

## Ordinary Meeting

**Meeting Date:** Monday, 12 February, 2024  
**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, recorded and made available on Council's website, 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 its 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 - 29 January 2024
6. **Declaration of Interests**
7. **Presentation of Petitions**

**8. Mayoral Minute**

Mayoral Minute

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**9. Deputations and Presentations**

- Presentation – Audit, Risk and Improvement Committee (ARIC) Annual Report 2023

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

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

**12. Committee Reports**

Nil

**13. Reports**

CEO

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**14. Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

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**15. Confidential Reports**

Nil

## MM24.3 Mayoral Minute - 2024 Australia Day Honours

HPERM Ref: D24/41379

### Recommendation

That Council recognise the honours bestowed upon the recipients of 2024 Australia Day Honours and writes to congratulate each winner.

### Details

On 26 January 2024, the Governor-General and Chancellor of the Order of Australia, His Excellency General the Honourable David Hurley AC DSSC (Retd), announced 1042 recipients in the 2024 Australia Day Honours List, the Shoalhaven received ten of these esteemed awards.

### THE ORDER OF AUSTRALIA IN THE GENERAL DIVISION

*Companions of the Order, Officers of the Order, Members of the Order, Medal of the Order of Australia*

- **Raymond Dorsett OAM** for service to hockey.
- **Peter Fitze OAM** for service to the community through a range of organisations.
- **Lorraine Mairinger OAM** for service to the community through a range of organisations.
- **Peter Moore OAM** for service to cricket in New South Wales.
- **Maria (Marysia) Nowak OAM** for service to the Polish community of New South Wales.
- **Margaret (Margie) Sheedy OAM** for service to the community of the Shoalhaven region.
- **Avril Henry AM**, for significant service to business consultancy, project management, and to women.

### MERITORIOUS AWARDS

*Public Service Medal, Australian Police Medal, Australian Fire Service Medal, Ambulance Service Medal, Emergency Services Medal, Australian Corrections Medal, Australian Intelligence Medal*

- **Chief Inspector Ray Stynes, Australian Police Medal** in recognition of his 32 years of service in the Police Force.
- **Donna Brotherton, Australian Corrections Medal** for her commitment to rehabilitation and reintegration of inmates into the community.
- **Brian White, Ambulance Service Medal** in recognition of his 45 years' service to the Ambulance service of NSW.

## **MM24.4 Mayoral Minute - Cost Shifting onto Local Government**

**HPERM Ref:** D24/43044

### **Recommendation**

That:

1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

### **Details**

Councillors,

The pressure on councils to continue to provide services of appropriate standard to our communities is now extraordinary.

The unrelenting growth of cost shifting to councils, coupled with rate pegging, is increasingly eroding any possibility of financially sustainable local government and risking the capacity of councils to deliver tailored, grassroots services to their communities and properly deliver and maintain vital local infrastructure.

Alarming, the latest research commissioned by Local Government NSW (LGNSW) shows that the increase in cost shifting has been accelerated by various NSW Government policies.

As shown in the latest cost shifting report produced by independent consultants Morrison Low on behalf of LGNSW for the 2021/2022 financial year ([www.lgnsw.org.au/costshifting](http://www.lgnsw.org.au/costshifting)), an amount of \$1.36 billion of expense has been passed on to councils to fund. This is an increase of \$540 million since the last report from the 2017/2018 financial year and represents lost services, lost opportunity and lost amenity for all our residents and businesses.

On average, this represents an additional cost of \$460.67 for every ratepayer across the state.

With councils having to fund this ongoing subsidy for the State Government each and every year it means our communities get less or go without. They go without better roads, they go without better parks, they go without important community services that only councils provide, and they and their ratepayers are effectively paying hidden taxes to other levels of government.

Councillors, our communities deserve better and this must stop. Prior to the most recent state election the then Minns Opposition wrote to LGNSW acknowledging that cost shifting had undermined the financial sustainability of the local government sector.

Now in 2024, it is important to councils and communities that the NSW Government urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

**MM24.4**

As a result I move the following:

1. That Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. That a copy be placed on Council's website so that our communities can access it; and
3. That Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

## **CL24.26     Audit, Risk and Improvement Committee (ARIC) Annual Report - 2023**

**HPERM Ref:**     D24/32952

**Department:**     Office of the CEO

**Approver:**         Jane Lewis, Acting Chief Executive Officer

**Attachments:**    1. 2023 ARIC Annual Report (under separate cover) [↔](#)

### **Reason for Report**

The reason for this report is to provide Shoalhaven City Council with the 2023 Audit Risk and Improvement Committee (ARIC) Annual Report. This report provides summary of the operations of the ARIC in accordance with the ARIC Charter.

