

## Ordinary Meeting

**Meeting Date:** Monday, 25 July, 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

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

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

Shoalhaven City Council live streams it's Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

### Statement of Ethical Obligations

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

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

## Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
  - Ordinary Meeting - 27 June 2022

**6. Declarations of Interest**

**7. Presentation of Petitions**

**8. Mayoral Minute**

Mayoral Minute

MM22.11	Mayoral Minute - Condolence Motion - Cllr Peter Woods OAM Former Local Government Association President.....	1
MM22.12	Mayoral Minute - 2022 Local Roads Congress Communique.....	2

**9. Deputations and Presentations**

**10. Call Over of the Business Paper**

**11. A Committee of the Whole (if necessary)**

**12. Committee Reports**

CL22.297	<u>Report of the Nowra CBD Revitalisation Strategy Committee - 5 July 2022.....</u>	7
CBD22.24	CBD Maintenance Strategy	

**13. Reports**

CEO

CL22.298	Annual Shoalhaven Australia Day Awards .....	8
CL22.299	Appointment of Audit Risk and Improvement Committee (ARIC) Chair and Extension of ARIC Membership .....	13

City Performance

CL22.300	Ongoing Register of Pecuniary Interest Returns - June 2022.....	15
CL22.301	LGNSW Annual Conference - 23-25 October 2022 - Voting Delegates and Motions .....	17
CL22.302	Investment Report - June 2022 .....	19

City Futures

CL22.303	Strategic Planning Works Program - Proposed 2022-2023 Version .....	31
CL22.173	Further Report - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment .....	47
CL22.304	Proposed Works in Kind Agreement - Road Infrastructure Construction - Ballina Street and Commercial Road, South Nowra .....	58
CL22.305	Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - East Crescent, Culburra Beach.....	64

City Services

CL22.306	Proposed Access Licence - Southern Cross Community Housing Ltd - Lots 71 and 72, DP 734576 known as 8 Lawrence Ave and 67 Kinghorne St, Nowra .....	69
CL22.307	Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road - Nowra .....	73
CL22.308	Parkcare Action Plans - Riviera Keys (Cater) Island Reserve / Shoalhaven Heads Lions / Vigilant Morris Street Reserve.....	91
CL22.309	Draft Adaptation Plan .....	109

CL22.310	Land Acquisition - 400B Coolangatta Road Berry .....	113
CL22.311	Acquisition - Part 28 St Vincent Street Ulladulla .....	117
CL22.312	Trade Works & Services Provision - Panel Contract - Preferred Supplier Panel.....	120
CL22.313	Tenders – Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender.....	131

#### City Development

CL22.314	Development Application - 32 & 36 Yarrawonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415 .....	133
CL22.315	Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106 .....	150
CL22.316	Variations to Development Standards - June Quarter 2022.....	165

#### Shoalhaven Water

CL22.317	Easement Acquisition - Sewer and Water Purposes - Lot 122 DP 3060, Moss Vale Road Cambewarra.....	173
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### **14. Notices of Motion / Questions on Notice**

#### Notices of Motion / Questions on Notice

CL22.318	Notice of Motion - Extension of 2021/22 Household Waste & Green Waste Vouchers.....	176
CL22.319	Notice of Motion - Proposed Tree Planting in Progress Park, Callala Bay .....	177
CL22.320	Notice of Motion - Asset AI Trial for Detecting Road Damage .....	178
CL22.321	Notice of Motion - Waive of Hire Fees Nowra Showground - Aboriginal Children in Care Keeping Kin Connected .....	179

### **15. Confidential Reports**

#### Reports

CCL22.21	Confidential - Acquisition Part 28 St Vincent Street Ulladulla <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
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## **MM22.11 Mayoral Minute - Condolence Motion - Cllr Peter Woods OAM Former Local Government Association President**

**HPERM Ref:** D22/277808

### **Recommendation**

That Shoalhaven City Council notes the passing of former Local Government Association President Cllr Peter Woods OAM on 9 June 2022, acknowledging his contribution to Local Government.

### **Details**

Peter Woods OAM had a long and distinguished career in Local Government. He first joined Local Government as an Alderman at Concord Council in 1997 serving 10 of his 26 years there as Mayor before the amalgamation of Drummoyne and Concord Councils to form the City of Canada Bay Council.

Throughout his career Peter held many positions in both Government and Statutory Authorities including President of the Local Government Association of NSW for 12 years, President and Board Member of the Australian Local Government Association for 14 years and Board Member of the Commonwealth Local Government Forum for 10 years before being appointed Secretary – General of United Cities and Local Governments ASPAC shortly after his political retirement in 2004.

Peter was instrumental in the creation of a superannuation scheme for Local Government and StateCover, the special insurer of Councils.

His tireless efforts and extraordinary level of service and commitment to the Local Government sector were recognised in 2013 when Peter was awarded the Order of Australia Medal (OAM), the Outstanding Service Medal and the title of Emeritus Mayor in 2013.

Council extends their condolences to Peter's family, friends, colleagues and the wider Local Government community.

MM22.11



## MM22.12 Mayoral Minute - 2022 Local Roads Congress Communique

HPERM Ref: D22/293648

Attachments: 1. 2022 NSW Local Roads Congress Communique [↓](#)

### Recommendation

That Council:

1. Endorse the 2022 Local Roads Congress Communique and
2. Receive a briefing from the Chief Executive Officer on measures Council can take to address the skills shortages issues outlined in the Communique.

### Details

*The NSW Roads and Transport Directorate, a partnership between Local Government NSW (LGNSW) and the NSW Division of the Institute of Public Works Engineering Australasia (IPWEA NSW and ACT), in holding the 2022 Local Roads Congress, resolved to announce the following communiqué.*

*The Congress recognises the critical role of Local Government as a provider of local and regional transport infrastructure in partnership with the State and Federal Governments.*

*The Congress calls for continued action from all levels of government to leverage the current challenges as an opportunity to deliver safe, efficient and resilient road and transport infrastructure to local communities across NSW, now and into the future.*

The communiqué summarises the resolutions and collective actions outlined by the Congress attendees. The communiqué will form the basis of the Roads and Transport Directorate advocacy framework to State and Federal Government for the next 12 months.

MM22.12



## 2022 NSW Local Roads Congress

### Putting Policies into Practice

#### Congress Communiqué

The NSW Roads and Transport Directorate, a partnership between Local Government NSW (LGNSW) and the NSW Division of the Institute of Public Works Engineering Australasia (IPWEA NSW and ACT), in holding the 2022 Local Roads Congress, resolved to announce the following communiqué.

The Congress recognises the critical role of Local Government as a provider of local and regional transport infrastructure in partnership with the State and Federal Governments.

The Congress calls for continued action from all levels of government to leverage the current challenges as an opportunity to deliver safe, efficient and resilient road and transport infrastructure to local communities across NSW, now and into the future.

To further the outcomes of the Congress, this communiqué calls on governments to address the following matters:

#### NSW Local Government

*The Congress identified the need for the NSW and Australian Governments to support NSW councils in taking further action to address the current skills shortage. The Congress also acknowledges the impact that rising construction costs are having on NSW councils.*

The Congress calls on the NSW and Australian Governments to support NSW councils in their effort to address the current skills shortage and proposes the following measures for further consideration by councils:

- To implement engineering cadetship and work experience programs to ensure the skills and capacity to manage local roads is maintained into the future.
- Investigate potential opportunities for efficiency gains in council construction and maintenance work practices and techniques.
- Promote the value of a career in public works within their local communities, as a part of a collective voice with the wider engineering industry.
- Partner with educational institutions (TAFE, university's, high schools) to develop employment pathways into NSW councils.

The Congress supports the commitment of NSW councils in managing local road safety and proposes the following measures for further consideration by councils:

- Incorporate a Safe Systems approach within each council's strategic transport and infrastructure plans.
- Consider the development and implementation of formal Road Safety Strategic Plans aligned to the National Road Safety Strategy 2021-30 and the 2026 Road Safety Action Plan.
- Work with Transport for NSW in their review of the Local Government Road Safety Program.

Congress Communiqué



## 2022 NSW Local Roads Congress

### Putting Policies into Practice

The Congress is concerned with the impacts of rising construction costs and calls on the NSW and Australian Governments to increase road funding in line with cost increases and proposes the following measures for further consideration by councils:

- Review the procurement of construction materials and supply chains to mitigate impacts on councils in the current market.
- Work collaboratively with other councils and the Roads and Transport Directorate to investigate potential solutions to rising construction costs and supply chain issues, and to act as a collective voice for addressing this issue.
- Provide flexibility in procurement processes where permitted, including partnerships with other organisations, in order to reduce the impact of increased construction costs and to provide certainty for local supply chains and businesses.

#### NSW Government

*The Congress highlights the potential impacts that the road reclassification review being undertaken by the NSW Government could have on NSW councils. The Congress also highlights the need for more sustainable investment by the NSW Government into local roads via improvements to freight access, the fixing country bridges program, and funding for natural disaster recovery, as well as more sustainable funding models for NSW councils more broadly. The Congress calls on the NSW Government to:*

Address concerns relating to the Road Reclassification Review by:

- Ensuring the regional roads transferred to the State are maintained and improved through the allocation of an increased level of funding.
- Ensuring that councils are able to retain the maintenance work on roads transferred to the State.
- Ensuring that any change in arrangements does not adversely impact other grants provided to councils for local, and any retained regional, roads

Improve the access for freight to NSW local roads by:

- Working with council's in addressing first and last mile freight access issues.
- Releasing targeted funding to improve access for freight vehicles on local roads connecting to State and National freight routes as well as intermodal facilities.
- Providing additional funding to councils to increase the access of HPV and PBS vehicles to the local road network, and promote the uptake of such vehicles by the transport industry more widely, resulting in improved road safety outcomes.



## 2022 NSW Local Roads Congress Putting Policies into Practice

Improve the Fixing Country Bridges program by:

- Further extending the delivery timelines of Round 1 of the program to enable all projects to be completed.
- Offering additional rounds of funding to this program to enable councils to further improve the condition of local bridge assets.
- Expanding the program to cover the replacement of aging steel and concrete structures.

Improve the resilience of local communities to natural disasters by:

- Providing flexibility in disaster recovery funding to allow for betterment of local roads and assets, rather than like for like replacement.
- Working with councils to improve the resilience of local communities, public assets, and local government organisations to natural disasters.
- Reducing the burden on council's to accessing disaster recovery funding, including adjusting procurement requirements, whilst retaining good governance provisions.

Develop a sustainable funding model for Local Government in NSW by:

- Removing competitive funding processes and adopting a longer term allocation based model, to ensure stability in Local Government supply chains and resourcing.
- Exploring the potential for road user contribution funding as a means of more equitable distribution of road funds to NSW councils.
- Considering social equity in funding to ensure all residents of NSW have a minimum level of service access to Local Roads and infrastructure.
- Engaging with IPWEA and LGNSW on future funding program design and processes.
- Providing financial assistance to address the current skills shortage in NSW Local Government

### Australian Government

*The Congress recognises the need for consultation with NSW councils in the development of National Service Level Standards (NSLS) and the accompanying Heavy Vehicle Road Reform being undertaken by the Australian Government. The Congress calls on the Australian Government to:*

Consider the needs of NSW councils in the implementation of the NSLS, by:

- Consulting with all NSW council's and the Roads and Transport Directorate in regards to the proposed NSLS to ensure the needs of local communities are represented.
- Ensuring the proposed NSLS framework can be implemented by NSW councils of varying size and capability, and support is available during the implementation of the framework.
- Ensuring the funding model of the NSLS framework results in increased funding and user amenity for Local Roads in NSW.



## 2022 NSW Local Roads Congress

### Putting Policies into Practice

**Further information and enquiries:**

Grant Baker, President IPWEA NSW and ACT – 0418 112 855

William Barton, Vice President IPWEA NSW and ACT – 0407 781 745

Joshua Devitt, Manager Roads and Transport Directorate – 0417 795 163

Patrick Lee, Senior Policy Officer, Local Government NSW (02) 9242 4073

## CL22.297 Report of the Nowra CBD Revitalisation Strategy Committee - 5 July 2022

HPERM Ref: D22/292641

### CBD22.24 CBD Maintenance Strategy

HPERM Ref:  
D22/248058

#### Recommendation

That Council authorise the expenditure of up to \$300,000 (Option 1) from the Nowra CBD Revitalisation Committees Capital Allocation in 2022/2023 to daily and weekly maintenance activities aimed at revitalising the CBD via an enhanced and tidy presentation.

Noting that:

1. Expenditure is estimated to be made as follows:
  - a. Crew of three people full-time  
9-day fortnight  
Monday - Friday 5am-2pm  
Monday - Thursday 5am-1:30pm  
45 weeks over 12 months (no backfill when on leave)  
Overtime to service planned events etc in the CBD will be charged on an as needs basis determined by the Committee.
  - b. Ute (not capital purchase)
  - c. Pressure washing unit & materials (as required)
2. The Committee will undertake bimonthly walk arounds to monitor the impact of the maintenance effort and may decide (via Committee resolution) to terminate this arrangement any time before the end of the financial year.
3. This arrangement does not cover the cost of callouts (ie unplanned overtime), the General Fund will still cover these costs.

Note: Brendan Goddard voted against Option 1.

#### Note by the CEO

This is an excellent initiative from the Nowra CBD Committee and they should be commended for their initiative.

It is planned to bolster Council staff with three fixed term employees and thus allow a suitably experienced crew drawn from the existing Council staff (or combination thereof).

CL22.297

## CL22.298 Annual Shoalhaven Australia Day Awards

**HPERM Ref:** D22/150964

**Department:** Communication & Community Engagement  
**Approver:** Stephen Dunshea, Chief Executive Officer

**Attachments:** 1. Australia Day Awards - Guidelines and Criteria [↓](#)

### Reason for Report

To provide details of the Shoalhaven Australia Day Awards nominations and seek direction from the Council on the ongoing awards process and engagement campaign ahead of the 2023 awards.

### Recommendation

That Council:

1. Acknowledges the reduction in participation in nominations for the Annual Shoalhaven Australia Day Awards as outlined in the report.
2. Not proceed with the 2023 Australia Day Awards to allow consideration of alternative options for the awards.
3. Receive a report outlining possible changes to the awards which addresses the identified need to promote outstanding individuals and groups who have contributed to the Shoalhaven which align with community expectations and values.

### Options

1. As recommended

Implications: The 2023 Australia Day Awards will not progress, and staff will provide a report on options for 2024 and ongoing for the Council to consider.

2. Continue with the Australia Day Awards in its current format for 2023 and the Australia Day Awards – Guidelines and Criteria be endorsed without amendment (attached)

Implications: Council will commence the application process and promote the Awards as detailed within the report.

3. An alternative recommendation

Implications: unknown.

### Background

The Shoalhaven Australia Day Awards have been running for the past 50 years, taking various forms throughout this period. Early years of the awards received hundreds of nominations, this has slowly decreased with a record low number of nominations submitted for the 2020 and 2021 awards, despite increased focus and resourcing on advertisement and consultation.

In 2019, the number of Australia Day Award categories increased to 8, these categories included: Citizen, Young Citizen, Sports, Young Sports, Environment, Inclusive, Arts &

CL22.298

Culture and Emerging Artist. This was the result of an approach to combine separate award ceremonies/categories to achieve greater interest. The total number of nominations received for 2019 was 37. In 2020, the same categories called for nominations and 24 nominations were received. In 2021, nominations fell to 16 nominations and in 2022, only 5 individual nominations were received.

Staff have identified that there is a general trend away from such award nominations, with local awards being overshadowed by the Federal Australia Day Awards campaign. This has also been the experience in other local government areas.

Given the insights of recent years, this report proposes that the Council does not proceed with arrangements for the 2023 Awards (the administration of which normally commences in July) and reconsider the approach. This report seeks direction from the elected council on the desired approach and subject to endorsement, for staff to undertake a review of the current structure, communications approach and possible barriers for nominations as well as providing options for the awards framework from 2024 and into the future. The results of such a review would be detailed in a further report to the Council.

Alternatively, Council may decide to progress with the 2023 Awards.

### **Community Engagement**

The process of administering the Awards generally commences in July, when the information on the application forms is updated for the upcoming year and the information is sent out to Council's Committees and various Council networks promoting the awards.

The awards are promoted across social media platforms (paid advertising) and advertised in the Milton Ulladulla Times and South Coast Register as well as in paid advertisements on Power FM/2ST radio networks.

As applications are received, all applications are acknowledged.

Once applications close, a panel meeting is arranged for the review of the applications and winners are determined. The event, trophies, certificates, invitations are arranged, and the event is held in January close to Australia Day. Each year is alternated by the awards ceremony being held in Nowra or Ulladulla.

### **Policy Implications**

The Australia Day Awards Guidelines and Criteria in their current format are attached to this report (POL18/65).

### **Financial Implications**

Each year approximately \$5,000 is spent on advertisement of the awards and \$6,000 on the ceremony including awards, invitations, and catering (excluding staff resourcing costs).

CL22.298





**AUSTRALIA DAY  
AWARDS**  
GUIDELINES / CRITERIA



Each year the people of Shoalhaven City Council are invited to nominate fellow citizens for the NSW Local Government Australia Day Awards.

The purpose of the Australia Day Awards Program is to acknowledge outstanding individuals and groups who have made a valuable contribution to the City of Shoalhaven.

**AWARD CATEGORIES – (Subject to amendment of the Mayor/Committee)**

Citizen of the Year - A person who has made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years.

Young Citizen of the Year - A person, who must be 24 years and younger, who has made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years.

Sports Person of the Year - For contribution to Sport in the local area. The nominee's approach and efforts to advance in their chosen activity and their performance over the past year are considered. To be eligible, the person must be 19 years or older.

Junior Sports Person of the Year - For contribution to Sport in the local area. The nominee's approach and efforts to advance in their chosen activity and their performance over the past year are considered. To be eligible, the person must be 18 years or younger.

Outstanding Contribution to an Inclusive Shoalhaven - This category is for nominees who have made an outstanding contribution to making the Shoalhaven a more inclusive community for people of all abilities, ages and/or cultures.

Outstanding Contribution to the Environment – This category is for nominees who have made an outstanding contribution to making the Shoalhaven a more inclusive community for people of all abilities, ages and/or cultures.

Outstanding Emerging Artist – This category is open to artists of any age, practising any art form including writer, visual/ digital artist, performer etc

Outstanding Contribution to Arts and Culture – This category is open to both artists and non-artists contributing to the arts in any capacity

**WHO IS ELIGIBLE?**

- Residents who permanently live in the Shoalhaven. If residing out of the area, the service provided must largely contribute or significantly benefit the City of Shoalhaven Local Government Area.
- Persons who have previously been nominated but have not been awarded a Shoalhaven Medal or Australia Day Award (in the same category) are eligible to be nominated again.
- Individuals cannot nominate themselves.
- Individuals, associations or clubs may nominate a Candidate.
- Only individuals may be nominated.
- The nomination of a club or association or any other organisation will not be accepted.

**CRITERIA INCLUDE BUT NOT LIMITED TO:**

- Contribution to the community
- An inspirational role model for the community
- Demonstrated excellence in their field
- Personal, academic and professional achievements
- Contribution in the relevant field (how has the nominee 'put back' into their field to benefit others)
- Demonstrated leadership, innovation and creativity
- Personal interests and community involvement
- Contribution to development of regional community and/or economy
- Degree of difficulty of the achievement and sacrifices made
- Previous awards and recognition
- Voluntary work beyond paid employment
- Nature and length of activity or service
- Achievements as an individual or as part of a group or organisation

**FORMAT OF JUDGING PANEL**

- Panel members are appointed each year in March by the Mayor
- The meeting is in a 'round table discussion' format with each award category being discussed separately.
- The meeting will be convened by an elected member of the Panel. Staff will record votes and take notes as required for Council's record keeping purposes.
- At the close of the meeting, judges are to return their folder and all nomination forms.

**The Judging Panel can:**

- Only select one winning recipient per award category.
- Only select a recipient to receive one award or certificate per year.

**The Judging Panel cannot:**

Members of the judging panel should be free from conflict of interest and thereby:

- Not Nominate
- Not be a referee
- Not vote in relation to nominees to which they have a close association or relationship

#### **PANEL MEMBERSHIP**

Panel members are appointed and/or reappointed each year in March by the Mayor

The Australia Day Panel must be an odd number and not exceed 9 members. The membership will consist of the following:

5 Community Representatives

1 Aboriginal Community Representative

1 Sports Community Representative (Currently – Bernie Regan Representative)

2 (Maximum) Shoalhaven Arts Board Representatives

Panel members must comply with Council's Code of Conduct.

#### **SELECTION AND JUDGING PROCESS**

- The Selection Criteria/s are as stated above.
- Judges should make their own decisions prior to the meeting.
- All judges will be given the opportunity to discuss their opinions.
- Final decisions are made by majority consent.
- The decisions of the judges are final.

#### **EXEMPTIONS**

There is no obligation for the Judging Panel to allocate an award each year if it is the opinion of the panel that there is no nomination satisfactory to meet the criteria. The Judging Panel also has the right to:

- Award 'High Achievement' or 'Highly Commended' certificates for each category with exception to the Citizen of the Year Award. Certificates are not a requirement of each category and should only be utilised when there is an exemplary candidate to be recognised.
- Consider nomination in another category for additional consideration and/or alter a category for a nomination or combine a nominated category, if deemed relevant.

## CL22.299 Appointment of Audit Risk and Improvement Committee (ARIC) Chair and Extension of ARIC Membership

**HPERM Ref:** D22/268623

**Department:** Office of the CEO

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

### Reason for Report

The reason for this report is to seek Council's endorsement for the reappointment of Peter McLean as the ARIC Chairperson for a further term of one (1) year and the extension of Donna Rygate's membership on Council's ARIC for further four (4) years as per the ARIC Charter.

### Recommendation

That Council:

1. Endorse the appointment of Peter McLean as the ARIC Chairperson for another year.
2. Approve the extension of Donna Rygate's membership on Council's ARIC for a further four (4) years.

### Options

1. Endorse the appointment of Peter McLean as the ARIC Chairperson for another year and approve the extension of Donna Rygate's membership on Council's ARIC for a further four (4) years.
2. Seek further information in relation to the matter.

### Background

#### ARIC Chairperson

Peter McLean's term as the ARIC Chairperson expired in 2022.

As per the ARIC Charter requirements and Office of Local Government Guidelines; 'Internal Audit Guidelines, September 2010', the Chair of the ARIC should be an independent member and should not be the Mayor or a member of Council.

The ARIC Charter stipulates that the ARIC will select its own Chair and the report will be provided to Council for ratification.

A nomination for the Chairperson was called at the May 2022 ARIC meeting. The only nomination received was from Peter McLean. The ARIC resolved to reappoint Peter McLean as the Chairperson for a further year.

Peter McLean has been on the Council's ARIC since 2017. He is currently the CEO of Bicycles NSW and a Councillor of Camden City Council. He holds a Degree in Environment Management, a Masters in Business Administration (sub-majoring in Business Law and Public Relations) and Certificates in Bush Regeneration and Business Governance. Peter McLean is passionate about assisting organisations to better support the communities they serve.

CL22.299

Peter McLean's prior contribution on Council's ARIC has been exceptional.

### **Independent ARIC member**

Donna Rygate was appointed as an independent member on Council's ARIC in January 2019. Her membership on the Committee will expire in December 2022. As per the ARIC Charter, independent external members are appointed for a period of four (4) years, after which they will be eligible for extension or reappointment. The maximum period for membership by independent members is eight (8) years.

Donna Rygate has indicated that she would like to extend her term on the ARIC for a further term.

Discussions between the ARIC Chairperson and Council staff have indicated that Donna Rygate's contribution on Council's ARIC has been invaluable and the extension of her membership is supported for a further four (4) year term.

Donna is an experienced Chief Executive, independent director, business leader and skilled problem solver with a solid track record of positive transformation of organisations. In addition to holding various board and committee roles; including six (6) Council Audit, Risk & Improvement Committees and one (1) State Government Audit Committee, she runs a farming and grazing property in Central Western NSW. From 2014 to 2018 Donna was Chief Executive of Local Government NSW, the peak industry association that represented the interests of all NSW general purpose Councils and other related organisations. Prior to that, Donna was Chief Executive Officer of the NSW Office of Communities and a Deputy Director General and Senior Executive in several State Government agencies for more than 25 years.

CL22.299

## CL22.300 Ongoing Register of Pecuniary Interest Returns - June 2022

**HPERM Ref:** D22/276846

**Department:** Business Assurance & Risk

**Approver:** Kevin Voegt, Director - City Performance

### Reason for Report

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

### Recommendation

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

### Options

1. As Recommended.

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

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

Implications: Not known

### Background

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

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

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

Part 4.26 of the Model Code of Conduct states:

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

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

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

CL22.300

Directorate	Name	Designated Position Start Date	Returned
Shoalhaven Water	Christopher Dougherty	09/05/2022	10/06/2022
City Services	Charmaine Schembri	30/05/2022	10/06/2022

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

Electronic versions of the disclosure documents (with relevant redactions) are available on the Council website, in accordance with requirements under the Government Information (Public Access) Act, 2009.

### Risk Implications

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

CL22.300

## CL22.301 LGNSW Annual Conference - 23-25 October 2022 - Voting Delegates and Motions

**HPERM Ref:** D22/281727

**Department:** Business Assurance & Risk

**Approver:** Kevin Voegt, Director - City Performance

### Reason for Report

This report is being submitted to the Ordinary Meeting to approve attendance and nominate voting representatives for the 2022 LGNSW Annual Conference to be held at Crowne Plaza Hunter Valley from 23 to 25 October 2022.

### Recommendation

That:

1. Council approve attendance by all interested Councillors at the 2022 LGNSW Annual Conference to be held at Crowne Plaza Hunter Valley from Sunday 23 October 2022 to Tuesday 25 October 2022, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council confirm one of the voting delegates at the 2022 LGNSW Annual Conference to be the Mayor.
4. Council determines the other four (4) Councillors to attend the conference as Council's voting delegates as follows:
  - a.
  - b.
  - c.
  - d.
5. That a Councillor Briefing be held in early August 2022 for the Council to formulate motions for submission to the conference.

### Options

1. As recommended.

Implications: The representation of the Council at the Conference will be complete, and Council's previously submitted motions will be retained on in the Business Paper of the 2022 LGNSW Annual Conference.

2. That Council does not accept the motions as outlined in the report and proposes alternatives, and/or does not nominate voting representatives.

Implications: Motions will need to be worded and endorsed.

### Background

The [2022 LGNSW Annual Conference](#) is the main policy-making event for the NSW Local Government sector and provides an opportunity to share ideas, seek inspiration, and help determine policy directions for the coming year.

CL22.301



At the Annual Conference, Delegates will vote on motions which LGNSW actions on behalf of the sector as part of its advocacy program. It is a key event for Local Government where Councillors from across the state come together to share ideas and debate issues that shape the way the sector functions and is governed.

For Council to participate fully in the conference, it is recommended the Council register attendees, nominate voting delegates, and submit motions for debate within the timeframes specified in this paper.

### **Registration to attend the Conference**

The program and registration information for the three-day Annual Conference from 23 October to 25 October are at <https://lgnswconference.org.au>. Costs associated with the conference are:

Member Early Bird Registration*	\$1,088.00	(if paid by 17 August 2022)*
Member Standard Registration	\$1,430.00	
Conference Dinner Ticket (optional)	\$250.00	

Registration closes on Monday, 10 October 2022.

The 2022/23 Council budget contains provision for all Councillors to attend the conference should they wish to do so.

Councillors who wish to be registered to attend and have accommodation booked for this conference should notify the Executive Office so that arrangements can be made in advance of the 10 October registration deadline.

### **Voting Delegates**

Voting delegates must be registered to attend the Conference and be registered as a voting delegate.

Confirmation has been received from LGNSW that Council will have five (5) voting entitlements at the Conference to vote on motions.

Council is required to advise LGNSW of the names of its nominated voting delegates for the Special Conference by 5pm (AEDT) on Monday **10 October 2022**.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

It is proposed that Council nominates the Mayor plus four (4) Councillors to attend as voting delegates.

### **Motions**

LGNSW has called for the submission of motions. Councils are encouraged to formulate motions submitted in terms of the current policy statements. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

Further information on submitting motions is available at [Motions | Local Government NSW | Annual Conference \(lgnswconference.org.au\)](https://lgnswconference.org.au)

The deadline for submission of motions is Monday **29 August 2022** for inclusion in the Conference Business Paper. All motions must be adopted by Council before submission.

A Councillor Briefing will be held to formulate the motions to be submitted by Shoalhaven City Council.

CL22.301

## CL22.302 Investment Report - June 2022

**HPERM Ref:** D22/282426

**Department:** Finance

**Approver:** Kevin Voegt, Director - City Performance

**Attachments:** 1. Shoalhaven Monthly Report - June 2022 (under separate cover) [⇒](#)

### Reason for Report

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

### Recommendation

That Council:

1. Receive the Record of Investments for the period to 30 June 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 1.04% per annum for the month of June 2022, exceeding the benchmark AusBond Bank Bill Index (0.61% pa) by 43 basis points (0.43%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

### Options

1. The report on the Record of Investments for the period to 30 June 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 June 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 30 June 2022 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 July 2022.

Implications: Nil

### Background

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

### Portfolio Return

The Overall portfolio returned a negative -2.64% p.a. for the month of June 2022, due to the negative movement of the growth fund.

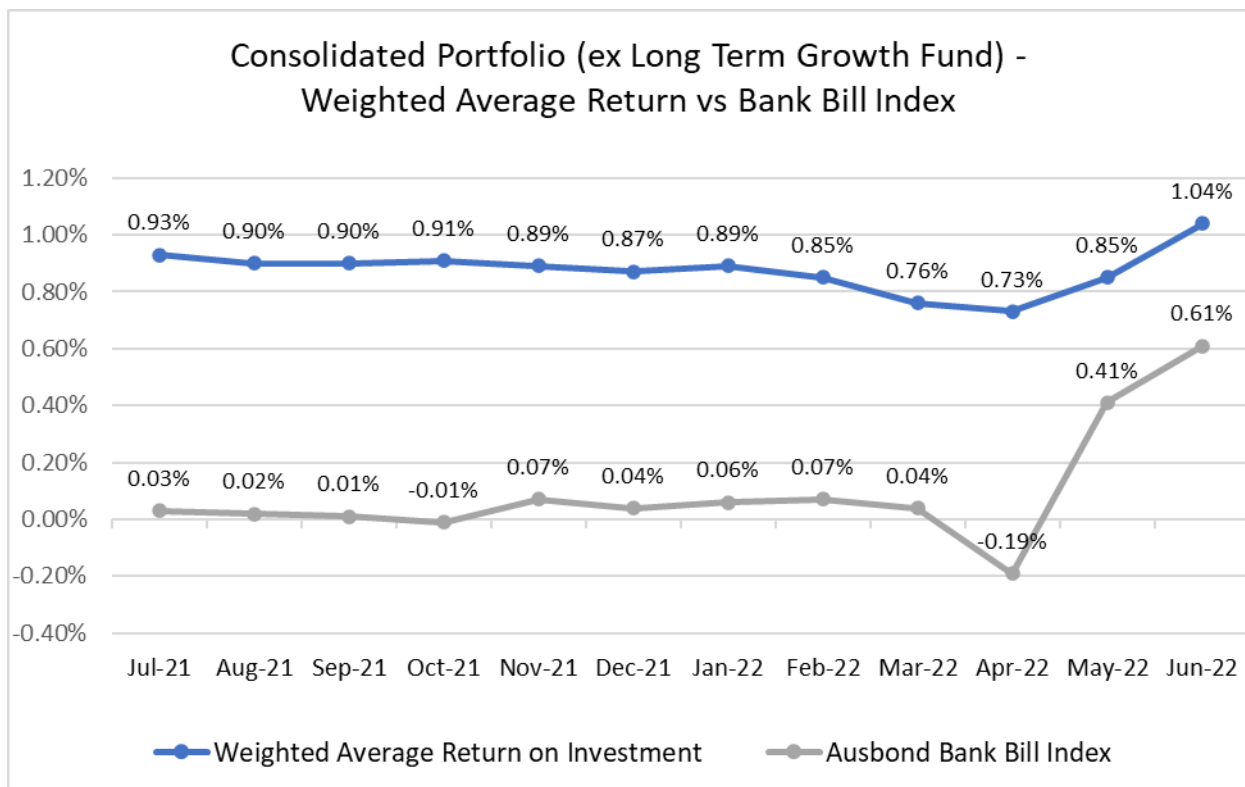
The investment returns excluding growth fund were a stable 1.04% p.a., exceeding the benchmark AusBond Bank Bill Index (0.61% p.a.) by +43bp p.a.

CL22.302

The Reserve Bank is concerned about the rate of inflation and will continue to increase the cash rate in coming months. Market expectations point to a cash rate of 3.0% by the end of this calendar year. Consequently, Council's Investment return rates are projected to increase further.

### Investments (Excluding Long Term Growth Fund)

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



CL22.302

### Investment Interest Earned – June 2022

The following table shows the interest earned for the month of June 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	95,260	91,662	(3,598)
Water	62,137	51,472	(10,665)
Sewer	29,534	31,802	2,268
<b>Total excluding Long-Term Growth Fund</b>	<b>186,931</b>	<b>174,935</b>	<b>(11,996)</b>

The interest earned for the month of June, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$174,935 compared to the monthly budget of \$186,931.

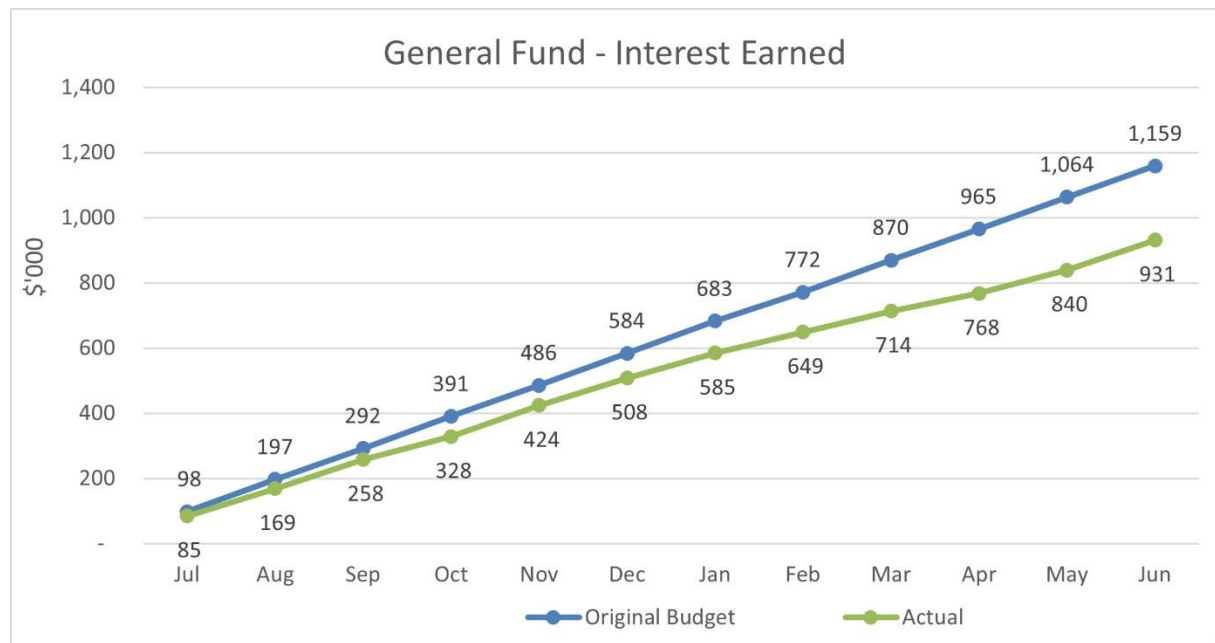
### Investment Interest Earned - Year to Date

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

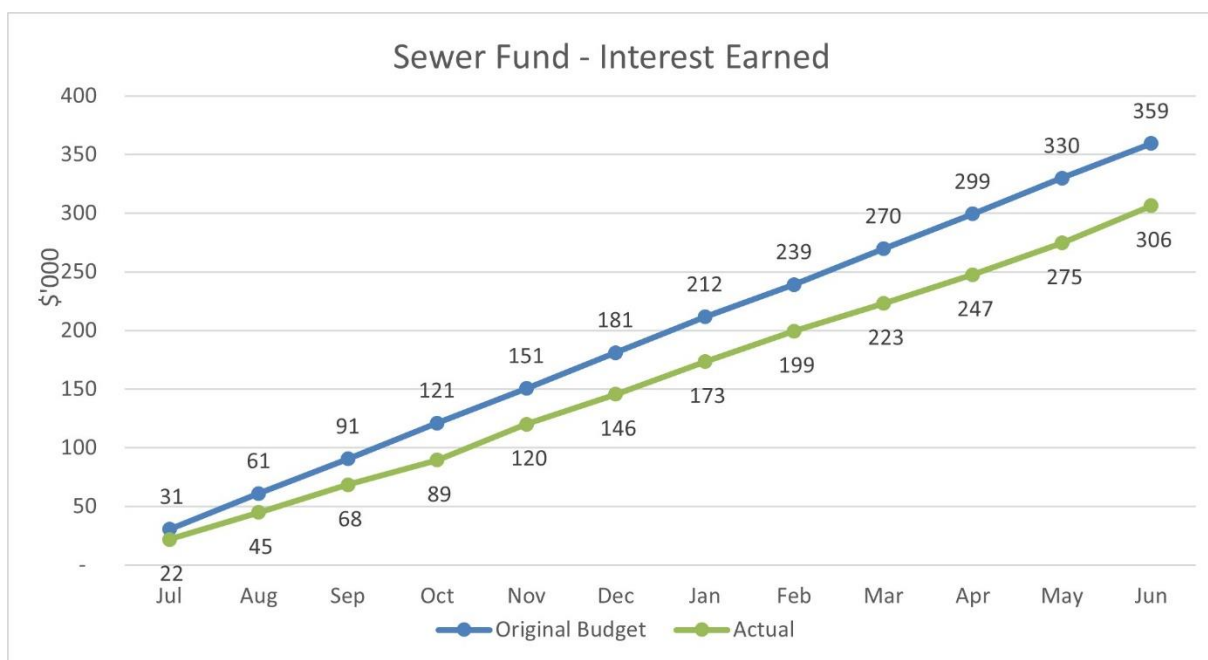
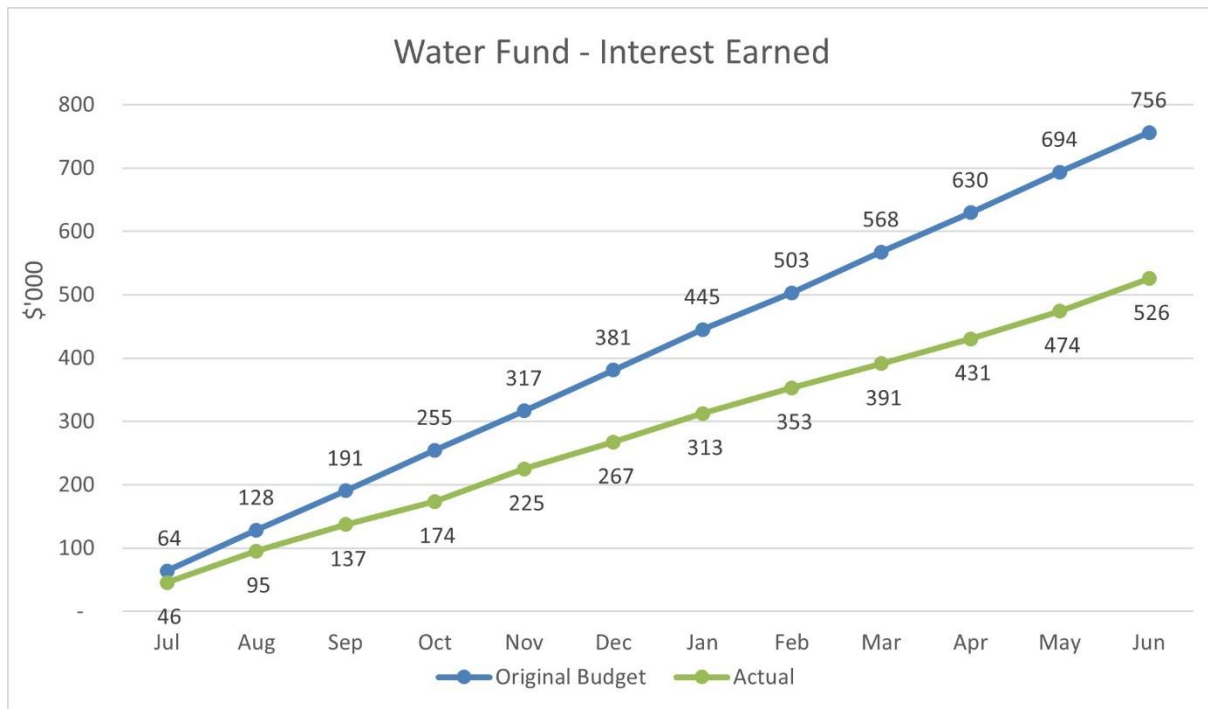
Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	931,208	80.35%
Water	756,000	525,740	69.54%
Sewer	359,333	306,397	85.27%
<b>Total excluding Long-Term Growth Fund</b>	<b>2,274,333</b>	<b>1,763,345</b>	<b>77.53%</b>

The interest earned to the month of June excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,763,345 which is 77.53% of the current full year budget.

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



CL22.302



## Long Term Growth Fund

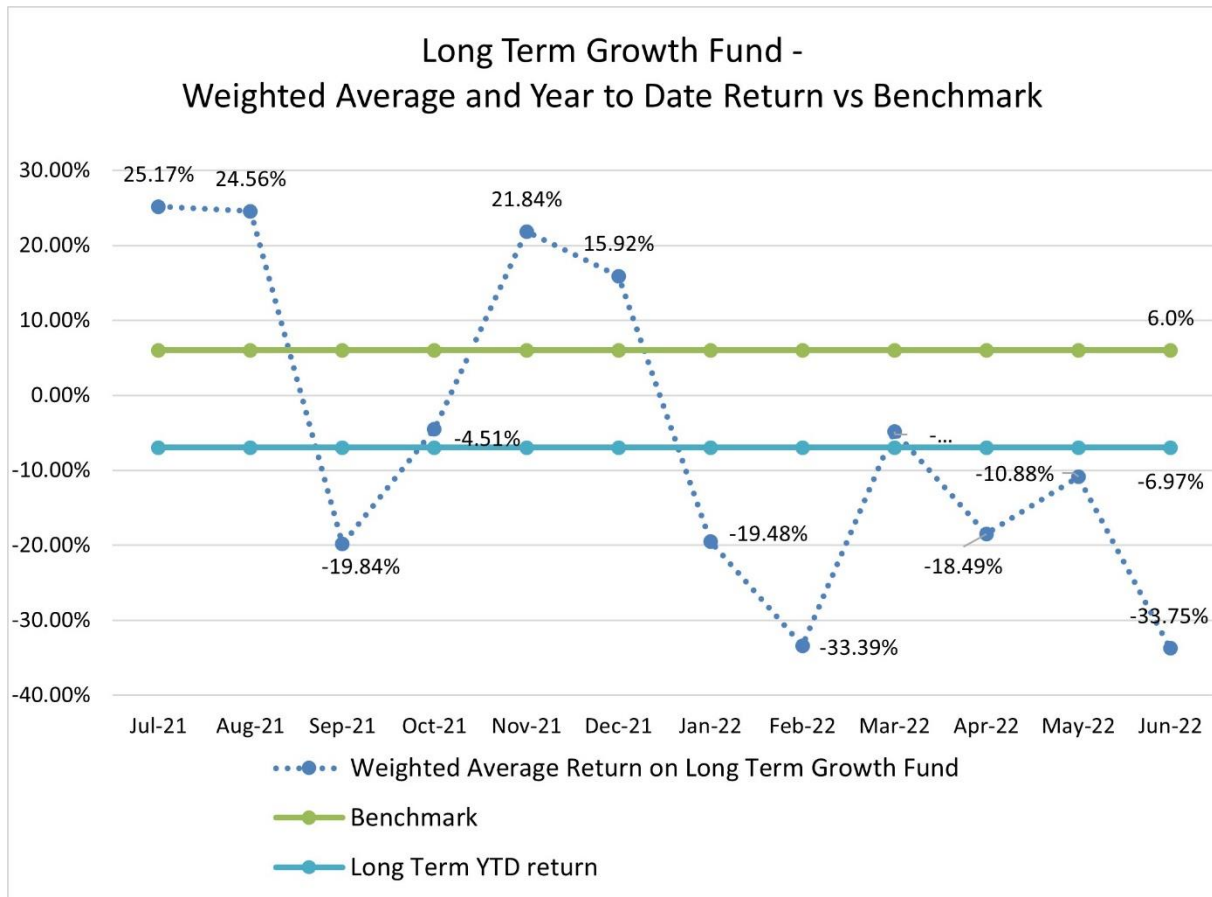
Council's investment in Long-Term Growth Fund returned a negative -33.75% (annualised) for the month of June 2022, further offsetting previous significant market gains, bringing the year-to-date return to a negative -6.97% (-12.97% below the benchmark).

