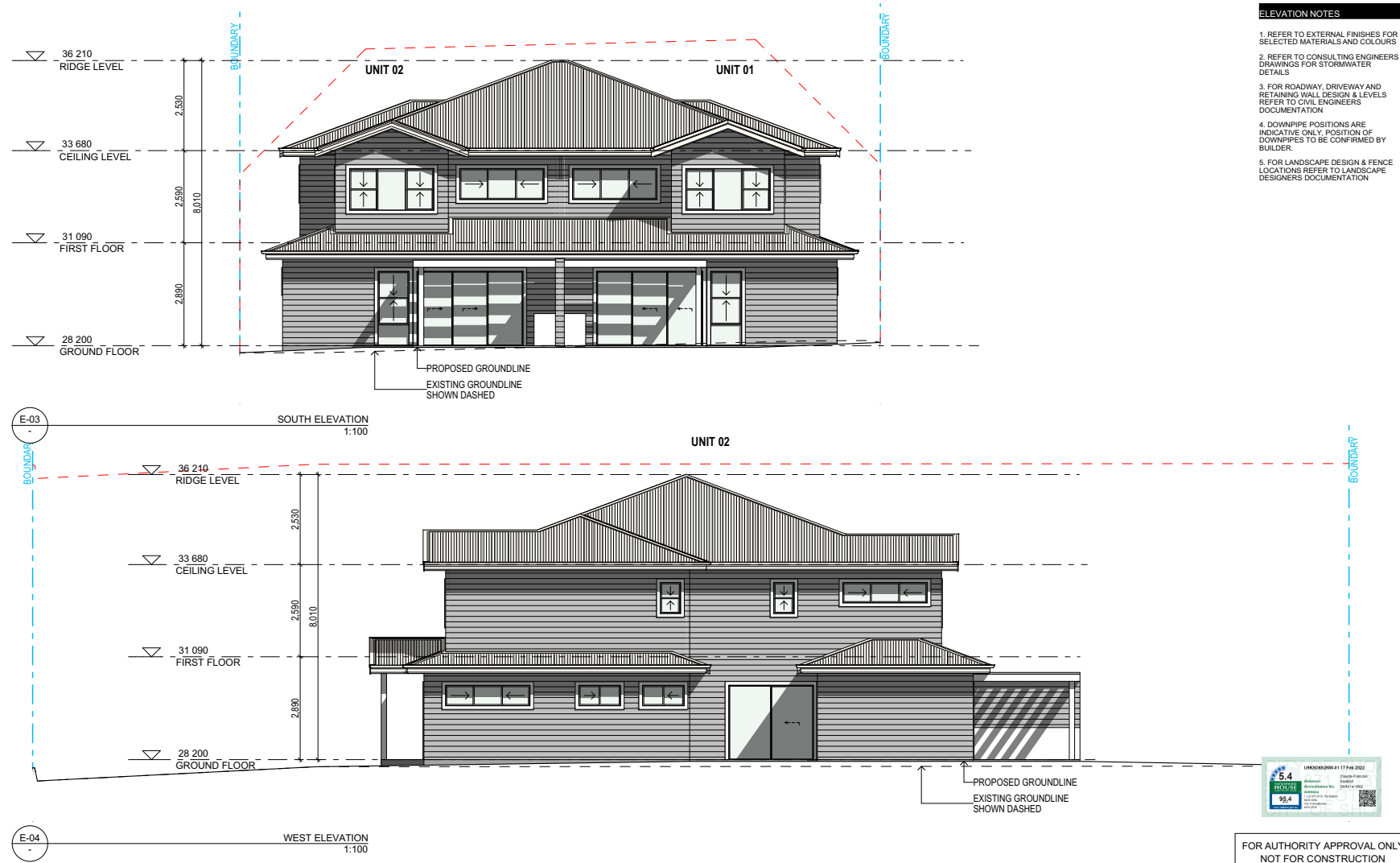
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Location  
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**Manyana**  
Client  
**Joanne Hands**

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**PV**

QA CHECKED  
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**A**  
Project Number  
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**Issue**  
P1 For Review  
P2 For Review  
P3 For Review  
P4 For Information  
P5 For Review  
A For Development Application