### **Recommendation**

That Council:

1. Receive and note the 2023 Audit Risk and Improvement Committee Annual Report.
2. Acknowledge the work of the ARIC for 2023 and thank the Chair of the Audit Risk and Improvement Committee, Peter McLean for presenting the report at the Council meeting.

### **Options**

1. Shoalhaven City Council receive and note the 2023 ARIC Annual Report.
2. Shoalhaven City Council provide an alternative recommendation.

### **Background**

Shoalhaven City Council's Audit Risk and Improvement Committee (ARIC) objective is to provide independent advice and assistance to Council on risk management, internal control, governance and external accountability responsibilities.

As per the ARIC's communications guidelines established in its Charter, the Chair of the ARIC reports to Council annually on the key issues and activities considered.

The Chair of the ARIC has tabled this Annual Report to provide an overview of the key issues that the ARIC has dealt with in 2023. The Chair of the ARIC, Mr Peter McLean, will present 2023 ARIC Annual Report at the Council meeting.

The 2023 ARIC Annual Report is attached for information and consideration by the Shoalhaven City Council.

## CL24.27 Ongoing Register of Pecuniary Interest Returns - January 2024

**HPERM Ref:** D24/817

**Department:** Business Assurance & Risk

**Approver:** Lauren Buckingham, Acting Director - City Performance

### Reason for Report

The reason for this report is 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 January to 31 January 2024 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the 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 January to 31 January 2024 be received for information.

### 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:

Directorate	Name	Designated Position Start Date	Returned
City Performance	Michael Williams	23/10/2023	02/01/2024
City Services	Lara Favelle	20/11/2023	02/01/2024
City Performance	Cherie Muir	02/01/2024	02/01/2024
City Services	Braden Theisinger	29/01/2024	30/01/2024

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*.

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**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.

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## **CL24.28 Post Exhibition and Finalisation - Medium Density Amendment (No 51) - Shoalhaven Development Control Plan 2014**

**HPERM Ref:** D23/454992

**Department:** Strategic Planning

**Approver:** Coralie McCarthy, Acting Director - City Futures

**Attachments:** 1. Recommended Post Exhibition Changes to Chapter G1 of Shoalhaven DCP 2014 [↓](#)

### **Reason for Report**

The purpose of this report is to:

- Detail the outcomes of the public exhibition of the draft Medium Density Amendment (Amendment No. 51) to the *Shoalhaven Development Control Plan 2014*.
- Seek endorsement for the finalisation of Amendment No. 51.

### **Recommendation**

That Council:

1. Adopt the Medium Density Amendment (DCP2014.51) to *Shoalhaven Development Control Plan 2014* as exhibited, with the inclusion of the changes to Draft Chapter G1: Site Analysis, Site Design and Building Materials as shown in Attachment 1.
2. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including Community Consultative Bodies and relevant industry representatives, of this decision and when the Amendment will be made effective.

### **Options**

1. As recommended.

Implications: This is the preferred option as it implements the intention of earlier resolutions and ensures that where development consent is required, greater consideration is given to the contemporary needs of the Shoalhaven Community in areas such as urban design, amenity, accessibility, and balanced/sustainable development.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could delay the progress and implementation of updated medium density development provisions that respond to the contemporary needs of the Shoalhaven Community.

3. Not adopt the recommendation.

Implications: This could stop the progression of more appropriate medium density provisions to ensure a consistent, sustainable approach to medium density/compact housing provision. This option is not preferred as the current approach has resulted in increased community concern, increased representations to Councillors, and impacts on Council staff resourcing.

**Background**

At its 28 August 2023 Ordinary Meeting, Council resolved (MIN23.457) to:

1. *Support the exhibition of the draft Medium Density Amendment to Shoalhaven Development Control Plan 2014, consisting of the following chapters, for a period of 28 days as per legislative requirements:*
  - a. *Draft Chapter G1: Site Analysis, Site Design and Building Materials.*
  - b. *Draft Chapter G12: Dwelling Houses and Other Low Density Residential Development.*
  - c. *Draft Chapter G13: Medium Density and Other Residential Development.*
  - d. *Draft Chapter G21: Car Parking and Traffic.*
2. *Receive a further report on the draft Medium Density Amendment following the conclusion of the public exhibition period.*
3. *Advise key stakeholders, including relevant industry representatives and CCBs, of this decision and exhibition arrangements*

In accordance with Council’s resolution, the Amendment package was publicly exhibited for a period of 30 days from Wednesday 4 October to Friday 3 November 2023 (inclusive) on Council’s website. All Community Consultative Bodies and relevant development industry representatives were notified directly via email.