It is important to note that the fund is expected to return an average of 6.0% per annum over a seven-year cycle and the positive months will outweigh the negative months over the long term.

CL22.302

Whilst year to date returns of the Long-Term Growth Fund is below the benchmark, the fund continues to exceed its long-term return objective (currently CPI+3.5% p.a. over 10 years = 4.19% benchmark) with the net return of 5.02% p.a. over the past 10 years.

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



CL22.302

### Long-Term Growth Fund Fair Value – June 2022

The following table shows movement in the fair value for the month of June 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
Long-Term Growth Fund	16,438	(642,273)	(658,712)

The fair value of TCorp Long-Term Growth Fund decreased in June by -\$642,273. It is important to note that it is expected that this value will fluctuate monthly and the actual return on this fund should be assessed against our budget forecast on an annual basis.

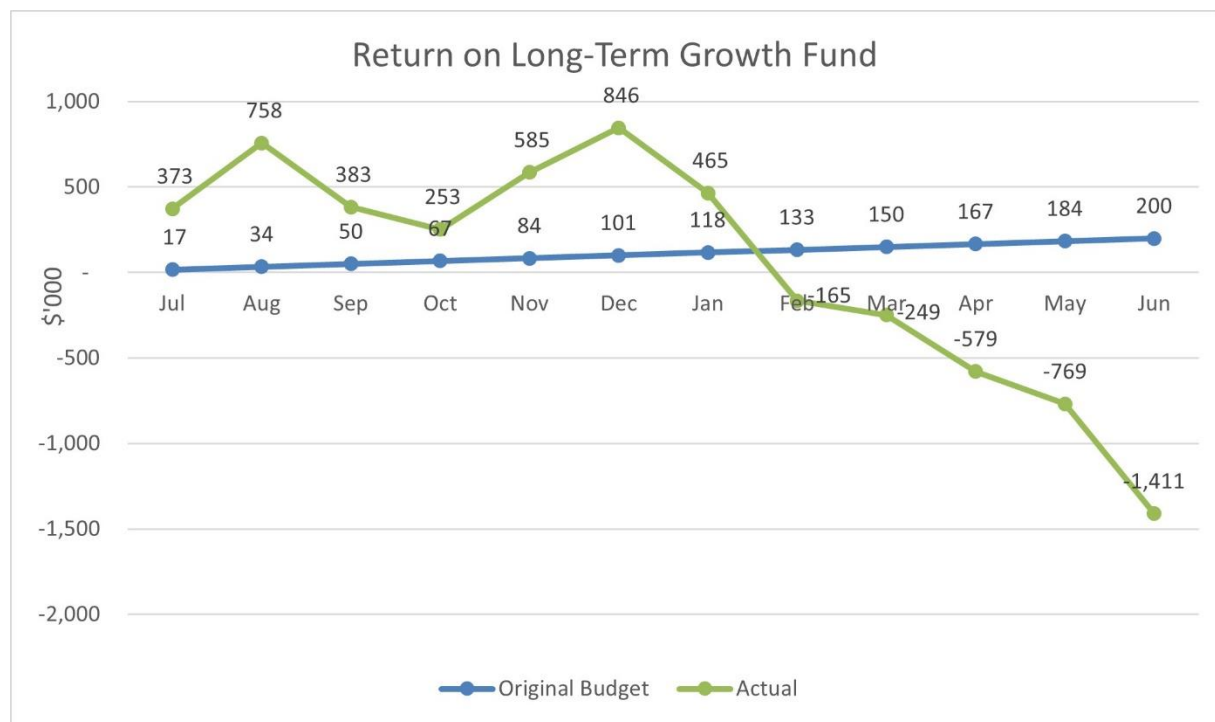
### Long-Term Growth Fund Fair Value - Year to Date

The following table demonstrates how the fair value movement to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
Growth fund	<b>200,000</b>	<b>(1,410,926)</b>	<b>(705.46%)</b>

The fair value of TCorp Long-Term Growth Fund decreased in June by -\$1,410,926 which is -705.46% of the current full year budget.

The graph below illustrates the fair value movement for the year of the Long-Term Growth Fund against budget:



CL22.302

## Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$	\$
	June 2022	May 2022
<b>Cash and Investments Held</b>		
Cash at Bank - Transactional Account	3,858,040	15,372,095
Cash on Hand	20,391	20,729
Other Cash and Investments	193,481,909	203,116,062
	<b>197,360,341</b>	<b>218,508,886</b>
Fair Value Adjustment	(258,261)	(160,868)
Bank Reconciliation	500,225	582,677
	241,964	421,809
<b>Book Value of Cash and Investments</b>	<b>197,602,305</b>	<b>218,930,695</b>
<b>Less Cash &amp; Investments Held in Relation to Restricted Assets</b>		
Employee Leave Entitlements	7,049,913	7,049,913
Critical Asset Compliance	484,819	580,836
Other Internal Reserves	5,779,115	3,972,895
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,368,341	4,633,995
Plant Replacement	1,719,096	2,551,800
S7.11 Recoupment	629,694	629,694
Commitment To Capital Works	1,374,063	1,662,409
<b>Total Internally Restricted</b>	<b>21,716,210</b>	<b>21,392,711</b>
Loans - General Fund	14,574,004	16,985,681
Self-Insurance Liability	3,040,465	2,975,174
Grant reserve	26,818,912	30,874,348
Section 7.11	20,730,960	20,663,852
Special Rate Variation	4,239,744	5,563,940
Storm Water Levy	278,306	500,608
Trust - Mayors Relief Fund	161,539	161,495
Trust - General Trust	4,846,215	3,904,109
Waste Disposal	232,206	3,249,672
Sewer Fund	31,982,077	31,141,790
Sewer Plant Fund	5,190,447	5,119,802
Section 64 Water	20,607,249	20,518,500
Water Fund	26,012,841	26,900,178
Water Communication Towers	4,445,187	4,434,270
Water Plant Fund	6,944,875	6,836,614
<b>Total Externally Restricted</b>	<b>170,105,027</b>	<b>179,830,033</b>
<b>Total Restricted</b>	<b>191,821,237</b>	<b>201,222,743</b>
<b>Unrestricted Cash Balance - General Fund</b>	<b>5,781,069</b>	<b>17,707,952</b>

CL22.302



## Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

Total Cash	(21,328,390)	June was not a rates instalment month. Significant creditor payments were due in June.
Other Internal Reserves	1,806,221	Recognition of Dividends from Shoalwater and other movements.
Plant Replacement	(832,704)	Fleet Plant Purchases
Loans - General Fund	(2,411,677)	Delivery of major capital projects funded by loans including Moss Vale Road South (-1.2M), Coonemia Rd (-0.3M), Boongaree - Stage 2 to 7 (-0.3M) and SEC Upgrade & Cladding (-0.1M).
Grant reserve	(4,055,436)	Grant funded capital projects are underway including Special local Roads Improvements, Huskisson Mangrove Boardwalk (-0.6M), AATP Stage 5 (-0.3M) and Street Lighting (-0.2 M)
Special Rate Variation	(1,324,196)	Various projects
Trust - General Trust	942,105	Bishop Drive Mollymook - Voluntary Planning Agreement (1M)
Waste Disposal	(3,017,466)	June was not a rates instalment month.
Sewer Fund	840,287	Receipts for sewer services.
Water Fund	(887,336)	Various capital projects expenses.
Unrestricted cash	(11,926,884)	June was not a rates instalment month and significant payments were made to suppliers in June.

CL22.302

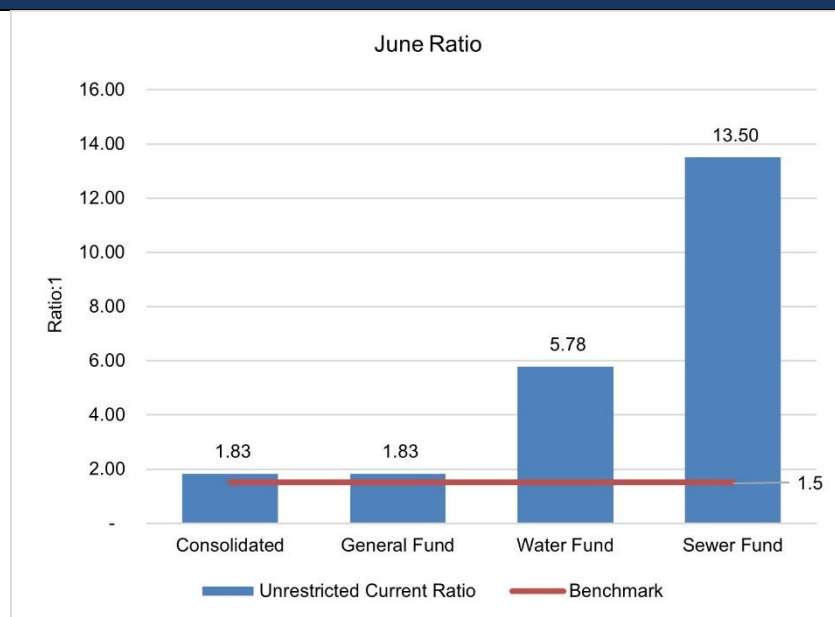
## Liquidity Indicators

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

All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

Please note the historic trends for some key financial indicators such as Unrestricted Current Ratio, Cash Expense Cover Ratio and Unrestricted Cash were added below as requested by Council at the last meeting.

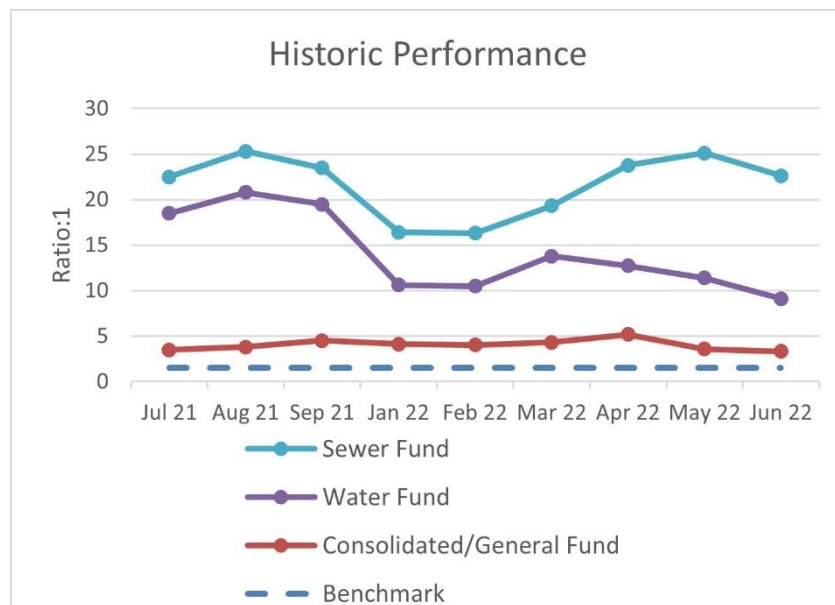
### Unrestricted Current Ratio



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

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

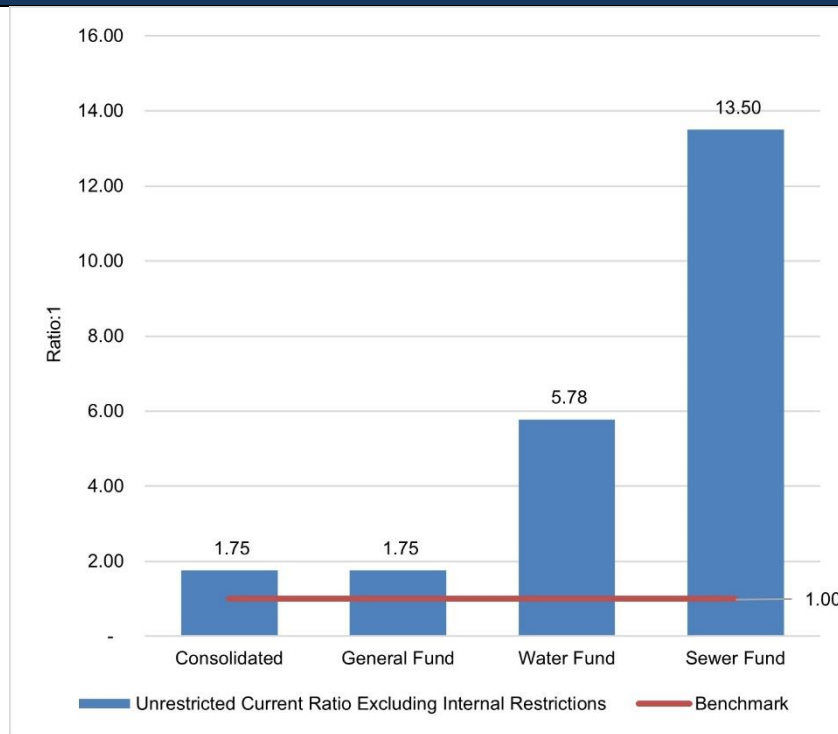
The ratio remains above the benchmark for all funds.



The first graph displays the June 2022 Unrestricted Current Ratio and, the second graph displays the previous rolling 12-months Unrestricted Current Ratio by fund.

CL22.302

### Unrestricted Current Ratio Excluding Internal Reserves



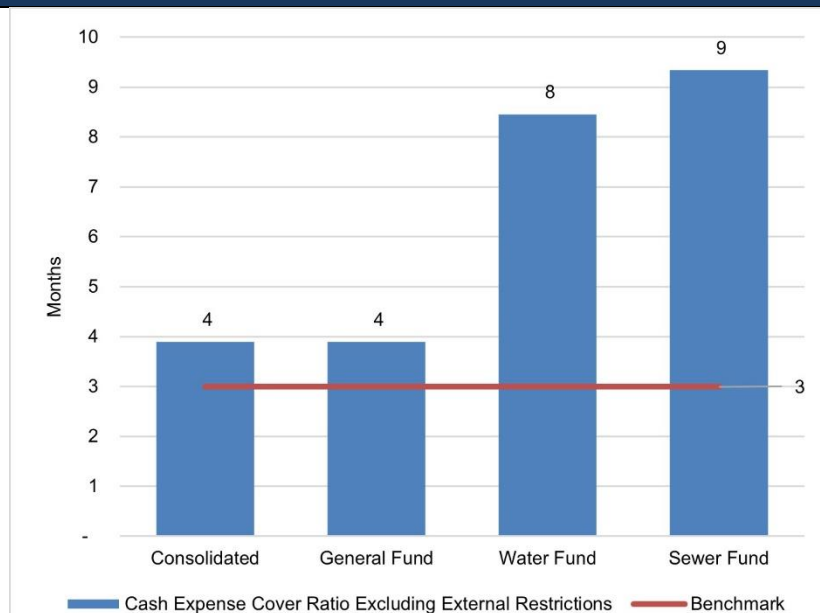
**Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves =  $\frac{\text{Current Assets less all external and internal restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$

The ratio remains above the benchmark for all funds.

CL22.302

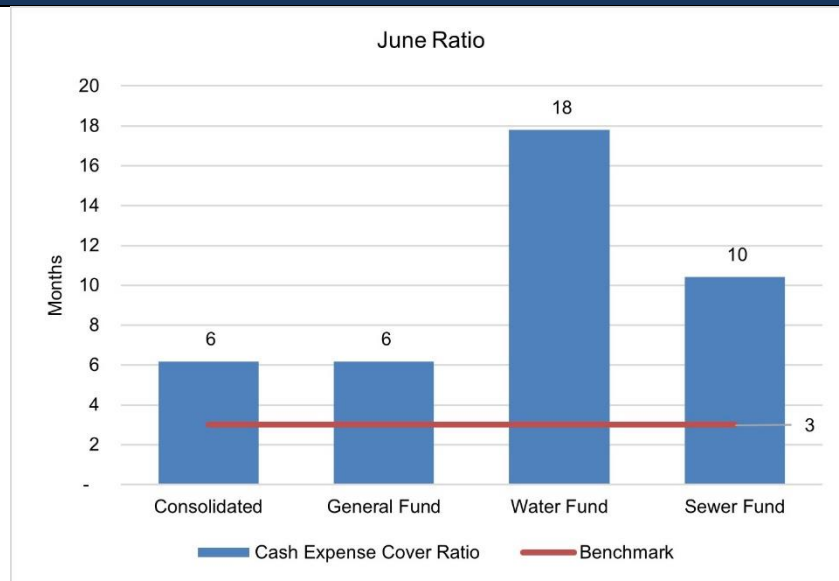
### Cash Expense Cover Ratio Excluding External Restrictions



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

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

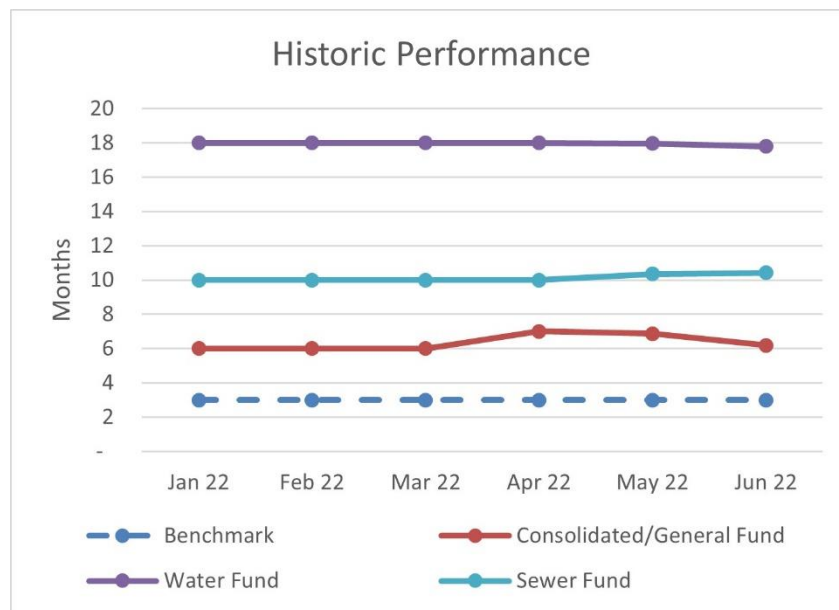
## Cash Expense Cover Ratio



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

Cash expense cover ratio =  $\frac{\text{Cash equivalents, TDs and FRNs} \times 12}{\text{Payments from cash flow of operating and financing activities}}$

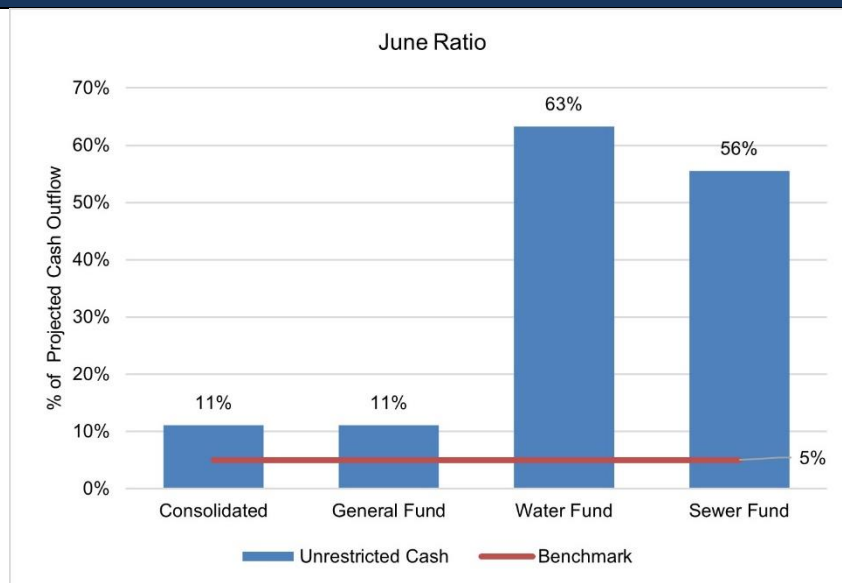
The ratio remains above the benchmark of 3 months as at the end of June 2022 for all funds.



The first graph displays the June 2022 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 6-months Cash Expenses Cover Ratio by fund.

CL22.302

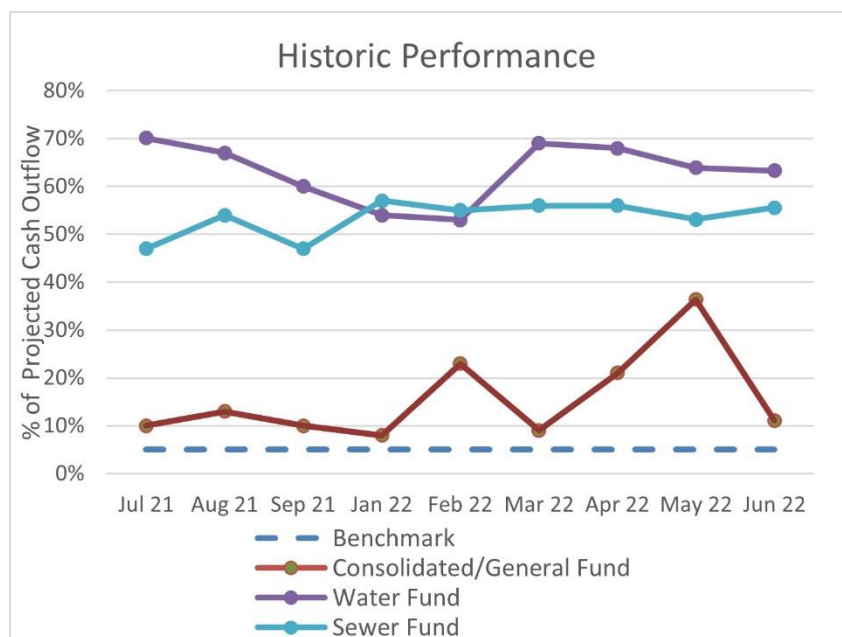
## Unrestricted Cash



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

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

The benchmark is set up at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).



The first graph displays the June 2022 Unrestricted Cash Ratio and, the second graph displays the previous rolling 12-months Unrestricted Cash Ratio by fund.

### Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL19/72.

Olena Tulubinska  
2022

Date: 8<sup>th</sup> July

CL22.302

## CL22.303 Strategic Planning Works Program - Proposed 2022-2023 Version

**HPERM Ref:** D22/148523

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

**Attachments:** 1. Adopted 2021-2022 Strategic Planning Works Program [↓](#)  
2. Proposed 2022-2023 Strategic Planning Works Program [↓](#)

### Reason for Report

The purpose of this report is to present the proposed 2022-2023 Strategic Planning Works Program (SPWP) to Council for consideration and adoption. This report was initially tabled for discussion and early Councillor feedback at Council's Strategic Planning Working Party on 9 June 2022.

Also, Council staff will continue, alongside ongoing work, to focus on the following existing key priority projects during the remainder of 2022 given their significance:

- Moss Vale Road North Urban Release Area - package of plans to 'release' the development of this key new residential area (post-exhibition and finalisation);
- Nowra Riverfront Masterplan Realisation (i.e., Nowra Riverfront Advisory Taskforce); and
- Milton-Ulladulla Structure Plan Review.

The report also presents an opportunity for a new land planning strategy and scheme for the City.

### Recommendation

That Council:

1. Adopt **Attachment 2** as Council's Strategic Planning Works Program for 2022-2023.
2. Make future changes or additions to the Strategic Planning Works Program only after considering the current program and project priority as shown within the Strategic Planning Works Program in **Attachment 2**.
3. Discuss in a separate and dedicated workshop/s, the need for a new land use planning strategy and schemes (Local Environmental Plan, Development Control Plan and Infrastructure Planning) for the City and to consider the ways this could be undertaken and delivered in a timely manner.

### Options

1. As recommended.

Implications: This option is favoured as it builds on the 2021-2022 SPWP and continues to guide Council's strategic planning effort, ensuring we are proactively undertaking forward planning in a managed way in the shorter term while considering the option of establishing a new strategic planning framework for the City.

The SPWP assists in the prioritisation of projects and management of staff work allocation.

The need to consider the establishment of a new contemporary strategic planning framework has been raised in recent community feedback. This could include

CL22.303

consideration of a new planning strategy framework (e.g., citywide growth management strategy or similar) which could inform a new or alternate direction for Council's Local Environmental Plan (LEP), Development Control Plan (DCP) and Infrastructure Planning (i.e., Contributions Plan) mechanisms.

2. Not adopt the 2022-2023 SPWP and react to requests, opportunities etc. as they arise in the future.

Implications: This option would mean that Council reacts to requests, opportunities, requirements etc. for strategic planning work in an ad-hoc or unmanaged manner. This is not desirable as it does not necessarily focus Council's efforts in areas or on projects that support the broader community or are required by legislation or other drivers.

This option may or may not also consider the establishment of a new contemporary strategic planning framework. Based on recent community feedback, there is merit in exploring the opportunities presented a new contemporary Citywide planning framework via a workshop or other suitable forum.

3. Adopt an alternative recommendation.

Implications: The 2022-2023 SPWP has been prepared taking into consideration current and expected strategic planning tasks and known planning challenges/expectations. Modifications to the SPWP at this stage may, depending on the nature of the modification, delay its adoption or the ability to deliver projects on the SPWP.

As above, this option may or may not also consider the establishment of a new contemporary strategic planning framework. A new contemporary Citywide planning framework could assist in the investigation and progression of a range of emerging planning issues, including a number of varied matters recently raised by the community which are outlined in this report.

## Background

### Strategic Planning Works Program – Recent History

In 2017, following a number of workshops to help set its format and content, the then Council (MIN17.612) adopted and finalised the new current iteration of the SPWP (2017-2018) to guide Council's strategic land use planning efforts.

In simple terms the projects that are contained in the SPWP are generally undertaken under the provisions of the NSW Environmental Planning & Assessment Act, 1979 (e.g., Local Environmental Plan, Development Control Plan, Contributions Plan etc.) or are related strategy or policy work that could ultimately lead to a specific project of this nature.

Most recently the 2021-2022 SPWP was adopted by Council in July 2021 (MIN21.455) and is provided as **Attachment 1**.

As part of the 2018-2019 SPWP adoption, it was resolved that the work program be reported to Council annually mid-year to coincide with each new financial year. This annual report is provided consistent with this resolution, noting that the report was initially tabled at Council's Strategic Planning Working Party on 9 June 2021. Unfortunately, due to time constraints, the SPWP was not discussed at the Working Party, however the draft SPWP was provided to Councillors for their consideration and feedback. No specific feedback or suggested changes were received.

It is important to note that Council continues to receive a range of feedback about the need for new and contemporary strategic land use plans (i.e., growth management strategies) and planning scheme (LEP, DCP etc) for Shoalhaven. This has particularly emerged as a result

of community feedback, pandemic experiences and the resultant demographic pressures/growth that is now being experienced. As such, it is now considered timely that Council considers taking a 'fresh eyes' look at its land use planning strategy which could also inform a new or alternate direction for Shoalhaven's planning scheme into the future. It is therefore recommended that Council have a workshop to discuss this and how it could be undertaken. If pursued this would also then flow through into an adjusted or new SPWP. In the interim, direction is also sought on the proposed 2022-2023 SPWP.

### 2022-2023 Strategic Planning Works Program

In preparing the adjusted 2022-2023 SPWP (**Attachment 2**) for consideration by Council, the following matters were considered:

- Current Strategic Planning tasks.
- Expected Strategic Planning tasks (e.g., arising from the Local Strategic Planning Statement).
- Community involvement and expectations around land use planning (e.g., Community Strategic Plan/Integrated Strategic Plan exhibition outcomes).
- Community requests for area specific projects to be progressed (discussed further below Table 2).
- Ongoing, known and future land use planning challenges.
- Available Council capacity.
- Matters arising from the ongoing and often immediate reforms to the NSW planning system.

At this point the 2022-2023 SPWP retains the existing program structure, notably the priority areas and overarching strategies outlined in **Table 1**, (established through the original 2017 Council workshop process).

**Table 1: Current retained SPWP priority areas and overarching strategies**

Priority	Priority Area	Overarching Strategy
1	Managing Future Growth	<ul style="list-style-type: none"> <li>• Developing and maintaining a Growth Management Strategy (GMS) to provide continued residential development and infrastructure 'ahead of the game'.</li> </ul>
2	Economic Development, Retailing, Town Centres and Tourism	<ul style="list-style-type: none"> <li>• Balance commercial development with cultural and recreation opportunities.</li> </ul>
3a	Natural Environment / Agriculture	<ul style="list-style-type: none"> <li>• Maintain an 'unspoilt' environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.</li> </ul>
3b	Affordable Housing	<ul style="list-style-type: none"> <li>• Work to increase affordable housing opportunities in Shoalhaven.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>• Facilitate a healthy, active and accessible community.</li> <li>• Identify and respond to demonstrated need and create best practice liveable communities for all ages and stages.</li> </ul>

CL22.303



5	Heritage and Events	<ul style="list-style-type: none"> <li>Maintain, investigate and bring forward our Aboriginal and European heritage into the future.</li> </ul>
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP).</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>

For each existing priority area, current and future ('yet to commence' or 'on hold') projects are again identified. The proposed 2022-2023 SPWP contains a total of 79 projects, made up of 42 current projects and 37 projects that are yet to commence or are on hold.

The priority projects in **Table 2** (also shown in red in **Attachment 2**) will be advanced ahead of other projects on the SPWP. A brief update on the identified priority projects is provided for convenience in **Table 2**.

**Table 2: 2022-2023 SPWP priority projects**

Priority Project	Brief Update
Moss Vale Road North URA (PP, DCP and CP)	<p>The draft planning and development control documents guiding the future development of this regionally significant new urban release area have been prepared and were recently on public exhibition until 1 July 2022. Council will receive a post-exhibition report on the DCP and PP shortly.</p> <p>The design and costing of the essential infrastructure to support the future new community is also well underway.</p> <p>The NSW Geographical Names Board exhibited the proposed suburb arrangements (name and boundary) for the two Moss Vale Release Areas in June 2022.</p> <p>This represents a significant existing body of work that needs to be finalised as a priority.</p>
Milton-Ulladulla Structure Plan Review	<p>A range of detailed analyses that will form the basis of the update of the Structure Plan is complete. Remaining work to further inform the update of the Plan includes an updated record of development activity, revision of population forecasts with the 2021 census, and the testing of development feasibility. The Strategic Planning Working Party are due to examine Preliminary Growth Opportunities at an upcoming meeting, prior to the matter being formally reported to Council.</p>
Planning Proposal PP028 - Callala Bay and Kinghorne Point (Halloran)	<p>Public exhibition of PP028 and the supporting biodiversity certification application occurred between 14 April and 17 June 2022. Council made a resolved submission on a range of bushfire and biodiversity matters.</p> <p>The NSW Department of Planning &amp; environment (DPE) replaced Council as the Planning Proposal Authority in December 2021 due to its 'regional and state significance'. Meaning they responsible for exhibiting and finalising the PP.</p> <p>The PP proposes to map the site on the urban release area (URA) map which means Part 6: Urban Release Areas of the Shoalhaven LEP 2014 will apply to the development area. This means Council will be required to prepare a site-specific DCP chapter prior to considering any Development Applications (DAs) for the site. Council is the 'applicant' for the biodiversity</p>

CL22.303

	<p>certification application, which will be determined by the NSW Minister for Environment (or their delegate).</p> <p>Even though DPE is managing the current process, Council staff are still required to be heavily involved as needed in the finalisation of the PP and the subsequent outcomes.</p>
DCP Chapter G11 Subdivision Review	<p>Preparation of the important DCP amendment is well underway. Internal Council consultation has been undertaken and following incorporation of changes resulting from Council's Engineering Design Specification Review.</p> <p>The draft package will be presented to Council shortly seeking a resolution to exhibit.</p>
Nowra Riverfront Advisory Taskforce	<p>The planning for the Riverfront Precinct is progressing under the oversight of the Nowra Riverfront Advisory Taskforce (NRAT) which was established by the NSW Government in late 2020. Council is currently managing a range of technical studies which NRAT has helped secure funding for. These investigations will inform updates to the Precinct masterplan as well as future changes to Shoalhaven LEP, DCP and Contributions Plan to help facilitate redevelopment and revitalisation within the Precinct. Development scenarios will be developed in the coming 6-12 months.</p> <p>Council staff are undertaking the bulk of the work effort in regard to this process, and it is envisaged that Council will be responsible for the resultant planning scheme amendments.</p>
Coastal Hazard Review	<p>The revised Planning Proposal is now with the DPE for finalisation, which is understood at the time of writing this report to be imminent.</p>
Local Strategic Planning Statement Implementation	<p>Council's Strategic Planning Working Party considered the impact of a range of changes over the past 18 months on the currency of the current Local Strategic Planning Statement (LSPS). A future relevant change relates to the NSW Government's establishment of the Greater Cities Commission; the full implications of this are not yet known.</p> <p>The Working Party requested a workshop in coming months to consider adjusting the priority of work set in the current LSPS document.</p>
Illawarra-Shoalhaven Regional Plan (ISRP) Implementation	<p>Council staff are members of the Illawarra-Shoalhaven Coordination and Monitoring Committee, and staff continue to collaborate with DPE's Regional Plan team on its implementation of the current Plan.</p> <p>The NSW Government's establishment of the Greater Cities Commission will have an impact in this regard, but the full implications are not yet known.</p>
Affordable Housing Strategy Review	<p>An internal Working Group consisting of Council staff from the Community Connections, Property and Strategic Planning Teams is implementing/reviewing the remaining and ongoing actions. This includes the gathering of data to report on the key performance indicators set in the current Strategy.</p> <p>The Strategy recommends a five-year review to ensure its actions remain relevant and it is <b>intended</b> that this review be undertaken in 2022/2023.</p>
Respond to Legislative Change	<p>Ongoing and generally reactionary. However, it is noted that this has taken up significant staff time in the 2021-2022</p>

CL22.303

	<p>financial year due to the range of detailed and widespread reforms being advanced by the NSW Government and also resulting from the COVID-19 Pandemic.</p> <p><b><u>Intended Future Direction</u></b> – given the work for Council created in this regard and the often quick comment timeframes, it is intended that Council staff will mainly focus on key relevant ones as required.</p>
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Over recent months there have been a number of direct requests, including detail or suggested planning detail, from the community for Council to support and progress certain new or additional strategic projects relating to specific areas across Shoalhaven. For example:

- Community Lead Plans or requests (e.g., Bay & Basin Community-Led Strategic Plan) – these plans continue to emerge, and they create strategic land use planning expectations.
- New planning controls - there has been a growing community requests for specific planning controls related to 'character' (e.g., coastal villages) and also a broader review of existing strategic planning/planning controls (e.g., Jervis Bay region).
- The Halloran Trust has made an offer of funding for improvements to the Culburra Beach Village Centre at a strategic planning level (review to improve the current DCP Chapter for the Centre).
- The Berry Forum has requested or proposed the following and has provided considerable detail in this regard:
  - New Development Control Plan (DCP) chapter for the parts of Berry east of the Highway. The forum provided a suggested draft chapter and supporting documents for consideration in this regard.
  - An additional Heritage Conservation Area (HCA) between the existing Queen Street HCA and Berry Showground HCA.
  - LEP amendment seeking to control tourist and visitor accommodation in the Berry and Kangaroo Valley areas.

Community requests need to be carefully considered, particularly in relation to precedent, integrity and balance within Shoalhaven's existing planning instruments and policy documents. The Council capacity and practical implications also need to be duly considered.

Commentary on each proposal mentioned above is provided in **Table 3** for Council's consideration.

**Table 3: Projects Suggested by Community for SPWP**

Proposal	Staff Comment
Community Lead Plans/requests	There is a growing number of these types of plans. Depending on the nature of the plans they can often create expectations across the Council. As such there is a need to consider how plans of this nature are managed or supported within and by Council. Any land use planning related projects arising from them also need to be considered as part of the SPWP.
New planning controls – Community Requests	There continues to be a growing call for specific planning controls related to specific localities, areas or issues. These often come through CCB's or other groups and can be specific or general in nature. Again, there is a need to consider these holistically on their merits and within the context of the SPWP.

CL22.303

<p>Improvements to the Culburra Beach Village Centre (DCP review)</p>	<p>This is a generous offer that will directly benefit the community in the immediate area through a timelier review of the relevant DCP Chapter.</p> <p>It is suggested that these funds be allocated to the review of Chapter N14: Culburra Beach Village Centre in the DCP. As such, the project has been added to Priority 2 in the proposed 2022/2023 Works Program for Council's consideration.</p> <p>The project is identified as 'on hold', subject to the release of the funds to commence the project. It is also noted that as much of the work as possible will need to be outsourced so as not to impact on other Council commitments.</p>
<p>New Development Control Plan (DCP) chapter for parts of Berry east of the Highway (draft version provided).</p>	<p>If formalised, this would be the third DCP chapter for the Berry area. It is also likely to be a catalyst for other towns and villages to also prepare/request their own new DCP chapters or DCP amendments for their respective areas. Further, a number of the matters raised in the proposed DCP could be considered through a review of existing citywide provisions (i.e., a lot of the matters raised are not specifically unique to Berry).</p> <p>DCP preparation is time and resource intensive, particularly given the need to engage as fully as possible with affected owners and others, and Strategic Planning Team does not currently have the capacity to manage and progress this work (or similar future requests from other areas) in light of the other existing projects and priorities currently on the SPWP.</p>
<p>New Heritage Conservation Area (HCA) between the existing Queen Street HCA and Berry Showground HCA</p>	<p>The additional HCA at this stage appears to have some merit based on a high level assessment and could be relatively straightforward. There would be value in investigating the conservation area potential further and as such, the project has been added to Priority 5 in the proposed 2022/2023 Works Program for Council's consideration. The project has however been added as 'on hold' until resourcing and capacity improves.</p>
<p>LEP amendment relating to tourist and visitor accommodation in the Berry and Kangaroo Valley areas</p>	<p>On 7 April 2020, Council considered a report on possible opportunities to amend the LEP relating to tourist and visitor accommodation (T&amp;VA). Council resolved (MIN20.252) that the report be received for information (i.e., no changes to be made to the LEP relating to T&amp;VA).</p> <p>A review of existing DCP Chapter G15 relating to T&amp;VA was endorsed on 5 March 2019 (MIN19.113). This work is ongoing and is detailed in Priority 2 of the SPWP.</p> <p>On 28 March 2022, Council also resolved (MIN22.200) to receive further reports on how the NSW Government's agritourism optional clauses and emerging land uses could be considered in a Shoalhaven specific way in the LEP. This is also being considered as part of the Chapter G15 review.</p> <p>It is considered that any changes to the LEP in response to the Berry Forum's request should first be considered/investigated at a citywide scale, so that any planning response to help manage tourism is wholistic in nature.</p> <p>Whilst not currently on the SPWP, this work could be considered in the future as part of the broader Chapter G15 work (i.e., consider in conjunction with the agritourism work), however Strategic Planning Team does not currently have the capacity to manage and progress this work at this stage in light of the other projects and priorities on the SPWP.</p>

CL22.303

**Table 4** identifies the projects that have been removed (completions etc.) from or added (Council resolutions etc.) to the SPWP, as well as projects that have been consolidated or reprioritised. Changes have also been made to the descriptions of some of the projects to enhance readability and recognition.