**Date**  
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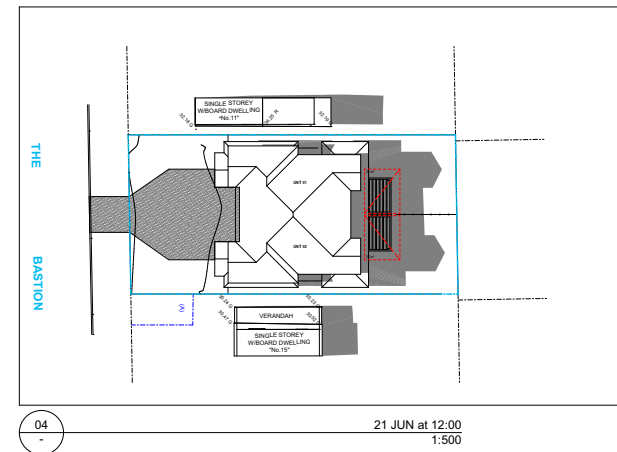
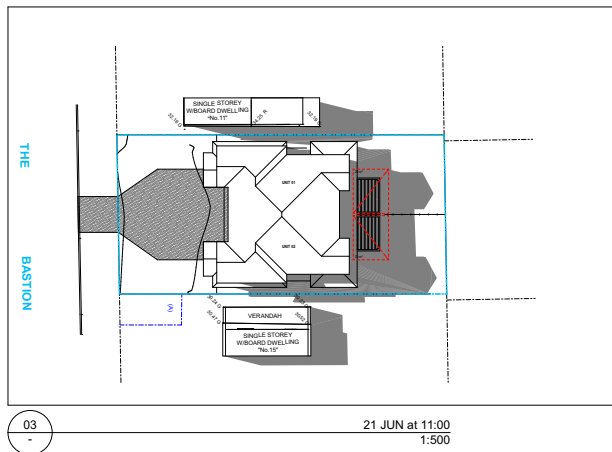
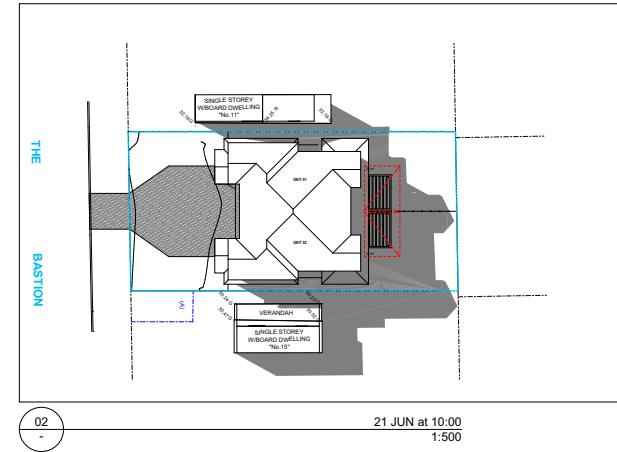
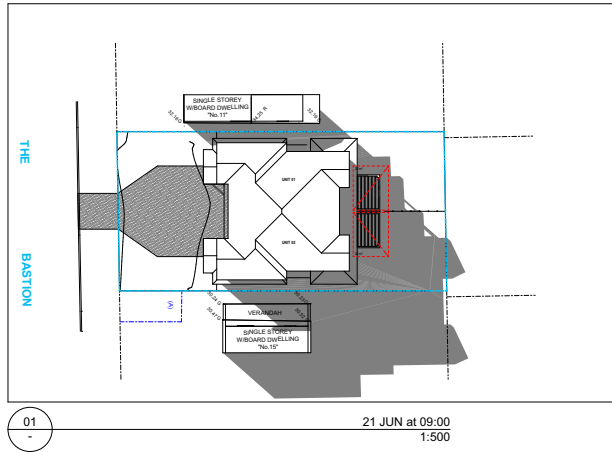
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**Location**  
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**Manyana**  
**Client**  
**Joanne Hands**

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**PV**

**QA CHECKED**  
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**Drawing Number**  
**DA301**  
**Issue**  
**A**  
**Project Number**  
**21146**

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Issue  
P1 Description  
P2 For Information  
A For Development Application

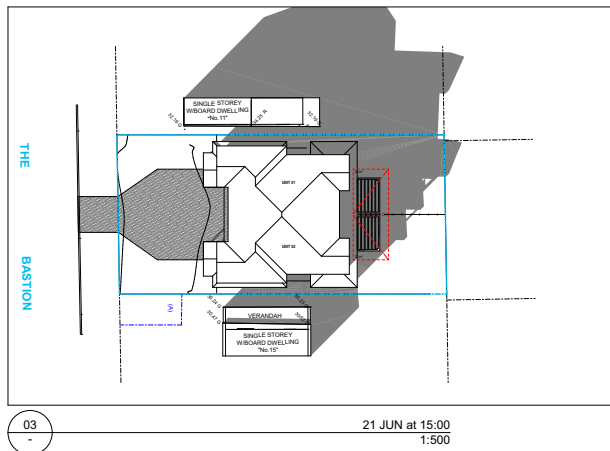
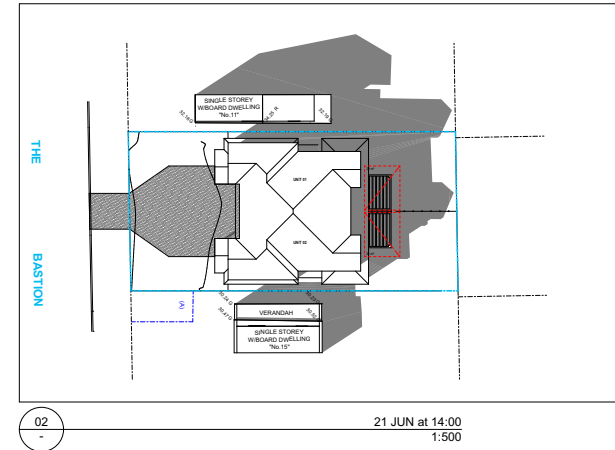
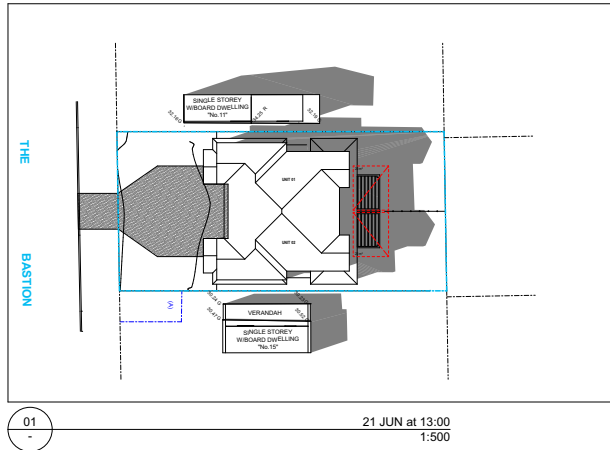
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22/12/2021  
14/02/2022  
23/02/2022