The exhibition material remains on [Council’s website](#) and included the following:

- Exhibition Notice.
- Explanatory Statement.
- Draft Chapters:
  - Chapter G1: Site Analysis, Site Design and Building Materials.
  - Chapter G12: Dwelling Houses and Other Low Density Residential Development.
  - Chapter G13: Medium Density and Other Residential Development.
  - Chapter G21: Car Parking and Traffic.
  - The Dictionary.

The Inclusion & Accessibility Advisory Committee were consulted on the proposed changes. No submissions were received from this committee. No submissions were received from the development industry. One submission was received from the Red Head Villages Association. **Table 1** summarises this submission and provides a staff comment for Council’s consideration.

**Table 1: Summary of Key Themes Raised in the Red Head Villages Association Submission**

Summary of Issue	Staff Comment
<p><b>Supports the intent of the draft changes.</b></p> <p>Supports the consultation process.</p> <p>Acknowledges and values the proposed</p>	<p><b>Change recommended.</b></p> <p>There is merit in amending the following objective in draft Chapter G1: Site Analysis, Site Design and Building Materials to</p>

CL24.28

<p>amendment with respect to amenity of adjoining neighbours but raises concerns that the review does not go far enough in assessing holistic nature of coast village character and desired future character.</p> <p>Raises concerns about the ‘One size fits all’ methodology – seeks acknowledgement / distinguishment of character and inclusion of future character.</p> <p>Raises concerns that the site analysis provisions do not adequately address/model need for supporting civil and social infrastructure and the demands caused by urban densification in unique communities.</p> <p>Seeks refinement to minimum lot size for dual occupancy development and medium density development in the RU5 Village zone in SLEP 2014 through a planning instrument change.</p> <p>Raised concerns regarding unregulated urban densification for the use of tourist accommodation which poses safety and security concerns during bushfire events with management and evacuation.</p>	<p>address not only the immediate site, but the site surrounds. This would address matters raised in the submission such as limitations relating to available civil and social infrastructure.</p> <p><del>Ensure compatibility between the site and the proposal</del> <i>development responds to the qualities, characteristics and limitations of the site and site surrounds.</i></p> <p>This proposed change is highlighted in green in <b>Attachment 1</b>.</p> <p>The main focus of the submission relates to the need for changes to the LEP to address inappropriate medium density development (minimum lot size). Council has recently endorsed the progression of a new Housing Strategy and LEP. These processes will review the needs of Shoalhaven’s coastal villages and consider planning mechanisms that may assist in this regard. This work has commenced and there will be opportunity for continued engagement with the Red Head Villages Association through these processes.</p>
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CL24.28

An amendment to draft Chapter G1: Site Analysis, Site Design and Building Materials is recommended in response to the submission. This post-exhibition amendment is consistent with Council’s overarching intention to ensure local character is consistently identified and considered, which was a key theme raised by the community relating to medium density development.

As such, it is recommended that the Medium Density Amendment to *Shoalhaven Development Control Plan 2014*, inclusive of the recommended post exhibition changes, proceed to finalisation.

**Financial Implications**

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

**Internal Consultation**

The draft Amendment was prepared with collaboration from staff across the organisation including the City Futures and City Development directorates and was subject to a period of internal consultation. No additional internal consultation was undertaken during the public exhibition period.

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

# Draft Chapter G1: Site Analysis, Site Design and Building Materials

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For convenience, provisions with additions and/or changes that were part of the initial public exhibition are highlighted in yellow. Proposed amendments resulting from external consultation are shown in green highlighting.

Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	3 December 2019	18 December 2019	Amendment
4			Draft

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

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## 1 Purpose

The purpose of this Chapter is to outline controls for the management of the natural and built environment. This Chapter provides controls particularly for:

- Site analysis plans.
- Building materials and site design in rural, coastal and environmental areas.

## 2 Application

This Chapter applies to all development in Shoalhaven.

## 3 Context

A site analysis assists in considering the characteristics of the site and adjacent or adjoining sites at the outset of the design process, as well as any constraints or opportunities to ensure that these are reflected in the design. An effective site analysis plan can assist in implementing long-lasting sustainable building design principles, such as solar passive design to increase energy efficiency and solar access, ultimately resulting in long-term environmental and financial savings.

The type and quality of materials in environmental, coastal and rural areas is also important. The location of a building and choice of materials help to maintain and protect views and provide amenity to surrounding residents.

## 4 Objectives

The objectives are to:

- Consider the constraints and opportunities of the site for the proposed development.
- Ensure development responds to the qualities, characteristics and limitations of the site and site surrounds.
- Maximise the potential for energy efficiency and conservation in building design.
- Minimise overshadowing impacts of a development on adjoining dwellings.
- Preserve solar access to north facing solar collectors serving adjoining dwellings e.g. solar hot water panels, photovoltaic cells.
- Ensure development is compatible with the natural landscape and any identified natural hazards.
- Ensure buildings are constructed of such materials and finishes and are not intrusive upon the landscape.
- Ensure that views from public roads, public places and private properties are protected from highly reflective building materials.