**Table 4: Projects added and removed from the 2022-2023 SPWP**

<b>1. Managing Future Growth</b>	
Added	<ul style="list-style-type: none"> <li>PP058 – 2022 Housekeeping Amendment (citywide minor mapping and instrument changes to Shoalhaven LEP 2014).</li> <li>PP059 – 2023 Housekeeping Amendment (citywide minor mapping and instrument changes to Shoalhaven LEP 2014).</li> <li>PP061 – Beach Road, Berry.</li> <li>Shoalhaven DCP 2014 – Medium Density Review Investigations.</li> <li>Fisherman’s Paradise VPA.</li> <li>Kent Lane, Huskisson WIKA.</li> <li>Hillcrest Avenue, South Nowra WIKA.</li> <li>Old Southern Road, South Nowra WIKA (Stage 2).</li> <li>St Georges Basin Internal Service Road WIKA.</li> <li>Bomaderry Stockyards VPA (added to ‘on hold’).</li> <li>Character investigations – Manyana/Red Head Villages (MIN22.370). <b>Added to ‘current’ - subject to resourcing and clarification.</b></li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>PP029 – Hitchcocks Lane, Berry (+ DCP amendment). <b>Completed.</b></li> <li>PP035 - Jervis Bay Road, Falls Creek. <b>Completed.</b></li> <li>PP054 – Taylors Lane, Cambewarra adjustment (+DCP and CP). <b>Completed.</b></li> <li>PP060 – Huntingdale Park Estate, Berry. <b>Completed.</b></li> <li>PP007 - Inyadda Drive, Manyana. <b>Discontinued by Applicant.</b></li> <li>Old Southern Road, South Nowra WIKA (Stage 1). <b>Executed.</b></li> <li>Moss Vale Road South URA WIKA (Stage 1). <b>Executed.</b></li> <li>Shoalhaven Contributions Plan (CP) 2019: Huntingdale Park Reserve – Amendment to CP project 01OREC0009. <b>Completed.</b></li> <li>Deed of variation to existing Bishop Drive, Mollymook Voluntary Planning Agreement. <b>Completed.</b></li> <li>PP045 – Callala Bay – Sealark Road. <b>Gateway terminated. Council resolved on 27 June 2022 to not seek a new one.</b></li> </ul>
Current Projects Placed on Hold	<ul style="list-style-type: none"> <li>Review of Old Southern Road, South Nowra Contributions Project 01ROAD2038 (+ DCP). <b>Pending outcome of development application for Twin Nowra Estate.</b></li> </ul>
On Hold Projects Moved to Current	<ul style="list-style-type: none"> <li>LP145.1 - Nebraska Estate, St Georges Basin (+ DCP).</li> </ul>

CL22.303

2. Economic Development, Retailing, Town Centres and Tourism	
Added	<ul style="list-style-type: none"> <li>Nowra Riverfront Advisory Taskforce (Priority). <b>Consolidated the following priority projects on the SPWP:</b> <ul style="list-style-type: none"> <li><b>PP041 – Shoalhaven Riverfront - Mandalay Avenue Sub Precinct (and DCP).</b></li> <li><b>PP042 – Shoalhaven Riverfront - Hyam Street, Pleasant Way and Wharf Road Sub Precinct (and DCP).</b></li> </ul> </li> <li>PP064 - Bawley Point - Willinga Park Equestrian Centre.</li> <li>Citywide Economic Review (added to 'on hold').</li> <li>Shoalhaven DCP 2014 – Chapter N5: Bomaderry Town Centre review (added to 'on hold').</li> <li>Shoalhaven DCP 2014 – Chapter N14: Culburra Beach Village Centre review (added to 'on hold'). <b>If supported, project to be funded by Halloran Trust and commence when funds are made available.</b></li> <li>Processing of Covid 19 Contributions Discount Subsidy Applications.</li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>Retail Strategy. <b>Consider via the Citywide Economic Review.</b></li> <li>Employment Lands Strategy. <b>Consider via the Citywide Economic Review.</b></li> </ul>
Current Projects Placed on Hold (and why)	<ul style="list-style-type: none"> <li>Nowra CBD Planning Controls Review (Priority Project). <b>Resourcing constraints.</b></li> <li>Shoalhaven DCP 2014 - Chapter S8: Ulladulla Town Centre Review. <b>Will recommence on completion of the MUSP.</b></li> <li>Shoalhaven DCP 2014 - Chapter N18: Huskisson Town Centre (Service Lane Review) (+CP). <b>Resourcing constraints.</b></li> <li>Nowra CBD Discount Subsidy Policy Review. <b>Policy recommended for rescission at the 18 July 2022 Council meeting. Direction dependent on outcome of meeting.</b></li> </ul>
On Hold Projects Moved to Current	<ul style="list-style-type: none"> <li>South Nowra Industrial Zoned Area (Flinders Estate Expansion) (DCP and CP). Progressing the detailed planning work under the oversight of an internal Council Project Control Group.</li> </ul>
3a. Natural Environment/ Agriculture	
Added	<ul style="list-style-type: none"> <li>Shoalhaven DCP 2014 - 45 degree rule and APZ clearing review (Council resolutions).</li> <li>Shoalhaven DCP 2014 – Environmental Related Chapter review - Chapters G4, G5, G8, G9, G10 (added to 'on hold').</li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>Shoalhaven DCP 2014 - Solar Roof Panel Amendment. <b>Completed.</b></li> <li>'Heritage Estates', Worroving Heights (land/water degradation and land tenure). <b>Erosion control project completed. Tenure resolution now with NSW NPWS.</b></li> </ul>
3b. Affordable Housing	
Added	<ul style="list-style-type: none"> <li>Continued advocacy, including NSW Housing Portfolio renewal and redevelopment.</li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>Implementation and monitoring of the adopted Shoalhaven Affordable Housing Strategy (Priority Project). <b>Review of the Affordable Housing Strategy has commenced.</b></li> <li>Affordable Housing Project, Coomea Street, Bomaderry – Implementation. <b>Development Application for the affordable housing project being finalised. Strategic Planning Staff still involved in project oversight.</b></li> </ul>

CL22.303

On hold projects moved to current	<ul style="list-style-type: none"> <li>• 'Interim (5-year review) of Affordable Housing Strategy (includes consideration of student accommodation and dual occupancy provisions)' is now 'Affordable Housing Strategy Review'. Remains a priority project.</li> </ul>
Change in scope of existing on hold projects	<ul style="list-style-type: none"> <li>• 'Reconsider position on short term rental accommodation following release of the Government's final position' is now 'Short term rental accommodation planning options'. Remains a standard priority project.</li> </ul>
<b>4. Population, Ageing and Social Infrastructure</b>	
Added	<ul style="list-style-type: none"> <li>• Input into Shoalhaven Community Infrastructure Strategic Plan review (added to 'on hold').</li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>• Population Policy. <b>Policy not viable at present considering NSW Government framework and Shoalhaven's incorporation in 'Six Cities'.</b></li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Consider accessibility requirements throughout the DCP, or a separate chapter (MIN18.1009). <b>This is a separation action in the Disability Inclusion Action Plan.</b></li> <li>– Include appropriate references to Disability Discrimination Act. <b>This is a separation action in the Disability Inclusion Action Plan.</b></li> </ul> </li> <li>• Nowra Medical Precinct Masterplan. <b>Overtaken by the NSW Government's Shoalhaven Hospital Masterplan.</b></li> <li>• Illawarra Age Friendly Alliance work. <b>The Alliance is no longer active.</b></li> <li>• Labour force review. <b>There have been significant changes in the market and the underlying research is no longer contemporary.</b></li> </ul>
Current Projects Placed on Hold (and why)	<ul style="list-style-type: none"> <li>• Undertake an assessment of the City's ageing demographic. <b>Resourcing constraints.</b></li> </ul>
<b>5. Heritage and Events</b>	
Added	<ul style="list-style-type: none"> <li>• Investigate new Berry Heritage Conservation Area (added to 'on hold').</li> <li>• Shoalhaven LGA Aboriginal Cultural Heritage Mapping (landscape) and associated protocol or 'tool kit'.</li> <li>• Nowra Hill and Surrounds - Former torpedo workshop/bunkers and associated defence history items (added to 'on hold'). Note: <i>The heritage listing of 50 BTU Road, Nowra Hill is being progressed through PP059, the memorial is being progressed by Council's Community Connections section and the heritage review of critical infrastructure items cannot progress until grant funding is available.</i></li> </ul>
Removed (and why)	<ul style="list-style-type: none"> <li>• PP056 - Berry Heritage Investigations. <b>Completed.</b></li> <li>• Managing response to Aboriginal Land Claims. <b>Process now managed by Council's Property Unit.</b></li> </ul>
On Hold Projects Moved to Current	<ul style="list-style-type: none"> <li>• Review heritage strategy: Consideration of Aboriginal Cultural Heritage. <b>Being considered via Council's Policy reaffirmation process.</b></li> </ul>
<b>6. Legislation and Policy</b>	
Added	<ul style="list-style-type: none"> <li>• Shoalhaven DCP 2014 - Chapter G21 Car Parking and Traffic (parking space dimensions) (added to 'on hold', however may be addressed as part of the 'Shoalhaven DCP 2014 - Medium Density Review' project, depending on the outcome of the review).</li> </ul>

CL22.303

Removed (and why)	<ul style="list-style-type: none"> <li>• PP040 - 2018 Housekeeping. <b>Completed.</b></li> <li>• PP044 – 2020-2021 Housekeeping. <b>Completed.</b></li> <li>• Shoalhaven DCP 2014 - Chapter G21 Car Parking and Traffic. <b>Completed.</b></li> <li>• Shoalhaven CP 2019 - Amendment 8 – Old Subdivision Properties. <b>Completed.</b></li> <li>• Shoalhaven CP 2019 - Review of Contributions Project 01ROAD2038 (Old Southern Road upgrade (For 1km south from Quinns Lane)). <b>Duplication of project in Priority 1.</b></li> <li>• Respond to the NSW Government's update of the Illawarra Shoalhaven Regional Plan. <b>New Regional Plan now in place.</b></li> <li>• Shoalhaven CP 2019 - Amendment 3 (Housekeeping). <b>Reconsider Project once the outcomes of the NSW Government's Infrastructure Contributions Reforms are known, and as part of a broader review.</b></li> </ul>
Current Projects Placed on Hold (and why)	<ul style="list-style-type: none"> <li>• Shoalhaven DCP 2014: Amendment 10 – Various/Area Specific Chapter Review. <b>Resourcing constraints.</b></li> <li>• Section10.7 (formerly Section 149) Certificated, Policy Note Review. <b>Resourcing constraints.</b></li> </ul>

#### Process for adding/removing projects from the 2022-2023 SPWP

The 2022-2023 SPWP will assist with Council's decision making regarding new planning related projects. Ideally, the 2022-2023 SPWP will be proactive and not reactionary. It is inevitable, however, that changes will be required through time and this needs to be done in a considered manner.

Prior to changing the 2022-2023 SPWP (e.g., adding a project), consideration should be given to the likely impact on the current program, priorities, Council capacity and available resources. Projects should only be included on the 2022-2023 SPWP (or reprioritised) after consideration by Council and following a formal resolution. Ideally, consideration should be given to how they sit against the overarching strategies identified in the SPWP. The exception would be matters that must be resolved operationally (legislative directions, reactive policy submissions etc.).

Council's Strategic Planning Working Party also now has a key role in the SPWP process, specifically through the provision of early input into projects within the SPWP, focusing on 'priority' projects and other projects that may require ongoing consideration and direction.

It is expected that projects will be removed from the SPWP upon completion or via a resolution of Council.

#### Monitoring and reporting

The SPWP will continue to be reported back to Council annually in June/July, in line with each new financial year, to enable formal reconsideration and to highlight progress, including what has been achieved or completed in the year. The SPWP will also be monitored for efficiency on an ongoing basis and any required or proposed changes to the structure or projects will be reported as needed.

#### **Community Engagement**

The SPWP is essentially an internal tool to manage Council's strategic planning effort and workflow. No formal community consultation is required as it is an internal management resource.

CL22.303



Based on existing knowledge, plans and community engagement processes (especially the Community Strategic Plan/Integrated Strategic Plan and associated Local Strategic Planning Statement processes) the broader expectations of the community have been considered during preparation of the SPWP.

However, approaches continue to be receive requesting specific additional work in regard to issues or areas, for example character controls for villages or the need for new land use planning strategy.

### **Policy Implications**

Having a clear work program to focus Council's current and future strategic planning effort is important and working with existing resources ensures that Council has an appropriate strategic framework in place that is forward thinking and responsive in nature.

Following receipt of a range of feedback from the Shoalhaven community about the need for new and contemporary strategic land use plans and planning scheme (LEP, DCP etc) for the City, it is considered timely for Council to consider taking a 'fresh eyes' look at its land use planning strategy and scheme. This report recommends that a workshop be scheduled to discuss opportunities in this regard, and how this could be pursued, including the potential of an adjusted or new SPWP in response.

### **Financial/ Resourcing Implications**

Generally, projects that are on the SPWP will be undertaken within existing budgets. However, should a project require specific funding allocation, this will be reported to Council for consideration as the need arises.

Council has limited capacity to deliver projects on the SPWP. It is thus proposed that a number of projects be placed on hold capacity can be increased.

Should Council ultimately commit to the preparation of new and contemporary strategic land use plans and a planning scheme (LEP, DCP etc) for Shoalhaven then this will need to be appropriately resourced.

Adopted 2021-2022 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
1	Managing Future Growth	Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.	<ul style="list-style-type: none"> <li>• <b>Moss Vale Road North URA (PP048, DCP and CP).</b></li> <li>• <b>Milton Ulladulla Structure Plan Review.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– <b>PP028 - Callala Bay and Kinghorne Point (Halloran).</b></li> <li>– PP029 – Hitchcocks Lane, Berry.</li> <li>– PP005 - Warrah Road, Bangalee.</li> <li>– PP029 - Hitchcock's Lane, Berry (+ DCP and CP).</li> <li>– PP035 - Jervis Bay Road, Falls Creek (finalisation immanent).</li> <li>– PP045 – Callala Bay – Sealark Road.</li> <li>– PP054 – Taylors Lane, Cambewarra (+DCP and CP).</li> <li>– PP060 – Huntingdale Park Estate, Berry.</li> </ul> </li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– <b>Chapter G11 Subdivision Review.</b></li> </ul> </li> <li>• Infrastructure Delivery/Implementation: Moss Vale Road South URA and Moss Vale Road North URA.</li> <li>• Review of Zoning and Planning Controls – Taylors Lane, Cambewarra (separate to PP054).</li> <li>• Mundamia URA – CP Review/Works in Kind Agreement.</li> <li>• Review of Old Southern Road, South Nowra Contributions Project 01ROAD2038 (+ DCP).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Growth Management Strategy version 2.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– <b>PP006 - Culburra Beach (Halloran).</b></li> <li>– PP007 - Inyadda Drive, Manyana (formally Kylor).</li> <li>– LP407 - Badgee Lagoon Deferred Matters.</li> <li>– LP145.1 - Nebraska Estate, St Georges Basin (+ DCP).</li> <li>– Goodland Road, Woollamia (awaiting landowner agreement).</li> <li>– The Wool Road, St Georges Basin (awaiting landowner commitment).</li> <li>– Clause 4.2B – Original Holdings – Lot Averaging Subdivision.</li> </ul> </li> <li>• Review southern component of Crams Road URA.</li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter G8: Onsite Sewage Management.</li> <li>– Chapter G14: Development of Narrow Laneways.</li> <li>– Chapter V4: Local Character Statements.</li> </ul> </li> </ul>
2	Economic Development, Retailing, Town Centres and Tourism	Balance commercial development with cultural and recreation opportunities.	<ul style="list-style-type: none"> <li>• <b>PP041 – Shoalhaven Riverfront - Mandalay Avenue Sub Precinct (and DCP).</b></li> <li>• <b>PP042 – Shoalhaven Riverfront - Hyam Street, Pleasant Way and Wharf Road Sub Precinct (and DCP).</b></li> <li>• <b>Nowra CBD Planning Controls Review.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– PP050 – Huskisson Former Anglican Church Site (+ DCP).</li> </ul> </li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter G15: Tourist and Visitor Accommodation Review.</li> <li>– Chapter N18: Huskisson Town Centre (Service Lane Review).</li> <li>– Chapter S8: Ulladulla Town Centre Review.</li> </ul> </li> <li>• Shoalhaven Contribution Plan - Huskisson Town Centre Service Lane Review.</li> <li>• Nowra CBD Revitalisation Strategy – Relevant Projects.</li> <li>• Nowra CBD Discount Subsidy Policy Review.</li> </ul>	<ul style="list-style-type: none"> <li>• South Nowra Internal Service Lane (DCP and CP).</li> <li>• South Nowra Industrial Zoned Area (Flinders Estate Expansion) (DCP and CP).</li> <li>• South Nowra – zoning and land use review.</li> <li>• Retail Strategy.</li> <li>• Employment Lands Strategy.</li> <li>• Berry car parking review.</li> </ul>
3a	Natural Environment/Agriculture	Maintain an 'unspoilt' environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.	<ul style="list-style-type: none"> <li>• <b>PP026 - Coastal Hazard Review.</b></li> <li>• 'Heritage Estates', Worroving Heights (land/water degradation and land tenure).</li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter N12: Culburra Beach, the Marina Area (also includes amendment to Chapters G6 and V2 of the DCP).</li> <li>– Solar Roof Panel Amendment.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Rural Lands Strategy.</li> <li>• Cambewarra Escarpment Character Assessment.</li> </ul>

Adopted 2021-2022 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
3b	Affordable Housing	Work to increase affordable housing opportunities in Shoalhaven.	<ul style="list-style-type: none"> <li>Implementation and monitoring of the adopted Shoalhaven Affordable Housing Strategy.</li> <li>Affordable Housing Project, Coomea Street, Bomaderry – Implementation.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and test an affordable housing development contribution scheme.</li> <li>Tiny Homes Project, Nowra – detailed investigation.</li> <li>Interim (5-year review) of Affordable Housing Strategy (includes consideration of student accommodation and dual occupancy provisions).</li> <li>Reconsider position on short term rental accommodation following release of the Government's final position.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>Facilitate a healthy, active and accessible community.</li> <li>Identify and respond to demonstrated need and create best practice liveable communities for all ages and stages</li> </ul>	<ul style="list-style-type: none"> <li>Undertake an assessment of the City's ageing demographic.</li> </ul>	<ul style="list-style-type: none"> <li>Population Policy.</li> <li>Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>Consider accessibility requirements throughout the DCP, or a separate chapter (MIN18.1009).</li> <li>Include appropriate references to Disability Discrimination Act.</li> </ul> </li> <li>Nowra Medical precinct master plan.</li> <li>Illawarra Age Friendly Alliance work.</li> <li>Labour force review.</li> </ul>
5	Heritage and Events	Maintain, investigate and bring forward our Aboriginal and European heritage into the future.	<ul style="list-style-type: none"> <li>PP056 - Berry Heritage Investigations.</li> <li>Assist Local Aboriginal Land Councils (e.g. Land Asset Reviews and Jerrinja Memorandum of Understanding and Action Plan.).</li> <li>Managing response to Aboriginal Land Claims.</li> <li>Run annual Local Heritage Grants Scheme (including annual Heritage Strategy Review).</li> </ul>	<ul style="list-style-type: none"> <li>Review heritage strategy: Consideration of Aboriginal Cultural Heritage.</li> </ul>
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven LEPs, DCP and Contributions Plan.</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>	<ul style="list-style-type: none"> <li>Implement the Immediate and Short Term Local Strategic Planning Statement Actions.</li> <li>Respond to legislative change (e.g. Prepare submissions to respond to legislation and policy proposals).</li> <li>Implement Illawarra Shoalhaven Regional Plan Actions (includes ongoing representation at the Coordinating and Monitoring Committee jointly chaired by DP&amp;E and the Illawarra-Shoalhaven Joint Organisation).</li> <li>Respond to the NSW Government's update of the Illawarra Shoalhaven Regional Plan.</li> <li>Planning Proposals: <ul style="list-style-type: none"> <li>PP040 - 2018 Housekeeping.</li> <li>PP044 – 2020-2021 Housekeeping.</li> </ul> </li> <li>Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>Chapter G21 Car Parking and Traffic.</li> <li>Amendment 10 – Various/Area Specific Chapter Review.</li> </ul> </li> <li>Shoalhaven Contribution Plan 2019: <ul style="list-style-type: none"> <li>Amendment 3 (Housekeeping).</li> <li>Amendment 8 – Old Subdivision Properties.</li> <li>Review of Contributions Project 01ROAD2038 (Old Southern Road upgrade (For 1km south from Quinns Lane)).</li> </ul> </li> <li>Maintain LEPs, DCP, CP, s10.7 (s149) certificates, dwelling entitlements.</li> <li>S10.7 (formerly s149) Policy Note Review.</li> <li>Local Approvals Policy Review.</li> <li>Community Participation Plan Review.</li> </ul>	<ul style="list-style-type: none"> <li>Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>Amendment 12 – General Housekeeping.</li> <li>Sussex Inlet Canal Easements.</li> </ul> </li> <li>2021/2022 Local Approvals Policy Review.</li> </ul>

Proposed 2022-2023 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
1	Managing Future Growth	Developing and maintaining a Growth Management Strategy to provide continued residential development and infrastructure 'ahead of the game'.	<ul style="list-style-type: none"> <li>• <b>Moss Vale Road North URA (PP048, DCP, CP and suburb naming).</b></li> <li>• <b>Milton Ulladulla Structure Plan Review.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– <b>PP028 - Callala Bay and Kinghorne Point (Halloran) (and Biocertification).</b></li> <li>– PP005 - Warrah Road, Bangalee.</li> <li>– PP061 – Beach Road, Berry.</li> <li>– PP063 – Kangaroo Valley.</li> <li>– LP145.1 - Nebraska Estate, St Georges Basin (+ DCP).</li> </ul> </li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– <b>Chapter G11 Subdivision Review.</b></li> <li>– Medium Density Review.</li> </ul> </li> <li>• Character Investigations – Manyana/Red Head Villages.</li> <li>• Infrastructure Delivery/Implementation: Moss Vale Road South URA and Moss Vale Road North URA.</li> <li>• Review of Zoning and Planning Controls – Taylors Lane, Cambewarra.</li> <li>• Mundamia URA – CP Review/Works in Kind Agreement.</li> <li>• Voluntary Planning Agreements (VPA) and Works in Kind Agreements (WIKAs): <ul style="list-style-type: none"> <li>– Fishermans Paradise VPA.</li> <li>– Kent Lane, Huskisson WIKAs.</li> <li>– Hillcrest Avenue, South Nowra WIKAs.</li> <li>– Old Southern Road, South Nowra WIKAs (Stage 2).</li> <li>– St Georges Basin Internal Service Road WIKAs.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Growth Management Strategy version 2.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– <b>PP006 - Culburra Beach (Halloran).</b></li> <li>– LP407 - Badgee Lagoon Deferred Matters (expect new PP from proponent soon).</li> <li>– Goodland Road, Woollamia (awaiting landowner agreement).</li> <li>– The Wool Road, St Georges Basin (awaiting landowner commitment).</li> <li>– Clause 4.2B – Original Holdings – Lot Averaging Subdivision.</li> </ul> </li> <li>• Review southern component of Crams Road URA.</li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter G8: Onsite Sewage Management.</li> <li>– Chapter G14: Development of Narrow Laneways.</li> <li>– Chapter V4: Local Character Statements.</li> </ul> </li> <li>• Voluntary Planning Agreements (VPA) and Works in Kind Agreements (WIKAs): <ul style="list-style-type: none"> <li>– Bomaderry Stockyards VPA.</li> </ul> </li> <li>• Review of Old Southern Road, South Nowra Contributions Project 01ROAD2038 (+ DCP).</li> </ul>
2	Economic Development, Retailing, Town Centres and Tourism	Balance commercial development with cultural and recreation opportunities.	<ul style="list-style-type: none"> <li>• <b>Nowra Riverfront Advisory Taskforce.</b></li> <li>• Planning Proposals: <ul style="list-style-type: none"> <li>– PP050 – Huskisson Former Anglican Church Site (+ DCP).</li> <li>– PP064 - Bawley Point - Willinga Park Equestrian Centre.</li> </ul> </li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter G15: Tourist and Visitor Accommodation Review (including broader Agritourism Review).</li> </ul> </li> <li>• Nowra CBD Revitalisation Strategy – Relevant Projects.</li> <li>• South Nowra Industrial Zoned Area (Flinders Estate Expansion) (DCP and CP).</li> <li>• Processing of Covid 19 Contributions Discount Subsidy Applications.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Nowra CBD Planning Controls Review.</b></li> <li>• South Nowra Internal Service Lane (DCP and CP).</li> <li>• South Nowra – zoning and land use review.</li> <li>• Berry car parking review.</li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter S8: Ulladulla Town Centre Review.</li> <li>– Chapter N5: Bomaderry Town Centre review.</li> <li>– Chapter N14: Culburra Beach Village Centre review.</li> <li>– Chapter N18: Huskisson Town Centre (Service Lane Review) (+CP).</li> </ul> </li> <li>• Nowra CBD Discount Subsidy Policy Review.</li> <li>• Citywide Economic Review.</li> </ul>
3a	Natural Environment/ Agriculture	Maintain an 'unspoilt' environment, plan for infrastructure to manage high use areas, maintain sustainable agriculture sector focusing on diversity and quality of output.	<ul style="list-style-type: none"> <li>• <b>PP026 - Coastal Hazard Review.</b></li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Chapter N12: Culburra Beach, the Marina Area (also includes amendment to Chapters G6 and V2 of the DCP).</li> <li>– 45 degree rule and APZ clearing review.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Rural Lands Strategy.</li> <li>• Cambewarra Escarpment Character Assessment.</li> <li>• Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>– Environmental Related Chapter review - Chapters G4, G5, G8, G9, G10.</li> </ul> </li> </ul>

Proposed 2022-2023 Strategic Planning Works Program

Priority	Priority Area	Overarching Strategy	Current Projects	Projects yet to commence or on hold
3b	Affordable Housing	Work to increase affordable housing opportunities in Shoalhaven.	<ul style="list-style-type: none"> <li><b>Affordable Housing Strategy Review.</b></li> <li>Continued advocacy – e.g. NSW Housing Portfolio redevelopment.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and test an affordable housing development contribution scheme.</li> <li>Tiny Homes Project – detailed investigation.</li> <li>Short term rental accommodation planning options.</li> </ul>
4	Population, Ageing and Social Infrastructure	<ul style="list-style-type: none"> <li>Facilitate a healthy, active and accessible community.</li> <li>Identify and respond to demonstrated need and create best practice liveable communities for all ages and stages</li> </ul>		<ul style="list-style-type: none"> <li>Input into Shoalhaven Community Infrastructure Strategic Plan review.</li> <li>Undertake an assessment of the City's ageing demographic.</li> </ul>
5	Heritage and Events	Maintain, investigate and bring forward our Aboriginal and European heritage into the future.	<ul style="list-style-type: none"> <li>Review heritage strategy: Consideration of Aboriginal Cultural Heritage.</li> <li>Shoalhaven Aboriginal Cultural Heritage Mapping (landscape) and associated protocol or 'tool kit'</li> <li>Assist Local Aboriginal Land Councils (e.g., Land Asset Reviews and Review Jerrinja Memorandum of Understanding and Action Plan.).</li> <li>Run annual Local Heritage Grants Scheme (including annual Heritage Strategy Review).</li> </ul>	<ul style="list-style-type: none"> <li>Investigative possible new Berry Heritage Conservation Area.</li> <li>Nowra Hill and Surrounds - Former torpedo workshop/bunkers and associated defence heritage items.</li> </ul>
6	Legislation and Policy	<ul style="list-style-type: none"> <li>Maintain Shoalhaven LEPs, DCP and Contributions Plan.</li> <li>Monitor and respond to legislative and policy changes/proposals – consistent with Council's strategic direction.</li> </ul>	<ul style="list-style-type: none"> <li><b>Implement the Immediate and Short Term Local Strategic Planning Statement Actions.</b></li> <li><b>Respond to legislative change</b> (e.g., Prepare submissions to respond to legislation and policy proposals).</li> <li><b>Implement Illawarra Shoalhaven Regional Plan Actions</b> (includes ongoing representation at the Coordinating and Monitoring Committee jointly chaired by DP&amp;E and the Illawarra-Shoalhaven Joint Organisation).</li> <li>Planning Proposals: <ul style="list-style-type: none"> <li>PP058 – 2022 Housekeeping Amendment (citywide minor mapping and instrument changes to Shoalhaven LEP 2014).</li> <li>PP059 – 2023 Housekeeping Amendment (citywide minor mapping and instrument changes to Shoalhaven LEP 2014).</li> <li>PP062 – 2021 Instrument Housekeeping Amendment (introduction of a new natural disaster clause and refinement of existing medium density minimum parent lot provisions and subdivision opportunities).</li> </ul> </li> <li>Maintain LEPs, DCP, CP, s10.7 (s149) certificates, dwelling entitlements.</li> <li>Local Approvals Policy Review.</li> <li>Community Participation Plan Review.</li> </ul>	<ul style="list-style-type: none"> <li>Shoalhaven DCP 2014: <ul style="list-style-type: none"> <li>Amendment 12 – General Housekeeping.</li> <li>Sussex Inlet Canal Easements.</li> <li>Chapter G21 Car Parking and Traffic (car parking space dimensions MIN21.621).</li> <li>Amendment 10 – Various/Area Specific Chapter Review.</li> </ul> </li> <li>S10.7 (formerly s149) Policy Note Review.</li> </ul>

## CL22.173 Further Report - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment

**HPERM Ref:** D22/97336

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

**Attachments:** 1. Coastal Amendment to Shoalhaven DCP 2014 - External Consultation Submission Summary [↓](#)

This item was deferred from the 11 April 2022 Council Meeting.

### Reason for Report

The reason for this report is to detail the submissions received on the exhibited draft Coastal Amendment to the following chapters of Shoalhaven Development Control Plan (DCP) 2014:

- Chapter N12: Culburra Beach – The Marina Area
- Chapter G6: Coastal Management Areas
- Chapter V2: Building Line

A further reason is to enable the finalisation of the Coastal Amendment to the DCP.

### Recommendation

That Council:

1. Adopt the Coastal Amendment No. 39 to Shoalhaven Development Control Plan 2014 (SDCP2014.39) as exhibited, with a minor typographical change to Acceptable Solutions A1.13 to A1.15 in Chapter G6 - Coastal Management Areas, to change these provisions to dot points as per the original intent.
2. Notify the adoption and commencement of the DCP Amendment in accordance with legislative requirements.
3. Rescind POL20/21: Interim Policy – Chapter N12: Culburra Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines, following the adoption and finalisation of the Coastal Amendment.
4. Advise key stakeholders, including relevant industry representatives and those who made a submission, of this decision and when the Amendment will be made effective.

### Options

1. As recommended.

Implications: This is the preferred as it will ensure the amendments to Shoalhaven DCP 2014 proceed to finalisation. This will implement the intention of an earlier Council resolution (MIN19.465) and ensure the Chapters are updated and streamlined, which will assist in the preparation and assessment of development applications.

2. Adopt an alternative recommendation.

CL22.173

Implications: This will depend on the extent of any changes or requested and could delay the implementation of updated and improved DCP provisions.

3. Not adopt the recommendation.

Implications: This is not recommended and could stop the implementation of more appropriate, best practice and better structured provisions in the above-mentioned chapters, that will improve their function and useability.

## Background

The content of DCP Chapter N12 was originally transferred from former DCP No.48 – Culburra Beach as part of the 2014 Citywide DCP process. Former DCP No.48 was first adopted in the early 1990s and there have been no amendments to the Chapter since DCP 2014 became effective in 2014.

In 2019, Council resolved (MIN19.465) to endorse the preparation of an amendment to Chapter N12. As part of the preparation, an independent study was undertaken by an environmental consultant to provide contemporary rigor regarding dune vegetation. During the review of Chapter N12, necessary amendments to Chapter G6 and Chapter V2 were additionally identified to improve the overall operations of the Chapters.

Following consideration of the draft Coastal Amendment, Council resolved (MIN21.694) on 5 October 2021 to:

1. *Endorse and proceed to exhibit the draft Amendment to the following chapters of Shoalhaven Development Control Plan 2014 as outlined in Attachment 1, for a period of at least 28 days as per legislative requirements:*
  - a. *Chapter N12: Culburra Beach – The Marina Area*
  - b. *Chapter G6: Coastal Management Areas.*
  - c. *Chapter V2: Building Lines.*
2. *Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received and enable finalisation of the Amendment.*
3. *Extend the review date of POL20/21 'DCP Chapter N12: Culburra Beach, The Marina Area – Interim Policy,' to 2 July 2022, noting it will be rescinded following the adoption and finalisation of the draft Amendment.*
4. *Notify the following key stakeholders (including CCBs and Development Industry Representatives) of the exhibition arrangements in due course:*
  - a. *Development Industry Representatives and CCBs.*
  - b. *All affected landowners of Chapter N12: Culburra Beach – The Marina Area.*
  - c. *The landowners directly affected by the deletion or substantial amendment to a Chapter V2 Supporting Map.*

The draft Coastal Amendment is considered to be predominantly administrative in nature and is intended to ensure the Chapters are updated and streamlined to assist in the preparation and assessment of future development applications. The draft Coastal Amendment is consistent with Council's housekeeping approach to amend DCP Chapters, ensure Chapters are effective planning tools and operate in an efficient manner. It is not introducing any new overly onerous provisions.

Council resolved on 11 April 2022 (MIN22.242):

*That this matter be deferred to a Councillor Briefing for consideration of information and reported back to Council.*

The briefing was scheduled for 12 May 2022, but due to time constraints did not occur as planned. The briefing slides were provided to Councillors for their information/consideration and some feedback was received regarding vegetation planting and views. This general issue is discussed below in the commentary on the submissions received.

## Public Exhibition

The Amendments package was publicly exhibited for a period of 30 days from 17 November to 17 December 2021 (inclusive) on Council's website.

All directly affected landowners, as well as Community Consultative Bodies (CCB's) and relevant development industry representatives were notified directly in writing prior to the commencement of the exhibition.

The exhibition documentation for the amendment included the following:

- Exhibition Notice
- Explanatory Statement
- Draft Chapters and Supporting Maps:
  - Chapter N12: Culburra Beach – The Marina Area
  - Supporting Maps: Culburra Beach – The Marina Area
  - Chapter G6: Coastal Management Areas
  - Chapter V2: Building Lines
  - Supporting Maps: Building Lines

Prior to the conclusion of the public exhibition period, a number of landowners requested an extension of time to comment. An initial extension was granted to Monday 24 January 2022, which was subsequently further extended until close of business Friday 7 February 2022. As a result of the extended exhibition, twenty-five (25) written submissions were received, including:

- Nine (9) submissions from the community.
- 15 form letters from the community, including:
  - 12 x main form letter.
  - One (1) variation of the main form letter, and
  - Two (2) submissions of an additional form letter.
- One (1) submission from the Callala Foreshore Alliance, enclosing an adaptation of the original Form Letter.

The majority of the submissions received raised and discussed matters that did not relate directly to the draft Coastal Amendment. **Attachment 1** provides a detailed summary of the submissions received and Council staff comments. Copies of the actual submissions can be provided to Councillors prior to the meeting if required.

The Deputation received at Council's 11 April 2022 Ordinary meeting, relating to 103 The Marina, Culburra Beach, was generally supportive of the proposed amendment, with the exception of the proposed relocation of The Marina, Culburra Beach building lines to Chapter V2. The landowner noted that various development on adjacent and surrounding land had been constructed seaward of the prescribed building lines. In this regard, it is noted that landowners are able to submit a request for a variation to the building line as part of any future development application on the land, for Council's consideration; provided that the request (not exclusively) is consistent with surrounding development, maintains existing amenity and does not detrimentally impact the view from the public domain. This approach is consistent with the existing provisions in Chapter G12: Dwelling Houses and Other Low Density Development of the DCP.

It is noted that whilst no submissions raised concerns regarding associated bushfire risk and impacts on private views as a result of the proposed requirement for the revegetation of the 2019 Dune Vegetation Zone, this was raised as a matter of concern post Councillor briefing



by a Councillor. To assist in clarifying the intent of the proposal, the relevant acceptable solution refers readers to Section 5.3.2 of Chapter G6 in determining the species that are to be planted or retained within the 2019 Dune Vegetation Zone. In this regard, the primary (plant first) species recommended for planting or replanting of sand dunes are generally classified as low-lying shrubs and bushes. Landowners have the choice of what species they revegetate with and can choose between low-lying shrubs with a maximum height of approximately 40cm to larger bushes of 1.5m in height. Additionally, Chapter N12 recommends landowners to carefully select plants to meet both the bushfire requirements for Asset Protection Zones and the purpose of the 2019 Dune Vegetation Zone. The preference remains that this land is to be restored to a natural state (as far as practicable) to promote dune stabilisation.

### Interim Policy Position

Following the transfer of content from former DCP No.48 to Chapter N12, Council adopted [POL20/21](#): Interim Policy – Chapter N12: Culburra Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines as its interim policy position for the relevant 'lines.' In response to the environmental consultant's independent study, the building lines along The Marina have been transferred to DCP Chapter V2 Building Lines, and the 2019 Dune Vegetation Zone has been included in Chapter N12. These 'lines' remain Council's strategic intent for the subject land and have been rigorously applied throughout the area to date. Following the finalisation and adoption of the Coastal Amendment to the DCP, the Interim Policy can be rescinded.

### Conclusion

No content changes to the draft Chapters are recommended as a result of the public exhibition period, at this point in time. The formatting error in the exhibition version of draft Chapter G6 will be rectified in the finalisation version of the chapter.

The draft Chapters can now be finalised, and the resulting Shoalhaven DCP 2014 (DCP2014.39) amendment can proceed to finalisation. The existing POL20/21 can then be rescinded.

### Community Engagement

The Draft Coastal Amendment to the DCP was publicly exhibited for 30 days in accordance with legislative requirements. Twenty-five (25) submissions were received, which are summarised at **Attachment 1**.

It is noted that the Coastal DCP Amendment was exhibited concurrently with Planning Proposal PP026 - Coastal Hazards Review (revised approach). A number of submissions were received that referenced the draft Coastal Amendment to the DCP in the subject line, however, the content of the submission pertained solely to PP026. These submissions were considered in the separate 26 April 2022 report for the planning proposal, and for the purpose of this report, have not been counted.

By way of an update on the planning proposal, Council resolved (MIN22.276) on 26 April 2022 to proceed to finalise the planning proposal and proceed to make the amendment to Shoalhaven LEP 2014. The finalisation of the Plan is now immanent.

**Policy Implications**

The Draft Coastal Amendment to the DCP seeks to address operational issues, gaps in policy or matters that need clarification that have been identified since the chapters became effective on 22 October 2014. Importantly, the Amendment seeks to crystallise Council's building lines, and the 2019 Dune Vegetation Zone along The Marina in the Culburra Beach Area.

It is intended that POL20/21 will be rescinded following the adoption and finalisation of the Coastal Amendment to Shoalhaven DCP 2014.

**Financial Implications**

The finalisation of the Coastal Amendment will continue to be resourced from the Strategic Planning budget.



## Summary of Submissions

### Coastal Amendment to Shoalhaven DCP 2014 (DCP2014.39)

#### Public Exhibition: 17 November to 17 December 2021

No.	Submitter	Summary of Submission	Comments
1	Individual	<p><b>Building line.</b></p> <p>Appreciate Council's intent to protect the foreshore. Concern raised in regard to the irregularity of the building lines across The Marina at Culburra Beach.</p> <p>Suggests a more graduated setback to be used.</p>	<p><b>No change recommended.</b></p> <p>The building line is beyond the scope of the current draft Amendment. These building lines have been rigorously applied throughout the area to date and remain relevant to the area as a whole.</p>
2	Individual	<p><b>Seeking extension to provide response.</b></p>	<p><b>Extension granted to 24 January 2022.</b></p> <p>Submitter spoke to consultant engaged to review the proposed amendments. Subsequently, no submission made.</p>
3	Individual	<p><b>Support proposed amendment to Chapter G6</b></p> <p>Support proposed requirements for a Coastal Engineering report as part of the DA process, drop edge beams and retaining walls as required in the building process.</p>	<p><b>Support noted, no change recommended.</b></p>
4–6, 8–11, 13, 15, 17, 19–20,	12 Individuals	<p><b>Form letter – Chapters N12, G6 and V2</b></p> <p>No comments raised in relation to Chapter N12.</p> <p><u>Chapter G6</u></p> <p>Support the requirement for a coastal engineering report for new development applications, on the basis that:</p>	<p><b>No change recommended.</b></p> <p>Noted.</p> <p>Support noted. The Coastal Engineering report is only required for new development seaward of the 2050 ZRFC.</p> <p>The preparation of guidelines or a structure for the report is beyond the scope of this amendment, however, this feedback has been passed onto Council's Coastal Engineering team for consideration in a future amendment. Additionally,</p>

No.	Submitter	Summary of Submission	Comments
		<ul style="list-style-type: none"> <li>- It is not required for new development on the landward side of the ZRFC 2100</li> <li>- Council prepares guidelines or a template for the report structure to guide applicants the required information to be provided, and to avoid reports being used to justify non-compliance with building setbacks.</li> </ul> <p>Note that previous development applications have disregarded Section 5.1: Areas of Coastal Hazard Risk, of Chapter G6 and have not complied with the coastal setback requirements.</p> <p><u>Chapter V2</u></p> <p>Question where Chapter V2 Building Lines is integrated within Shoalhaven DCP 2014; whether the Chapter replaces Fact Sheet V2?</p> <p>Support new, more explicit over-arching controls that make it clear to applicants where no new development is permitted (e.g. Section 5.1 Mandatory Controls). Requests Chapter G6 to be consistent with these controls. Notes that there are a number of recent developments along Callala Beach that have been approved despite their non-compliance with stipulated setbacks, resulting in a loss of amenity and subsequent environmental impacts.</p> <p>Requests an amendment to Section 5.3 Foreshore Building Lines Objective iii, to read “Restore the <i>public</i> land below the foreshore building line...” and remove the requirement on private land.</p> <p>Raises concern that Acceptable Solutions A2.2 (a) and (b) are too subjective and discretionary, enabling Council to demand removal of any improvement forward of the building line prior to approving a development application on the site.</p> <p>Recommend for relevant properties, to include a definition of the seaward property boundary (mean high-water mark).</p>	<p>it is noted that the provision requires the Coastal Engineering Report to be prepared by a suitably qualified person (e.g. coastal engineer) and address the information requirements outlined in Section 6.1 of the Chapter.</p> <p>Noted.</p> <p>Chapter V2: Building Lines is an existing Area Specific Chapter of Shoalhaven Development Control Plan 2014.</p> <p>Support noted. Council may wish to consider an additional review of Chapter G6 at a future date, subject to being included in the Strategic Planning Works Program. However, future development applications for development proposed within the foreshore area are to address the controls and provisions detailed in Chapter V2.</p> <p>The preference remains that this land be restored to a natural state (as far as practicable), however acceptable solution A2.3 provides consideration of some development and landscaping within this area which provides some flexibility. On this basis, the removal of application to private land is not considered necessary.</p> <p>Acceptable Solution A2.2 (a) and (b) specifically relates to <u>unlawful buildings or work</u>, which despite this provision, may be subject to compliance action and require removal anyway.</p> <p>The seaward property boundary refers to the property boundary that is closest to the sea. It is noted that the seaward boundary may not be in proximity to the mean high-water mark.</p> <p>This terminology is common convention. Council staff are available to explain these terms if any landowner requires additional clarification.</p>

No.	Submitter	Summary of Submission	Comments
		Recommends Council to introduce a methodology for working with property owners to develop innovative strategies that enables private beach access and view protection as well as the effective protection of dune structure and indigenous flora/fauna.	Noted. Private beach access is beyond the scope of this amendment. Inquiries regarding access to beaches should be directed to Council's Coastal Engineering team.
7	Individual	<p><b>Request for extension; concern raised in regard to technical language in documents.</b></p> <p>Letter is confusing and misleading, the documents are technical language, complex and confusing.</p> <p>Requests further time for consultation, the proposals to be provided in clearer language and council undertake community engagement.</p>	<p><b>No change recommended. Extension granted.</b></p> <p>Noted. All efforts were undertaken to prepare the explanation documentation in plain English. The opportunity to contact Council staff to discuss the proposed amendments was provided during both the exhibition period and submission extension period.</p>
12, 16	2 Individual Submitters	<p><b>Additional Form Letter – Chapter G6: 5.3 Building on Sand Dunes</b></p> <p>Requests council to work with owners of private land to provide services and resources to manage the dunes and dune vegetation, while recognising that ultimately it is private land.</p> <p>Requests council to work with owners to manage potential effects of private beach access.</p>	<p><b>No change recommended.</b></p> <p>This is beyond the scope of the current amendment to Chapter G6. However, it is noted that Section 5.3.2 provides landowners with a list of vegetation recommended for replanting and dune stabilisation.</p> <p>Inquiries regarding access to beaches and dune management/vegetation should be directed to Council's Coastal Engineering team.</p>
14	Individual	<p><b>Raises concern, and requests extension.</b></p> <p>Raises concern in regard to:</p> <ul style="list-style-type: none"> <li>the ability to obtain insurance and get finance,</li> <li>property value,</li> <li>whether additional engineering or other requirements are applicable,</li> <li>impact on future sale of property, ability to enjoy and access property as it currently stands.</li> </ul> <p>Questions whether Council has liaised with financial or insurance institutions.</p>	<p><b>No change recommended.</b></p> <p>The proposed amendment to Chapter G6 requires new development seaward of the 2050 ZRFC to be supported by a coastal engineering report. This is to ensure that the coastal hazard risk is properly addressed and mitigated for these developments.</p> <p>The proposed amendments are publicly exhibited to enable land owners to undertake their due diligence and discuss matters with relevant authorities and institutions.</p>
18, 25	Individual	<p><b>Request for extension &amp; concern in regard to building lines.</b></p>	<p><b>No change recommended; extension granted.</b></p> <p>The building lines proposed to be included in Chapter V2 have been transferred from Council's adopted <a href="#">POL20/21: Interim Policy – Chapter N12: Culburra</a></p>

No.	Submitter	Summary of Submission	Comments
		Concern raised in regard to the inconsistency of building lines along Culburra Beach, The Marina. Building lines appear to be more restrictive for certain properties, in comparison to their adjacent lots.	<i>Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines.</i> The relevant 'lines' detailed in POL20/21 were transferred from former DCP 48 and remain Council's strategic intent for the subject land and have been rigorously applied throughout the area to date. The setbacks, in part, seek to minimise the visual impact of development along The Marina. A review of the building lines could be considered as part of a future amendment to Chapter N12.
		<b>Further Submission Received – Building Lines</b> No objection raised, supports the inclusion of the 2019 Dune Vegetation Zone Map and associated provisions to Chapter N12.	<b>Support noted, no change recommended.</b> Support noted.
		No objection raised to the inclusion of further details concerning stormwater drainage measures to Chapter N12.	Noted.
		Welcomes the inclusion of a requirement for a coastal engineering report for new development in Chapter G6 and confirm no objection is raised to the provision.	Support noted.
		Supports the new provision addressing drop edge beams and confirms no objection is raised.	Support noted.
		Raises objections to Chapter V2: Building Lines Culburra Beach Map 8, consider them to be not set uniformly when compared to other properties along Culburra Beach. Additionally, note that a number of surrounding developments have structures that have been built beyond the detailed building lines. Intending to redevelop property into the future, and the Building Line would limit their development potential to only 25% of their lot. Request the building line be revised and consider a minimum of 23.5m building line to be more appropriate for the property.	Objections noted. The building lines proposed to be included in Chapter V2 have been transferred from Council's adopted <a href="#">POL20/21: Interim Policy – Chapter N12: Culburra Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines</a> . The relevant 'lines' detailed in POL20/21 were transferred from former DCP 48 and remain Council's strategic intent for the subject land and have been rigorously applied throughout the area to date.  A review of the building lines could be considered as part of a future amendment to Chapter N12.
21	Individual	<b>Variation of Form letter – Chapters N12, G6 and V2</b> Summary of Submission as per summary of Form Letter above.	<b>No change recommended.</b> Staff comments as per comments to Form Letter above.