Project  
Dual Occupancy  
Location  
13 The Bastion  
Manyana  
Client  
Joanne Hands

Drawing  
EXTERNAL SHADOW  
DIAGRAMS  
Scale  
1:500 @ A3  
DRAWN  
PV  
QA CHECKED  
SV

Drawing Number  
DA900  
Issue  
A  
Project Number  
21146

ELK  
designs



Summary of BASIX Commitments for 21146	
	Commitment
<b>Water</b>	
Total area of garden and lawn (m2)	252
Area of indigenous planting within total garden (m2) required	0
Rainwater tank capacity (litres)	4000
Area of roof connected to tank (m2)	100
Connected to all toilets in the development?	Yes
Connected to at least one outdoor tap?	Yes
Connected to washing machine?	Yes
Rating of all showerheads installed	3 Star (> 7.5 but <= 9 L/min)
Rating of all toilet cisterns installed	3 Star
Rating of bathroom tap fittings	3 Star
Rating of kitchen tap fittings	3 Star
<b>Thermal Performance</b>	
Refer to Universal Certificate	Pass
<b>Energy</b>	
Active cooling to living areas	3-Phase AC (EER 3.0-3.5)
Active cooling to bedroom areas	3-Phase AC (EER 3.0-3.5)
Active heating to living areas	3-Phase AC (EER 3.0-3.5)
Active heating to bedroom areas	3-Phase AC (EER 3.0-3.5)
Hot water system	Gas Instantaneous
Low energy lighting (If required refer to BASIX certificate)	Yes
Bathroom ventilation	Ducted (manual switch on/off)
Kitchen ventilation	Ducted (manual switch on/off)
Laundry ventilation	Ducted (manual switch on/off)
Cooktop and oven	Gas Cooktop / Electric Oven
Outdoor Clothesline	Yes
Indoor or Sheltered Clothesline	Yes
Well Ventilated Fridge Space	Yes

FOR AUTHORITY APPROVAL ONLY  
NOT FOR CONSTRUCTION

PG Box 801 Kotara  
NSW 2203 PH 48024425  
Nominated Architect: Daniel Hadley 8209  
Notes:  
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Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials.  
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Issue  
P1 For Information  
P2 For Review  
A For Development Application

Date  
22/12/2021  
14/02/2022  
23/02/2022

Project  
**Dual Occupancy**  
Location  
**13 The Bastion**  
Manyana  
Client  
Joanne Hands

Drawing  
**EXTERNAL SHADOW**  
**DIAGRAMS**  
Scale  
1:500 @ A3  
DRAWN  
PV  
QA CHECKED  
SV

Drawing Number  
**DA901**  
Issue  
A  
Project Number  
**21146**

**ELK**  
designs



Kangaroo Valley Pump Track – Council



CL22.254 - Attachment 1



Shoalhaven Heads Pump Track – Crown Lands/Council



CL22.254 - Attachment 1



BMX Circuit Worrigeer - Council



CL22.254 - Attachment 1



South Nowra / Comberton Pump Track – State Forestry NSW



CL22.254 - Attachment 1



Greenwell Point BMX Circuit – Council



CL22.254 - Attachment 1



Culburra Beach BMX Circuit – Council



CL22.254 - Attachment 1



Erowal Bay BMX Circuit – Council



CL22.254 - Attachment 1



Fishermans Paradise BMX Circuit – Council



CL22.254 - Attachment 1



Basin View BMX Circuit – Crown Lands/Council



CL22.254 - Attachment 1

Ulladulla BMX Circuit – Council



CL22.254 - Attachment 1