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

**5 Controls**

**5.1 Site Analysis**

Performance Criteria	Acceptable Solutions
<p>P1.1 The characteristics of the site and its surrounds have been adequately considered through preparation of a thorough site analysis plan.</p> <p><b>Note:</b> Refer to examples at <b>Figures 1 and 2.</b></p> <p>P1.2 The site analysis informs the site design and layout.</p> <p>P1.3 The site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> <li>Adequate pedestrian, cycle and vehicle links to street and open space networks.</li> <li><b>Buildings</b> that face and address streets and the public domain.</li> <li><b>Buildings</b>, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</li> </ul> <p>P1.4 The site layout enhances personal safety and minimises potential for crime and vandalism.</p>	<p>A1.1 A site analysis plan is provided with a <b>development</b> application that shows the following, as appropriate:</p> <ul style="list-style-type: none"> <li>Constraints (including but not limited to): <ul style="list-style-type: none"> <li>Location of services such as power, sewer, water and <b>drainage</b> lines.</li> <li>Existing <b>trees</b> and <b>vegetation</b> within and adjacent to the land being developed.</li> <li>Natural <b>hazards</b> which are likely to impact upon the <b>development</b> such as <b>bush fire prone land</b>, <b>coastal hazard areas</b> or <b>flood prone land</b>.</li> </ul> <p><b>Note:</b> Refer to:</p> <ul style="list-style-type: none"> <li>Clauses 7.5 Terrestrial biodiversity and 7.6 Riparian land and watercourses of <b>SLEP 2014</b>.</li> <li>The Office of Water's <a href="#">Guidelines for Riparian Corridors on Waterfront Land</a>.</li> </ul> </li> <li>Opportunities (including but not limited to): <ul style="list-style-type: none"> <li><b>Views</b> from the site.</li> <li>Solar access.</li> <li>Existing mature <b>trees</b> and <b>vegetation</b>.</li> </ul> </li> <li>Context information for the site and adjoining/ adjacent <b>development</b> (including but not limited to): <ul style="list-style-type: none"> <li>Height and use of buildings.</li> <li>Front setbacks.</li> <li>Driveways.</li> </ul> </li> </ul>

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

- Boundary treatments (including retaining walls).
- Easements.
- Stormwater management.

A1.2 For development other than for a single dwelling house and associated structures, a development application must detail, as appropriate:

- The location of the development relative to the local / town centre.
- The character of the surrounding development within 100m, particularly relating to setbacks and subdivision layout.
- Topographical features such as slope, existing natural trees and vegetation and opportunities for the creation of views and vistas
- The existing road network characteristics including road width, location of driveways, parking bays, adjacent and nearby pedestrian and cyclist infrastructure and relevant utilities.
- Opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.
- The likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views.
- The extent to which driveways and/or parking areas are likely to dominate the appearance of the development.
- The visibility, width and design speed of proposed roads and/or driveways.
- Bush fire, flooding and drainage constraints, easements for services and extent of contaminated land.
- The character of any adjacent public land/reserves, particularly the location of mature trees in relation to the proposed development

CL24.28 - Attachment 1

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

A1.3 The proposed site layout responds to and implements the findings of the site analysis plan prepared in accordance with A1.1 and A1.2 (see example at Figure 3).