No.	Submitter	Summary of Submission	Comments
22	Individual	<b>Chapter G6 Coastal Management Areas</b> Figure 1 should depict the 2050 ZRFC	<b>Noted, formatting error has been rectified in Finalisation version.</b> Figure 1 is indicative only, and the 2050 lines are readily available on Council's Coastal Hazards Maps. The majority of the provisions relate to the 2030 and 2100 ZRFC lines.
		Request formatting change, to A1.13 – 1.15, which should be bullet points as opposed to Acceptable Solution.	Noted, the finalisation version of the chapter has been amended to rectify this formatting error.
		Figures 4 and 6 should include the upper right lot within the subject land affected by the Chapter.	Not included in the scope of Amendment No. 39. This could be considered as part of a future amendment to Chapter N12.
23	Individual	<b>Private access to the beach</b> Understand that the proposed changes to the DCP include preventing owners having direct access to the beach, removing a right that has existed for over 50 years. Object to the removal of this right as it will damage property values and is prejudicial to owners.	<b>No change recommended.</b> Multiple private access points to beaches can adversely impact upon the resilience of the dune system to erosion. Consolidated publicly accessible walkways are a more appropriate outcome for long term dune management. Inquiries regarding access to beaches should be directed to Council's Coastal Engineering team.
24	Callala Foreshore Alliance	<b>Variation of Form Letter</b> No comments raised in relation to Chapter N12. <u>Chapter G6</u> Support the requirement for a coastal engineering report for new development applications, on the basis that: <ul style="list-style-type: none"> <li>- It is not required for new development on the landward side of the ZRFC 2100</li> <li>- Council prepares guidelines or a template for the report structure to avoid reports being used to justify non-compliance with building setbacks.</li> </ul> Note that previous development applications have disregarded Section 5.1: Areas of Coastal Hazard Risk, of Chapter G6 and have not complied with the coastal setback requirements.	<b>No change recommended.</b> Noted.  Support noted. The Coastal Engineering report is only required for new development seaward of the 2050 ZRFC.  The preparation of guidelines or a structure for the report is beyond the scope of this amendment, however, feedback has been passed onto Council's Coastal Engineering team for consideration in a future amendment. Additionally, it is noted that the provision requires the Coastal Engineering Report to be prepared by a suitably qualified person (e.g. coastal engineer) and address the information requirements outlined in Section 6.1 of the Chapter.  Noted.

No.	Submitter	Summary of Submission	Comments
		<p><u>Chapter V2</u></p> <p>Question where Chapter V2 Building Lines is integrated within Shoalhaven DCP 2014, questioning whether the Chapter replaces Fact Sheet V2?</p> <p>Support new, more explicit over-arching controls that make it clear to applicants where no new development is permitted (e.g. Section 5.1 Mandatory Controls). Requests Chapter G6 to be consistent with these controls. Notes that there are a number of recent developments along Callala Beach that have been approved despite their non-compliance with stipulated setbacks, resulting in a loss of amenity and subsequent environmental impacts.</p> <p>Requests an amendment to Section 5.3 Foreshore Building Lines Objective iii, to read “Restore the <i>public</i> land below the foreshore building line...” and remove the requirement on private land.</p> <p>Raises concern that Acceptable Solutions A2.2 (a) and (b) are too subjective and discretionary, enabling Council to demand removal of any improvement forward of the building line prior to approving a development application on the site.</p> <p>Recommend for relevant properties, to include a definition of the seaward property boundary (mean high-water mark).</p>	<p>Chapter V2: Building Lines is an existing Area Specific Chapter of Shoalhaven Development Control Plan 2014.</p> <p>Support noted. Council may wish to consider an additional review of Chapter G6 at a future date, subject to being included in the Strategic Planning Works Program. However, future development applications for development proposed within the foreshore area are to address the controls and provisions detailed in Chapter V2.</p> <p>The preference remains that this land be restored to a natural state (as far as practicable), however acceptable solution A2.3 provides consideration of some development and landscaping within this area which provides some flexibility. On this basis, the removal of application to private land is not considered necessary.</p> <p>Acceptable Solution A2.2 (a) and (b) specifically relates to <u>unlawful buildings or work</u>, which despite this provision, may be subject to compliance action and require removal anyway.</p> <p>The seaward property boundary refers to the property boundary that is closest to the sea. It is noted that the seaward boundary may not be in proximity to the mean high-water mark.</p> <p>This terminology is common convention. Council staff are available to explain these terms if any landowner requires additional clarification.</p>



## CL22.304 Proposed Works in Kind Agreement - Road Infrastructure Construction - Ballina Street and Commercial Road, South Nowra

**HPERM Ref:** D22/252241

**Department:** Strategic Planning

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

### Reason for Report

The reason for this report is to obtain in-principle support to commence the process of entering into a Works in Kind Agreement (WIKa) with the owner/developer of the subject land for the construction of road infrastructure required under the [Shoalhaven Contributions Plan 2019](#).

The works are associated with a development consent (DA18/1588) for Commercial Premises and Warehouse or Distribution Centre.

### Recommendation

That Council:

1. Provide in-principle support to finalise negotiations and enter into a Works in Kind Agreement (WIKa) with the owner/developer of Lot 162 in DP1211301 for the construction of road infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKa following final negotiations.
3. Endorse the allocation of deleted funds from Planning Area 1 to cover any shortfall in available funds that may occur relating to the construction of the road infrastructure, following the procurement of independent costings. If there is not enough in the Planning Area 1 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 01ROAD3104, to the value of the difference.
4. Review the long-term viability of the 01ROAD3104 and 01ROAD3105 road project in due course, and the matter be reported back to Council as appropriate.
5. Notify the owner/developer of this resolution.

### Options

1. As recommended.

**Implications:** The proposed WIKa will result in a positive public benefit through the construction of part of the road infrastructure earmarked in the Shoalhaven Contributions (CP) Plan 2019. The approved development (DA18/1588) will help stimulate ongoing economic growth and the progression of this agreement will help facilitate this development.

This option will minimise delays to the development by enabling the agreement to be finalised under delegation (including design and costings), subject to no resulting major changes.

2. As recommended, with no allocation of deleted funds to cover the shortfall.

Implications: This option will still enable the agreement to progress, however the cost burden relating to the likely shortfall from the construction of the infrastructure will be borne by the developer and reimbursement will occur only when contributions are received over time. The use of deleted funds to cover the shortfall as far as possible is preferable and is consistent with Council's general resolution of 2 April 2019 (MIN19.212(4)) relating to the use of deleted funds.

3. Provide in-principle support to conclude the negotiations and report back to Council for endorsement to enter into the agreement prior to proceeding.

Implications: This option will still enable Council staff to finalise negotiations with the developer, including procuring detailed costings (based on detailed designs) prior to reporting back to Council. This approach will likely result in delays to the development which is not a good overall outcome.

## Background

Development consent (DA18/1588) was granted for the development of a Commercial Premises and Warehouse or Distribution Centre over Lot 162 DP 1211301 at 12 Ballina St, South Nowra (**Figure 1**, coloured in yellow) on 24 September 2019.



Figure 1: The subject land - Lot 162 DP 1211301 in yellow

CL22.304

The Shoalhaven CP ([Contributions Project 01ROAD3104](#)) identifies the provision of an internal service road to provide improved, efficient and safe public road networks for increasing traffic volumes associated with development demand.

**Figure 2** shows the new access road (in red) and the contribution project benefiting area (in blue - properties who contribute to the project) as per the CP.



**Figure 2: 01ROAD3104 Project**

## The Proposal

Early negotiations revolved around a potential Planning Agreement (VPA) between Council, the owner of Lot 162 DP 1211301 and the owner of adjacent land to the south (Lot B DP 400054) for construction of Ballina Street and Commercial Road and dedication of land on Lot B. A letter of offer was received from the applicant which reflected this earlier proposal.

As negotiations progressed it became clear that a more appropriate approach would be to explore a WIKA in relation to partial construction of Ballina Street and Commercial Road by the owner/developer of Lot 162 DP 1211301 (the subject of this report) and separately consider other options, such as a possible VPA, with the owner/developer of Lot B DP 400054 for road construction and dedication of land as part of any forthcoming development application.

Accordingly, the owner of Lot 162 DP 1211301 has commenced preparation of a draft WIKA which is currently being reviewed by Council.

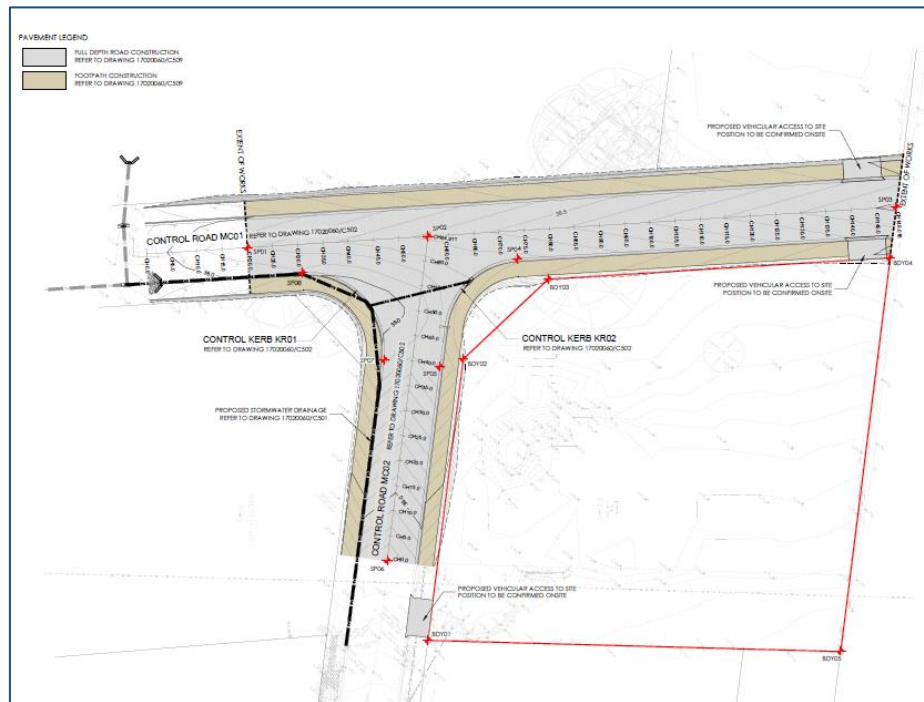
The current proposal is for the construction of part of Ballina Street and Commercial Road, South Nowra, including bitumen road base, kerb and guttering, and associated stormwater drainage infrastructure. The proposal is based on discussions to date between the parties and the details depicted in the engineering plans provided by the applicant which are awaiting detailed review by Council engineers. Council staff delegation is requested to continue to negotiate the particulars of the agreement, including the procurement of costings

CL22.304

at the appropriate point. The developer seeks to apply for a Construction Certificate as soon as practicable.

The land that would be subject to the proposed road construction has already been dedicated as public road, so no dedication or acquisition of land is required.

**Figure 3** shows the proposed Road Layout Plan which is awaiting consideration/approval by Council engineers and therefore may be subject to change.



**Figure 3: Proposed Road Layout Plan (Source: Jones Nicholson (JN), December 2020)**

## Delegation Opportunities

In accordance with Council's existing [Works In Kind Policy](#), Council may resolve to delegate authority to Council's Chief Executive Officer, or his delegate, to negotiate, publicly notify, enter into and register the agreement (as relevant).

The proposed agreement has some final negotiation yet to occur (including final approved construction drawings and detailed costings), however the proposal is supported 'in principle' and these matters can be resolved and progressed in time. As such, it is recommended that Council extend delegation for the above functions, unless further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation.

## Conclusion

Due to the public benefit realised from the ultimate construction of the road infrastructure, it is in Council's interest to support the proposal as recommended, finalise negotiations and proceed to finalise the WIKA.

## Community Engagement

No community engagement is required for a WIKA.

CL22.304



## Financial Implications

### Options to Address the Funding Shortfall for the Construction of South Nowra - Road Infrastructure

As independent costings have not yet been obtained for this proposal, it is unclear if there will be a shortfall between the developer's Section 7.11 obligations for CP project 01ROAD3104 (\$85,626.25, not indexed) as per Consent for DA18/1588, and the infrastructure construction costs, however this is likely to be the case.

In accordance with Council's [Works In Kind Policy](#), if the value of the works undertaken (i.e. agreed construction costs) is less than the development contributions required in the consent, the developer will need to pay the difference to Council.

If there is a shortfall, a funding source will need to be identified accordingly.

As there are currently minimal contributions funds available for 01ROAD3104, it is preferable that any remaining shortfall be covered by recently received deleted funds. In this regard, on 2 April 2019, Council resolved (MIN19.212(4)) to:

*Endorse the position that all funds from deleted projects are to remain within each relevant planning area and be transferred to a "recoupment fund", with those funds used as Council's apportionment towards projects and to provide seed funding for community infrastructure projects identified in the revised contributions plan.*

This project is an excellent candidate for the use of deleted funds and this option is preferred. If a shortfall remains, this shortfall could be covered by the developer upfront. The agreement could be drafted so that regular claims can be made for any contributions received over time for 01ROAD3104 to the value of the difference (i.e., a reimbursement mechanism).

Alternatively, the entire shortfall (if any) could be covered by the developer upfront. Whilst this is certainly a viable option, it is not preferred as deleted funds have been set aside by Council specifically to seed fund infrastructure delivery in circumstances like this.

### Costs associated with the drafting and entering into the WIKA

In accordance with Council's [Works In Kind Policy](#), the developer will cover Council's costs (direct and incidental) relating to the negotiation, preparation and entering into the agreement (including associated legal costs) and enforcing the agreement.

## Policy Implications

Following the construction of the infrastructure envisaged in the proposed WIKA, changes to the current CP project 01ROAD3104 may be required.

However, on 14 August 2018, Council resolved (MIN18.608) to undertake the following relating to the broader South Nowra Internal Service Lane project:

1. *Endorse the proposed draft road alignment and staging of the South Nowra Internal Service Road as identified in the concept drawings and costing (Attachments 3-4 to the report).*
2. *Commence the review of the Contributions Plan projects that relate to the subject land – 01ROAD3104 and 01ROAD3105.*
3. *Commence the preparation of development control plan provisions for the subject land addressing:*
  - a. *Onsite stormwater detention measures.*
  - b. *Building setbacks and landscaping.*
  - c. *Reduce vehicle access and egress to the Princes Highway.*
  - d. *Any other issues that may be identified during preparation.*

CL22.304

4. *Prepare a further report seeking a resolution to publicly exhibit the draft development control plan provisions and Contributions Plan amendment.*
5. *Advise the owners of the subject land, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.*

The resolved work is currently on hold due to resourcing constraints. At this stage, there is merit in considering the long-term viability of the road and associated drainage contribution projects following recent design investigations undertaken by Council.

Any proposed changes to these CP projects (or the Shoalhaven Development Control Plan 2014) would be reported separately, at the appropriate point in time.

CL22.304

## CL22.305 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - East Crescent, Culburra Beach

**HPERM Ref:** D22/265808

**Department:** Strategic Planning

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

### Reason for Report

The reason for this report is to obtain in-principle support to commence the process of entering into a Works in Kind Agreement (WIKa) with the owner/developers of the subject land for the construction of road and drainage infrastructure required under the [Shoalhaven Contributions Plan 2019](#). The works are associated with an approved medium density residential development.

### Recommendation

That Council:

1. Provide in-principle support to finalise negotiations and enter into a Works in Kind Agreement (WIKa) with the owner/developers of Lot 327 DP 11892; 14 East Crescent, Culburra Beach, for the construction of road and drainage infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKa following final negotiations.
3. Endorse the allocation of 02ROAD0011 collected funds and deleted funds from Planning Area 2, if needed, to cover any shortfall in available funds that may occur following the procurement of independent costings. If there is not enough in the collected or Planning Area 2 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 02ROAD0011, to the value of the difference.
4. Notify the owner/developer of this resolution.

### Options

1. As recommended.

Implications: The proposed WIKa will result in a positive public benefit through the construction of part of the East Crescent Road and drainage infrastructure earmarked in the Shoalhaven Contributions (CP) Plan 2019. The approved medium density development (DA21/1028) will bring additional housing supply into the area, and the progression of this agreement will help facilitate this development.

This option will allow the agreement to be finalised under delegation, subject to no major changes resulting from the costings.

CL22.305

2. As recommended, with no allocation of funds to cover the shortfall.

Implications: This option will still enable the agreement to progress, however the cost burden relating to the shortfall from the construction of the infrastructure (if any) will be borne by the developer and reimbursement will occur only when contributions are received over time. The use of deleted funds to cover the shortfall as far as possible is preferable, beyond Section 7.11 funds collected to date, and this is also consistent with Council's general resolution of 2 April 2019 (MIN19.212(4)) relating to the use of deleted funds.

3. Provide 'in-principle' support to conclude the negotiations and report back to Council for endorsement to enter into the agreement prior to proceeding.

Implications: This option will still enable Council staff to finalise negotiations with the developer, including procuring detailed costings (based on the already accepted detailed designs) prior to reporting back to Council. This will provide greater up-front certainty for all parties; however, this will likely result in further delays to the delivery of the development which is not a good overall outcome.

4. Adopt an alternative recommendation.

Implications: This may affect the timely delivery of the dwellings and/or the nature and quality of the works provided.

CL22.305

## Background and Proposal

Development consent (DA21/1028) was granted for the construction of six multi dwelling housing units and related subdivision at 14 East Crescent, Culburra Beach (**Figure 1**) on 15 November 2021.



**Figure 1: The subject land, in yellow**



The Shoalhaven Contributions Plan (CP) 2019 ([Contributions Project 02ROAD0011](#)) includes the intended upgrade and sealing of parts of East and West Crescents at Culburra Beach. **Figure 2** shows the intended new road infrastructure (in red) and the contribution project benefiting area (in blue - those who contribute to the project) as per the CP. Relevant development in the benefiting area for project 02ROAD0011, including 14 East Crescent, is required to pay development (Section 7.11) contributions towards this upgrade work.

The WIKA proposal covered in this report is for the construction of part of East Crescent, adjacent to 14 East Crescent, as well as associated drainage, as shown in **Figure 3**. The proposal is based on the plans approved by Council for the civil construction works in the road reserve and discussions to date between the parties. The proposed road works are considered reasonable and consistent with the intent of the CP project.

It is noted that the proposal is for the full width construction of East Crescent, despite half width being constructed immediately to the south. Continued half width construction is not a good outcome and is inconsistent with the CP. Council will be required in the future to augment the half width part of the road to the south at a point in time.



Figure 2: 02ROAD0011 Project Design

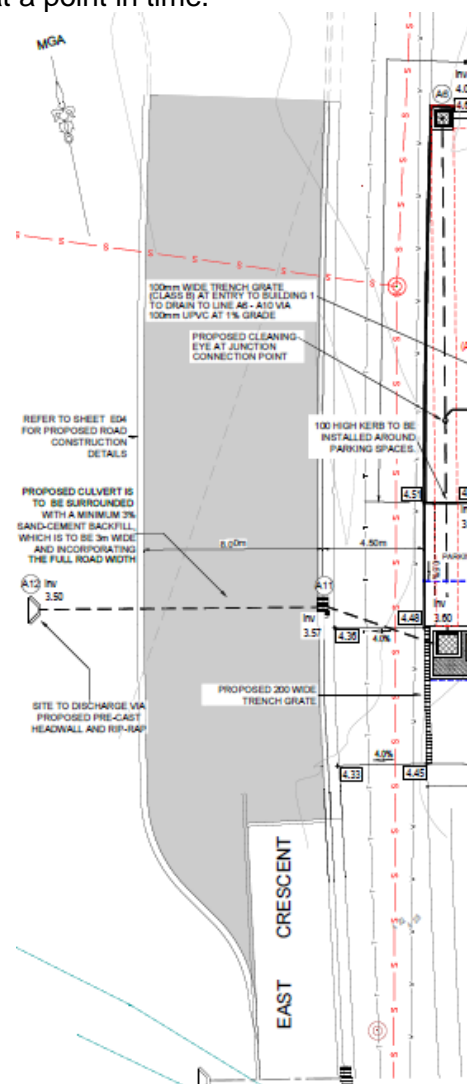


Figure 3: Proposed Road

CL22.305

## Delegation Opportunities

In accordance with Council's existing [Works In Kind Policy](#), Council may resolve to delegate authority to Council's Chief Executive Officer, or his delegate, to negotiate, publicly notify, enter into and register the agreement (as relevant).

The proposed agreement has some final negotiation yet to occur (specifically the costings), however the proposal is supported 'in principle' and the final costings can be resolved and progressed in time. As such, it is recommended that Council extend delegation for the above functions, unless the further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation.

## Conclusion

Due to the public benefit realised from the ultimate construction of the part of East Crescent, Culburra Beach, which is an identified CP project, it is in Council's interest to support the proposal as recommended, finalise negotiations and proceed to prepare the WIKA.

## Community Engagement

No community engagement is required for a WIKA. It is noted that both the overall CP that contains the infrastructure project and the development application that has triggered this WIKA were subject to community notification/engagement.

It is however recommended that the owner/developer is advised of Council's decision in this regard.

## Financial Implications

### Options to Address the Funding Shortfall for the Construction of Part of East Crescent

As independent costings have not yet been finalised for this proposal, it is unclear if there will be a shortfall between the developers Section 7.11 obligations for CP project 02ROAD0011 (\$91,661.10) and the infrastructure construction costs, however this may be the case.

In accordance with Council's [Works In Kind Policy](#), if the value of the works undertaken (i.e. agreed construction costs) is less than the development contributions required in the consent, the developer will need to pay the difference to Council.

If there is a shortfall, a funding source will need to be identified accordingly. Currently approximately \$30,000 has been collected for 02ROAD0011 to date and these funds should be used in the first instance. It is preferable that any remaining shortfall be covered by recently received 'deleted' funds from the CP process consistent with the resolved position of Council (2 April 2019 MIN19.212(4) to:

*Endorse the position that all funds from deleted projects are to remain within each relevant planning area and be transferred to a "recoupment fund", with those funds used as Council's apportionment towards projects and to provide seed funding for community infrastructure projects identified in the revised contributions plan.*

This project is an excellent candidate for the use of 'deleted' funds and this option is preferred. If a shortfall remains, this shortfall could be covered by the developer upfront. The agreement could be drafted so that regular claims can be made for any contributions received over time for project 02ROAD0011 to the value of the difference (i.e., a reimbursement mechanism).

Alternatively, the entire shortfall (if any) could be covered by the developer upfront. Whilst this is certainly a viable option, it is not preferred as deleted funds have been set aside by Council specifically to seed fund infrastructure delivery in circumstances like this.

CL22.305

Costs associated with the drafting and entering into the WIKA

In accordance with Council's [Works In Kind Policy](#), the developer will cover Council's costs (direct and incidental) relating to the negotiation, preparation and entering into the agreement (including associated legal costs and independent costings) and enforcing the agreement.

**Policy Implications**

Following the construction of the infrastructure as envisaged in the proposed WIKA, changes to the current CP project 02ROAD0011 will be required, in due course. Changes should reflect the partial completion status of the project, updated cost estimates, and subsequent changes to the contribution rate as required. Any changes to this project can be undertaken as part of a future amendment to the Shoalhaven CP 2019 and would be reported separately at the appropriate point in time.

CL22.305

## CL22.306 Proposed Access Licence - Southern Cross Community Housing Ltd - Lots 71 and 72, DP 734576 known as 8 Lawrence Ave and 67 Kinghorne St, Nowra

**HPERM Ref:** D22/60068

**Department:** Technical Services

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

**Attachments:** 1. Site Plan - Lot 71 & 72 DP 734576 - Nowra [↓](#)

### Reason for Report

This report provides Council with an opportunity to approve an access licence over Council's carpark, Lot 71 DP 734576, 8 Lawrence Avenue Nowra and Lot 72 DP 734576, 67 Kinghorne Street Nowra, (highlighted blue in Attachment 1), to Southern Cross Community Housing Ltd, for a period of five (5) years, with a five (5) year option at a commencing rent of \$2,900 (two thousand, nine hundred dollars) plus GST if applicable, to allow rear access to Lot 1 DP 940591, 69 Kinghorne Street, Nowra.

### Recommendation

That Council:

1. Enters into a five (5) year licence with a five (5) year option over Council land being Lot 71 DP 734576, 8 Lawrence Avenue Nowra and Lot 72 DP 734576, 67 Kinghorne St Nowra, to Southern Cross Community Housing Ltd for annual rent of \$2,900 (two thousand and nine hundred dollars) plus GST if applicable, with annual rent increases of 3%.
2. Authorises the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

### Options

1. Resolve as Recommended

Implications: This will provide Southern Cross Community Housing Ltd with continued access to the rear of their property and affirm Council's positive ongoing relationship with Southern Cross Community Housing Ltd.

2. Not adopt Recommendation

Implications: Southern Cross Community Housing Ltd would take up much needed car parking in the community car park adjoining their property.

### Background

Council first issued a licence to Southern Cross Community Housing, being the owner of Lot 1 DP 940591, 69 Kinghorne Street, Nowra in 2011 for a period of 10 years for access to the rear of their property.

CL22.306

The commercial building that stands upon Lot 1 occupies the whole frontage and current access is via the rear of the building. The access is over a Council owned carpark, being Lots 71 and 72 DP 734576. Council's carpark is contiguous and accessible by either Lawrence Avenue or Kinghorne Street.

A plan is attached showing the location of the lots in relation to each other and public roads (Attachment 1).

The original licence was requested by the owners to provide legal and practical access to the rear entry of Lot 1 over Council owned car park.

A termination clause formed part of the previous licence and is included in the agreed draft terms of proposed licence renewal which allows Council to terminate the agreement if Council redevelops Lots 71 and 72 (the carpark).

Since the expiration of the licence on 14 July 2021, Southern Cross Community Housing Ltd has occupied the site under the holdover provisions as authorised in the Licence. Council has been working with Southern Cross Community Housing to negotiate a new agreement with Southern Cross Housing seeking a 5-year licence with a 5 year option.

### Agreed Terms

<b>Lessee</b>	Southern Cross Community Housing Ltd
<b>Lessor</b>	Shoalhaven City Council
<b>Premises</b>	Lot 71 DP 734576, 8 Lawrence Avenue Nowra Lot 72 DP 734576, 67 Kinghorne St Nowra
<b>Zoning</b>	Business – B4 – Mixed Use
<b>Permitted Use</b>	Accessing by means of vehicles and foot the rear of Lot 1 DP 940591, 69 Kinghorne Street, Nowra. In exercising its rights of access, the licensee acknowledges that the Land is an operational public car park, and all movements must be in accordance with the planned layout of the car park and take account of the land's use.
<b>Commencement</b>	15 July 2021
<b>Initial Term</b>	Five (5) years
<b>Option Term</b>	Five (5) year
<b>Rent</b>	\$2,900 plus GST if applicable
<b>Annual Increase</b>	3%
<b>Outgoings</b>	N/A
<b>Insurance</b>	Public Risk Insurance - Twenty Million Dollars (\$20,000,000.00) Noting Shoalhaven City Council as Interested Party
<b>Special Clause</b>	Council has the right to terminate giving three (3) months' notice that it requires the Land for the Council's own purposes or for any public purpose (as evidenced by a resolution of Council).

### Community Engagement

This land is classified as Operational, and therefore does not require community advertising.

CL22.306



## Policy Implications

Nil.

## Financial Implications

Council will receive rental income in accordance with current market valuation and provide a source of income to Council.

The Licensee is to pay costs associated with the valuation and preparation of the Licence.

## Risk Implications

Nil

## ATTACHMENT 1

Southern Cross Community Housing Ltd requires vehicular access to their property Lot 1 DP 940591 (highlighted yellow below).

Lots 71 and 72 DP 734576 are Council owned carpark, being the subject land for proposed access Licence (highlighted blue below).



CL22.306

Site Plan of Lots 71 and 72, DP 734576 known as 8 Lawrence Ave and 67 Kinghorne St, Nowra



## CL22.307 Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road - Nowra

**HPERM Ref:** D22/144918

**Department:** Building Services

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

### Reason for Report

To allow Council to consider options for the proposed lease renewals with four existing community tenants occupying buildings 35 Holloway Road, 37 Holloway Road and Cottage 2, 80 Park Road Nowra (Lot 2 DP708441). The four tenants currently have leases with differing commencement/expiry dates noting that they have expired and are on holdover. All community tenants have existing determined rental subsidies in place noting that the site is owned by Council and classified as operational land.

### Recommendation

That Council:

1. Note the property strategy for this site (Lot 2 DP708441 35 Holloway Road, 37 Holloway Road and Cottage 2, 80 Park Road Nowra) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at 37 Holloway Road and Cottage 2, 80 Park Road Nowra for a period of approximately five years expiring 30 April 2026 to the following community tenants:
  - Northern Shoalhaven Zone Meals on Wheels  
Suite 1, Building 3 37 Holloway Road Nowra  
Subsidised Rental \$1,056.00 per annum  
Fixed 3.5% increases
  - Interchange Australia Pty Limited  
Suite 2, 37 Holloway Road Nowra  
Subsidised Rental \$1,754.00 per annum  
Fixed 3.5% increases
  - Shoalhaven Neighbourhood Services Inc  
Cottage 2, 80 Park Road Nowra  
Subsidised Rental \$2,300.13 per annum  
Fixed 3.5% increases
3. Authorise the Chief Executive Officer to execute relevant documentation for the lease of Building 1, 35 Holloway Road Nowra for approximately five years expiring 30 June 2026 to Australian Unity Homecare Service Pty Ltd at full market rental of \$39,187 per annum (No Subsidy as consistent with MIN22.436)
4. The estimated total cost to Council for this arrangement over five years is \$153,097 (today's dollars), the key components being:
  - Rental income of \$188,829 over the lease term. Note \$44,297 per annum.
  - A total rental subsidy of \$52,208 per annum or \$261,015 over the lease term

CL22.307



- A total operational budget of \$36,950 per annum or \$177,076 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$164,850 for building works comprising of replacement flooring and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$32,970.

## Options

### 1. As Recommended

Council approves the Recommendation for the lease renewals expiring 30 June 2026 for the recommended terms which include subsidised rentals and a full market rental for one tenancy.

Implications: Council will secure existing tenants and align lease expiry dates which will provide further opportunities for a consistent review across the site, which is strategic, timely and may provide cost reduction opportunities.

### 2. Determined Rental Option (Providing a cost neutral position or profit to Council)

Council approve the lease renewals at 35 Holloway Road, 37 Holloway Road and Cottage 2, 80 Park Road Nowra for a period of approximately five years expiring 30 June 2026 and authorise the Chief Executive Officer to execute relevant documentation for the following community leases. All leases provide for fixed increases and determined rentals with no rental subsidies;

- Australian Unity Homecare Service Pty Limited  
Building 1, 35 Holloway Road Nowra  
Subsidised Rental \$39,187.00 per annum  
Fixed 3.5% annual increases
- Northern Shoalhaven Zone Meals on Wheels  
Suite 1, Building 3 37 Holloway Road Nowra  
Subsidised Rental \$10,563.00 per annum  
Fixed 3.5% increases
- Interchange Australia Pty Limited  
Suite 2, 37 Holloway Road Nowra  
Subsidised Rental \$21,446.00 per annum  
Fixed 3.5% increases
- Shoalhaven Neighbourhood Services Inc  
Cottage 2, 80 Park Road Nowra  
Subsidised Rental \$25,304.00 per annum  
Fixed 3.5% increases

Implications: Applying a full determined rental is not consistent with POL19/40 which advises that a subsidised determined rental is to be applied for these community tenants. Whilst the community groups are able to fund the recommended rentals, they will not be able to afford full determined rentals and the cost of operating the facility.

CL22.307

### 3. Opportunities for New Tenants

Investigate opportunity for new lessee's (via a public advertising process) for the leasing of 35 Holloway Road, 37 Holloway Road and Cottage 2 80 Park Road Nowra and report back to Council on the responses and recommendation which would provide for a lease term of five years.

Implications: This is not recommended. The existing community groups have been in operation for a number of years and it is anticipated that significant opposition to this Option will be received by both the four tenants and the community.

#### Background

The site is known as 80 Park Road, Nowra and comprises of 9,017 square metres and zoned R1 General Residential. It is located within a residential area approximately four kilometres southeast of the Nowra central business district. The surrounding developments consist mainly of residential buildings and with the Police Boys Club immediately adjacent and Shoalhaven High School in close proximity.

The site includes seven separate buildings with associated parking constructed in approximately 2005, with a small carpark located on the corner of Park and Holloway Roads. The purpose-built office buildings are single level, constructed of brick veneer and are all occupied by community groups.

Three have frontages to Park Road and three to Holloway Road with the Council run Shoalhaven Family Day Care located at the rear. Six of the buildings are solely occupied whilst one is occupied by two tenancies with shared communal spaces. Council occupies 4/80 Park Road which is run as the Nowra Family Day Care Centre and managed by City Lifestyles.

This report provides further details regarding each tenancy however a summary is provided below and includes the Valuation Rent from Walsh and Monaghan 24 August 2021 which has been used to determine the proposed subsidised rentals.

CL22.307

**Table 1 – Lease Summary**

PREMISES PARK AND HOLLOWAY	AREA /M2	TENANT	CURRENT EXPIRY DATE	PROPOSED EXPIRY DATE	COUNCIL SUBSIDY %	CURRENT RENT \$	VALUATION RENT \$	VALUATION RENT \$ / M2	PROPOSED RENT \$	COMMENTS
Building 1, 35 Holloway Road	326.56	Australian Unity Homecare Service P/L	30-Apr-22	30-Jun-26	50	21779	39187	120	39187	Full rental no subsidy
S1, Building 3, 39 Holloway Road	246.3	Southern Shoalhaven Zone Meals on Wheels	30-Jun-21	30-Jun-26	90	1194	10563	130	1056	Change in tenanted area 33%
S2, Building 3, 39 Holloway Road	246.3	Interchange Australia Inc	30-Jun-21	30-Jun-26	91.82	1855	21446	130	1754	Change in tenanted area 47%
39 Holloway Road, Nowra		Illawarra Shoalhaven Local Health District	30-Jun-24	30-Jun-26	57.27					Short term lease to be undertaken to align to 30 June 26
Cottage 1, 80 Park Road		Family Services Illawarra	30-Jun-25	30-Jun-26	90					Short term lease to be undertaken to align to 30 June 26
Cottage 2, 80 Park Road	194.65	Shoalhaven Neighbourhood Services Inc	30-Jun-21	30-Jun-26	90	2647	25304	130	2300.13	Decrease in rental
Cottage 3, 80 Park Road		Central Shoalhaven Mobile Preschool	31/08/2024 5 year option	Option to 31 Aug 29 Then 30 June 2031	Not depicted					Align lease after option period expires
Cottage 4, 80 Park Road		Shoalhaven Family Daycare Council run facility	Not applicable			0				Council occupant pays for maintenance of the property
<b>TOTALS</b>						<b>\$27,475</b>	<b>\$96,500</b>		<b>\$44,297</b>	<b>Rental increase \$16,822</b>

CL22.307

## LOCATION



## Property Strategy

The property strategy for this site is to retain the existing tenants and align the leases which have expired and are on holdover. The remaining three leases will all be aligned to 30 June 2026 as they expire with the exception of one lease which has an option expiring 31 August 2029. This will ensure that a consistent property strategy for the site occurs with all tenants and provides efficiencies of scale for future lease renewals costs.

## Community Engagement

Community engagement is not required as the site is classified as Operational Land.

## Policy Implications

POL19/40 Occupation of Council owned or Managed Land

**Clause 5.8 Cost Recovery** provides that *“Council is to ensure that agreements do not impose an unreasonable burden on general revenue. Council is to obtain a reasonable dividend and at a minimum, cost neutrality from the use of its property, i.e. the tenancy is to be at no cost to Council.”*

Implication - This is not feasible for the majority of community facilities where they have limited funds for building maintenance. The Recommendation provides for additional funds to maintain the facility to a suitable standard to provide for cost neutrality in accordance with this policy. This initiative will ensure that the condition of Council properties are at an acceptable standard and the property is properly maintained and building and tenant issues minimised on a long term basis.

**Clause 5.9 and 5.11 Defined Lease Term and Asset Plan** notes that *“no lease is for a term greater than five years unless under exceptional circumstances..”*

Implication - The proposed lease term is for a period of five years or less, which is consistent with this policy.

CL22.307

**Clause 5.17 Rental and Other Fees and Charges** provides that *“All rentals charged in the first instance are to be determined in accordance with market values and Community Groups – rental figure is determined through a rental assessment framework (RAF).”*

Implication – These community tenants have been paying a subsidised market rental since their occupation and is recommended in this report for the lease renewals. The Recommendation is therefore consistent with this Policy.

**Clause 6 Review** provides for *“It will be reviewed within one year of the election of every new Council, or earlier if required.”*

Implication - We are currently reviewing the Policy and will be providing a number of recommendations for consideration by Council.

### Financial Implications

Financial details for each lessee are provided separately in **Annexure A – Long Term Financial Plans** and a summary provided within each tenants details.

Council will continue to receive subsidised determined rentals, for a term of approximately five years for each tenant with fixed annual increases of 3.5%. Lease terms and commencement dates may vary slightly due to the dates being inconsistent. The tenants will be required to keep the premises in a clean and tidy condition, including their tenancy fit out and maintain that part of the land surrounding the building.

The leases for each tenant provides for them to be responsible for the building and tenancy maintenance, however it was evident after site inspections that some maintenance is not occurring. This largely consists of the cleaning out of gutters which can cause issues with the buildings over time. It is therefore proposed that Council take on this responsibility to minimise major repairs or capital works in the future. Note that air conditioning units have been installed by the tenants and are therefore not Councils responsibility.

The estimated total cost to Council is \$153,097 and loss of rental income \$261,015 as a result of the proposed leases is summarised below (**Table 2 – Summary Long Term Financial Plan**) and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**)

- A total rental subsidy of \$52,208 per annum or \$261,015 over the lease term.
- A total operational budget of \$36,950 per annum or \$177,076 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$164,850 for building works comprising of replacement flooring and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$32,970.

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CL22.307

**Table 2 – Summary Long Term Financial Plan**

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
Rental Subsidy	\$ (52,203)	\$ (52,203)	\$ (52,203)	\$ (52,203)	\$ (52,203)	\$ (261,015)
Rent	\$ 11,641	\$ 44,297	\$ 44,297	\$ 44,297	\$ 44,297	\$ 188,829
Determined Rent	\$ 63,844	\$ 96,500	\$ 96,500	\$ 96,500	\$ 96,500	\$ 449,844
<b>EXPENDITURE (NON RECOVERABLE)</b>						
Operational - Reactive R&M	\$ 18,506	\$ 23,923	\$ 23,923	\$ 23,923	\$ 23,923	\$ 114,198
Operational - Scheduled	\$ 10,770	\$ 13,027	\$ 13,027	\$ 13,027	\$ 13,027	\$ 62,878
Operational - TOTAL	\$ 29,276	\$ 36,950	\$ 36,950	\$ 36,950	\$ 36,950	\$ 177,076
Capital Renewal	\$ -	\$ -	\$ 90,600	\$ 74,250	\$ -	\$ 164,850
<b>SURPLUS / (LOSS)</b>	<b>\$ (17,635)</b>	<b>\$ 7,347</b>	<b>\$ (83,253)</b>	<b>\$ (66,903)</b>	<b>\$ 7,347</b>	<b>\$ (153,097)</b>
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	<b>\$ (69,838)</b>	<b>\$ (44,856)</b>	<b>\$ (135,456)</b>	<b>\$ (119,106)</b>	<b>\$ (44,856)</b>	<b>\$ (414,112)</b>

## LESSEE DETAILS

### AUSTRALIAN UNITY HOMECARE SERVICE PTY LIMITED

Building 1, 35 Holloway Road Nowra

Australian Unity Homecare Service Pty Limited (AUHS) are currently on holdover from their lease which expired 30 April 2022. They have been in occupation of the site since approximately 2017 when they took over the Ulladulla and Nowra sites from FACS.

AUHS was established in 1840, and were Australia's first member-owned wellbeing company, offering members and customers health, wealth and care services. Being a member-owned company, also called a mutual, gives greater flexibility to invest money into the services and solutions that matter most to members, customers and the Australian community.

*Purpose: We are here to help people thrive in the areas of health, wealth and living. We enable customers to live independently in their own home by tailoring support in consultation with customer needs, funding program budget and provisions.*

## Financial Implications

Council will receive a determined rental with no rental subsidy which is consistent with the resolution MIN22.436 for a full market rental to be applied at 78 St Vincent Street Ulladulla. This will be effective from their lease commencement date 1 May 2022 until the expiry date 30 June 2026. Australian Unity have been contacted as a result of this resolution to determine their position on the rental level, however we are waiting on a response.

The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with some capital items required over lease term which are noted below.

The estimated income to Council is \$61,029 and with no lost income opportunity as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**).

- No rental subsidy is relevant and with a rental income of \$39,187 per annum and \$163,279 received over the lease term.

CL22.307

- A total operational budget of \$9,375 per annum or \$39,200 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$63,050 for building works comprising of new flooring and external painting which is required in the 23/24 FY and beyond.

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FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	\$ (0)	\$ -	\$ -	\$ -	\$ -	\$ (0)
<i>Rent</i>	\$ 6,531	\$ 39,187	\$ 39,187	\$ 39,187	\$ 39,187	\$ 163,279
<i>Determined Rent</i>	\$ 6,531	\$ 39,187	\$ 39,187	\$ 39,187	\$ 39,187	\$ 163,279
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	\$ 1,083	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 27,083
<b>Operational - Scheduled</b>	\$ 618	\$ 2,875	\$ 2,875	\$ 2,875	\$ 2,875	\$ 12,117
<b>Operational - TOTAL</b>	\$ 1,701	\$ 9,375	\$ 9,375	\$ 9,375	\$ 9,375	\$ 39,200
<b>Capital Renewal</b>	\$ -	\$ -	\$ 6,000	\$ 57,050	\$ -	\$ 63,050
<b>SURPLUS / (LOSS)</b>	\$ 4,830	\$ 29,812	\$ 23,812	\$ (27,238)	\$ 29,812	\$ 61,029
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	\$ 4,830	\$ 29,812	\$ 23,812	\$ (27,238)	\$ 29,812	\$ 61,029

### Risk Implications

No risks identified. AUHS have a strong presence within the local community and nationwide propose to continue to remain within the premises on a long-term basis.

AUHS have provided a link to their Annual Report including financial information for the year ending 30 June 2021 [https://www.australianunity.com.au/-/media/rebrandcorporate/documents/annual-reports/fy21\\_australian\\_unity\\_annual\\_report.pdf](https://www.australianunity.com.au/-/media/rebrandcorporate/documents/annual-reports/fy21_australian_unity_annual_report.pdf).

The Report reflects a profit of \$32.9 m for the year end, please review the link for more information if required. Advice has also been received verbally that profits are expected to reduce by 50% within the next year due to COVID.

### NORTHERN SHOALHAVEN ZONE MEALS ON WHEELS Suite 1, 37 Holloway Road Nowra (33% occupancy)

Northern Shoalhaven Zone Meals on Wheels (MonW) are currently on holdover on a lease which expired 30 June 2021 and have been in occupation since approximately 2006.

MonW is a worldwide organisation which originated in Britain during World War II by assisting frail older people who wanted to stay in their own homes, but needed help to do so. MonW started in Australia in 1952 in Melbourne where meals were delivered by a lady on a tricycle at a cost of 2 shillings per meal. There are now approximately 500 not-for-profit facilities within Australia independently run.

Meals on Wheels Australia Mission Statement: *Building the capacity of a network of self-managed not for profit community organisations that provide (food and other community services) that re-able and support people in their community.*

### Financial Implications

Council will continue to receive a determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 until the expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building. They share the building with Interchange

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Australia who occupy the majority of the building noting that it used for administrative purposes only and does not contain a kitchen for meal preparation.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with some capital works highlighted below as being required in the lease term.

The estimated cost to Council is \$36,090 with a lost income opportunity of \$47,535 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**) noting that they occupy 33% of the building.

- A total rental subsidy of \$9,507 per annum or \$47,535 over the lease term expiring 30 June 2026.
- A total operational budget of \$4,973 per annum or \$24,865 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$16,505 for building works comprising of new flooring and external painting which is required in the 23/24 FY.

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
Rental Subsidy	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (47,535)
Rent	\$ 1,056	\$ 1,056	\$ 1,056	\$ 1,056	\$ 1,056	\$ 5,280
Determined Rent	\$ 10,563	\$ 10,563	\$ 10,563	\$ 10,563	\$ 10,563	\$ 52,815
<b>EXPENDITURE (NON RECOVERABLE)</b>						
Operational - Reactive R&M	\$ 3,154	\$ 3,154	\$ 3,154	\$ 3,154	\$ 3,154	\$ 15,770
Operational - Scheduled	\$ 1,819	\$ 1,819	\$ 1,819	\$ 1,819	\$ 1,819	\$ 9,095
Operational - TOTAL	\$ 4,973	\$ 4,973	\$ 4,973	\$ 4,973	\$ 4,973	\$ 24,865
Capital Renewal	\$ -	\$ -	\$ 16,505	\$ -	\$ -	\$ 16,505
<b>SURPLUS / (LOSS)</b>	<b>\$ (3,917)</b>	<b>\$ (3,917)</b>	<b>\$ (20,422)</b>	<b>\$ (3,917)</b>	<b>\$ (3,917)</b>	<b>\$ (36,090)</b>
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	<b>\$ (13,424)</b>	<b>\$ (13,424)</b>	<b>\$ (29,929)</b>	<b>\$ (13,424)</b>	<b>\$ (13,424)</b>	<b>\$ (83,625)</b>

## Risk Implications

No risks identified. MonW have a strong presence within the local community and nationwide and partner with a number of government agencies and the public to provide services across the community. They propose to continue to remain within the premises on a long-term basis.

The link to Meals on Wheels Australia's Annual Report including financial information for the year ending 30 June 2021 is available at <https://mealsonwheels.org.au/wp-content/uploads/2021/10/MOWA-Annual-Report-2021-FINAL-Digital.pdf>.

This shows Income as \$1,372,818 (\$1,039,792 Government grants) and Expenditure of \$1,278,024 which reflects that 93% of income was invested back into the Community. Net Assets are \$256,309 and Cash \$102,480.

MonW have been requested to provide year end financials for this facility however referred us to the website for information. Advice received is that any information will require Board approval to provide and has not previously been supplied to Council for any transactions.



## INTERCHANGE SHOALHAVEN INC Suite 2, 37 Holloway Road Nowra

Interchange Shoalhaven Inc are currently on holdover from their lease which expired 30 June 2021. They have been in occupation of the site since approximately May 2006.

Interchange Shoalhaven is a community based not-for-profit organisation founded in 1988. For more than 30 years they've been putting people first by providing flexible and personalised support services in communities across the Shoalhaven. They are registered NDIS service provider, provide support programs, Social Support Clubs, Learning and Development Programs and short-term accommodation/respite.

### Financial Implications

Council will continue to receive a determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 until the expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with some capital works required over the lease term provided below. They share the building with Meals on Wheels and occupy the majority of the building which is accessed by the community and have recently expanded by converting a second meeting room to office accommodation.

The estimated cost to Council is \$68,810 with a lost income opportunity of \$98,460 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**) noting that they occupy 67% of the building.

- A total rental subsidy of \$19,692 per annum or \$98,460 over the lease term expiring 30 June 2026.
- A total operational budget of \$9,033 per annum or \$45,165 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$32,415 for building works comprising of new flooring and external painting which is required in the 23/24 FY.

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	\$ (19,692)	\$ (19,692)	\$ (19,692)	\$ (19,692)	\$ (19,692)	\$ (98,460)
<i>Rent</i>	\$ 1,754	\$ 1,754	\$ 1,754	\$ 1,754	\$ 1,754	\$ 8,770
<i>Determined Rent</i>	\$ 21,446	\$ 21,446	\$ 21,446	\$ 21,446	\$ 21,446	\$ 107,230
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	\$ 6,037	\$ 6,037	\$ 6,037	\$ 6,037	\$ 6,037	\$ 30,185
<b>Operational - Scheduled</b>	\$ 2,996	\$ 2,996	\$ 2,996	\$ 2,996	\$ 2,996	\$ 14,980
<b>Operational - TOTAL</b>	\$ 9,033	\$ 9,033	\$ 9,033	\$ 9,033	\$ 9,033	\$ 45,165
<b>Capital Renewal</b>	\$ -	\$ -	\$ 32,415	\$ -	\$ -	\$ 32,415
<b>SURPLUS / (LOSS)</b>	\$ (7,279)	\$ (7,279)	\$ (39,694)	\$ (7,279)	\$ (7,279)	\$ (68,810)
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	\$ (26,971)	\$ (26,971)	\$ (59,386)	\$ (26,971)	\$ (26,971)	\$ (167,270)

CL22.307

### Risk Implications

No risks identified. Interchange Shoalhaven have a strong presence within the local community and propose to continue to remain within the premises on a long-term basis.

The Lessee's year-end financial statements have been reviewed to determine their financial capacity to pay rental and maintain the premises. Further information can be provided, noting that the Recommendation to Council takes this information into consideration.

### SHOALHAVEN NEIGHBOURHOOD SERVICES INC Cottage 2, 80 Park Road Nowra

Shoalhaven Neighbourhood Services Inc (SNS) are currently on holdover from their lease which expired 30 June 2021. They have been in occupation of the site since approximately 2015. They have two locations within the Shoalhaven with the other located at 81 Osborne Street Nowra which is also owned by Council. This lease expires 31 May 2022 and the tenant has exercised a five year option with an expiry date 31 May 2027.

SNS was originally founded in 1977 known as Shoalhaven and Aid Centre which was run from a Council building at 7 Collins Way Nowra. The organisation changed its name in 1982 to SNS and became incorporated in 1986. A number of existing community groups originated at SNS including Werninck Cottage and Shoalhaven Youth Centre.

*Main Purpose: Shoalhaven Neighbourhood Services is committed to providing a range of community, aged and disability care services through collaborating with individuals, families and communities. We currently work in the Community Services sector and provide Aged Care, National Disability Insurance Scheme (NDIS) and Community Services.*

### Financial Implications

Council will continue to receive a determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 until the expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with some capital works required over the lease term provided below.

The estimated cost to Council is \$109,225 with a lost income opportunity of \$115,020 as a result of the proposed lease which is summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**).

- A total rental subsidy of \$23,004 per annum or \$115,020 over the lease term expiring 30 June 2026.
- A total operational budget of \$13,569 per annum or \$67,845 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$52,880 for building works comprising of new flooring and external painting which is required in the 23/24 FY and beyond.

CL22.307

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (115,020)</b>
<i>Rent</i>	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300	\$ 11,500
<i>Determined Rent</i>	\$ 25,304	\$ 25,304	\$ 25,304	\$ 25,304	\$ 25,304	\$ 126,520
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 41,160</b>
<b>Operational - Scheduled</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 26,685</b>
<b>Operational - TOTAL</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 67,845</b>
<b>Capital Renewal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 35,680</b>	<b>\$ 17,200</b>	<b>\$ -</b>	<b>\$ 52,880</b>
<b>SURPLUS / (LOSS)</b>	<b>\$ (11,269)</b>	<b>\$ (11,269)</b>	<b>\$ (46,949)</b>	<b>\$ (28,469)</b>	<b>\$ (11,269)</b>	<b>\$ (109,225)</b>
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	<b>\$ (34,273)</b>	<b>\$ (34,273)</b>	<b>\$ (69,953)</b>	<b>\$ (51,473)</b>	<b>\$ (34,273)</b>	<b>\$ (224,245)</b>

### Risk Implications

No risks identified. SNS have a strong presence within the local community and nationwide and partner with a number of government agencies and bodies to obtain funding to provide services across the community. They propose to continue to remain within the premises on a long-term basis.

The Lessee's year-end financial statements have been reviewed to determine their financial capacity to pay rental and maintain the premises. Further information can be provided, noting that the Recommendation to Council takes this information into consideration.

CL22.307

## Annexure A – Long Term Financial Plans

### AUSTRALIAN UNITY HOMECARE SERVICES PTY LTD

Building 1, 35 Holloway Road Nowra

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	\$ (0)	\$ -	\$ -	\$ -	\$ -	\$ (0)
<i>Rent</i>	\$ 6,531	\$ 39,187	\$ 39,187	\$ 39,187	\$ 39,187	\$ 163,279
<i>Determined Rent</i>	\$ 6,531	\$ 39,187	\$ 39,187	\$ 39,187	\$ 39,187	\$ 163,279
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	\$ 1,083	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 27,083
<b>Operational - Scheduled</b>	\$ 618	\$ 2,875	\$ 2,875	\$ 2,875	\$ 2,875	\$ 12,117
<b>Operational - TOTAL</b>	\$ 1,701	\$ 9,375	\$ 9,375	\$ 9,375	\$ 9,375	\$ 39,200
<b>Capital Renewal</b>	\$ -	\$ -	\$ 6,000	\$ 57,050	\$ -	\$ 63,050
<b>SURPLUS / (LOSS)</b>	\$ 4,830	\$ 29,812	\$ 23,812	\$ (27,238)	\$ 29,812	\$ 61,029
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	\$ 4,830	\$ 29,812	\$ 23,812	\$ (27,238)	\$ 29,812	\$ 61,029
<b>Lease Terms</b>						
Commencement Date	01-May-22		<b>Lease Performance</b>			
Duration (years)	4.168		Return on investment (year 1)			0.65%
Expiry Date	30-Jun-26		Return of investment (whole lease)			8.16%
			Total Rental Subsidy			-\$
			Total Operating Cost to Council			\$ 61,029
Annual Rent (\$ / year)	\$ 19,593					
Determined Rent (\$ / year)	\$ 39,187					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

CL22-307

## NORTHERN SHOALHAVEN ZONE MEALS ON WHEELS

Suite 1, 37 Holloway Road Nowra

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (9,507)	\$ (47,535)
<i>Rent</i>	\$ 1,056	\$ 1,056	\$ 1,056	\$ 1,056	\$ 1,056	\$ 5,280
<i>Determined Rent</i>	\$ 10,563	\$ 10,563	\$ 10,563	\$ 10,563	\$ 10,563	\$ 52,815
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	\$ 3,154	\$ 3,154	\$ 3,154	\$ 3,154	\$ 3,154	\$ 15,770
<i>Existing Budget</i>	\$ 1,339	\$ 1,339	\$ 1,339	\$ 1,339	\$ 1,339	\$ 6,695
<i>Additional Budget Required</i>	\$ 1,815	\$ 1,815	\$ 1,815	\$ 1,815	\$ 1,815	\$ 9,075
<b>Operational - Scheduled</b>	\$ 1,819	\$ 1,819	\$ 1,819	\$ 1,819	\$ 1,819	\$ 9,095
<i>Existing Budget</i>	\$ 678	\$ 678	\$ 678	\$ 678	\$ 678	\$ 3,390
<i>Programmed Repairs</i>	\$ 811	\$ 811	\$ 811	\$ 811	\$ 811	\$ 4,055
<i>Programmed Maintenance</i>	\$ 330	\$ 330	\$ 330	\$ 330	\$ 330	\$ 1,650
<b>Operational - TOTAL</b>	\$ 4,973	\$ 4,973	\$ 4,973	\$ 4,973	\$ 4,973	\$ 24,865
<b>Capital Renewal</b>	\$ -	\$ -	\$ 16,505	\$ -	\$ -	\$ 16,505
<i>Flooring</i>	\$ -	\$ -	\$ 14,525	\$ -	\$ -	\$ 14,525
<i>Painting External</i>	\$ -	\$ -	\$ 1,980	\$ -	\$ -	\$ 1,980
<b>SURPLUS / (LOSS)</b>	\$ (3,917)	\$ (3,917)	\$ (20,422)	\$ (3,917)	\$ (3,917)	\$ (36,090)
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	\$ (13,424)	\$ (13,424)	\$ (29,929)	\$ (13,424)	\$ (13,424)	\$ (83,625)
<b>Lease Terms</b>						
Commencement Date	01-Jul-21		<b>Lease Performance</b>			
Duration (years)	5		Return on investment (year 1)			-1.59%
Expiry Date	30-Jun-26		Return of investment (whole lease)			-14.63%
			Total Rental Subsidy			-\$ 47,535
			Total Operating Cost to Council			-\$ 36,090
Annual Rent (\$ / year)	\$ 1,056					
Determined Rent (\$ / year)	\$ 10,563					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

CL22-30

**INTERCHANGE AUSTRALIA INC**  
**Suite 2, 37 Holloway Road Nowra**

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	<b>\$ (19,692)</b>	<b>\$ (19,692)</b>	<b>\$ (19,692)</b>	<b>\$ (19,692)</b>	<b>\$ (19,692)</b>	<b>\$ (98,460)</b>
<i>Rent</i>	\$ 1,754	\$ 1,754	\$ 1,754	\$ 1,754	\$ 1,754	\$ 8,770
<i>Determined Rent</i>	\$ 21,446	\$ 21,446	\$ 21,446	\$ 21,446	\$ 21,446	\$ 107,230
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	<b>\$ 6,037</b>	<b>\$ 6,037</b>	<b>\$ 6,037</b>	<b>\$ 6,037</b>	<b>\$ 6,037</b>	<b>\$ 30,185</b>
<i>Existing Budget</i>	\$ 2,687	\$ 2,687	\$ 2,687	\$ 2,687	\$ 2,687	\$ 13,435
<i>Additional Budget Required</i>	\$ 3,350	\$ 3,350	\$ 3,350	\$ 3,350	\$ 3,350	\$ 16,750
<b>Operational - Scheduled</b>	<b>\$ 2,996</b>	<b>\$ 2,996</b>	<b>\$ 2,996</b>	<b>\$ 2,996</b>	<b>\$ 2,996</b>	<b>\$ 14,980</b>
<i>Existing Budget</i>	\$ 678	\$ 678	\$ 678	\$ 678	\$ 678	\$ 3,390
<i>Programmed Repairs</i>	\$ 1,648	\$ 1,648	\$ 1,648	\$ 1,648	\$ 1,648	\$ 8,240
<i>Programmed Maintenance</i>	\$ 670	\$ 670	\$ 670	\$ 670	\$ 670	\$ 3,350
<b>Operational - TOTAL</b>	<b>\$ 9,033</b>	<b>\$ 9,033</b>	<b>\$ 9,033</b>	<b>\$ 9,033</b>	<b>\$ 9,033</b>	<b>\$ 45,165</b>
<b>Capital Renewal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 32,415</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 32,415</b>
<i>Flooring</i>	\$ -	\$ -	\$ 28,395	\$ -	\$ -	\$ 28,395
<i>Painting External</i>	\$ -	\$ -	\$ 4,020	\$ -	\$ -	\$ 4,020
<b>SURPLUS / (LOSS)</b>	<b>\$ (7,279)</b>	<b>\$ (7,279)</b>	<b>\$ (39,694)</b>	<b>\$ (7,279)</b>	<b>\$ (7,279)</b>	<b>\$ (68,810)</b>
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	<b>\$ (26,971)</b>	<b>\$ (26,971)</b>	<b>\$ (59,386)</b>	<b>\$ (26,971)</b>	<b>\$ (26,971)</b>	<b>\$ (167,270)</b>
<b>Lease Terms</b>						
Commencement Date	01-Jul-21			<b>Lease Performance</b>		
Duration (years)	5			Return on investment (year 1)		-2.65%
Expiry Date	30-Jun-26			Return of investment (whole lease)		-25.06%
Annual Rent (\$ / year)	\$ 1,754			Total Rental Subsidy		-\$ 98,460
Determined Rent (\$ / year)	\$ 21,446			Total Operating Cost to Council		-\$ 68,810
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

CL22-30

**Shoalhaven Neighbourhood Services Inc**  
**Cottage 2, 80 Park Road Nowra**

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
<b>RENTAL INCOME</b>						
<b>Rental Subsidy</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (23,004)</b>	<b>\$ (115,020)</b>
<i>Rent</i>	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300	\$ 11,500
<i>Determined Rent</i>	\$ 25,304	\$ 25,304	\$ 25,304	\$ 25,304	\$ 25,304	\$ 126,520
<b>EXPENDITURE (NON RECOVERABLE)</b>						
<b>Operational - Reactive R&amp;M</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 8,232</b>	<b>\$ 41,160</b>
<i>Existing Budget</i>	\$ 1,732	\$ 1,732	\$ 1,732	\$ 1,732	\$ 1,732	\$ 8,660
<i>Additional Budget Required</i>	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 32,500
<b>Operational - Scheduled</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 5,337</b>	<b>\$ 26,685</b>
<i>Existing Budget</i>	\$ 678	\$ 678	\$ 678	\$ 678	\$ 678	\$ 3,390
<i>Programmed Repairs</i>	\$ 3,659	\$ 3,659	\$ 3,659	\$ 3,659	\$ 3,659	\$ 18,295
<i>Programmed Maintenance</i>	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 5,000
<b>Operational - TOTAL</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 13,569</b>	<b>\$ 67,845</b>
<b>Capital Renewal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 35,680</b>	<b>\$ 17,200</b>	<b>\$ -</b>	<b>\$ 52,880</b>
<b>SURPLUS / (LOSS)</b>	<b>\$ (11,269)</b>	<b>\$ (11,269)</b>	<b>\$ (46,949)</b>	<b>\$ (28,469)</b>	<b>\$ (11,269)</b>	<b>\$ (109,225)</b>
<b>SURPLUS / (LOSS) INCL RENTAL SUBSIDY</b>	<b>\$ (34,273)</b>	<b>\$ (34,273)</b>	<b>\$ (69,953)</b>	<b>\$ (51,473)</b>	<b>\$ (34,273)</b>	<b>\$ (224,245)</b>
<b>Lease Terms</b>			<b>Lease Performance</b>			
Commencement Date	01-Jul-21		Return on investment (year 1)			-1.51%
Duration (years)	5		Return of investment (whole lease)			-14.61%
Expiry Date	30-Jun-26		Total Rental Subsidy			-\$ 115,020
			Total Operating Cost to Council			-\$ 109,225
Annual Rent (\$ / year)	\$ 2,300					
Determined Rent (\$ / year)	\$ 25,304					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

CL22-307

## Annexure B Proposed Lease Terms – All Tenants

Note - Some anomalies maybe relevant in the existing leases current lease terms which will be adopted

Item 1	<b>Premises</b>	<b>35 Holloway Road, 37 Holloway Road and 80 Park Road, Nowra Part Lot 2, DP708441</b>
Item 2	<b>Lessee</b>	<b>Australian Unity Homecare Service Pty Limited Northern Shoalhaven Zone Meals on Wheels Interchange Australia Inc Shoalhaven Neighbourhood Services Inc</b>
Item 3	<b>Lessor</b>	<b>Shoalhaven City Council</b> Administration Building 42 Bridge Road, Nowra, NSW, 2541 Property Officer, Building Services Tel: 02 4429 3111 Email <a href="mailto:Council@shoalhaven.nsw.gov.au">Council@shoalhaven.nsw.gov.au</a>
Item 4	<b>Permitted Use</b>	Commercial offices and operations related to the Lessee's community use
Item 5	<b>Term</b>	Refer to each Lessee's Asset Table
Item 6	<b>Commencement Date</b>	Refer to each Lessee's Asset Table
Item 7	<b>Termination Date</b>	30 June 2026
Item 8	<b>Option</b>	Nil
Item 9	<b>Rent</b>	Refer to each Lessee's Asset Table
Item 10	<b>Rent Reviews</b>	Annual 3.5% increases
Item 11	<b>Outgoings</b>	100%/33%/67% of the following outgoings which is related to your occupancy including; <ul style="list-style-type: none"> <li>• Garbage disposal</li> <li>• Power, gas and internet</li> <li>• Water usage and sewerage costs</li> <li>• Fire compliance</li> <li>• Cleaning of gutters</li> </ul>
Item 12	<b>Lessors Improvements</b>	The Lessor owns all buildings, structures, and equipment on the Premises including the kitchen, amenities.
Item 13	<b>Lessees Improvements</b>	The Lessee owns the office fit out within the building installed by the Lessee and may include air conditioning units.
Item 14	<b>Lessors Maintenance</b>	The Lessor is responsible for structural works and the integrity of the building and site including roof repairs, replacement of fencing and maintenance of owned equipment.
Item 15	<b>Lessees Maintenance</b>	The Lessee is responsible for repairs, maintenance of the Premises including the Lessee's Improvements, general lawn and garden maintenance, cleaning of gutters and ensuring that the Premises are presented and accessible in a condition suitable to the use.
Item 16	<b>Redecoration</b>	Redecoration will include internal repainting of the premises where relevant, three months prior to expiry/vacation and ensuring that all maintenance obligations are undertaken.
Item 17	<b>Makegood</b>	Upon expiry or vacation, the Lessee will vacate the Premises and hand back the Premises to the Lessor in a suitable condition taking into consideration redecoration and maintenance responsibilities.
Item 18	<b>Public Risk Insurance</b>	Twenty million dollars (\$20,000,000) Lessor to be noted as interested party on the policy
Item 19	<b>Bank Guarantee/Guarantor</b>	Not applicable
Item 20	<b>Documentation and preparation</b>	Lease preparation costs to be funded by the Lessee where

CL22-307



	<b>costs</b>	possible
Item 21	<b>Interest</b>	Not applicable
Item 22	<b>Percentage of Rental Subsidy</b>	Refer to Lessee's Asset Table
Item 23	<b>Land Classification</b>	Operational Land
Item 24	<b>Other</b>	Some leases may contain other terms which maybe relevant for each Lessee and will be adopted as part of this renewal

CL22.307

## CL22.308 Parkcare Action Plans - Riviera Keys (Cater) Island Reserve / Shoalhaven Heads Lions / Vigilant Morris Street Reserve

**HPERM Ref:** D22/224196

**Department:** Works & Services

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

**Attachments:**

1. Draft - Riviera Keys (Cater) Island & Reserve - Sussex Inlet Parkcare Action Plan [↓](#)
2. Draft - Shoalhaven Heads Lions Parkcare Action Plan [↓](#)
3. Draft - Vigilant / Morris Street Reserve - Ulladulla Parkcare Action Plan [↓](#)

### Reason for Report

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

The plans are:

1.	Riviera Keys (Cater) Island Parkcare Group	Sussex Inlet	Updated
2.	Shoalhaven Heads Lions Parkcare Group	Shoalhaven Heads	Updated
3.	Vigilant/Morris Street Reserve	Ulladulla	Updated

### Recommendation

That Council:

1. Endorse the updated "Parkcare" Plans for
  - a. Riviera Keys (Cater) Island – Sussex Inlet (Updated)
  - b. Shoalhaven Heads Lions – Shoalhaven Heads (Updated)
  - c. Vigilant/Morris Street Reserve – Ulladulla (Updated)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,200 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

### Options

1. Approve continued endorsement of Riviera Keys (Cater) Island – Sussex Inlet Parkcare Group, Shoalhaven Heads Lions – Parkcare Group and Vigilant/Morris Street Reserve – Ulladulla Parkcare Group and adopt the Draft Action Plans.

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

CL22.308

2. Not approve continued endorsement of Riviera Keys (Cater) Island – Sussex Inlet Parkcare Group, Shoalhaven Heads Lions – Parkcare Group and Vigilant/Morris Street Reserve – Ulladulla Parkcare Group pending any changes to the Action Plans.

Implications: This would be a lost opportunity for Council. It is estimated from actual volunteer hours of existing Parkcare Groups and the volunteer efforts that supports it, allows the Groups to supplement Council's maintenance schedule at a higher level of service thus adding approximately \$24,750 per annum (3 parks x average of 275 volunteer hours x \$30 per hour for labour) to present high-quality parks and reserves to the Shoalhaven Heads, Sussex Inlet and Ulladulla communities.

## Background

Council engages volunteers such as Parkcare groups to achieve higher levels of maintenance at minimal cost to Council. Council currently has 48 Parkcare Groups with 398 volunteer members under its Parkcare Programme.

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

1. Shoalhaven Heads Lions Parkcare Group

The following two draft Parkcare Action Plans are up for readoption with minor changes to the Parkcare Action Plan:

1. Riviera Keys (Cater) Island – Sussex Inlet Parkcare Group

The Cater Island Parkcare Group coordinator sent in historic photos and stories regarding the name Riviera Keys Island Reserve and to change the name of the group. Staff researched through Council's records system and as the historical and current name were never put to the Geographic Names Board for adoption the current name still exists in Councils GIS system. As a compromise the historical name of Riviera Keys (Cater) Island has been requested to be used. Graffiti removal and the laying of hardy, salt resistant grass on the island (not on the immediate foreshore) are the only other two changes.

2. Vigilant/Morris Street Reserve – Ulladulla Parkcare Group

The Vigilant Street Parkcare Group incorporates the other half of the reserve which has a different name, that being Morris Street Reserve. Thus, the name change to show both reserves are under the same Parkcare Action Plan.

An Asset Protection Zone (APZ) was established behind residents of Morris Street, Vigilant Street and Walpole Avenue by the Rural Fire Service in October 2021. The smaller maintenance of the APZ has been added to the plan to complete as much as the volunteers' abilities allow.

## Community Engagement

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

## Financial Implications

The three groups have been established in the Shoalhaven for a number of years and have been allocated the \$400 in future Works & Services budgets.

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

CL22.308



## RIVIERA KEYS (CATER) ISLAND & RESERVE – SUSSEX INLET PARKCARE ACTION PLAN

Document Number: D22/84726 • Adopted: **Date** • Minute Number:  
**Minute number** • File: 31954E • Produced By: City Services • Review Date:  
**Review Date**

### CONTACT INFORMATION

<b>Group Name:</b>	Riviera Keys (Cater) Island Parkcare Group
<b>Contact:</b>	Parks Programmes Officer
<b>Reserve Name:</b>	Riviera Keys Island & Reserve (AKA Cater Island)
<b>Location:</b>	71 Cater Crescent, Sussex Inlet
<b>Reserve No:</b>	BSU700 & BSU754
<b>Land Tenure</b>	Freehold & Crown CCM
<b>Comm Land Type</b>	Park

### 1. PARKCARE GROUP GOALS

To repair, replace and maintain infrastructure and vegetation as necessary to supplement Council maintenance schedules.

### 2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Landscape Area Maintenance (not including foreshore)	H	By hand	Ongoing
Mowing & Whipper snipping in between Council schedule	H	Hand held equipment & ride on mower	Ongoing
Park Furnishing Maintenance	H	By hand	Ongoing
Bridge Maintenance (Painting)	H	By hand	Ongoing
Litter Collection	H	By hand	Ongoing

Laying of hardy, salt water resistant grass (Sir Walter) on island	H	By hand	12 months
Clearing of pathways on island	H	By hand & spray	Ongoing
Graffiti removal	M	By hand	As required

### 3. PARKCARE GROUP ACTION PLAN MAP



### 4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Bridge & Jetty Maintenance	Operational Risk Assessment	FM18/139
Landscape Construction & Maintenance	Operational Risk Assessment	FM18/139
Whipper snipper	Line Trimmer	SWI41(v2)
Painting seats, tables	Park Furnishings & Play Equipment Maintenance	SWMS1201

Roadside & Park Litter Collection	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Walking track maintenance	Walking Track & Fence Construction & Maintenance	SWMS1346
Ride on mower	Operate & Maintain Ride on Mower / Tractor	SWI50(v2)
Pruning shrubs, trees	Tree Removal & Pruning	SWMS1453
Weeding on path	Weed Control Activities	SWMS1408
Weed spraying on path	Herbicide Spraying	SWI29 (v2)

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

#### 5. COUNCIL SUPPORT

Provision of building materials and paints as necessary and as budget allows
Provision of landscape materials including plants and mulch as necessary and as budget allows
Disposal of waste costs as budget allows

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

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

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

PPE Equipment Required	Date issued
First Aid Kit	As Required

Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

#### 8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

#### 9. PLAN WILL BE REVIEWED EVERY SIX YEARS

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

Name of document	Year it was produced	Produced by
Generic Plan of Management - Parks	2001	Shoalhaven City Council
Foreshore Reserve Policy	2017	Shoalhaven City Council
Canal Estates Management Plan	2014	Shoalhaven City Council

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

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Various	2m	Shade, aesthetic value, attract native birds	As required & approved

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

**Parkcare Group Name** Riviera Keys Island & Reserve

**Coordinator Name** Jan Natt

**Signature** .....

**Date** ....

DRAFT

CL22.308 - Attachment 1





## SHOALHAVEN HEADS LIONS PARKCARE ACTION PLAN

**Document Number:** d22/73120 • **Adopted:** Date • **Minute Number:** Minute number  
• **File:** D22/73120 • **Produced By:** City Services • **Review Date:** Review Date

### CONTACT INFORMATION

<b>Group Name:</b>	Shoalhaven Heads Lions Parkcare Group
<b>Contact:</b>	Parks Programmes Officer
<b>Reserve Name:</b>	Shoalhaven Heads Road footpath, Park surrounding tennis courts, River Road, road reserve (inc carpark area of Surf Club) Shorebird airport park at River Road, Jerry Bailey Oval (inc Lions Park), Golden Hill Ave Reserve and Pepper Reserve
<b>Location:</b>	Shoalhaven Heads
<b>Reserve No:</b>	NSH041, NSH149, NSH044, NSH034
<b>Land Tenure</b>	Freehold & Crown Land
<b>Comm Land Type</b>	Park, General Community Use

### 1. PARKCARE GROUP GOALS

Undertake maintenance of council assets as required to the above public reserves throughout Shoalhaven Heads
Work with Council staff and other volunteer groups in Shoalhaven Heads to progress works in the adopted Shoalhaven Heads Landscape Management Plan

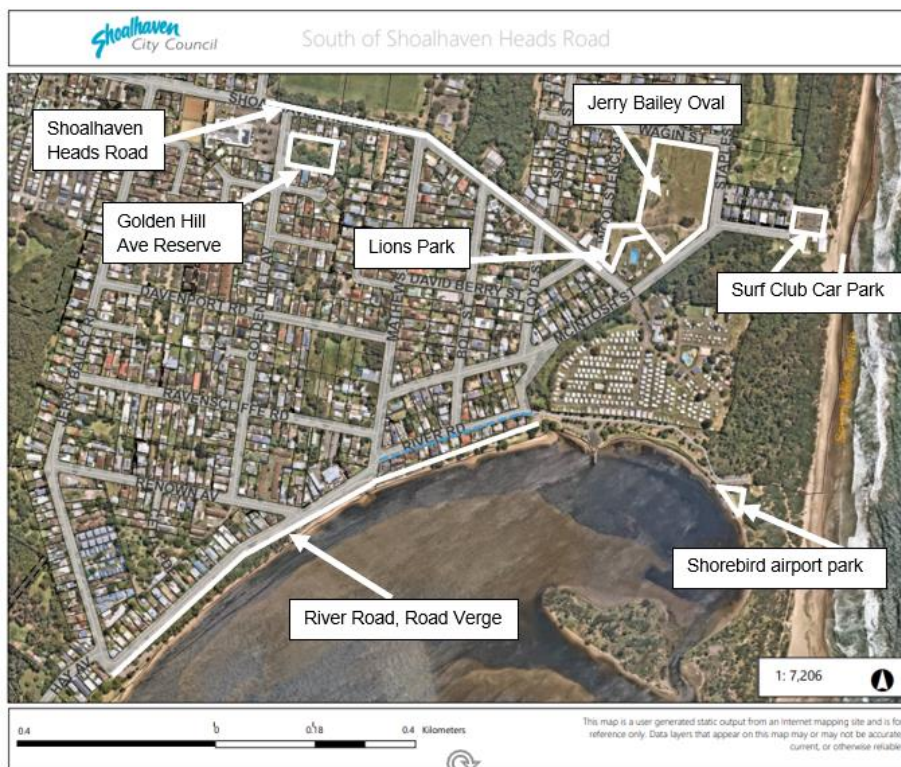
### 2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Clearing of weeds and unmanaged vegetation surrounding the tennis courts.	Moderate	By hand	Ongoing
Continue a regular maintenance regime at the migratory shorebird airport park at the eastern end of River Road.	Moderate	By hand	Ongoing
Continue a regular maintenance regime at Jerry	Moderate	By hand	Ongoing

Baily Oval (not including tree laden area to the west).			
Weeding and planting at the Surf Club carpark.	Low	By hand	As approved and required
Continue a regular maintenance regime at Pepper Reserve, Golden Hill Ave Reserve.	Low	By hand	As approved and required
Continue a regular maintenance regime at River Road Reserve. These works are limited to cleared & modified road verge. No works to occur within areas of native vegetation and no native vegetation to be removed.	Low	By hand	As approved and required

### 3. PARKCARE GROUP ACTION PLAN MAP





#### 4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Maintenance and construction activity (includes landscaping, mulching and planting)	Operational Risk Assessment	FM18/139
Painting and maintaining park furniture	Park Furnishings and Play Equipment Maintenance	SWMS1201
Litter collection	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Weeding	Weed Control Activities	SWMS1408

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

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

#### 5. COUNCIL SUPPORT

Supply of PPE as required
In-kind assistance as negotiated in the preparation and implementation of any community projects developed by the group

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

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

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

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

#### 8. POSSIBLE FUTURE FUNDING

Project	Funding source
Future works from the Shoalhaven Heads Landscape Masterplan	Council, grants and group will fundraise throughout Shoalhaven Heads to finance this project

#### 9. PLAN WILL BE REVIEWED EVERY SIX YEARS

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

Name of document	Year it was produced	Produced by
Generic Community Land – Parks - Plan of Management	2001	Shoalhaven City Council
Generic Community Land – Community Use – Plan of Management	2001	Shoalhaven City Council
Generic – Sportsgrounds – Plan of Management	2001	Shoalhaven City Council
Shoalhaven Heads Landscape Management Plan – D22/143310	Adopted March 2022 MIN22.222	Shoalhaven City Council

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

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Various low growing shrubs and trees	Up to 10m	Aesthetic value and attract natives	As required and approved in line with the Shoalhaven Heads Landscape Masterplan

**12. SITE WEED LIST**

Common Name	Extent	Control method used by group
Asparagus fern	L	By hand
Dandelion	L	By hand
Capeweed	L	By hand
Flatweed	L	By hand

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

**Parkcare Group Name** Shoalhaven Heads Lions Parkcare Action Plan

**Coordinator Name** Robyn Flack

**Signature** .....

**Date** ....



**VIGILANT / MORRIS STREET RESERVE – ULLADULLA  
PARKCARE ACTION PLAN**

**Document Number:** D22/21135 • **Adopted:** Date • **Minute Number:** Minute number  
**File:** 31954E • **Produced By:** City Services • **Review Date:** Review Date

**CONTACT INFORMATION**

<b>Group Name:</b>	Vigilant / Morris Street Reserve Parkcare Group
<b>Contact:</b>	Parks Programmes Officer
<b>Reserve Name:</b>	Morris Street Reserve
<b>Location:</b>	Between Morris St & Vigilant St Ulladulla
<b>Reserve No:</b>	SUL842
<b>Land Tenure</b>	Freehold
<b>Comm Land Type</b>	Park

**1. PARKCARE GROUP GOALS**

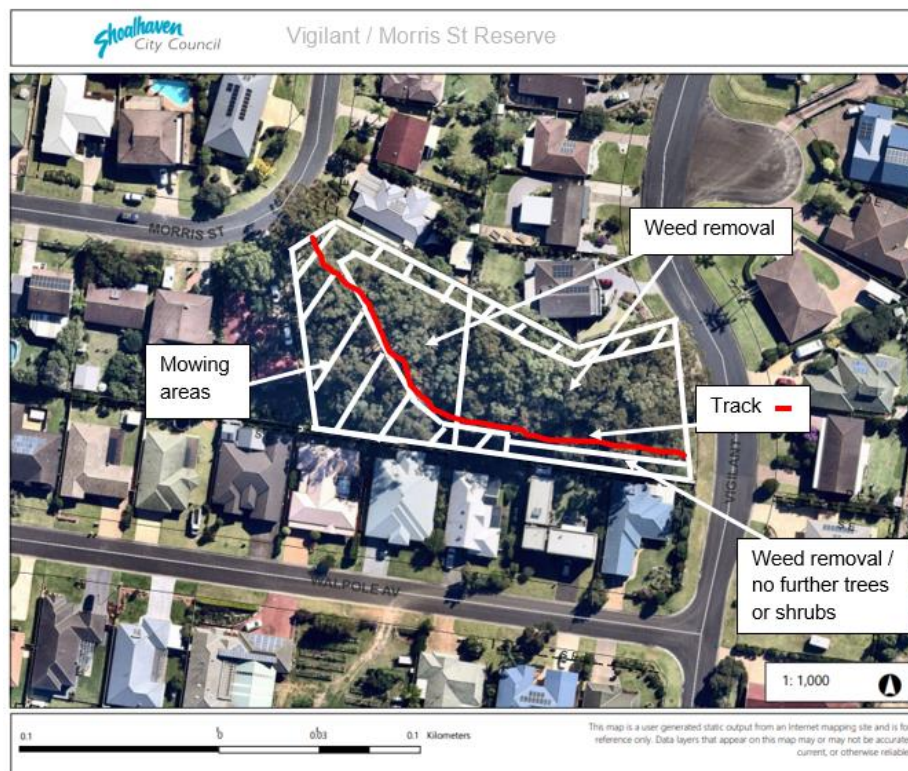
Maintain the natural integrity of the reserve by removing weeds and litter
Enhance the natural integrity of the reserve by planting low growing endemic ground covers and shrubs where required and approved
Maintain the newly issued Asset Protection Zone (APZ) as much to the volunteer's ability
If a more structural pathway through the reserve is approved, lay crushed granite, and tend to its upkeep
Recruitment of more volunteers



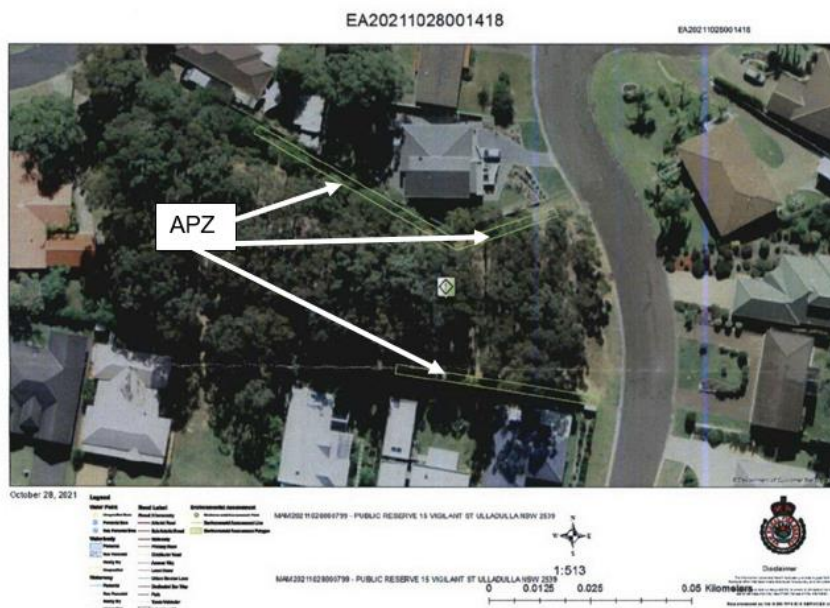
## 2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Weed control and mulching by hand	H	Hand tools	Ongoing
Litter control	H	Hand tools	Ongoing
Plant low growing shrubs and understory in non APZ areas	M	By hand	Ongoing
Advertise to request volunteers in the area	H	Social media, letter box drop of local residents	Autumn Winter
Assist in the maintenance of the APZ behind houses. 3m boundary to the south and 5m boundary to the north as per the Bushfire & Hazard document (noted below), which may include mowing or weed control	H	By hand and Council contactors	Ongoing
Updating, then maintaining existing track through the reserve if funding allows	H	By hand	Ongoing

## 3. PARKCARE GROUP ACTION PLAN MAP



VIGILANT / MORRIS ST RESERVE PARKCARE ACTION PLAN  
Page 2 of 6



#### 4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Mowing	Handheld mower	SWI51 (v2)
Litter pick up	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Weeding	Weed Control Activities	SWMS1408
Pruning shrubs	Tree removal & pruning	SWMS1453
Maintaining, landscaping, planting	Operational Risk Assessment	P10.F03 (FM18/139)
Whipper snipping	Line Trimmer	SWI41 (v2)
Manual handling, bending, planting, lifting	Hazardous Manual Tasks	PRD18/117
Walking track maintenance	Walking Track & Fence Construction & Maintenance	SWMS1346



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

#### 5. COUNCIL SUPPORT

Technical advice & support
Materials/plants where budget permits
Contractors (via Council's Bushfire Mitigation Officer) for larger APZ works
Create a letter for distribution to local residents of Morris St, Vigilant St and Walpole Ave, to attract more volunteers

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

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

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

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

## 8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

## 9. PLAN WILL BE REVIEWED EVERY SIX YEARS

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

Name of document	Year it was produced	Produced by
Bushfire Hazard Advice & Certificate (D21/476608)	2021	Rural Fire Service
Generic Plan of Management – Parks	2001	Shoalhaven City Council

## 11. RECOMMENDED PLANTING SPECIES LIST (NO VIEWS TO BE IMPACTED AND NO PLANTING IN APZ)

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Waratah	4m	Aesthetic value and attracts birds	2
Various low growing shrubs	Up to 2m	Aesthetic value and attract birds, bees etc	As required and approved

## 12. SITE WEED LIST

Common Name	Extent	Control method used by group
Moth vine	L	By hand
Montbretia	L	By hand
Formosa lily	M	By hand
Dandelion	M	By hand
Grasses growing outside the APZ	H	By hand
Agapanthus (growing in the natural part of the reserve)	M	By hand

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

**Parkcare Group Name** Vigilant / Morris Street Reserve Parkcare Group

**Coordinator Name** Anne Eggins

**Signature** .....

**Date** ....

DRAFT

CL22.308 - Attachment 3

## CL22.309 Draft Adaptation Plan

**HPERM Ref:** D22/251122

**Department:** Technical Services

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

**Attachments:** 1. Draft Adaptation Plan (under separate cover) [⇒](#)

### Reason for Report

To present the Draft Adaptation Plan to Council for review and endorsement.

### Recommendation

That Council adopt the Draft Adaptation Plan (Attachment 1) as presented, noting that it:

1. Has been prepared in line with the advice of the Department of Planning, Industry and Environment 'Climate Risk Ready NSW' guide.
2. Will act as a corporate reference point for preparation of Council's annual Delivery Program and Operational Plan
3. Draws on national and international leading practice in climate risk management, and industry and government experience, and is aligned to ISO 31000:2018 Risk Management – Guidelines, and NSW Treasury Internal Audit and Risk Management Policy.
4. Will be reviewed and updated every 5 years to ensure Council's adaptation responses remain valid and relevant to local priorities and climatic conditions, with an updated Climate Change Risk Assessment to be completed in 2027.

### Options

1. That Council endorse the Draft Adaptation Plan as presented.

#### Implications

Council staff will proceed to finalise the document.

2. That Council defer consideration of the draft Adaptation Plan (Attachment 1) as presented, until the plan can be workshopped with Councillors.

#### Implications

Implementation of the Plan and subsequent action will be delayed.

Not recommended as this is an ever evolving document and to continually fine tune it and rework it will delay the real purpose of the plan and that is to see actions being implemented.

### Background

- On 10 June 2021, Shoalhaven City Council completed a Climate Change Risk Assessment workshop with Statewide Mutual and 19 staff from across Council, identifying 28 climate risks to Council operations. The report advised that Council should develop responding adaptation initiatives for all risks rated as extreme and high, as well as any appropriate risks rated medium.