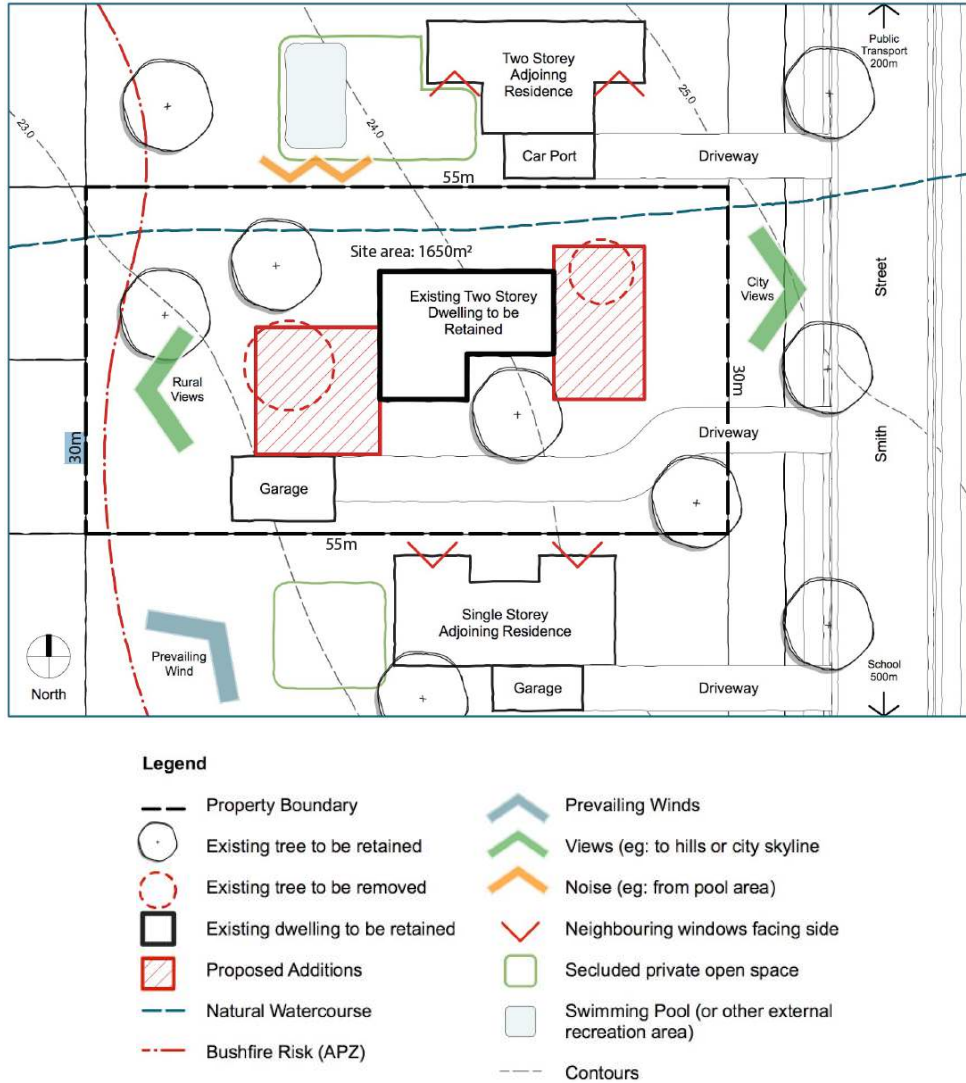


Figure 1: Example of a site analysis plan



Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

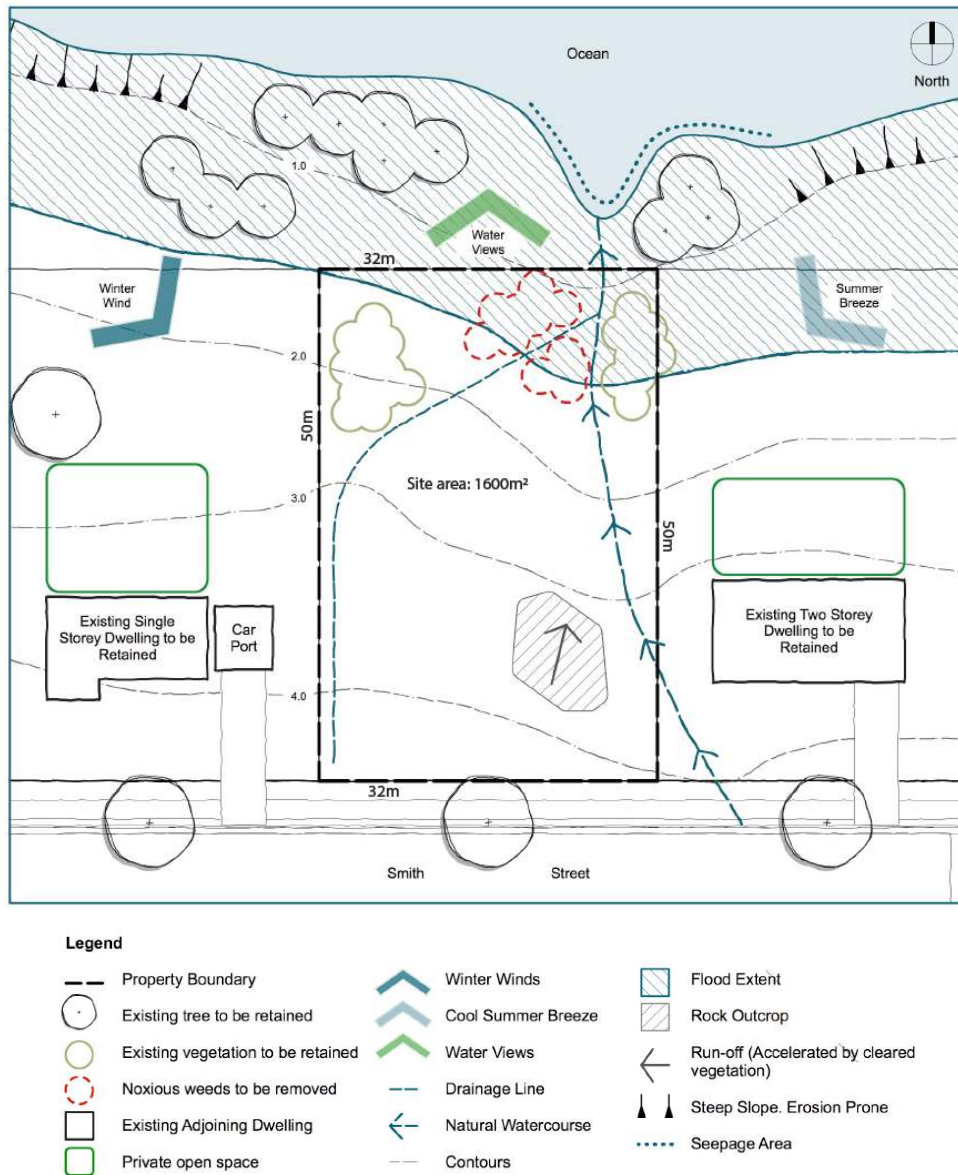


Figure 2: Example of a site analysis plan

CL24.28 - Attachment 1

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

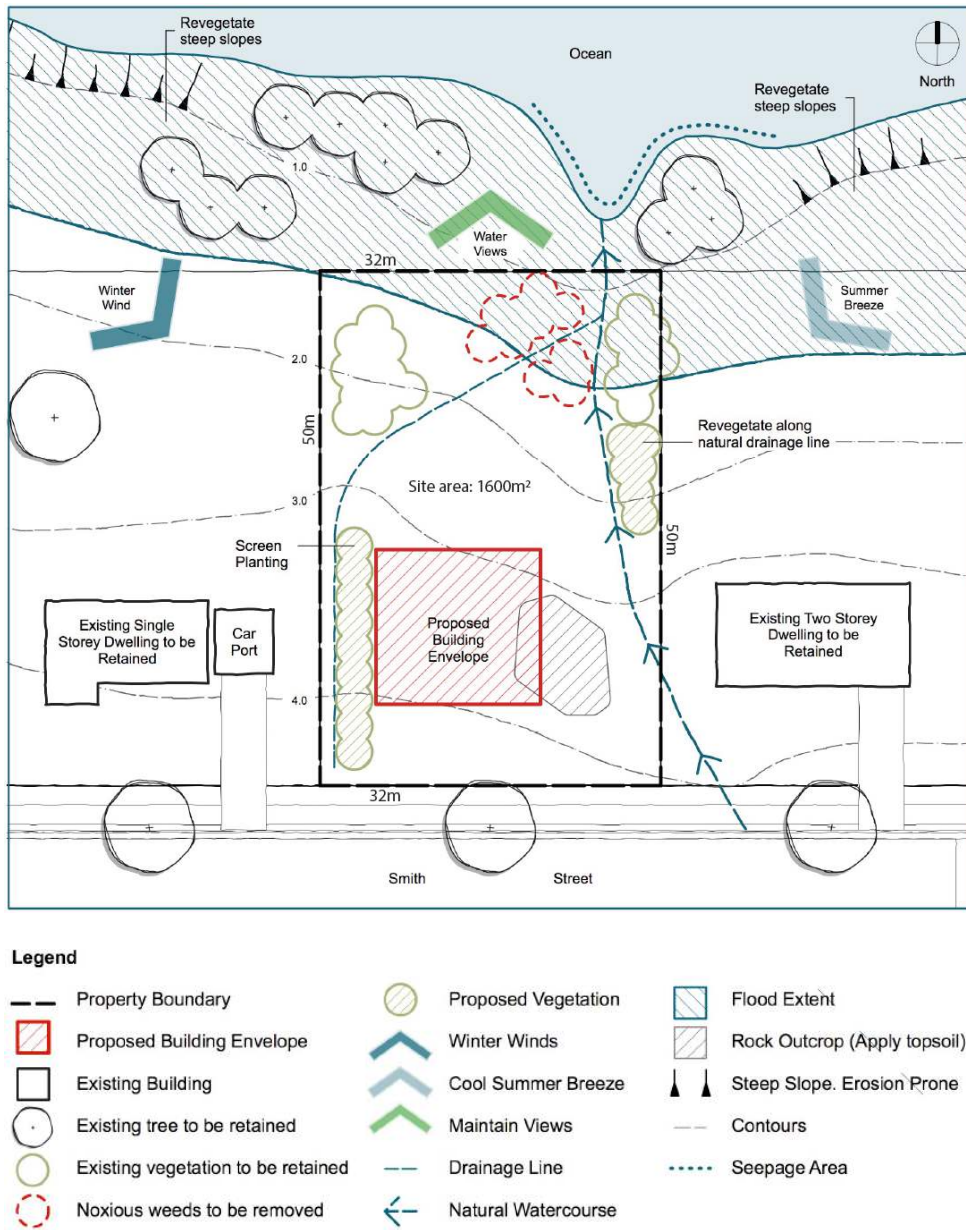


Figure 3: Site Development Plan

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

**5.2 Building Materials and Site Design in Rural, Coastal and Environmental Areas**

This Section provides guidelines to ensure that appropriate choice of **building** materials and site design are used in new **developments** and additions to existing **structures**, when in **Council's** opinion, they are of a substantial nature. This Section applies to all **development** in Shoalhaven's rural and environmental zones and all coastal areas.

**Note:** A site mapped in **SLEP 2014** as 'Scenic Protection' on the Scenic Protection Area Map, must demonstrate compliance with Clause 7.8 of **SLEP 2014**.

Performance Criteria	Acceptable Solutions
<p>P2 <b>Buildings</b> are designed, constructed and sited to compliment the landscape and minimise impacts on visual amenity when viewed from public places and private property.</p>	<p>A2.1 The <b>building</b> design satisfies the following to ensure the <b>development</b> does not detract from the scenic-value of the landscape:</p> <ul style="list-style-type: none"> <li>• <i>Siting</i> – <b>buildings</b> shall be suitably sited (i.e. below ridgelines and/or knolls) in a location which does not unreasonably impact on the outlook of any other <b>dwelling</b> or a <b>vista</b> from a public <b>road</b>, public place or place frequented by the public.