CL22.309

- On 9 November 2021, the Executive Management Team received a report summarising the findings of the Climate Change Risk Assessment Report and resolved to undertake a workshop so that adaptation initiatives could be scoped, developed, and prioritised to address the extreme and high risks identified.
- On 22 November 2021, the Climate Change Risk Assessment report was presented to the Audit and Risk Improvement Committee with the recommendation that the risks be reviewed and re-evaluated in line with Council's Corporate Enterprise Risk Management framework and risk evaluation matrix.
- On 17 January 2022, a workshop was held with the Executive Management Team to re-evaluate the risks, develop responding adaptation actions and initiatives, and identify lead teams responsible for delivery of these actions. The outcome of this meeting included the preparation of a Draft Adaptation Plan.
- The Draft Adaptation Plan (attachment 1) was presented to EMT on 7 June 2022 and to the Audit and Risk Improvement Committee on 15 June, 2022 who approved the Plan to be presented to Council.

### **Draft Adaptation Plan**

The Draft Adaptation Plan (Attachment 1) has been prepared in line with the advice of the Department of Planning, Industry and Environment 'Climate Risk Ready NSW' guide. This process draws on national and international leading practice in climate risk management, and industry and government experience, and is aligned to ISO 31000:2018 Risk Management – Guidelines, and NSW Treasury Internal Audit and Risk Management Policy.

The Plan responds to the findings and recommendations of the Climate Change Risk Assessment and documents each risk identified as part of this process, including the risk rating, current controls, responding adaptation initiatives, and lead teams responsible for delivery. The Plan also summarises projected climate change impacts for the Shoalhaven region.

As an Adaptation Plan, the document focuses primarily on actions that will help Council better adapt to the changing climate, however, the Plan also references Council's approach to mitigating climate change through the initiatives currently outlined in Council's Sustainable Energy Policy and Strategy (2020).

The Plan includes provision for annual reports to be prepared and presented to the Executive Management Team on action implementation. In line with the recommendations of the Climate Risk Ready NSW guide, it also recommends that the Adaptation Plan be reviewed and updated every 5 years to ensure Council's adaptation responses remain valid and relevant to local priorities and climatic conditions, with an updated Climate Change Risk Assessment to be completed in 2027.

To support delivery of the actions outlined in the Plan, all adaptation actions and initiatives have been incorporated into Council's corporate risk register, where they will be reviewed and monitored on a continuous cycle. The risks and linked actions have been assigned to the most appropriate work team, as agreed with the Executive Management Team, and will be reviewed as required, relevant to their risk rating, during the quarterly Risk Management meetings held with relevant managers and staff.

### **Community Engagement**

Development of the Draft Adaptation Plan has involved several stages of internal engagement with key staff across the organisation, with the Executive Management Team, and with the Audit, Risk and Improvement Committee.

CL22.309

Nineteen staff from across the organisation were involved in the initial Climate Change Risk Assessment workshop which identified and evaluated climate risks, with representation from most areas of the organisation as follows:

**Position**

Department Manager - Building Services  
Social Planner  
Local Emergency Management Officer  
Team Supervisor - Noxious Weeds  
Lead - Environmental Health  
Senior Floodplain Coordinator  
Coastal Management Program Coordinator  
Team Leader - Environmental Planner  
Community Recovery Officer  
Manager - Design Services  
Manager - Library Services  
Economic Development Officer  
Manager - Technical Services  
Coordinator - Strategy Planning Team  
Precinct Coordinator - Programs & Assets  
Manager - Corporate Performance & Reporting  
Manager - Commercial Services  
Commercial Services  
Manager - Environmental Services

Following the climate change risk assessment, a range of technical staff from across Council were engaged to assist in identifying current control measures and to develop and scope responding adaptative actions.

The Executive Management Team participated in a workshop to re-evaluate the risks, review the proposed adaptive actions, and assign lead staff. Lead staff were subsequently contacted to provide final feedback on the actions assigned to them.

The Audit, Risk and Improvement Committee also provided feedback on the risk evaluation process and reviewed the Draft Adaptation Plan before it was scheduled to be presented to Council.

**Policy Implications**

The Adaptation Plan outlines how Council is preparing for and responding to climate change risks. The Plan has been developed in alignment with Council's Risk Management Policy and will support the delivery of Council's pending Sustainability Policy (draft in development).

**Financial Implications**

Shoalhaven's Adaptation Plan will act as a corporate reference point for preparation of Council's annual Delivery Program and Operational Plan. As such, the actions identified in the Plan will be subject to Council's resourcing and budget processes and considerations each financial year.

Annual reports will be prepared on progress of the actions included in the Plan, and these reports will help to identify any delays in delivery, and additional budget required to deliver actions.

CL22.309

**Risk Implications**

The physical impacts of climate change and extreme weather can significantly disrupt services and damage infrastructure resulting in serious risks for Council. The majority of risks identified in the Climate Change Risk Assessment Report directly impacted Council infrastructure and assets, which represent significant value, as well as impacting the services we provide to our community. This Draft Adaptation Plan responds directly to these identified climate related risks and will assist in preparing for and mitigating these risks.

## CL22.310 Land Acquisition - 400B Coolangatta Road Berry

**HPERM Ref:** D22/96597

**Department:** Technical Services

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

**Attachments:** 1. Sketch Plan - Acquisition Part Lot 2 DP 706495 - Coolangatta Road, Berry [↓](#)

### Reason for Report

To provide Council with an opportunity to consider the partial acquisition of land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, of Lot 2 DP 706495, known as 400B Coolangatta Road, Berry, for the sum of Five Thousand Dollars (\$5,000) plus GST if applicable, to resolve an encroachment caused by the installation of Council infrastructure – drainage pit.

### Recommendation

That Council:

1. Enter into the partial acquisition by agreement with the landowners of Lot 2 DP 706495, known as 400B Coolangatta Road, Berry, as shown in Attachment 1 for compensation in the amount of Five Thousand Dollars (\$5,000) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Should Acquisition by Agreement breakdown, then Council:
  - a. Approves the acquisition of land by Compulsory Process of part Lot 2 DP 706495, known as 400B Coolangatta Road, Berry, as shown in Attachment 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
  - b. Continue negotiations with the landowner up to and following the issue of Proposed Acquisition Notice (PAN) in an effort to reach agreement.
  - c. Approve the making of the necessary application to the Minister for Local Government and the Governor for Compulsory Acquisition.
3. Fund all costs associated with the acquisition of Item 1 or Item 2, from WSN Local Road Construction Drains - Work Order M0000015.
4. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's Solicitor.
5. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.
6. Upon acquisition of the land, authorise by notice in the Government Gazette, the dedication of proposed Lot 21 as Public Road (widening) in accordance with Section 10 of the Roads Act 1993.

CL22.310



## Options

1. Adopt as recommended.

Implications: This will allow Council or authorised consultants, to access the area to service the drainage pit and drainage infrastructure assets contained within the future road reserve.

2. Not adopt as recommended.

Implications: Council will not have legal access to the land and that will provide ongoing issues with the legality of installing infrastructure on private land. This may result in delays when trying to undertake maintenance of the asset.

## Background

In 2013 Council upgraded Coolangatta Road including the installation of a drainage pit immediately adjacent to 440 B Coolangatta Road, Berry. Owners of 400B Coolangatta Road alerted Council that the pit may have been located on their property rather than in the road reserve. At that time Council paid the owners of 400B Coolangatta Road \$500 to construct a realigned fence and both parties acknowledged that a detailed survey needed to be undertaken to determine the extent of the encroachment. A survey plan was undertaken in 2021.

The survey plan identified that the pit and access were located on private land. The encroachment can be rectified either by the creation of an easement or via land acquisition.

Council approached the owner to acquire an easement and on 28 June 2021 the landowner informed Council that they would prefer that Council acquire the affected land as well as additional land severed by the new boundary fence consisting of approximately 142m<sup>2</sup>. The fence has been in place since 2013 and prohibits the landowner from his land.

Council received an independent valuation dated 26 October 2021 valuing the area of acquisition at \$3,500 (excluding GST). Council issued a Letter of Offer with compensation of \$3,500, subject to GST and Council Resolution.

The landowner rejected Council's offer and following negotiations, an agreement was reached for compensation at \$5,000 plus GST if applicable. The increased value was reflective of potential increases in market value and costs avoided through subsequent valuation should the landowner wish to instruct their own valuation.

## Community Engagement

No community engagement is required as the matter relates to operational purposes only.

Not required for operational purposes.

## Policy Implications

Nil

## Financial Implications

All costs associated with the acquisition will be funded by the WSN Local Road Construction Drains - Work Order M0000015.

CL22.310

Should the matter proceed to compulsory process, in addition to the value of the land to be acquired, Council is obliged to pay for an independent valuation instructed by the landowner (approx. \$5, 000) and legal costs (approx. \$5,000) and costs incurred by the NSW Valuer General's administration fees and appointed Valuer.

**Risk Implications**

Both the landowner and Council are keen to finalise this matter. Therefore, the risk of commencing acquisition by compulsory process is low.



## CL22.311 Acquisition - Part 28 St Vincent Street Ulladulla

**HPERM Ref:** D22/302826

**Department:** Technical Services

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

### Reason for Report

This report is to provide Council with an opportunity to consider a confidential report for the proposed Acquisition - Part 28 St Vincent Street Ulladulla.

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

### Recommendation

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

### Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Not accept the recommendation

### Background

As part of the assessment of a Development Application for a multi-dwelling housing development at 28 St Vincent Street, Ulladulla (DA21/2413), it has been identified through the internal referral process that an upgrade is required to the street at the rear of the lot (Kingsley Avenue). The initial development proposal submitted by Nitro Building comprised the construction of 7 units on the site, with 5 of those units accessing the property from Kingsley Avenue.

CL22.311



*Fig. 1: 28 St Vincent St, Ulladulla - Property Layout*

Kingsley Avenue is a “no through road” street that is connected to Nurrawallee Street in the north and terminates as a narrow single lane street adjacent to the drainage reserve at its southern end. Kingsley Avenue services a number of multi-dwelling properties and already poses challenges for traffic movement and garbage collection services at the southern end where the proposed multi-dwelling development would be located.

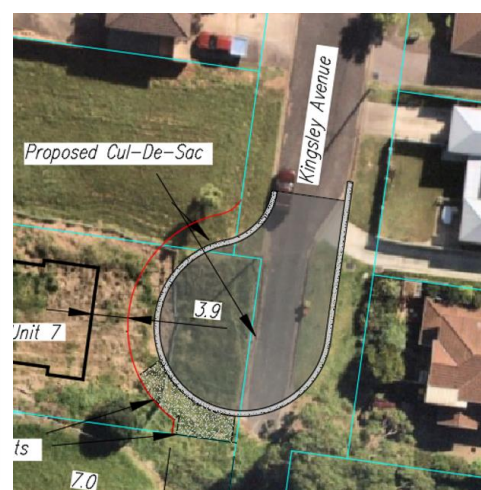
Preliminary assessment of DA21/2413 had not sought to resolve the traffic and servicing issues of Kingsley Avenue through land acquisition, and on that basis the developer has progressed designs for the development assuming that the full lot was available to achieve the proposed seven (7) unit development.

Following more detailed assessment, Council staff have reached the conclusion that an upgrade to the southern end of Kingsley Avenue to address the traffic and servicing issues is essential to avoid creating an ongoing liability that would not be able to be mitigated using the available road reserve.

Subsequently, Council staff have entered into negotiations with the applicant to redesign the layout and number of units on the site in a manner that also allows for sufficient land to be allocated for the construction of a cul-de-sac in Kingsley Avenue.



*Fig. 2: Proposed Land Acquisition Layout*



*Fig. 3: Preliminary Cul-de-sac*

CL22.311

A cul-de-sac arrangement will require approximately 235 m<sup>2</sup> to 250 m<sup>2</sup> of land to be acquired to accommodate a 9.5m minimum radius cul-de-sac and minimum 3m verge (refer to Fig. 2 & Fig. 3).

As a result of negotiations with the applicant, who has worked cooperatively with Council staff to understand the implications of the proposed improvements to Kingsley Avenue, it is understood that the reduction of 250m<sup>2</sup> will result in a reduction from 7 units on the site to 6 units. Some of the units may also need to be narrowed to fit the remaining available site. A reduction in units impacts upon the applicant's potential financial yield from the development.

Land acquisition would also be required from part of 5 Kingsley Avenue to accommodate the footprint of the cul-de-sac and the verge (approximately 25 m<sup>2</sup>).

### **Community Engagement**

No broader community engagement has been undertaken for this matter.

### **Financial Implications**

This information is contained within the confidential report.

### **Risk Implications**

Nil

CL22.311

## CL22.312 Trade Works & Services Provision - Panel Contract - Preferred Supplier Panel

HPERM Ref: D22/127916

Department: Building Services  
Approver: Paul Keech, Director - City Services

### Reason for Report

To inform Council of the tender process for the provision of trade services and to seek approval to appoint suppliers to a Panel of Preferred Suppliers for a period of two years.

### Recommendation

That:

1. Council appoints the following suppliers and trades to the zones noted onto the Preferred Supplier Panel commencing immediately upon the execution of the Panel Deeds for a period of two years.

Supplier Name	Trade	Zone / Area		
		Shoalhaven Northern	Shoalhaven Central	Shoalhaven Southern
Absolute Plumbing	Plumbing	x	x	
AJ Grant Group	multiple	x	x	x
Allstate Asbestos & Demolition Pty Ltd	Build / Roofing	x	x	x
Alpine Glass P/L	Glazing	x	x	x
ARA Electrical High Voltage Services Pty Ltd	Electrical	x	x	x
Aus Spark Electrics Pty Ltd	Electrical	x	x	x
AWS Services Vic Pty Ltd	multiple	x		
Batmac Constructions Pty Ltd	Building	x	x	x
Blue Chip Building Solutions	multiple			x
Brian Hayward Electrical	Electrical	x	x	
City Coast Services Pty Ltd	multiple	x	x	x
Climax Air Conditioning Pty Ltd	Air Conditioning	x	x	x
Country 2 Coast Maintenance	Painting	x	x	x
Diverse Civil Contracting	Concreting	x	x	x
Ecodynamics Landscaping	Landscaping	x	x	x
Edwards, Mark T/a C&M Fencing	Fencing	x	x	
Encat Metal & Civil	Fencing	x	x	x
FAW Electrical Pty Ltd	Electrical	x	x	
Flavells Plumbing	Plumbing	x		
Fowlers Plumbing Services Pty Ltd	Roofing & Plumbing	x	x	x
Fulton Hogan Pty Ltd	multiple	x	x	x
G Quinn Pty Ltd T/a Kiama Electrical Services	Air Conditioning & Electrical	x	x	

CL22.312

Guise Family Trust T/a Ben Guise Electrical	Electrical		x	x
Harbourside Landscapes	Landscaping		x	x
Hiflow Industries Pty Ltd	Air Conditioning	x		
Hitec Electrical Contracting	Electrical	x	x	
Ian & Brigitte Smith	Tiling Wall & Floor	x	x	x
Ian Greenhaigh Construction Pty Ltd Southern Zone for both	Building & Concreting			x
Ian Jorgenson Electrical & Data Pty Ltd T/a IJE&D Pty Ltd	Electrical	x	x	x
Innovate Air and Electrical	Air Conditioning & Electrical	x	x	x
Inter Chillers Pty Ltd	Air Conditioning	x	x	x
Ison Plumbing P/L	Plumbing	x	x	
J & S Wearne	Multiple	x	x	x
Jamie Mennie Construction Pty Ltd	Building & Concreting	x	x	x
Jervis Bay Installations	Electrical		x	
Jim Freeman Plumbing Pty Ltd	Poly Weld & Plumbing	x	x	
John Hills Signs Pty Ltd	Signwriting	x	x	x
Knowles Constructions	Building/Carpentry & Concreting	x	x	x
Laneyrie	Electrical	x	x	x
Lifestyle Plumbers Pty Ltd	Plumbing	x	x	x
Mark Smith Plumbing P/L T/a Accredited Plumbing	Plumbing		x	x
Matt Stewart Building	Building			x
MCM Kitchens and Joinery	Joinery/Cabinet	x	x	x
Northern Fencing Specialists Pty Ltd	Fencing	x	x	x
Nowra Emergency Plumbing	Plumbing	x	x	
Opus Contracting	Painting	x	x	x
P & S Building & Construction Pty Ltd	Multiple			
Parrish Plumbing Pty Ltd	Roofing & Plumbing	x	x	x
Pascall Group Pty Ltd	Plumbing	x	x	x
PD & JD Taylor T/A Protective Fencing Services	Fencing	x	x	x
Pearce & Percy Constructions Pty Ltd	Joinery / Building	x	x	x
Perspective Carpentry and Constructions Pty Ltd	Electrical / Building / Concreting	x	x	x
Pipeguy Plumbing Services	Plumbing			x
Planet Civil Pty Ltd	Concreting	x	x	
Qes Electrical Contracting Pty Ltd	Electrical	x	x	x
R&K Refrigeration & Air Conditioning	Air Conditioning	x	x	x
Relyon Constructions Pty Ltd	Building/Carpentry	x		
S&N Watson Plumbing Services Pty Ltd	Roofing & Plumbing	x	x	x

CL22.312



Shoalhaven Under Road Boring Pty Ltd	Under Road/Boring	x	x	x
Simmark	Air Conditioning / Electrical	x	x	x
South Coast Refrigeration & Air Con	Air Conditioning		x	
Southern Infrastructure and Hire Pty Ltd	Under Road / Poly Pipe / Concreting	x	x	x
Specialized Fencing Solutions Pty Ltd	Building & Fencing	x	x	
Stowe Australia	Electrical	x	x	x
SW & SM Resskelly T/a N&S Construction	Building	x	x	x
Trust Plumbing & Consultancy	Plumbing	x	x	x
Vogue Landscapes	multiply	x	x	x
Wade Henry Electrical	Electrical			x
Walkers Electrical Solutions Pty Ltd	Electrical	x	x	x
Wellco Developments Pty Ltd	Building & Concreting	x	x	x
Whittle Construction	Building		x	x
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	Multiple	x	x	x
Evolve Electrical & Design Pty Ltd	Electrical	x	x	x
South Coast Refrigeration & Air Con.	Air Conditioning		x	
New Image Kitchens	Joinery/Cabinet Making	x	x	x
Ian Greenhaigh Construction Pty Ltd	Building - Concreting			x
Dezzine Kitchens	Joinery/Cabinet Making			x
Colour sensations Painting and decorating	Painting	x		

- The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the relevant Group Director.

## Options

- Council to accept the recommendation as presented (preferred option).

### Implications

Staff can continue to access Trade services in an effective manner via the Trades Panel.

- Council does not accept the recommendation, giving reasons and propose an alternative resolution.

### Implications

Council do not appoint suppliers to the Preferred Supplier Panel for the trades detailed in this report, and that these services are engaged in accordance with adopted procurement policies and procedures.

CL22.312

## Background

The existing Trades services panel was established by Council in 2019 for an initial two-year term expiring in December 2021. Options for two x 12month terms were not exercised by Procurement due to staff wishing to attract new service providers to the panel.

A new Tender was released via Tenderlink on 21 December 2021 and closed on 31 January 2022. This tender will create a new Panel of service providers who will be engaged on their submitted rates and on an as required basis. The acceptance of a tender and subsequent appointment to the Panel does not guarantee that a contractor will be engaged during the term of the Panel.

The tender document defined three service zones across the Shoalhaven LGA – north, central and south. The public tender was advertised in local and national newspapers, local radio and on Councils e-tendering portal. Current suppliers to Council were sent notifications via email to inform them of the advertised tender.

The tender process is in line with best practice to ensure compliance with Councils Purchasing Policy, the Local Government Act 1993 and the NSW Tendering Regulations 2009.

The following trades were invited to tender:

- Air-conditioning
- Building
- Concreting
- Electrical
- Fencing
- Glazing
- Joinery/ Cabinet Making
- Landscaping
- Painting
- Plastering
- Poly Pipe Welding
- Plumbing
- Roofing
- Signwriting
- Tiling (wall and floor)
- Under Road Boring services

At close of tenders there were submissions from 77 suppliers across all trades, located both within and outside the Shoalhaven Local Government area. This included one non-conforming Tenderer.

The submissions were evaluated by a Panel comprising key staff from City Services, Shoalhaven Water and City Lifestyles.

The evaluation team reviewed all submissions to confirm suppliers had met the mandatory criteria. One supplier, Total Finish did not submit any of the required forms or trade rates and as a result, was deemed as a non-conforming tender.

Further review of the remaining submissions noted that most of the suppliers did not complete all required forms in full. It was acknowledged that most tenderers are tradespeople with little experience completing tender documentation. The panel agreed to email clarifications to the remaining tenderers to gather the missing information.

All clarification responses were received, and the evaluation team agreed that the suppliers had all met the mandatory criteria. This was a non-ranked panel and all hourly trade rates were competitive.

It was noted that some suppliers had ticked to service all trade categories. The evaluation team agreed to exclude those suppliers from providing trade services in areas that was not related to their core trade. An example of this was building companies who had ticked signwriting services in addition to building related trades.

There was no trade qualified response to 'Plastering' so the evaluation team agreed to remove this category from the Trades panel list.

The Panel applied the methodology of the approved tender evaluation plan. Following the evaluation, the Panel recommended to appoint all suppliers who met the evaluation criteria. A list of suppliers to be appointed to each trade on the panel are listed below. In addition to the list below, staff will be provided with the hourly rates and the supplier business address so informed decisions can be made when engaging trades to undertake works.

### Air Conditioning

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
Climax Air Conditioning Pty Ltd	X	X	X
G Quinn Pty Ltd T/a Kiama Electrical Services	X	X	
Hiflow Industries Pty Ltd	X		
Innovate Air and Electrical	X	X	X
Inter Chillers Pty Ltd	X	X	X
R&K Refrigeration & Air Conditioning	X	X	X
Simmark	X	X	X
South Coast Refrigeration & Air Con		X	

### Building

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Allstate Asbestos & Demolition Pty Ltd	X	X	X
AWS Services Vic Pty Ltd	X		
Batmac Constructions Pty Ltd	X	X	X
Blue Chip Building Solutions			X
Fulton Hogan Pty Ltd	X	X	X
Ian Greenhaigh Construction Pty Ltd			X
J & S Wearne	X	X	X
Jamie Mennie Construction Pty Ltd	X	X	X
Knowles Constructions	X	X	X
Matt Stewart Building			X
P & S Building & Construction Pty Ltd	X	X	X
Pearce & Percy Constructions Pty Ltd	X	X	X

CL22.312

Perspective Carpentry and Constructions Pty Ltd	X	X	X
Relyon Constructions Pty Ltd	X		
Specialized Fencing Solutions Pty Ltd	X	X	
SW & SM Resskelly T/a N&S Construction	X	X	X
Wellco Developments Pty Ltd	X	X	X
Whittle Construction		X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X

### Concreting

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Blue Chip Building Solutions			X
Diverse Civil Contracting	X	X	X
Fulton Hogan Pty Ltd	X	X	X
Ian Greenhaigh Construction Pty Ltd			X
J & S Wearne	X	X	X
Jamie Mennie Construction Pty Ltd	X	X	X
Knowles Constructions	X	X	X
P & S Building & Construction Pty Ltd	X	X	X
Perspective Carpentry and Constructions Pty Ltd	X	X	X
Planet Civil Pty Ltd	X	X	
Southern Infrastructure and Hire Pty Ltd	X	X	X
Vogue Landscapes	X	X	X
Wellco Developments Pty Ltd	X	X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X

CL22.312

## Electrical

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
ARA Electrical High Voltage Services Pty Ltd	X	X	X
Aus Spark Electrics Pty Ltd	X	X	X
Brian Hayward Electrical	X	X	
FAW Electrical Pty Ltd	X	X	
Evolve Electrical & Design Pty Ltd	X	X	X
G Quinn Pty Ltd T/a Kiama Electrical Services	X	X	
Guise Family Trust T/a Ben Guise Electrical		X	X
Hitec Electrical Contracting	X	X	
Ian Jorgenson Electrical & Data Pty Ltd T/a IJE&D Pty Ltd	X	X	X
Innovate Air and Electrical	X	X	X
Jervis Bay Installations		X	
Laneyrie Electrical Pty Ltd	X	X	X
Qes Electrical Contracting Pty Ltd	X	X	X
Simmark	X	X	X
Stowe Australia	X	X	X
Wade Henry Electrical			X
Walkers Electrical Solutions Pty Ltd	X	X	X

CL22.312

## Fencing

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
AWS Services Vic Pty Ltd	X		
Edwards, Mark T/a C&M Fencing	X	X	
Encat Metal & Civil	X	X	X
J & S Wearne	X	X	X
Northern Fencing Specialists Pty Ltd	X	X	X
P & S Building & Construction Pty Ltd	X	X	X
PD & JD Taylor	X	X	X
Specialized Fencing Solutions Pty Ltd	X	X	
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X
Vogue Landscapes	X	X	X

### Glazing

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
Alpine Glass P/L	X	X	X

### Joinery

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Blue Chip Building Solutions			X
J & S Wearne	X	X	X
MCM Kitchens and Joinery	X	X	X
P & S Building & Construction Pty Ltd	X	X	X
Pearce & Percy Constructions Pty Ltd	X	X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X
New Image Kitchens	X	X	X
Dezzine Kitchens			X

CL22.312

### Landscaping

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Ecodynamics Landscaping	X	X	X
Harbourside Landscapes		X	X
Vogue Landscapes	X	X	X
J & S Wearne	X	X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X

### Painting

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Blue Chip Building Solutions			X
Colour sensations Painting and decorating	X		
Country 2 Coast Maintenance	X	X	X
Fulton Hogan Pty Ltd	X	X	X
Opus Contracting	X	X	X
P & S Building & Construction Pty Ltd	X	X	X

Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X
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### Poly Pipe Welding

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
City Coast Services Pty Ltd	X	X	X
Jim Freeman Plumbing Pty Ltd	X	X	
Southern Infrastructure and Hire Pty Ltd	X	X	X

### Plumbing

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
Absolute Plumbing	X	X	
City Coast Services Pty Ltd	X	X	X
Jim Freeman Plumbing Pty Ltd	X	X	
Flavells Plumbing	X		
Fowlers Plumbing Services Pty Ltd	X	X	X
Fulton Hogan Pty Ltd	X	X	X
Ison Plumbing P/L	X	X	
Lifestyle Plumbers Pty Ltd	X	X	X
Mark Smith Plumbing P/L T/a Accredited Plumbing		X	X
Nowra Emergency Plumbing	X	X	
Parrish Plumbing Pty Ltd	X	X	X
Pascall Group Pty Ltd	X	X	X
Pipeguy Plumbing Services			X
S&N Watson Plumbing Services Pty Ltd	X	X	X
Trust Plumbing & Consultancy	X	X	X

### Roofing

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Allstate Asbestos & Demolition Pty Ltd	X	X	X
Blue Chip Building Solutions			X
Fowlers Plumbing Services Pty Ltd	X	X	X
J & S Wearne	X	X	X
P & S Building & Construction Pty Ltd	X	X	X

CL22.312

Parrish Plumbing Pty Ltd	X	X	X
S&N Watson Plumbing Services Pty Ltd	X	X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X

### Signwriting

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
John Hills Signs Pty Ltd	X	X	X

### Tiling

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
AJ Grant Group	X	X	X
Blue Chip Building Solutions			X
Ian & Brigitte Smith	X	X	X
P & S Building & Construction Pty Ltd	X	X	X
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	X	X	X

CL22.312

### Under Road Boring

Supplier	Shoalhaven North	Shoalhaven Central	Shoalhaven Southern
City Coast Services Pty Ltd	X	X	X
Shoalhaven Under Road Boring Pty Ltd	X	X	X
Southern Infrastructure and Hire Pty Ltd	X	X	X

### Community Engagement

The public tender was advertised in local and national newspapers, local radio and on Councils e-tendering portal. Current suppliers to Council were sent notifications via email to inform them of the advertised tender.

### Policy Implications

Nil. This Tender has been called to continue Council's ability to engage trades in a manner that is efficient and adheres to procurement policy.

### Financial Implications

Council does not have a software application that will assist staff in managing the Trade Services Panel. The Procurement Unit will load a listing of supplier/panel combinations onto the Digital Workspace to provide staff with the contact information to engage suppliers.



Council's online contractor management provider BNG Conserve will maintain the accreditation detail for all suppliers on the Panel.

**Risk Implications**

There will be trades added to the panel that have no, or little experience working with Council. It will be the responsibility of the area within Council that engages trades to ensure that the safety documentation and works are undertaken in line with Council WHS standards and work quality expectations.

CL22.312

## CL22.313 Tenders – Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender

**HPERM Ref:** D22/230091

**Department:** Works & Services

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

### Reason for Report

To allow Council to consider the recommendation from the tender process for Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender.

### Recommendation

That:

1. Council endorses the creation of a Pre-mixed Concrete Supply & Delivery Panel
2. Council endorses the recommendation of the Tender Evaluation Panel and appoints three suppliers to the Pre-mixed Concrete Supply & Delivery Panel for the next five years:
  - Cleary Bros (Bombo) Pty Ltd.
  - T & M Lynch Pty Ltd T/A Eziway Concrete.
  - Hanson Construction Materials.

### Options

1. Adopt the recommendation.

Implications: The Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender will proceed in accordance with the best value recommendation of the tender evaluation team.

2. Council could choose not to accept the recommendation and select a different tenderer.

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

3. Council could elect to accept no tender and negotiate with any other person.

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

### Details

#### **Project Description**

The tender is for a panel for Pre-mixed Concrete Supply & Delivery which was conducted as part of the Illawarra Shoalhaven Joint Organisation (ISJO) arrangements.

CL22.313

### Budgets and Estimates

The estimated total contract value is \$10,000,000 over five (5) years. Funding for the purchase of ready-mix concrete will be allocated directly from specific approved capital work and maintenance project budgets.

### Tendering

Council called tenders for Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender on 27 April 2022 which closed at 10:00 am on 17 May 2022. Five tenders were received at the time of closing. The tender assessment is summarised in the Table below.

*Tender ranking table:*

Rank	Tenderer
1	T & M Lynch Pty Ltd T/A Eziway Concrete
2	Baines Transport Pty Ltd T/A Baines Concrete
3	Cleary Bros (Bombo) Pty Ltd
4	Hanson Construction Materials
5	Hy-Tec

### Local Preference Policy (LPP)

No Local Preference was applied to this price assessment as the tender was conducted over the four ISJO Councils, Shellharbour, Kiama, Wollongong and Shoalhaven.

### Financial Implications:

Funding for the purchase of premix concrete will be allocated directly from specific approved capital work and maintenance project budgets.

### Risk Implications

A *Risk of Failure Report* is not relevant in the case of this supplier panel. If one supplier was to become insolvent or unable to supply premix concrete when required, Council has the ability to source premix concrete from one of the other suppliers on the panel.

CL22.313

## CL22.314 Development Application - 32 & 36 Yarrawonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415

**DA. No:** DA21/2359/4

**HPERM Ref:** D22/142873

**Department:** Development Services

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

**Attachments:**

1. Planning Report - S4.15 Assessment - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
2. Planning Report - S4.15 Assessment - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
3. Draft Development Consent - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
4. Draft Development Consent - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
5. Development Plans - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
6. Development Plans - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)

**Description of Development:** Construction Two Storey Attached Dual Occupancies at 32 & 36 Yarrawonga Dr Mollymook Beach

**Owner:** AMJ Capital Pty Ltd – 32 Yarrawonga Dr Mollymook Beach  
NM & PV Coelho – 36 Yarrawonga Dr Mollymook Beach

**Applicant:** Buildcert Planning

**Notification Dates:** 17 November 2021 to 2 December 2021

### No. of Submissions:

DA21/2359 - 32 Yarrawonga Dr, Mollymook Beach: Fifteen(15) submissions (objections).

DA21/2348 - 36 Yarrawonga Dr, Mollymook Beach: Thirteen (13) submissions (objections).

### Purpose / Reason for consideration by Council

The applications were called in for determination by the Council due to the public interest on 8 February 2022, by a Notice of Motion (MIN22.54).

### Recommendation

That the:

1. Development Application DA21/2359 to construct a two storey attached dual occupancy and Torrens title subdivision at Lot 211 DP 1043758, 32 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 3 of this report.

CL22.314

2. Development Application DA21/2348 to construct a two storey attached dual occupancy and Torrens title subdivision at Lot 304 DP 1234415 36 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 4 of this report.

### Options

1. Approve the development applications (DAs) in accordance with the recommendation of this report.

Implications: This would allow the applicant to pursue construction of the developments.

2. Refuse the development applications (DAs).

Implications: Council would need to determine the grounds on which the application is refused, having regard to sections 4.15 considerations. A refusal enables the applicant to lodge a section 8.2 Review and / or appeal with the Land and Environment Court of NSW (LEC).

3. Alternative recommendation.

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

### Location Map



Figure 1 - 36 Yarrawonga Dr Mollymook Beach (blue border) &  
32 Yarrawonga Dr Mollymook Beach (yellow border)

CL22.314



*Figure 2 - Vacant Lot at 32 Yarrawonga Dr Mollymook Beach*



*Figure 3 - Vacant Lot at 36 Yarrawonga Dr Mollymook Beach*

CL22.314



## Background

### Proposed Development

Both of the DAs seek approval for the construction of a two storey attached dual occupancy with Torrens Title subdivision on each lot:

	32 Yarrawonga Drive	36 Yarrawonga Drive
Proposed Development	Construction of a two-storey attached dual occupancy and Torrens subdivision	
Lot Areas	665.8m <sup>2</sup>	730.1m <sup>2</sup>
Proposed Height	7.8m (SLEP 2014 Max Height of Building 8.5m)	7.3m (SLEP 2014 Maximum Height of Building 11m)
Street Presentation	<p>Each unit has a mix of finishes including brick veneer, rendered wall sections and vertical BGC Duragroove cladding, with skillion Colourbond roofs.</p> <p>Street presentation is a 2 storey construction with stepped, fenestrated design aligned according to the slope of the land with a double garage and entry door, small 1<sup>st</sup> floor verandahs and windows for each unit that are separated by a retaining wall located on the dividing boundary.</p> <p>Two separate driveways</p>	<p>Each unit has a mix of finishes including rendered brick veneer, horizontal w/board cladding with metal Colourbond skillion roofs.</p> <p>Yarrawonga street presentation comprises 2 storey construction with single garage door, recessed GF portico entry and fenestrated front wall articulation.</p> <p>Kooyonga Cl street presentation is a mix of 1 and 2 storey stepped construction with rendered brick veneer and horizontal wall cladding with fenestrated building elements</p> <p>Combined driveway</p>
Proposed Floor Plan for each unit	4 bedrooms, centrally located bathroom and laundry, open kitchen, dining area and living area that allows direct access to the outdoor alfresco area	<p>4 bedrooms, centrally located bathroom and laundry, open plan kitchen, dining area and living area</p> <p>Both units have covered outdoor living areas and level open space areas accessed from the main internal living areas.</p>
Proposed GFA for units	367.73m <sup>2</sup>	314m <sup>2</sup>
Proposed Lot Sizes	Lot 1 - 326.9m <sup>2</sup> Lot 2 - 338.9m <sup>2</sup>	Lot 1 - 411.4m <sup>2</sup> Lot 2 - 318.7m <sup>2</sup>
Floor space ratio (FSR)	0.55:1	0.43:1
Proposed Earthworks	Earthworks with an approximate cut of 1.5m and fill of 750mm. Retaining walls will be used adjacent to the eastern boundary, rear northern and rear western boundary	Earthworks propose a cut of 1.5m and fill <300mm

Table 1 – Proposed development criteria for each application

CL22.314

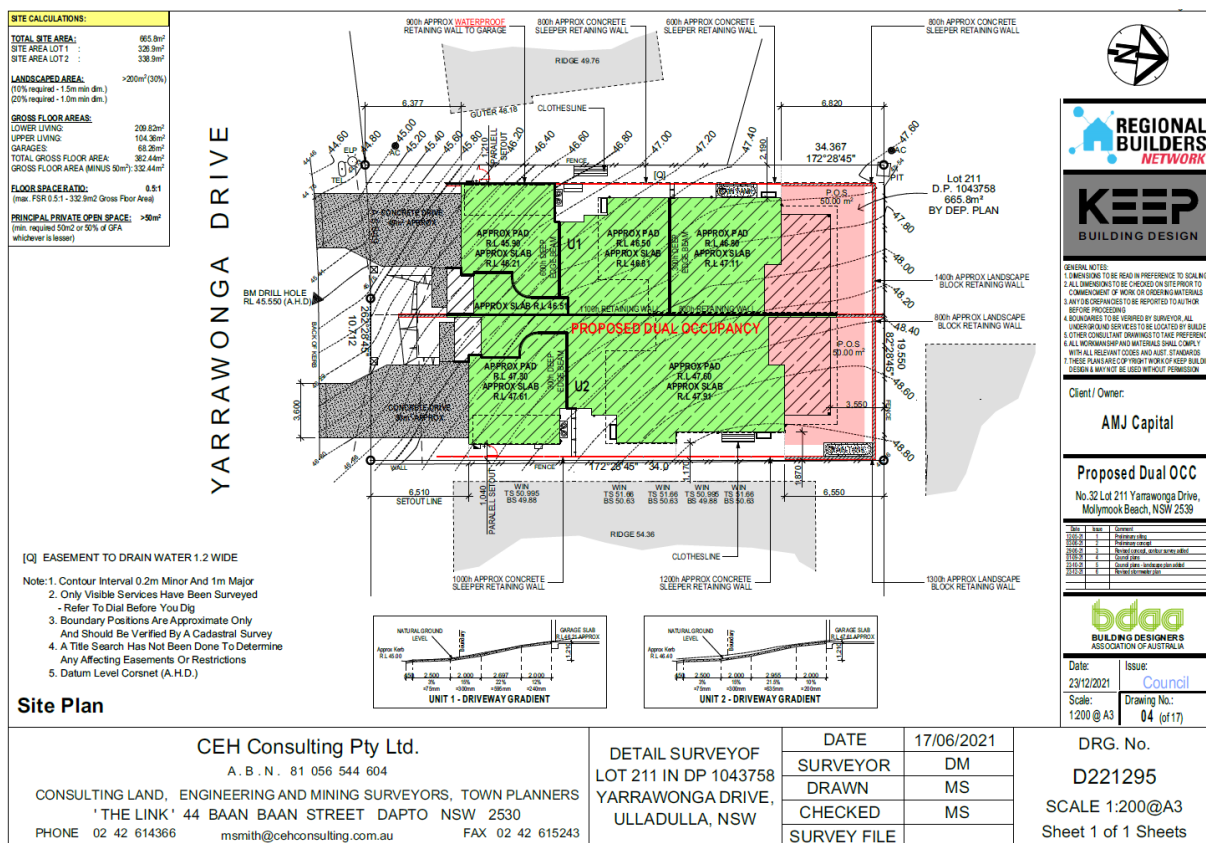


Figure 4 – Site Plans - 32 Yarrowonga Dr, Mollmook Beach

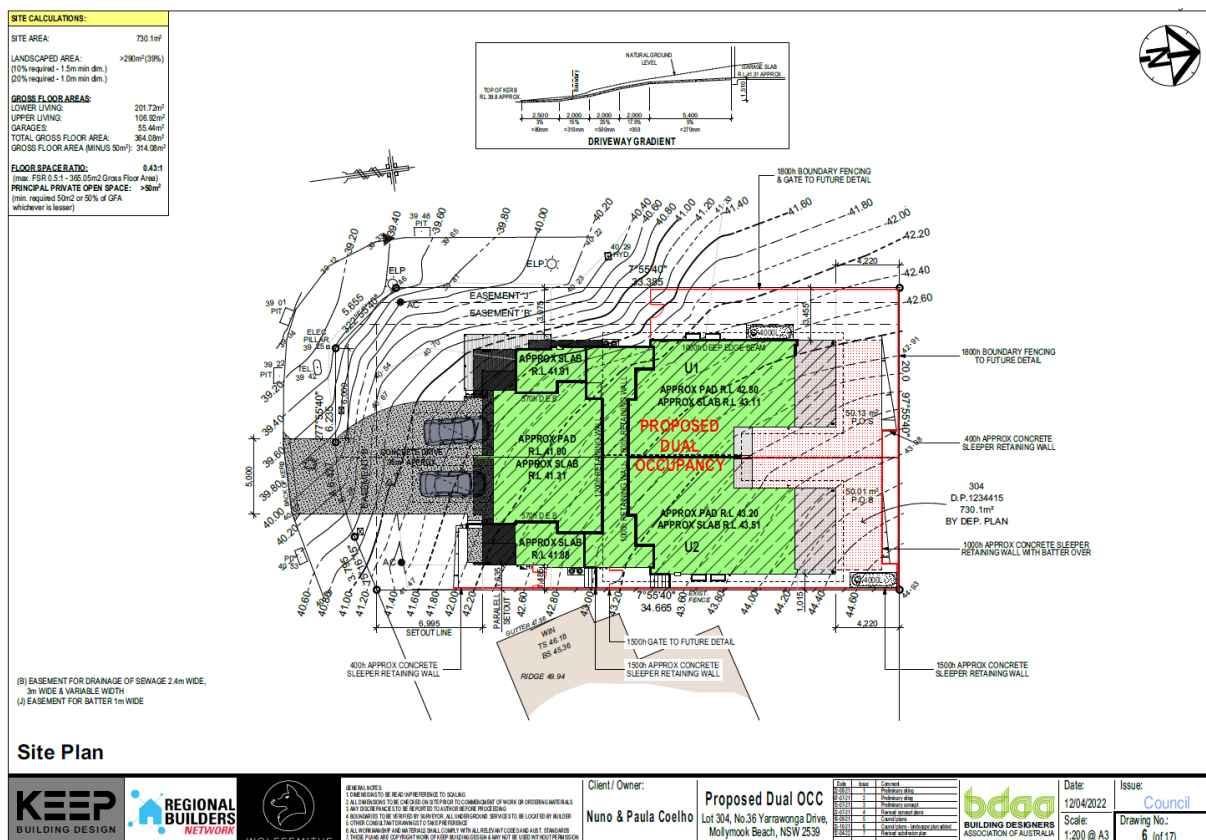
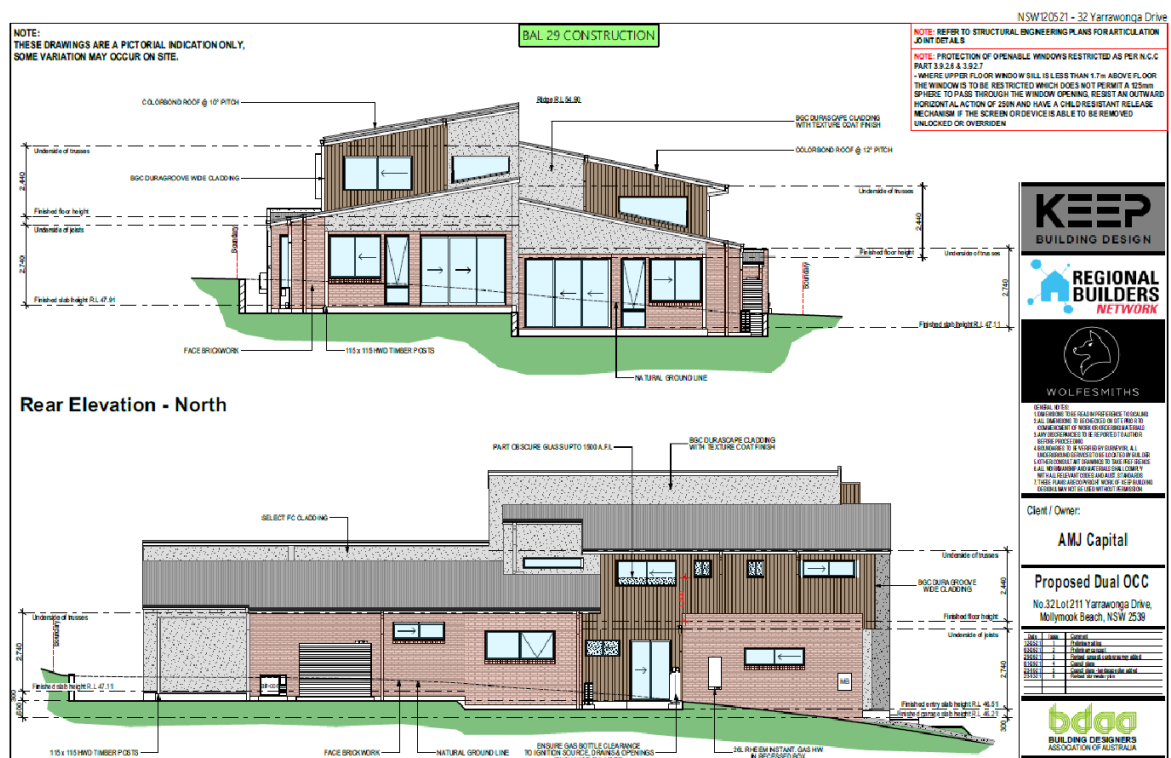
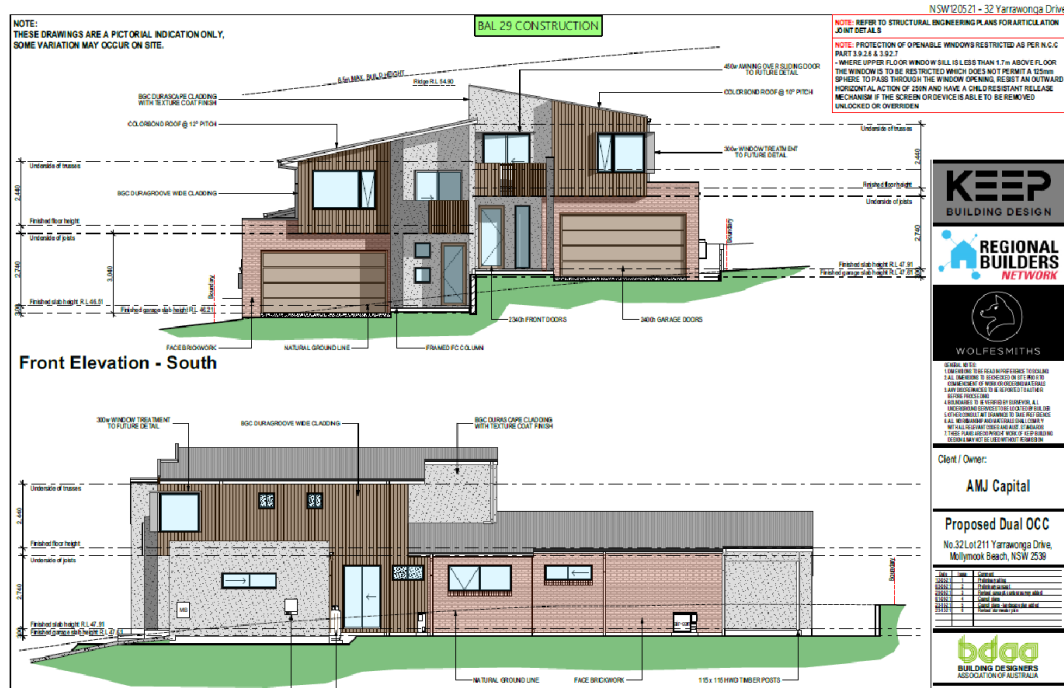


Figure 5 - 36 Yarrowonga Dr, Mollmook Beach

CL22.314





CL22.314

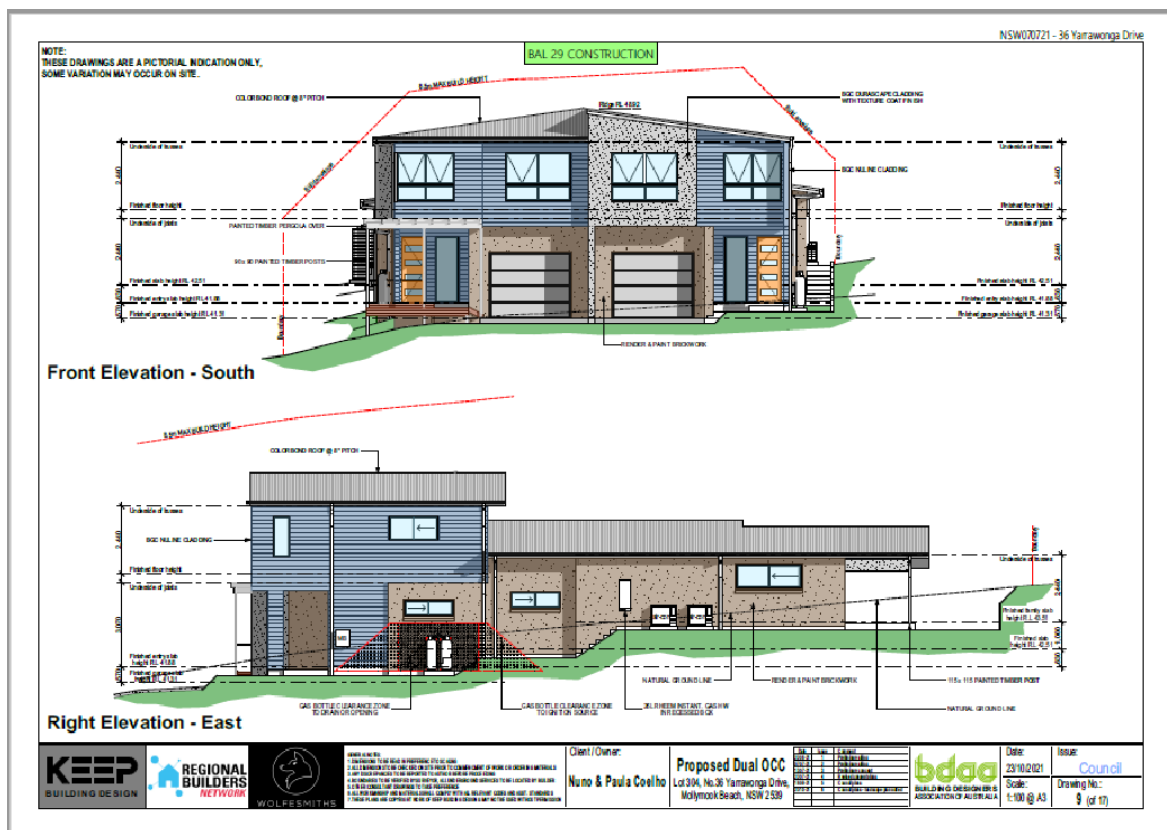


Figure 8 - South & East Elevations - 36 Yarrowonga Dr Mollmook Beach

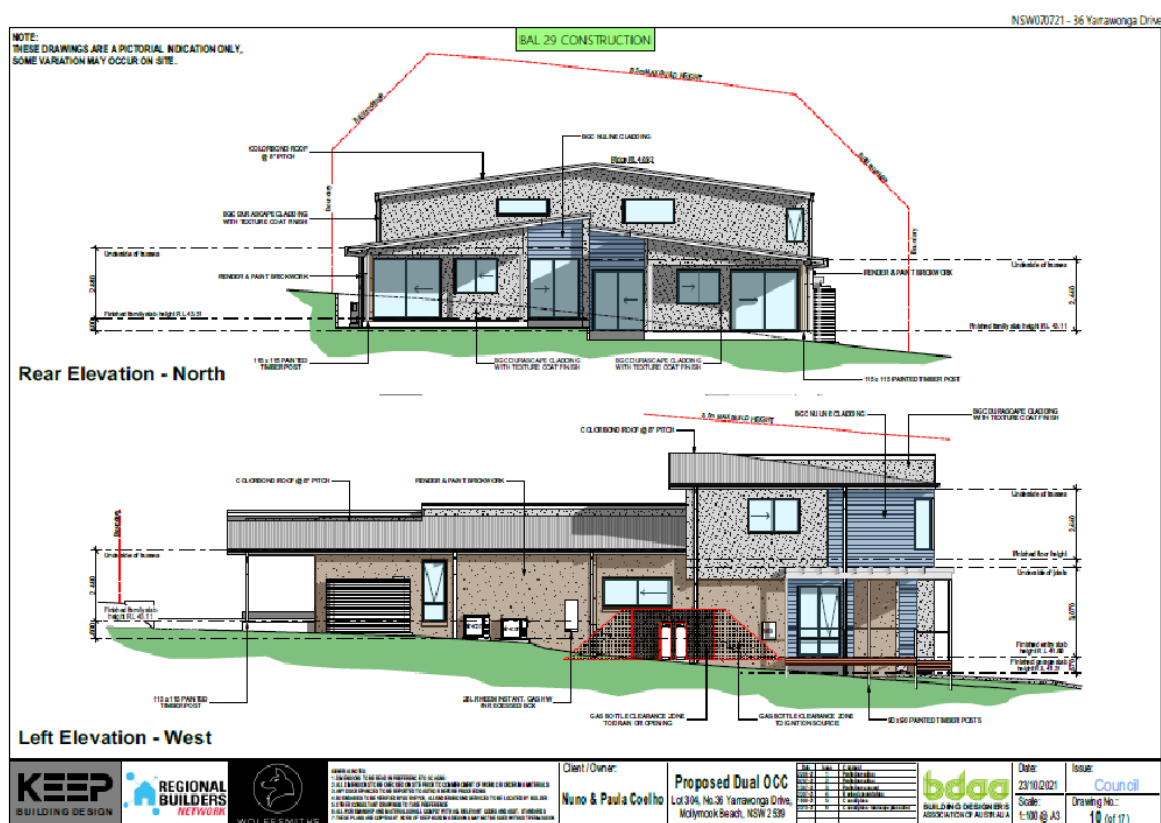


Figure 9 - North & West Elevations - 36 Yarrowonga Dr, Mollmook Beach

CL22.314

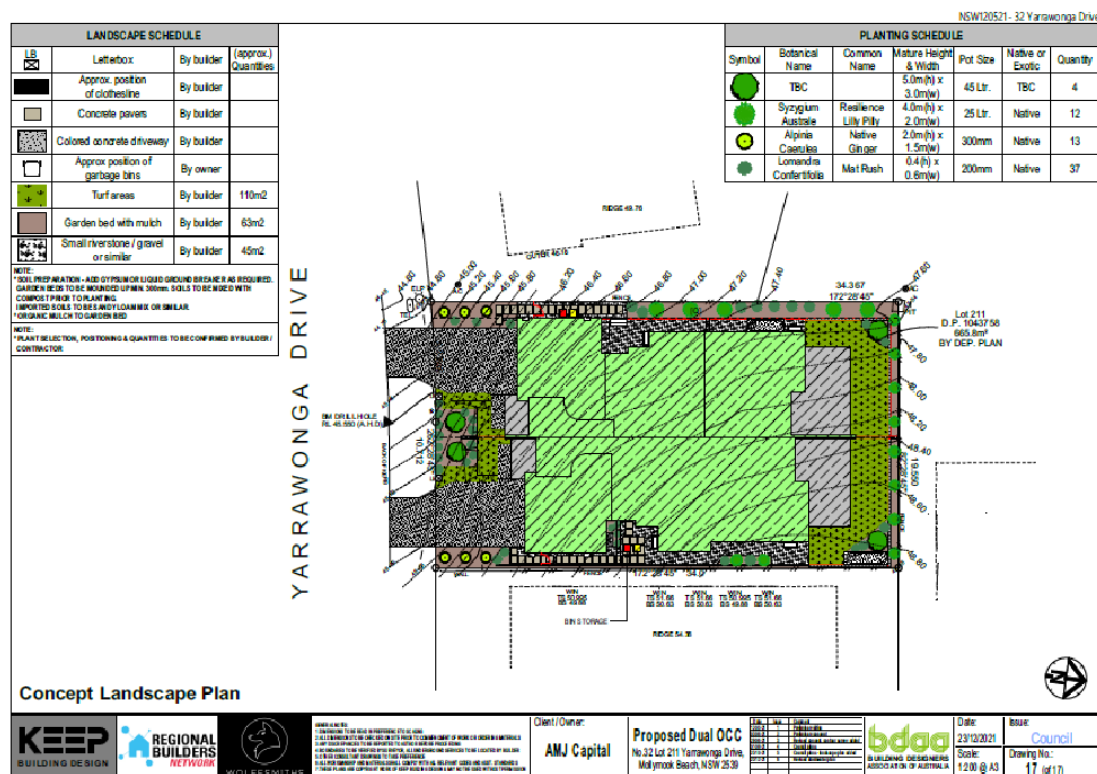


Figure 10 – Landscape Plan - 32 Yarrowonga Dr, Mollymook Beach

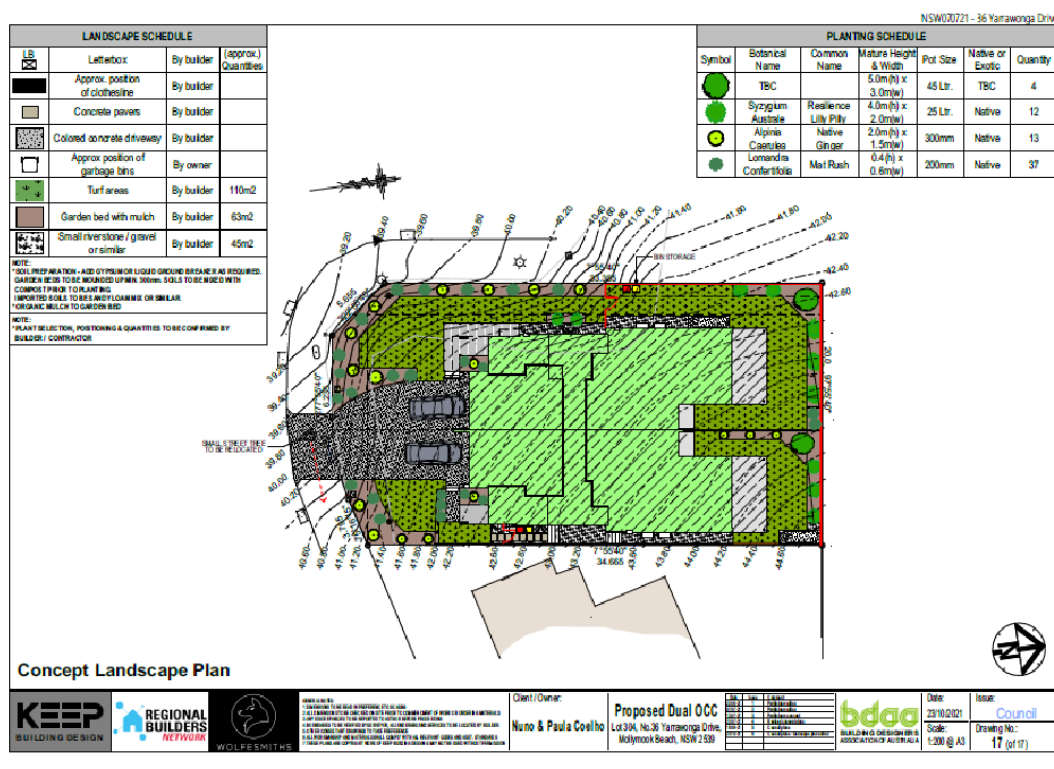


Figure 11 – Landscape Plan - 36 Yarrowonga Dr, Mollymook Beach

### Subject Land

The development sites comprise Lot 211 DP 1043758 (32 Yarrowonga Dr Mollymook Beach) and Lot 304 DP 1234415 (36 Yarrowonga Dr Mollymook Beach). Refer to Figures 1 and 2.

CL22.314

### Site & Context

The development sites are both vacant, located on the northern side of Yarrawonga Drive between Yarra Yarra Close and Kooyonga Close, Mollymook Beach in an area characterised by low density development.

Specifically:

#### 32 Yarrawonga Dr Mollymook Beach

- Is vacant and rectangular in shape.
- The lot is in close proximity to the Mollymook Golf Course, which is approximately 50m to the south, and is approximately 1.3km to the west of Mollymook Beach.
- Is zoned R2 Low Density Residential and is 665.8m<sup>2</sup> in area.
- Slopes from north east to south west, with a cross fall of approximately 4 metres.
- The lot has a drainage easement that runs adjacent to the western side boundary.

#### 36 Yarrawonga Dr Mollymook Beach

- The lot is surrounded by low density residential development to the east and west and adjoins a large vacant R1 zoned lot to the north that is yet to be developed. The north western section of this lot remains in its natural state. Two detached residences that were approved as a dual occupancy in 2017 under DA17/2342 and subsequently subdivided under approval SF10648 are located opposite the site.
- The lot is in close proximity to the Mollymook Golf Course, which is approximately 50m to the south, and is approximately 1.3km to the west of Mollymook Beach.
- Is zoned R1 General Residential and is 730.10m<sup>2</sup> in area.
- Slopes from north east to south west, with a cross fall of approximately 5 metres.
- The lot has a sewage easement that runs adjacent to the western side and front boundaries

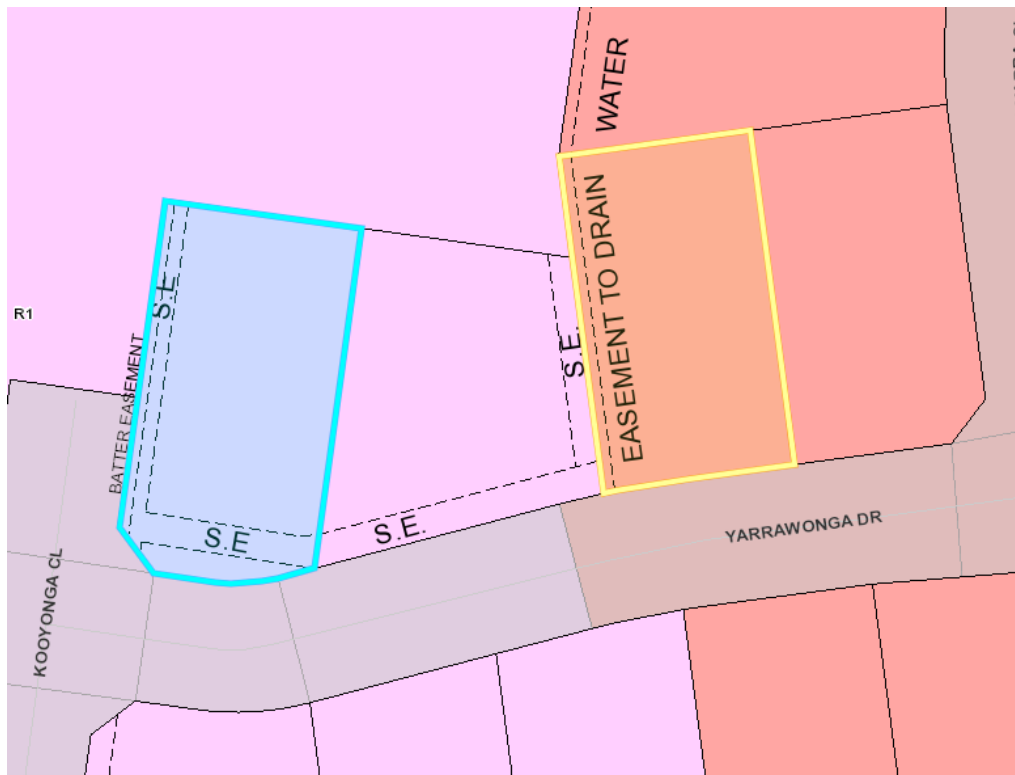


Figure 12 – Zoning Map - 32 Yarrawonga DR Mollymook Beach – R2 Low Density Zone (yellow border)

36 Yarrawonga Dr Mollymook Beach – R1 General Residential Zone (blue border)

CL22.314

### History

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

- No informal enquiries were made with Council, or formal pre lodgement discussions held prior to lodgement.
- The applications were lodged on 10 November 2021.
- As a result of detailed assessment of the applications, additional information was requested from the applicant in relation to 32 Yarrawonga Dr on 15 December 2021 for a revised stormwater plan.
- On 23 December 2021, the applicant submitted a revised stormwater plan for 32 Yarrawonga Dr which was referred back to the Development Engineer for review.
- The applicant was invited to consider and respond to submissions for both applications on 27 January 2022.
- Following the above, the applicant considered and provided comments in response. Revised statements of environmental effects were submitted on 2 June 2016 clarifying floor space ratio calculations.

### **Planning Assessment**

The Development Applications have been assessed under s4.15(1) of the Environmental Planning and Assessment Act 1979. Please refer to **Attachments 1 and 2**.

The proposed applications have been assessed against the relevant planning instruments and have been found to be satisfactory.

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

Notification was undertaken for both applications in accordance with Council's Community Consultation Policy with letters being sent within a 25m buffer of the site. The notification period was 16 November 2021 to 3 December 2021. All submissions received in response to the notification and after the notification, were objections.

#### 32 Yarrawonga Dr Mollymook Beach

Fifteen(15) submissions have been received within the notification period from a total of eleven (11) objectors. One submitter made three (3) submissions and two (2) submitters made two (2) submissions.

#### 36 Yarrawonga Dr Mollymook Beach

Thirteen (13) submissions have been received from a total of nine (9) submitters. One submitter made three (3) submissions and two (2) submitters made two (2) submissions.

A request to extend the timeframe for the consideration of both of the applications was received on 19 December 2021 from the Ulladulla and Districts Community Forum. A further submission was received on 3 February 2022 stating that the Forum had visited both sites believing the proposed two dual occupancies were too bulky for the sites and would detract from the well cared for streetscape, due to most housing being single storey.

A further 13 submissions (objections), 4 from previous submitters, were received since the notification period concluded for both of the applications. The submissions raise similar issues to those received during the notification period.

Key points (for both DAs) are summarised below.

- Character & Density
- Driveway & garage door width.
- Side setbacks.
- Privacy & overshadowing

- Car parking
- Traffic.
- Amenity impacts
- Floor Space Ratio
- Earthworks and retaining walls
- Holiday letting

The issues raised were generally consistent for both applications with the exception of Floor Space Ratio (FSR) which was raised for 32 Yarrawonga Drive. This is discussed later in this report.

The assessment of the application considered the matters raised in the submissions (as prescribed by s4.15(d) and concluded on balance having regard to all the heads of consideration (section 4.15 Evaluation), that the application should be approved. A detailed analysis can be found in the attached section 4.15 assessment reports.

### **Summary of Main Issues**

#### **Compatibility and Character**

##### **Issue**

The development is inappropriate and out of character with the streetscape and immediate surrounds because the area is low density residential being mostly single storey owner occupied dwellings.

##### **Comment**

Consideration of the compatibility of the proposal and its surroundings can be undertaken having regard to the Land and Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments V Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- i. *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

The proposals physical impacts on surrounding development have been assessed against the relevant provisions in Shoalhaven Development Control Plan 2014 (DCP) and found to be satisfactory. The impacts on surrounding amenity, solar access and streetscape character are acceptable.

- ii. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

It is considered that the proposed two storey modern design is in harmony with the buildings around it consistent with the character of streetscape, which is a mix of one and two storey dwellings which also use similar pitched roofs and mixed building material cladding. Although the street predominantly has single storey dwellings, there are several two storey dwellings in Yarrawonga Drive.

Dual occupancy development is an appropriate and permissible land use in the R2 low density residential zone and the R1 General Residential Zone and were also permissible under the Shoalhaven Local Environmental Plan 1985 (SLEP1985) and reaffirmed by council under Shoalhaven Local Environmental Plan 2014 (SLEP 2014). There are many dual occupancy developments in both of the zones in the Mollymook Beach area.



With respect to the tenancy arrangements, occupation of the dwellings may be by owners or renters. Tenancy status is not a planning consideration having regard to section 4.15 “Evaluation” of a development application.

### Privacy

#### Issue

Privacy and overlooking of neighbouring dwellings.

#### Comment

There are no privacy or overlooking impacts to adjoining neighbours as the rear living areas and private open space (POS) are on the ground floor and the dwellings are to be set down/excavated into the site. Most conventional dwellings have private open space at the rear and at ground level. The dividing fences will provide privacy to the POS at the rear.

One of the neighbours across the road is concerned about overlooking from the front deck of 32 Yarrawonga Drive into their front yard. Given the distance between dwellings (>24m) and the fact that it is a small upper floor deck off a bedroom/rumpus room facing a public road there will be no privacy impacts. Front yards of suburban houses are also generally viewable from the street.

### Overshadowing

#### Issue

Overshadowing of neighbouring properties living areas, POS and solar panels on the roof.

#### Comment

The applicant has provided shadow diagrams that indicate that the neighbouring house, 34 Yarrawonga Dr, which has solar panels on the roof will receive a minimum of three hours sunlight on June 21. In addition, given the north / south orientation, the other neighbouring properties will also receive adequate sunlight to north facing windows and POS in accordance with the NSW Land and Environment Court – Planning Principle: Sunlight – Access to Sunlight.

### Setbacks

#### Issues

32 Yarrawonga is not setback from the front the required 7.5m and that both proposed dual occupancies did not have adequate setbacks from the side boundaries for utilities and deep planting.

#### Comment

The required setbacks in Table 2 of Chapter G13 of the DCP for a lot between 600m<sup>2</sup> and 900m<sup>2</sup> is for the front setback 6m to the dwelling and 5m to verandahs, patios and awnings. The side setback minimum is 900mm for single storey structures and 1.2m for any two storey component. The setbacks for the developments are:

#### 32 Yarrawonga Drive

- Front setback: Dwelling to frontage: 6.07m
- Articulation to front boundary: 5.41m
- West side boundary: 1.2m (ground floor); 3.3m (first floor)
- East side boundary: 1.04m (ground floor); 3.0m (first floor)
- Rear boundary: 6.55m

36 Yarrawonga Drive

- Front setback to dwelling 8m
- Articulation to front boundary 6.7m
- The side setbacks are 1.015m and 3.455m and 1.65m to the second storey component.
- Rear setback is 4.22m

All setbacks comply with Table 2 and are generally consistent with the neighbouring dwelling at 34 Yarrawonga that has a 6m front setback to the dwelling house.

The side setbacks are all greater than the 900mm, compliant with the DCP, and considered adequate distance for utilities and landscaping.

Floor Space RatioIssue

The exceedance of the floor space ratio (FSR) at 32 Yarrawonga Dr.

Comment

Acceptable Solution A2.1 Table 1 of Chapter G13 of councils DCP provides that dual occupancies <1,000m<sup>2</sup> site area have a maximum FSR of 0.5:1. The FSR for 32 Yarrawonga Drive is 0.55:1 and is exceeded by 10% which equates to 33m<sup>2</sup>. The applicant has requested a variation to this requirement and provided justification to support this request.

- *The proposed development is of an appropriate scale in respect to established development in the immediate locality.*
- *There are adequate setbacks from the boundaries and appropriate articulation of the front façade which break up the front wall which materiality lessens the visual effect of bulk form when viewed from the public domain.*
- *The dwelling is of a contemporary design, assimilating to the emerging character of dwelling development within the locality. The development is considered sympathetic to the desired future character of the area.*

Consideration of the compatibility of the proposal and its surroundings in relation to Floor Space Ratio can be undertaken having regard to the Land and Environment Court Planning Principle on *assessment of height and bulk in Veloshin v Randwick Council [2007] NSWLEC*. The proposals height and bulk is sympathetic to the surrounding area which is a mix of one and two storey development. It is also consistent with the existing and future streetscape and fits in with the residential character of the area. The floorspace does not compromise internal amenity, site amenity or streetscape impact. The proposal contains ample private open space, clothes drying areas, correct parking allocation and on-site storage. The amenity of future residents will not be affected. There are no adverse impacts as a result of the additional floor space on neighbours. The development presents to the street and has architecture which is modern and consistent with the neighbourhood.





Figure 13 – presentation to the street, 32 Yarrawonga Dr, Mollymook

#### Driveway & garage door width

##### Issue

The two driveway access proposed for 32 Yarrawonga Dr and the width of the garage does not comply with the Acceptable solutions in the DCP.

##### Comment

The acceptable control (A25.2) states that the “*The cumulative garage facades addressing the street shall not exceed 9m, or 50% of the length of the frontage, whichever is the lesser.*” The intent of the control is to add visual interest, provide for passive surveillance and ensure garages do not dominate the design.

The garage facades measure a total of 12.01m, and the frontage of the lot is 18.5m of which 50% is 9.25m, and the frontage of the building is 17.3m of which 50% is 8.65m.

The applicant has requested Council to vary this control and undertake a merit-based assessment stating that:

- *The proposed double garages are offset in excess of 2m and are considered to be maintained within the front façade of each dwelling appropriately.*
- *Each unit provides substantial front wall articulation to lessen the visual impact of garage wall openings from the public domain.*
- *The garage element is not considered to be the main point of visual focus when viewed from the street.*

Irrespective of the frontage measurement, the garages are recessed, and the design of the front elevation includes a portico and a balcony for each dwelling, which provide visual interest and address the street frontage appropriately. It is considered that the garages do not overwhelm the street frontage and the design meets the performance criteria of the control. Refer to Figure 13 in this report which illustrates the front building façade. It is not atypical to many modern homes or dual occupancies.

The provision of two driveways is considered acceptable. The road network is suitable to accommodate separate driveways in this location. Noting that the proposal includes Torrens

subdivision, there is also a practical benefit in separating the driveway as it is not necessary to have reciprocal rights of carriageway.

### Carparking & Traffic

#### Issue

Increased traffic and parking impacting on the safety and amenity of what is now a quiet street and compromising access for emergency services and Council services.

#### Comment

Both of the dual occupancies have provided 2 car parking spaces for each dwelling in accordance with the requirements of DCP Chapter G21.

The dual occupancy development is not expected to increase traffic to a point that will have any adverse impacts on the road network. The impacts of traffic from permissible uses in the land use zones would have been a consideration at the subdivision stage and the road layout has been designed accordingly. In addition, Yarrawonga Drive is a quiet, 'dead end' street to the north and adjoins Kooyong CI to the west which is also a 'dead end' street.

### Amenity impacts

#### Issue

Amenity impacts and overdevelopment on the surrounding low density neighbourhood will be adversely impacted by dual occupancy development and it should not be permitted.

#### Comment

The R1 General Residential and R2 Low Density zoning of the lots allows for dual occupancy development with Council approval, and it is also permitted as complying development. These zones permit a range of development types. The R1 zone permits denser forms of housing to facilitate the objective of providing a "*variety of housing types and densities*".

All residential zones in the Shoalhaven permit dual occupancy development.

### Holiday letting

#### Issue

That the properties will be used for holiday letting which is a tourist use.

#### Comment

The potential for holiday letting is not a consideration for development approval for a dual occupancy application.

Holiday letting is exempt development in dwellings, including dual occupancy dwellings, under SEPP (Housing) 2021 – Short Term Accommodation which applies to the entire State.

### Earthworks & Retaining Walls

#### Issue

Concerns of excavation and retaining walls on the boundary could de-stabilise existing fencing and impact on the privacy of neighbouring properties.

#### Comment

Conditions are imposed to ensure the retaining walls are appropriately engineered and contained within the site boundaries, and that an assessment is made of the impact of any excavation that is within the zone of influence of any structures or foundations.

The dwellings are to be excavated into the site. Noting the existing fencing, the ground floor living area windows and alfresco areas which face the rear, will not result in unacceptable privacy impacts. The location of the private spaces (to the rear and at the nominated levels) are considered an acceptable outcome.

*Street presentation*

Issue

Concern was relayed to Council about the street presentation and if the rooms at ground level were habitable.

Comment

Both of the residences (for each dual occupancy) proposed as part of the dual occupancies are facing the street, include street facing entry and possess proper individual street addresses.

The intention of the DCP (Chapter G12) control is to ensure that dwellings have a sense of address. There is no issue with either dual occupancy properly 'facing' the street. See DCP extract below.

Performance Criteria	Acceptable Solutions
P25.1 The frontage, entries and habitable room windows of dwellings address the street.	A25.1 The dwelling shall: <ul style="list-style-type: none"> <li>Address the street by having a front door facing the street at the ground level.</li> <li>Ensure that any walls facing a street frontage (including secondary frontages) include a window to a habitable room on each level.</li> <li>Ensure upper level windows, balconies or terraces overlook the public domain.</li> <li>Provide surveillance of the street and entrance to the development.</li> </ul>
P25.2 The design and orientation of the dwelling: <ul style="list-style-type: none"> <li>Enhances the streetscape.</li> <li>Complements existing development in the vicinity.</li> <li>Provides visual interest.</li> <li>Allow casual surveillance of public or communal streets or public domain.</li> </ul>	

*Where there is dual frontage, the dwellings should face each frontage.*

Issue

No. 36 is a corner lot and benefits from dual frontage. The DCP states that where this is a corner lot and where **practicable**, one dwelling should address the primary frontage and the other, the secondary.

Comment

In this instance, the secondary lot faces Kooyonga Close. It is not fully constructed. There is also an easement for batter. Accordingly, the nominated design for No. 36 has taken these 'constraints' into account. It is not entirely practicable to face each frontage.

The applicant has provided the following response to the issues raised in the submissions:

- Solar access to north facing windows of 31 Yarrawonga Dr remain predominantly undeterred.
- The design responds to the topography of the land, minimizing excessive earthworks.
- The design provides articulation, a modernized design form, is sympathetic to the desired future character of the area, and the bulk is not considered to be excessive for the locality.
- The FSR and scale is appropriate, the breakup of the front wall lessens the visual effect of the bulk.
- The two driveways on 32 Yarrawonga Dr are appropriate given the slope, sight lines and safety have been considered.

CL22.314

- *Both developments are car parking compliant with ample space on site to mitigate the need to park on the roadway.*
- *Setbacks are compliant and balconies off upper floor bedrooms do not pose privacy impacts and allow for passive surveillance.*
- *Each dwelling achieves sufficient POS, landscaping, and residential amenity.*
- *Dual occupancy development is permissible in the low density zone.*
- *Neighbouring solar panels receive more than 4 hours solar mid-winter.*
- *Not anticipated that each dwelling is likely to generate a high volume of vehicle usage.*
- *The established roadway is considered sufficient to cater for increased traffic demand which would have been assessed at the subdivision stage.*
- *Retaining walls do not infringe on neighbouring properties and will have appropriate drainage and structural reinforcement.*

**Financial Implications:**

The applicant is entitled to appeal a decision of Council. In the event of an appeal being lodged with the NSW Land and Environment Court, Council would be responsible for covering its costs through proceedings.

**Legal Implications**

A section 8.2 review and / or an appeal with the Land and Environment Court are possible if the application/s are refused.

**Summary and Conclusion**

The proposed developments have satisfied the provisions of SLEP 2014, and the overall objectives and provisions contained within Shoalhaven Development Control Plan (SDCP) 2014.

These applications have been subjected to a detailed analysis of the issues raised in the submissions which have been addressed in this report.

The applications for the dual occupancy developments are compliant with the relevant planning instruments and are recommended for determination by way of approval subject to conditions outlined in Attachments 3 and 4 of the draft determinations.

## CL22.315 Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106

**DA. No:** DA22/1281/4

**HPERM Ref:** D22/237832

**Department:** Development Services

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

**Attachments:**

1. Planning Report S4.15 Assessment (under separate cover) [⇒](#)
2. Draft Determination (under separate cover) [⇒](#)
3. Development Plans (under separate cover) [⇒](#)
4. Report - Conjola Regional Sewerage Scheme, 17 June 2008 [↓](#)
5. Minute - Conjola Regional Sewerage Scheme [↓](#)

**Description of Development:** Attached Dual Occupancy

**Owner:** JFPG011 Pty Ltd

**Applicant:** Le Mottee Group Pty Ltd

**Notification Dates:** 18 March 2022 to 4 April 2022

**No. of Submissions:** 30 in objection and 1 in support

### Purpose / Reason for consideration by Council

The application was called in for determination by the Council “*due to the public interest and character of the area*” by a Notice of Motion dated 26 April 2022 MIN22.309.

On 6 June 2022 the matter was put to Council. At that meeting, Council resolved (MIN22.370):

1. *The matter be deferred, to allow;*
  - a. *For Councillors to attend a site visit of the proposed Development site and the whole of Manyana, Bendalong, North Bendalong, Berringer Lake and Cunjurong Point; and*
  - b. *Council staff to further investigate the capacity of the sewer system in Manyana including how many lots and dual occupancies could be accommodated.*
2. *Council in conjunction with staff investigate specific character plans or any other environmental plans that may assist defining the character of Manyana and the other Redhead Villages*

### Recommendation

That Development Application DA22/1281 to construct a two-storey attached dual occupancy at Lot 871 DP 263106, 13 The Bastion, Manyana be approved subject to the conditions contained in Attachment 2 of this report.

CL22.315



1. Approve the development application (DA) in accordance with the recommendation of this report.

2. Refuse the application.

**Implications:** Council would need to determine planning grounds on which the application is refused, having regard to section 4.15 “Evaluation”. A refusal enables the applicant to lodge a section 8.2 Review and / or appeal with the Land and Environment Court.

- ### 3. Alternative recommendation.

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

## Background

### Proposed Development

The proposal is for an attached two storey dual occupancy development, each containing 3 bedrooms on the upper level. Each dwelling has a single garage facing the street. A recessed upper-level verandah is provided to the upper level facing the street.

*Water and Sewer Provision (response to Council's resolution of 6 June 2022 item b)*

Shoalhaven Water advised that there was a report dated 2008 which included forward projections of infill and growth and new developments. The summary indicated a 660 Equivalent Tenement (ET) capacity with the scheme. One (1) ET equates to a 4 bedroom dwelling. The estimate took into account existing zones, a 10% dual occupancy component and 'new' subdivision. The original report and Minute are attached to this report. See Attachments 4 and 5.

CL22.315

A desktop review of the number of dual occupancies in Manyana, has revealed there are two under assessment, one was withdrawn and one approved in 2019 and a 'secondary dwelling development' approved in 2018.

DA22/1281 (this application) was referred to Shoalhaven Water. The referral raised no concerns with the development. Shoalhaven Water completed the referral with requirements for the determination and emailed the application with the information required to make a Certificate of Compliance application. To date the applicant has not applied for a Certificate.

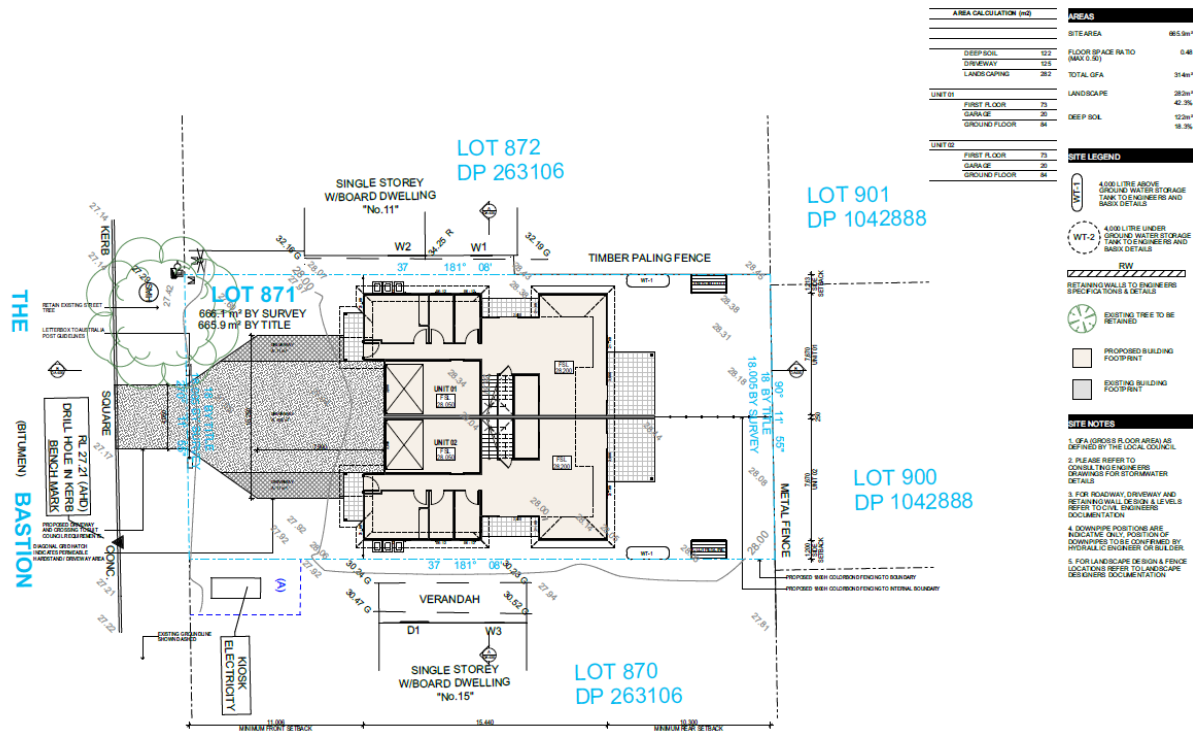


Figure 1: Site Plan



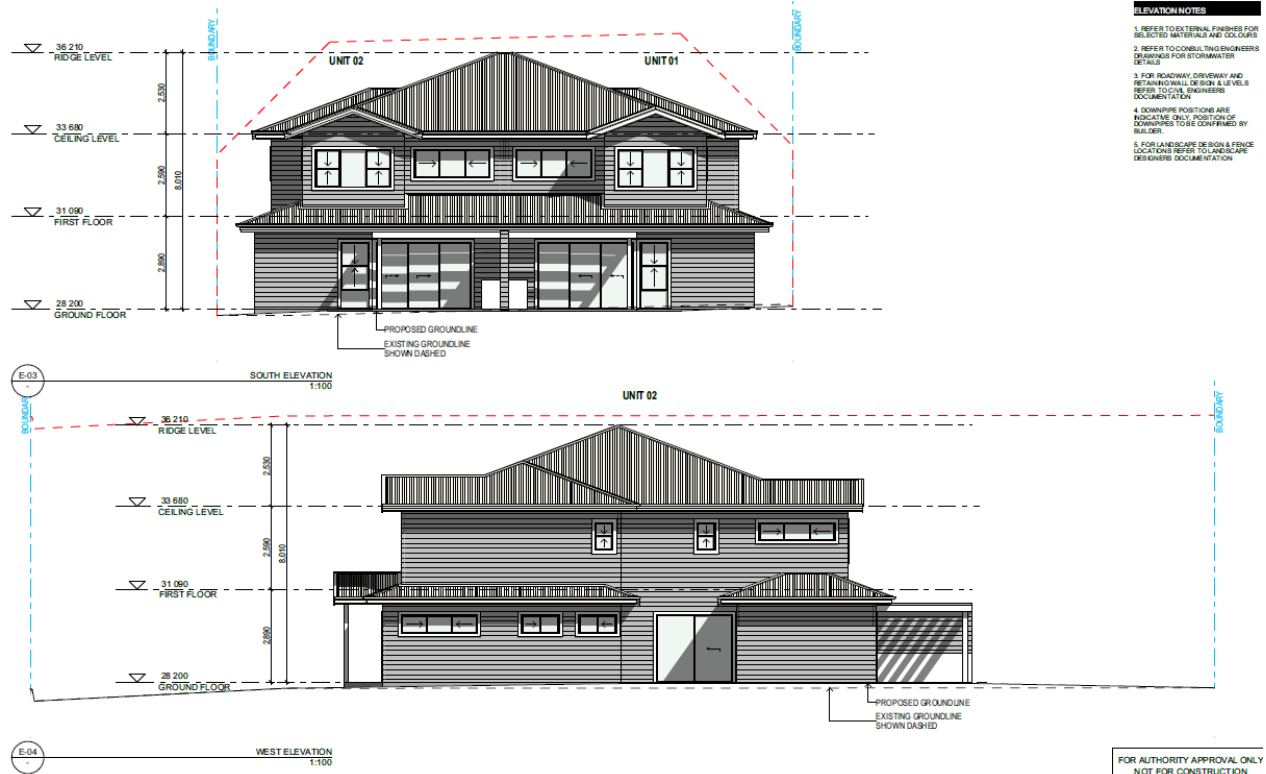
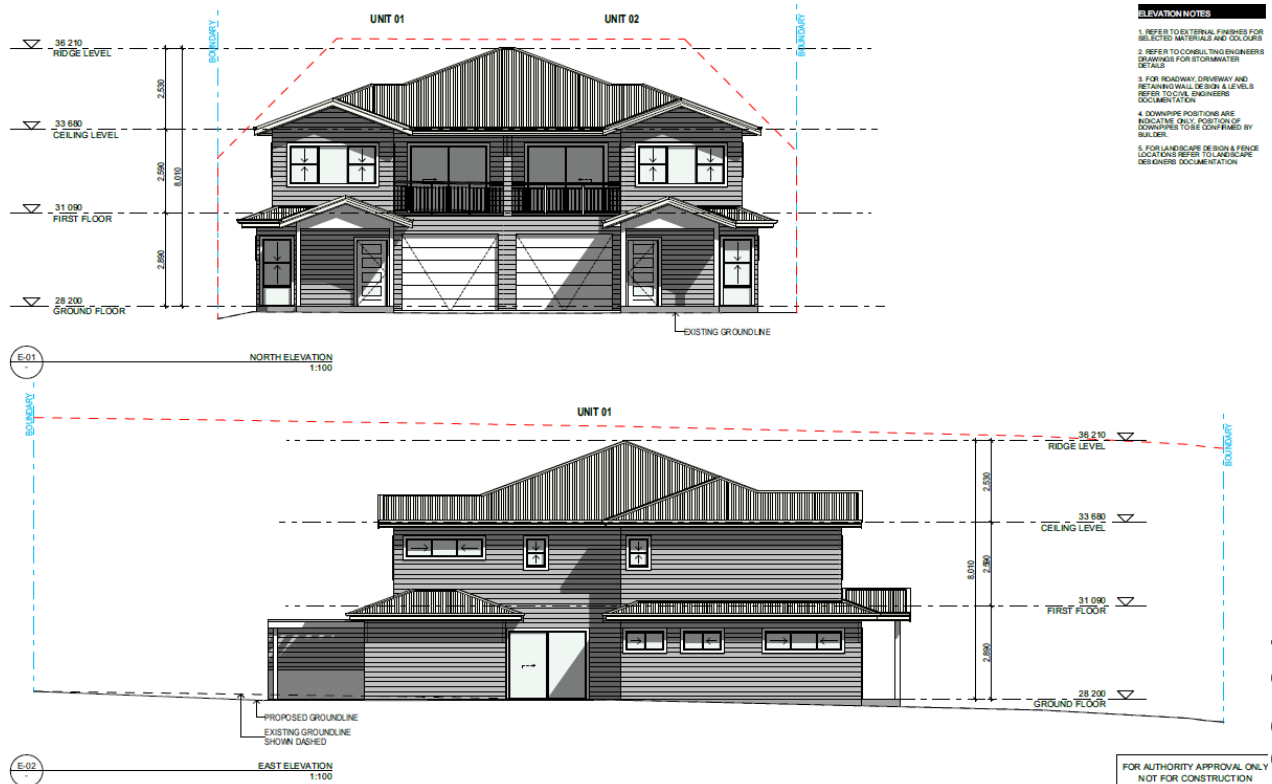
PROPOSED DEVELOPMENT AS SEEN FROM THE STREET



PROPOSED DEVELOPMENT AS SEEN FROM THE REAR

Figure 2: Front & Rear Perspectives

CL22.315



### Subject Land

The development site is Lot 871 DP 263106, 13 The Bastion Manyana.