</li> </ul> <div style="background-color: #f0f0f0; padding: 5px; margin: 5px 0;"> <p><b>Note:</b> <b>Development</b>, including subdivisions, will not be supported on <b>headlands</b> or other prominent coastal features; other than those which have already been subdivided and zoned for urban purposes</p> </div> <ul style="list-style-type: none"> <li>• <i>Screening</i> – existing <b>trees</b> and <b>vegetation</b> shall be utilised to provide a backdrop and/or for screening of <b>buildings</b>. Additional landscaping may also be used to implement screening.</li> <li>• <i>Design</i> – roof pitch and orientation shall be designed to minimise or mitigate glare.</li> <li>• <i>Access</i> <b>roads and services</b> shall be designed and located to minimise soil and <b>tree/vegetation</b> disturbance and visual impact.</li> </ul>

Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

- *Materials and colours* shall be appropriate to the local landscape and or background to ensure that the **building** does not significantly detract from the scenic value of that landscape. **Structures** should not strongly contrast with the background whether by location, colour or choice of materials.

P3 The use of highly reflective **building** materials (e.g. galvanised steel) is minimised to protect **views** and the natural character of environmental, rural and coastal areas.

A3.1 A visual assessment shall be prepared which demonstrates that the **building** will not have a significant visual impact when viewed from any public **road**, public place, private property to which the public has access, National Park, walking trail or other **dwelling**.

**Note:** The use of traditional **building** materials, such as galvanised steel, may be permitted in certain circumstances if it is justified in the context of the design of the **building** and/or it complements the heritage character of the **building** or area.

Some lighter colours in the range of pre-coloured metal products are usually not acceptable in prominent locations. The use of zinalume is generally not supported by **Council**.

**6 Advisory Information**

**6.1 Other legislation or policies you may need to check**

**Note:** This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

**Council Policies & Guidelines** • Nil

**External Policies & Guidelines** • [Guidelines for Riparian Corridors on Waterfront Land](#)

**Legislation** • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
• Shoalhaven Local Environmental Plan 2014

## CL24.29 Classification of Land - Lot 126 DP 1295390 Lancaster Drive, Badagarang

HPERM Ref: D23/519606

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

### Reason for Report

The reason for this report is to provide Council with an opportunity to consider the classification of land being Lot 126 DP 1295390 Lancaster Drive, Badagarang, as 'Operational Land' within the meaning of the Local Government Act 1993.

### Recommendation

That Council classifies the land described as Lot 126 DP 1295390 Lancaster Drive, Badagarang, as Operational Land within the meaning of the Local Government Act 1993.

### Options

1. Adopt as recommended.

Implications: The operational classification will provide Council with flexibility in its use as a drainage reserve.

2. Not adopt as recommended.

Implications: If the land is not classified as "operational" within three months of its acquisition by Council the land defaults to a classification of Community Land and is subject to the community land provisions outlined in the Local Government Act 1993.

### Background

Lot 126 DP 1295390 is an irregular shaped parcel 10,240 sqm in size, zoned Part R1 – General Residential, Part RU1 – Primary Production, and is highlighted in yellow outline in Figure 1 below.