CL22.315



### Site & Context

The site is:

- Located on the south side of The Bastion Manyana.
- It has an area of 665.9m<sup>2</sup> with an 18m frontage to The Bastion with a depth of 37m,
- Zoned R2 Low Density Residential under the *Shoalhaven Local Environmental Plan 2014* (SLEP2014)
- Surrounded by low density development which is a mix of one and two storey dwellings.
- Reasonably flat with a slight slope from the west to east.
- Currently vacant.
- Approximately 860m west of Manyana Beach and 2 km south from the junction of Inyadda Drive and Bendalong Road.

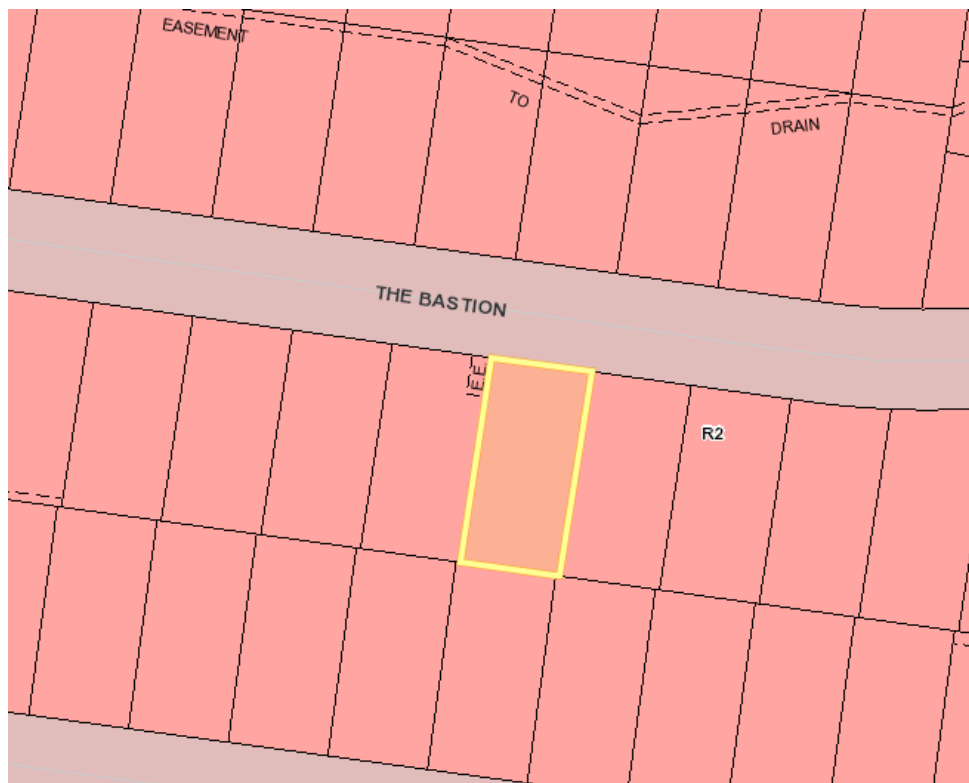


Figure 5 - Zoning Map – R2 Low Density Residential Land

### History

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

- 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 Assessment**

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

CL22.315

The proposed application has been assessed against the relevant planning instruments and have been found to be satisfactory

### Consultation and Community Engagement:

Thirty-one (31) public submissions were received in relation to Council's notification of the development. Thirty (30) were objections to the development including two (2) submissions from the same objectors and two (2) from Red Head Village Association. One (1) was in support of the development. Notification was made in accordance with Council's Community Consultation Policy with letters being sent within a twenty-five metre (25m) buffer of the site. The notification was for a two (2) week period.

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

#### Issue

*That the proposed development would be used for holiday letting for a large number of people which impacts on the amenity of the neighbourhood*

#### Comment

The potential for holiday letting is not a town planning consideration for a dual occupancy application.

Holiday letting is exempt development in dwellings, including dual occupancy dwellings, under SEPP (Housing) 2021 – Short Term Accommodation which applies to the entire State.

#### Issue

*The proposal is of a bulk and scale that is inconsistent with the surrounding coastal character of the area.*

#### Comment

To assist in controlling bulk and scale, Council has certain controls for development.

Council has adopted a Floor Space Ratio (FSR) for this type of development. A FSR is a control used to define or control the size of a building and intensity of development on a parcel of land. The Council has adopted (in its Development Control Plan (DCP) Chapter G13 - Medium Density and Other Residential Development) 0.5:1 for sites less than 1,000m<sup>2</sup> in area. The development complies with the FSR control.

An 8.5m height limit (*Shoalhaven Local Environmental Plan 2014*) applies to the site. The development complies with the height, being 8.1m.

With regard to compatibility with existing development, some guidance can be taken from Land and Environment Court principles. The relevant principle is "compatibility with context" in *Project Venture Developments V Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- i. *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

The physical impacts on surrounding development have been assessed against the relevant provisions in Shoalhaven Development Control Plan 2014 (DCP) and found to be compliant. The impacts on surrounding amenity, solar access and streetscape character are considered acceptable.

- ii. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*



Figure 6 – Subject site (Yellow border) Two storey construction (blue dots)

It is considered that the proposed two storey modern design is in harmony with surrounding development and is consistent with the character of the existing streetscape, which is a mix of one and two storey dwellings, which also use similar pitched roofs. Although the street predominantly has single storey dwellings, there are (10) two storey dwellings in The Bastion.

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.

#### Issue

*Increasing the density of the area considering the recent bushfires by putting further responsibility on the neighbourhood and evacuation during bushfires, especially if it is used for holiday makers.*

#### Comment

Dual occupancy development is permissible in the R2 zone under SLEP2014.

The lot is mapped as bushfire prone. A bushfire report from a Bpad qualified bushfire consultant was provided with the application and an assessment in accordance with Planning for Bushfire Protection 2019 (PBP2019) made. The assessment is satisfactory. The construction of the building must comply with a "Bushfire Attack Level (BAL) 12.5".

The application is for an attached dual occupancy. The occupancy of the building whether owner occupier, long term or short-term rental is not a planning consideration.

#### Issue

*Allowing a dual occupancy development will set a precedent for more dual occupancies in the area.*

#### Comment

Dual occupancy development is a legally permissible use under the current planning instrument and under 2(a1) zoning of the former *Shoalhaven Local Environmental Plan 1985*. The development of more dual occupancies will be contingent on land availability and the aspirations of owners as well as any market considerations.

Issue

*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'.*

## Comment

Detached and attached dual occupancies are a mandated land use type in the R2 Low Density Residential zone. The objective of the R2 Zone states:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- **To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.**

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 requirements for bulk and scale, FSR, solar access and setbacks.

Issue

*The adjoining neighbours have raised concerns regarding solar access and privacy impacts to their properties.*

## Comment

The applicant has provided shadow diagrams that indicate that the neighbouring properties will receive a minimum 3 hours sunlight between 9am and 3pm on 21 June, which complies with the DCP and the Planning Principle of the Land and Environment Court 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.

Issue

*Potential for dual occupancy development to increase the demand on local infrastructure.*

## Comment

The existing infrastructure is considered adequate for the proposed dual occupancy development which is a permissible use in the zone. Refer to additional comment on Shoalhaven Water ET capacity above.

Issue

Noise from holiday makers using the dwellings.

## Comment

Whether the proposed dwellings are used for holiday letting, or the tenancy arrangements of the development generally, is not a planning consideration.

Issue

*Inadequate car parking and increased traffic will impact on the surrounding amenity.*

## Comment

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.

Issue

*No adaptable unit has been provided.*

## Comment

In accordance with the DCP, adaptable units are not required in a dual occupancy development. This provision applies where 3 or more dwellings are proposed.

Issue

*The proposal will impact on property values.*

## Comment

The potential for impacts on property values is not a consideration for the development application under section 4.15. Property values are determined by a number of factors such as overall location, quality and age of buildings, proximity to services etc.

Issue

*Trees have been cleared from the property.*

## Comment

The land is zoned R2, 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.

Issue

*The ability to subdivide duplexes is effectively abandoning the minimum allotment control for the whole of Manyana.*

## Comment

The current application before council does not seek any subdivision.

It is however logical to permit development such as a dual occupancy or other housing types and allow for them to be subdivided to create land title for people to buy those homes.

Issue

*That the survey ground level heights on the neighbouring dwelling are incorrect. As the RL is 29 and not 30.3 which is misleading.*

## Comment

The 30.3 reference is the level of the gutter of the dwelling not the ground level.

**Financial Implications:**

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

**Legal Implications**

A section 8.2 review and / or an appeal with the Land and Environment Court are possible if the application is refused.

**Summary and Conclusion**

The proposed development has satisfied the provisions of SLEP 2014, and the overall objectives and provisions contained within Shoalhaven Development Control Plan (SDCP) 2014.

This application has been assessed and found to be satisfactory. There are no planning reasons which warrant refusal of this development.

It is noted that all residential zones permit two storey dual occupancy development to be applied for under Complying Development Provisions (CDC) of the act and SEPP (Exempt and Complying Development Code) 2008 of a potentially inferior design.

In addition, all residential zones permit secondary dwellings to be applied for under CDC provisions with a floor area up to 60% of the GFA of the main dwelling or 60m<sup>2</sup> whichever is the greater under SEPP (Housing) 2021. Neither of the two approval pathways above can be challenged by council or the community.

The application for the attached dual occupancy development is compliant with the relevant planning instruments and controls and is therefore recommended for determination by way of approval subject to conditions outlined in Attachment 2 of the draft determination.

CL22.315

**REPORT OF GENERAL MANAGER**

**SHOALHAVEN WATER OPERATIONS & STRATEGIC REVIEW COMMITTEE**

**TUESDAY, 17 JUNE 2008**

**SHOALHAVEN WATER**

**1. Conjola Regional Sewerage Scheme - Northern Treatment Capacity and Development**  
**File 29873-03**

**Summary**

This report summarises the design assumptions of the Northern Sewage Treatment Plant in the Conjola Regional Scheme, and seeks Council endorsement of a methodology for allocating capacity of the system for development.

**Background**

Council considered a report on the Conjola Regional Sewerage Scheme, Manyana Sewerage capacity at the meeting of 24 July 2007. At that meeting Council resolved the following:

- “a) *All future subdivisions in the Conjola regional area be required to install pressure sewer systems;*
- b) *The land owned by Malbec (western side of Inyadda Drive) be offered a sewerage connection subject to:*
  - *The existing sewerage capacity firstly meeting the current and future demand for the existing urban zoned lands;*
  - *The development must be permissible in the zone;*
  - *The developer comply with Council’s policy ‘provision of Water and Sewerage Infrastructure – Rezoning, Major Development, SEPP 5 Developments’, and demonstrating spare capacity available;*
  - *If development approval is given to use the spare capacity, further approvals cannot use the same spare capacity;”*

A residents briefing regarding the Malbec development application for a caravan park on the western side of Inyadda Drive was held on Thursday 5 June 2008. A major concern of the community at this briefing was the capacity of the sewerage scheme to handle this and other developments.

In order for Council to be able to make informed decisions about the capability of the sewerage scheme to cope with future development in the Manyana area, and to be able to quantify and implement Council’s resolution of the 24 July 2007, a review of the northern STP capacity has been undertaken.

The May 2004 Concept Design Report (CDR) outlined the following loadings for the Northern Conjola Wastewater Scheme:

	Dev.	Infill	Caravan	Future	Total	Off peak	Peak
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	<b>Lots</b>		<b>Sites</b>	<b>Dev.</b>	<b>et's</b>	<b>ep's</b>	<b>ep's</b>
Bendalong	142	0	330	9	316	136	1359
Manyana	658	173	0	702	1533	1382	4232
Cunjurong	101	12	0	20	133	120	367
Berringer Lake	21	6	0	0	27	24	75
<b>Totals</b>	<b>922</b>	<b>191</b>	<b>330</b>	<b>731</b>	<b>2009</b>	<b>1662</b>	<b>6033</b>

These figures are different to those originally provided in the EIS and the options development Report. The Concept Design Report included revised development projection and stated that “the major impacts are at Manyana, with a net addition of 199 et, and at Killarney where there is a net reduction of 84 et, compared to loadings used for option development.” As a result of these variations, an environmental assessment of the impact of the charge was carried out, with an REF produced (dated October 2004).

Some confusion has existed in quantifying the “absolute capacity” of the sewerage scheme. This is due to a number of factors, including the different types of loading used to design different components. For example, a sewage treatment plant is normally designed for peak ep loadings, which have both biological and hydraulic design parameters, while the transport system is customarily designed on et loadings. Different types of land uses (e.g. residential –vs- tourist) also complicate the assumptions used for design.

The final design of the STP included peaking factors derived from modelling using operational data from the Callala STP. This was done to ensure that the design would perform satisfactorily under peak conditions. This analysis confirmed that the plant would meet the required effluent quality under peak day conditions, so overloading would not occur.

However, in order to track what spare capacity has been taken up by development approval, so that “further approvals cannot use the same spare capacity”, then a simple method of tracking equivalent tenements, based on the concept design figures, is proposed as follows:-

Capacity of Northern STP	Equivalent Tenements	
Existing residential lots (includes vacant lots):	<b><u>2009</u></b>	
Berringer Lake	24	
Manyana/Cunjurong Point	910	
Bendalong/North Bendalong	142	
Residential Subtotal	<b><u>1076</u></b>	
Existing Caravan Park	165	
<b>Subtotal of Existing and Vacant Demand</b>	<b><u>1241</u></b>	(1)

Future Development based on existing zonings:-  
# (see attached plan)

Allow 10% dual occupancy on existing residential allotments

For existing residential allotments (10% x 1076)	108
Crown Land (Area 4)	70



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Vacenta (Area 3)	71	
Malbec (Area 2)	182	
Kylor (Area 1)	<u>226</u>	
<b>Subtotal</b>	<b><u>657</u></b>	(2)

(1) and (2) = 1898

Based on the above, there is a capacity of 2009-1898 = 111 ET, which confirms Council's ability to provide a connection for Malbec to the rest of Inyadda Drive. However, should any change in densities or development types be proposed, the net effect of any change would need to be assessed.

It is therefore recommended that for the purposes of assessing treatment capacity for the northern areas of the Conjola Regional Sewerage Scheme, that Council adopt the following template for allocating ETs:-

Capacity of Northern STP	ET 2009
Capacity already allocation to existing lots and 10% dual occupancy allowance	<u>1349</u>
Remaining capacity	<u>660</u>

This capacity will be allocated as and when development is approved.

**RECOMMENDED that Council adopt the following capacity restrictions on the northern STP of the Conjola Sewerage Scheme for the purposes of allocating capacity for future development:-**

Capacity of Northern STP	ET 2009
Capacity already allocation to existing lots and dual occupancy capability	<u>1349</u>
Remaining capacity	<u>660</u>

This capacity will be allocated as and when development is approved.

C Krogh  
**DIRECTOR SHOALHAVEN WATER**

J Gould  
**ASSISTANT GENERAL MANAGER**

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R D Pigg  
**GENERAL MANAGER**

CL22.315 - Attachment 4

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ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 24 JUNE 2008

873. Conjola Regional Sewerage Scheme - Northern Treatment Capacity and Development  
File 29873-03

Clr Willmott was absent from the meeting.

RECOMMENDED that Council adopt the following capacity restrictions on the northern STP of the Conjola Sewerage Scheme for the purposes of allocating capacity for future development:-

Capacity of Northern STP	ET 2009
Capacity already allocation to existing lots and dual occupancy capability	<u>1349</u>
Remaining capacity	<u>660</u>

This capacity will be allocated as and when development is approved.

CL22.315 - Attachment 5

## CL22.316 Variations to Development Standards - June Quarter 2022

**HPERM Ref:** D22/282258

**Department:** Development Services

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

**Attachments:** 1. Variations Report - 2nd Quarter - June 2022 [↓](#)  
2. Planning Circular PS20-002 - Variations to Development Standards [↓](#)

### Reason for Report

This report is submitted to the Ordinary Meeting due to the requirement (Department of Planning and Environment) that the information contained in the report is to be reported to the full elected Council and to the Department on a quarterly basis. All reports to the Department must be submitted through the NSW Planning Portal.

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

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

This is a regular information report.

### Recommendation

That Council receive the Variations to Development Standards – June Quarter Report 2022 for information.

### Options

1. Receive the report for information.

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

2. Resolve an alternative and provide details to staff.

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

### Background

#### ***Procedural and reporting requirements***

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

- A written application (by an applicant) must be made to support a variation.
- An online register of all variations to be maintained. (Council's website.)
- A report must be submitted through the Portal.

CL22.316

- A report of all variations from a Council must be provided to a meeting of the Council at least once a quarter. (This report.)

### Summary of reportable variations

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

There were five (5) reportable variations for the June Quarter.

**Table – Variations June Quarter 2022**

DA	Lot	DP	Street Name	Suburb	Post Code	Description	Standard Varied	Extent Of Variation	Decision	Date
DA22/1026	5	8566229	Bugong Rd	Kangaroo Valley	2577	Dwelling (CI4.2d)	Lot Size	9.65%	Approval – Delegated Authority	4/5/2022
DA22/1014	368	229986	Surfers Ave	Narrawallee	2539	Dwelling (CI4.3)	Height	5.5%	Approval – Delegated Authority	26/5/2022
DA21/2327	10	SEC P 12958	Hunt St	Old Erowal Bay	2540	Dual Occ & Subdivision (CI4.1a)	Lot Size	0.35%	Approval – Delegated Authority	1/06/2022
DA20/1068	1-5 & 23	21356 & 108295 7	Princes Hwy	Ulladulla	2539	Commercial (CI4.3)	Height	16%	Approval - Council	11/4/2022
DA19/1899	32	118019 5	Upper Kangaroo River Rd	Upper Kangaroo River	2577	Dwelling (Clause 4.2d)	Lot Size	4.22%	Approval – Delegated Authority	29/6/2022

DA22/1026 approved a rural dwelling. The dwelling relates to a recently approved subdivision (SF10701). This subdivision (as modified) included a building envelope on land that is 34.84ha in area. The lot size variation was also considered and addressed with the subdivision application.

DA22/1014 approved a dwelling that exceeded the 8.5m height limitation measuring 8.964m, being 5.5%. The variation included two roof corner protrusions. The assessment found no adverse impacts as a result of the exceedance. Further, the design response was partly a result of the extremely steep site and cross fall of about 6.9m.

DA21/2327 approved a dual occupancy and subdivision. The variation for this development related to the lot size which was 2.47square metres short of the 700 square metres development standard for the parent lot for a detached dual occupancy. The proposal was designed to take advantage of a corner lot so to present two detached buildings to each street frontage.

DA20/1068 approved a new Bunnings building. This was considered by Council and included a height variation. The height variation related to the specific purpose of the building.

DA19/1899 approved a dwelling on land that was less than the required area (40ha). The departure was minor, did not result in any adverse impacts and permits a dwelling on a suitable portion of the site, noting the environmental attributes of the balance of the site. The site at the time of assessment was 37.93ha and excluded land that had been acquired by

Council for a road. It is noted that there is a road closure which will result in land being incorporated into the site in the future, resulting in a further 1.339 ha being added.

**Conclusion**

- The variations and applications approved during the June quarter have been uploaded to the Department of Planning and Environment Portal site and published on Council's website.
- This report to Council, combined with the report (via the Portal) to the Department and website publication satisfies the requirements for the Department's reporting regime for clause 4.6 matters.

CL22.316

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA22/1026	5	8566229		1120	Bugong Road	BUDGONG	2577	2: Residential - Single new dwelling	SLEP2014	C2 Environmental Conservation and RU2 Rural Landscape	Clause 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones	A dwelling entitlement granted under development cosent - SF10701 (subdivision) which specified a building envelope.	9.65%	Council under assumed Secretary's concurrence. Determined under staff delegation.	4/05/2022
DA22/1014	368	229986		17	Surfers Ave	Narrawallee	2539	2: Residential - Single new dwelling	SLEP2014	R2 Low Density Residential	Clause 4.3 Height of Buildings	The height of the building only represents a minimal breach of the height control which does not result in any adverse impact and still achieves a similar scale to that which is anticipated by the height control for the site.	5.5%	Council under assumed Secretary's concurrence. Determined under staff delegation.	26/05/2022
DA21/2327	10 Sec P	12958		17	Hunt Street	OLD EROWAL BAY	2540	3: Residential - New second occupancy	SLEP2014	R2 Low Density Residential	Clause 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings	The dual occupancy (detached) development is better suited to the corner site than an attached dual occupancy, as the area is characterised by detached development.	0.35%	Council under assumed Secretary's concurrence. Determined under staff delegation.	1/06/2022
DA20/1068	1-5 & 23	21356 & 1082957		189-197	Princes Highway	Ulladulla	2539	8: Commercial / retail / office	SLEP2014	B5 Business Development	Clause 4.3 Height of Buildings	The height of the building only represents a relatively minimal breach of the height control which does not result in any adverse impact and still achieves a similar scale to that which is anticipated by the height control for the site.	16%	Council under assumed Secretary's concurrence. Determined by full council.	11/04/2022
DA19/1899	32	1180195		1429	Upper Kangaroo River Road	Upper Kangaroo River	2577	2: Residential - Single new dwelling	SLEP2014	C2 Environmental Conservation	Clause 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones	The reduced lot size is minimal. The lot is suitable for a single dwelling only, there are no other dwellings on the site. The variation will not set an undesirable precedent for a departure of this development standard in the locality. The proposal meets the objectives of the zone.	4.22%	Council under assumed Secretary's concurrence. Determined by full council.	29/06/2022



## Planning circular

### PLANNING SYSTEM

#### Varying Development Standards

Circular	PS 20-002
Issued	5 May 2020
Related	Revokes PS 18-003 (February 2018), PS 19-005

## Variations to development standards

This circular is to advise consent authorities of arrangements for when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied) and clarify requirements around reporting and record keeping where that concurrence has been assumed.

### Overview of assumed concurrence

This circular replaces Planning Circular PS 18-003 and issues assumed concurrence, governance and reporting requirements for consent authorities. It also advises that council reports are to come through the Planning Portal, and of the repeal of SEPP 1.

All consent authorities may assume the Secretary's concurrence under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards* for land included in an old Interim Development Order (IDO) or Planning Scheme Ordinance (PSO).

However, the assumed concurrence is subject to conditions (see below).

The assumed concurrence notice takes effect immediately and applies to pending development applications.

Any existing variation agreed to by the Secretary of Planning, Industry and Environment to a previous notice will continue to have effect under the attached notice.

### Assumed concurrence conditions

#### Lot size standards for dwellings in rural areas

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone

RU4 Primary Production Small Lots, Zone RU6 Transition

- Zone R5 Large Lot Residential
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living
- a land use zone that is equivalent to one of the above land use zones

This condition will only apply to local and regionally significant development.

### Numerical and non-numerical development standards

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

This restriction does not apply to decisions made by independent hearing and assessment panels, formally known as local planning panels, who exercise consent authority functions on behalf of councils, but are not legally delegates of the council (see section 231).

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation.

In all other circumstances, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.



### **Independent hearing and assessment panels**

From 1 March 2018, councils in Sydney and Wollongong were required to have independent hearing and assessment panels that will determine development applications on behalf of councils (see section 231).

The attached notice allows independent hearing and assessment panels to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority.

Independent hearing and assessment panels established by councils before 1 March 2018 also make decisions on behalf of councils. The attached notice applies to existing panels in the same way as it applies to panels established after 1 March 2018.

### **Regionally significant development**

Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff.

However, the restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will continue to apply to regionally significant development. The Secretary's concurrence will need to be obtained for these proposals in the same way as it would for local development.

### **State significant development and development where a Minister is the consent authority**

Consent authorities for State significant development (SSD) may also assume the Secretary's concurrence where development standards will be contravened. This arrangement also applies to other development for which a Minister is the consent authority for the same reasons.

Any matters arising from contravening development standards will be dealt with in Departmental assessment reports.

The restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will not apply to SSD or where a Minister is the consent authority for the same reasons.

### **Notification of assumed concurrence**

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, consent authorities are notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect).

The notice takes effect on the day that it is published on the Department of Planning, Industry and Environment's website (i.e. the date of issue of this circular) and applies to pending development applications.

### **Procedural and reporting requirements**

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/reporting/online-submission-planning-data> within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter.

Councils are to ensure these procedures and reporting requirements are carried out on behalf of Independent Hearing and Assessment Panels and Sydney district or regional planning panels.

### **Audit**

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

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

### **Repeal of State Environmental Planning Policy No 1 – Development Standards (SEPP 1)**

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

SEPP 1 is repealed in circumstances where a standard instrument LEP applies in a local council

Department of Planning, Industry and Environment – Planning Circular PS 20-002

area. The amendments included the insertion of two clauses into the *SEPP (Concurrences and Consents) 2018*. Clause 6 provides for the continued operation of SEPP 1 where an Interim Development Order (IDO) or a Planning Scheme Ordinance (PSO) is in effect. Clause 7 is a savings provision which continues to apply SEPP 1 for applications that were made prior to the repeal but are yet to be determined.

#### Further information

*A Guide on Varying Development Standards 2011* is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to the Standard Instrument can be found on the NSW Legislation website at:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

For further information please contact the Department of Planning, Industry and Environment's information centre on 1300 305 695.

Department of Planning, Industry and Environment circulars are available at:  
[planning.nsw.gov.au/circulars](http://planning.nsw.gov.au/circulars)

#### Authorised by:

**Marcus Ray**  
**Group Deputy Secretary,**  
**Planning and Assessment**  
**Department of Planning, Industry and Environment**

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

**Assumed concurrence notice**

I, Carolyn McNally, Secretary of the Department of Planning and Environment, give the following notice to all consent authorities under clause 64 of the *Environmental Planning and Assessment Regulation 2000*.

**Notice**

All consent authorities may assume my concurrence, subject to the conditions set out in the table below, where it is required under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

No.	Conditions
1	<p>Concurrence may not be assumed for a development that contravenes a development standard relating to the minimum lot size required for the erection of a dwelling on land in one of the following land use zones, if the variation is greater than 10% of the required minimum lot size:</p> <ul style="list-style-type: none"> <li>– Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition</li> <li>– Zone R5 Large Lot Residential</li> <li>– Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living</li> <li>– a land use zone that is equivalent to one of the above land use zones</li> </ul> <p>This condition does not apply to State significant development or development for which a Minister is the consent authority</p>
2	<p>Concurrence may not be assumed for the following development, if the function of determining the development application is exercised by a delegate of the consent authority:</p> <ul style="list-style-type: none"> <li>– development that contravenes a numerical development standard by more than 10%</li> <li>– development that contravenes a non-numerical development standard</li> </ul> <p><b>Note.</b> Local planning panels constituted under the <i>Environmental Planning and Assessment Act 1979</i> exercise consent authority functions on behalf a council and are not delegates of the council</p> <p>This condition does not apply to State significant development, regionally significant development or development for which a Minister is the consent authority</p>

This notice takes effect on the day that it is published on the Department of Planning's website and applies to development applications made (but not determined) before it takes effect.

The previous notice to assume my concurrence contained in planning system circular PS 17–006 *Variations to development standards*, issued 15 December 2017 is revoked by this notice. However, any variation to a previous notice continues to have effect as if it were a variation to this notice.

Dated: 21 February 2018



**Carolyn McNally**  
Secretary, Department of Planning and Environment

## CL22.317 Easement Acquisition - Sewer and Water Purposes - Lot 122 DP 3060, Moss Vale Road Cambewarra

**HPERM Ref:** D22/189666

**Department:** Technical Services

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Combined Sewer & Water Easement Sketch [↓](#)

### Reason for Report

This report is to provide Council with an opportunity to consider an easement acquisition over Lot 122 DP 3060, known as Moss Vale Road Cambewarra, from Mr Colin J Taylor, Mr Graham R Taylor and Ms Barbara M Featonby, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purpose of water and sewer infrastructure.

### Recommendation

That Council:

1. Acquire an easement for sewer purposes, marked (S1) on attached survey plan, 5m wide with a total area of 2,525.4m<sup>2</sup>, from Mr Colin J Taylor, Mr Graham R Taylor & Ms Barbara M Featonby, by agreement for \$60,000 (sixty thousand dollars) plus GST if applicable, for sewer requirements for the Moss Vale Road Urban Release Area, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Acquire an easement for water supply purposes, marked (W1) on attached survey plan, 5m wide with a total area of 4,225.8m<sup>2</sup>, from Mr Colin J Taylor, Mr Graham R Taylor & Ms Barbara M Featonby, by agreement for \$10,000 (ten thousand dollars) plus GST if applicable, for water requirements for the Moss Vale Road Urban Release Area in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Fund all costs for acquisition of sewer easement from Work Finance Number 101037; and fund all costs for acquisition of water supply easement from Work Finance Number 101038 - Moss Vale Road expansion.
4. Delegate authority to the Chief Executive Officer (Executive Manager Shoalhaven Water) to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's Solicitor.
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer (Executive Manager Shoalhaven Water) is authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. Adopt as recommended

Implications: Council will proceed with the acquisition of the easements to facilitate the delivery of essential public infrastructure in the Moss Vale Road Urban Release Area. It will ensure Council has legal rights to the access, operation & maintenance of the required infrastructure.

CL22.317

2. Not adopt as recommended

Implications: Failure to acquire the easements identified may lead to a delay in the delivery of the required infrastructure for Moss Vale Rd URAs. This will cause a delay in the delivery of essential public infrastructure and possible risk to development of land and housing in the Moss Vale Road Urban Release Area.

### Background

The sewer & water easements, as shown in the plan attached, have been identified as a requirement for essential services to facilitate construction and future operation/maintenance of sewer main and water supply for the Moss Vale Road Urban Release Area to service the proposed residential subdivisions in the area.

An easement is required to ensure Council has legal access over the land for the operation and maintenance of its infrastructure.

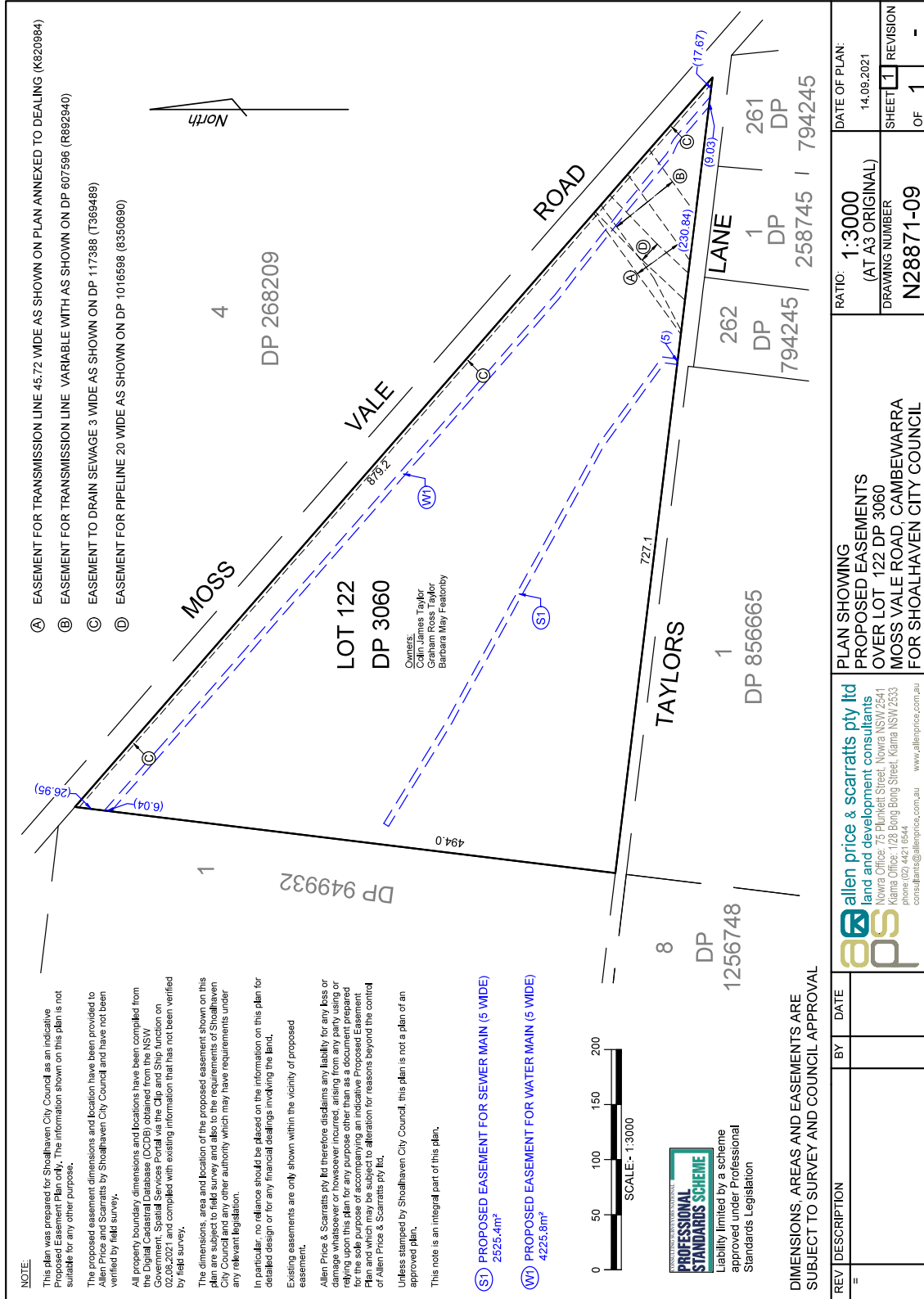
A valuation was obtained from Walsh and Monaghan Pty Ltd in October 2021, that assessed compensation for the sewer easement at \$54,000 and compensation for the water easement at \$8,500, plus GST if applicable.

An initial offer was made to the owner based on the amounts above, that was rejected by the owner. Following negotiations and an increase in market sales in the locality, an agreement was reached for a compensation amount of \$60,000 plus GST if applicable, for the sewer easement and \$10,000 plus GST for the Water Supply easement.

### Risk Implications

Acquisition of the easements is necessary to secure Shoalhaven Water's legal rights to construct, access, operate and maintain essential public infrastructure. The proposed action is administrative only and has no environmental impact.

CL22.317



## **CL22.318 Notice of Motion - Extension of 2021/22 Household Waste & Green Waste Vouchers**

**HPERM Ref:** D22/299187

**Submitted by:** Cllr Paul Ell

### **Purpose / Summary**

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

### **Recommendation**

That Council:

1. Extends the expiration date of unused Household Waste Disposal Vouchers and Garden Waste Disposal vouchers issued with annual rates notices in the 2021/2022 financial year until 31 December 2022 - noting that Council will not be re-issuing any unused 2021/22 vouchers.
2. Confirms that the one-off extension of any unused 2021/2022 vouchers is in addition to the 2022/2023 vouchers which will be issued to property owners in the usual way as part of this year's annual rates notices.
3. Directs the CEO to communicate this resolution to the community via social media and other appropriate channels.

### **Background**

As we are all too aware, the bad weather across our city for the much of the past year has been relentless with seemingly nonstop rain, winds & flooding. This motion seeks to extend the validity of any unused 2021/2022 household and garden waste vouchers.

Residents I have spoken to have advised that the weather hasn't been conducive to allowing them to get into their gardening and household clean-up activities as they normally would. As a result, many haven't had the opportunity to use their vouchers. Whilst it is welcome that Council has offered free disposal for waste resulting from the recent storms until the end of July, this proposed extension will allow residents to catch up on the backlog of general garden and household waste, which may have built up during the extended periods of wet weather. This extension would also be timely in terms of providing additional assistance and incentive for households to clear their gutters and remove other hazards in preparation for the Spring and Summer months, and the potential return of the bushfire season.

I submit that after everything our community has been through, some flexibility should be provided through a one-off extension of any unused 2021/2022 vouchers for a further 5 months, until the end of the year. I hope that all Councillors will support this common-sense idea.

CL22.318

## CL22.319 Notice of Motion - Proposed Tree Planting in Progress Park, Callala Bay

HPERM Ref: D22/299232

Submitted by: Cllr Paul Ell

### Purpose / Summary

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

### Recommendation

That Council:

1. Resolves to halt the planting of any Eucalyptus Pilularis (Blackbutt) trees in Progress Park, Callala Bay.
2. Instructs the CEO to investigate the concerns raised by residents about the potential danger to lives and property posed by these trees.
3. Directs the CEO to prepare a report summarising this investigation and a recommendation for Councillors to determine what trees will be planted in this location. The report is also to include options for shorter growing trees which can be planted in this location as an alternative to Eucalyptus Pilularis (Blackbutt) trees.

### Background

Councillors have received correspondence about this issue from property owners on Boorawine Terrace. The concern which has been raised, is that the trees which have been proposed for this location can potentially grow to heights of up to 70 metres and are also prone to branch dropping. This resolution seeks to pause the planting of this particular type of tree while the CEO investigates the matter and prepares a detailed report back to Council on options for shorter growing trees which can be planted in this particular location.

CL22.319



## CL22.320 Notice of Motion - Asset AI Trial for Detecting Road Damage

HPERM Ref: D22/299307

Submitted by: Cllr Paul Ell

### Purpose / Summary

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

### Recommendation

That Council:

1. Notes the community's frustration with the state of Shoalhaven roads and the pressure Council staff are under to maintain this constantly deteriorating asset.
2. Notes that the NSW Government has recently announced a \$2.9 million trial of Asset AI technology to assist with detecting damaged roads including potholes.
3. Places on record Shoalhaven City Council's support for this initiative and calls upon the NSW Government to include our City in the trial.
4. Directs the CEO to write to The Hon. Victor Dominello MP, Minister for Customer Service and Digital Government and The Hon. Sam Faraway MLC, Minister for Regional Transport and Roads to advise them of this resolution.
5. Delegates authority to the CEO and the Mayor to engage with the NSW Government on any arrangements to include our City in the current trial or any future trial which may be considered.

### Background

The state of our roads is the biggest issue that our constituents are concerned about. We all drive the roads and can see firsthand how dangerous many of them are.

This is certainly not an issue that is unique to the Shoalhaven and all Councils across NSW are grappling with the best way to allocate resources to ensure that the roads most in need of repair receive attention.

Technological innovation may provide a better way to monitor the condition of roads in real time which will assist our staff with undertaking the huge maintenance workload. This is why the NSW Government is funding Asset AI, a \$2.9 million trial – currently involving 32 sensors installed on 32 public transport buses across Greater Sydney area – which is being led by Transport for NSW and the Roads and Transport Directorate.

In addition, data is also being collected outside of the city with a utility vehicle mounted with cameras scanning 100 kilometres of rural roads, across regional NSW. The new technology can be combined with local weather observations to predict the rate of deterioration and streamline how road asset maintenance is prioritised.

Regional Councils which are currently part of the trial include: Blayney, Wingecarribee, Warren Shire, Liverpool Plains, Tamworth and Murray River. The Shoalhaven should seek to be part of the solution, and this is why as a Council, we should lobby the NSW Government to be included in the trial.

CL22.320

## **CL22.321 Notice of Motion - Waive of Hire Fees Nowra Showground - Aboriginal Children in Care Keeping Kin Connected**

**HPERM Ref:** D22/300297

**Submitted by:** Cllr Patricia White

### **Purpose / Summary**

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

### **Recommendation**

That Council waive fees of \$697.00 for the hiring of the Pavilion and field at Nowra Showground for the annual cultural event "Keeping Kin Connected" (KKC) for Aboriginal children in the Shoalhaven in October 2022.

### **Background**

Each year DCJ host an annual cultural event Keeping Kin Connected for all Aboriginal children in OOH in the Shoalhaven and have requested Council waive the hiring fees for the Pavilion and field at Nowra Showground. The day was initially held as part of NAIDOC celebrations to provide Aboriginal children an opportunity to connect with other Aboriginal children living in care, many of whom were kin.

It is an important opportunity for staff to connect with the children and carers as an agency rather than as individuals. One of the key priorities for the event is to provide an opportunity for Aboriginal children living in non-Aboriginal care arrangements, to connect with their culture and the local Aboriginal community.

The day is always opened with a Welcome to Country by a local Elder who is sometimes also a carer. Local Elders are invited and encouraged to attend the day and have spent time talking to the children about the history and meaning of the local area or telling stories about their past experiences.

The primary focus has always been on providing culturally appropriate activities.

The first KKC day was held in 2009 and in the beginning when the event was held in July as part of NAIDOC it would often be very cold, and numbers were not great. Following this, it was decided to review the event with the carers and ask them what they think would work better for them and the children.

The review outcomes were finding a venue in Nowra and move the event out of NAIDOC week as it was too busy.

In response to this feedback the event was moved to the September school holidays and the hire of the pavilion at the Nowra Showground. The difference in attendance was enormous and attendance has seen between 100 and 150 children attend each year since that time.

The hire fees are \$697, and the event is to be held on 6 October.

I seek support from all Councillors.

CL22.321

**Note by the CEO**

Application was made to Council for payment under the Fee Waivers, Subsidy and Support Policy for this event, but was declined due to ineligibility that the project did not meet the eligibility criteria as it is not from a not-for-profit community organisation. Similarly, as the applicant is a State Government Agency, the application will not meet the criteria for funding under the Community Donations Policy.

CL22.321

## LOCAL GOVERNMENT ACT 1993

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services

**Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.