The subject land was dedicated to Council as a Drainage Reserve as determined by Subdivision Application SF10633. The subject land adjoins the Moss Vale Road South Urban Release Area, between Bomaderry and Cambewarra Village, which is now known as Badagarang. It is planned to capture drainage from the subdivision of Lancaster Drive, Badagarang. The creation of the drainage easement was registered on 28 November 2023.

The classification of Lot 126 as Operational Land is appropriate to retain the authority of Council and others to undertake drainage related works within the lot.

Figure 1

CL24.29



CL24.29

### Community Consultations

In accordance with Section 34 of the Local Government Act 1993, a public notice of Council's intention to classify the land as Operational was placed in the South Coast Register, Council's website, at the Nowra Administration Building and at Nowra Library, allowing 28 days for written submissions. No submissions have been received.

### Policy Implications

Section 31(2) of the Local Government Act 1993 provides that before Council acquires land, or within three months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and;
2. Community Land – land in Council's ownership which is held for and on behalf of the Community subject to the Community Land provisions of the Local Government Act 1993.

A resolution of Council, within the time frame prescribed in the Local Government Act 1993, is required to finalise the classification of land as Operational.

### Financial Implications

Nil for the proposed classification.

Land incorrectly classified (via resolution or by default) that subsequently results in an inability to be dealt with will require a reclassification to Operational Land that involves

making a Local Environmental Plan amendment under the Environmental Planning Assessment Act 1979. This is a time-consuming and costly exercise and can be avoided by actioning the Operational Land classification prior to the expiry of the three month horizon.

**Risk Implications**

Nil for the proposed classification as Operational Land. The ability for Council to implement drainage performance improvements on the site in future would be constrained by the limitations of the Community Land provisions if an Operational Land classification is not applied.

## **CL24.30 Update Report - Outcome of Post Tender Negotiations - St Vincent St / South St Intersection Upgrade (Traffic Signals) and South St Shared User Path - Ulladulla**

**HPERM Ref:** D24/19990

**Department:** Works & Services

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

### **Reason for Report**

The reason for this report is to update Council on the outcome of the post tender negotiations entered into with Cleary Bros (Bombo) Pty Ltd for the St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla project.

### **Recommendation**

That Council receives the update report on the extent of the scope and cost reduction negotiated for the St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla project as required by MIN23.379C.

### **Options**

1. Adopt the Recommendation

Implications: Council will be informed of the extent of the scope and cost reduction negotiated for the St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla project.

2. Not adopt the Recommendation and seek additional information.

Implications: A further report to the Council will need to be prepared by staff in response to the information sought.

### **Background**

Council resolved on 17 July 2023 as follows:

MIN23.379C

1. *In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla as sufficient funds are not available in the project budget to cover the contract amount and other project costs.*
2. *In accordance with Clause 178(3)(e) enter into negotiations with Cleary Bros (Bombo) Pty Ltd, or any other contractor as needed/appropriate, for St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla for the following reasons:*
  - a. *The sourcing strategy was a public request for tender which was live for 6 weeks so it is unlikely that inviting fresh tenders would result in any further submissions being received.*



- b. Cleary Bros (Bombo) have been identified as the highest scoring tenderer by the tender evaluation team.*
- c. There would appear to be opportunities to reduce the cost through reduction of scope.*
- 3. Delegate the authority to the CEO (Director City Services) to execute all documents on Council's behalf in relation to any contract formed as a result of the above to enable the work to commence.*
- 4. Receive a report detailing the extent of the scope and cost reduction negotiated by the CEO at an appropriate time.*

This report is in fulfilment specifically, of Recommendation 4.

In addition to entering into negotiations with Cleary Bros (Bombo) Pty Ltd, City Services also approached the grant provider (TfNSW) requesting a cost variation to help reduce or eliminate entirely the extent of scope reduction required.

### **Consultation with Transport for NSW**

City Services submitted a cost variation to Transport for NSW for the St Vincent St, Ulladulla High School Safety Improvements project and was successful in receiving an additional \$400,000 towards the project.

Original approved project budget = \$1,750,000.

New approved project funding after variation = \$2,150,000.

### **Consultation with Cleary Bros (Bombo) Pty Ltd**

The main area considered for scope reduction was the amount of asphalt works. This is because:

1. The cost to supply and lay asphalt (as well as the associated milling and disposal of material) is by far the largest contributor to the overall cost of the project.
2. There are areas away from the intersection where the proposed 120mm thick new asphalt could be reduced to 50mm thick and still satisfy the overall intent of the project.

As a result of the asphalt scope reduction and other small scope changes the new contract price agreed with Cleary Bros (Bombo) Pty Ltd was \$1,678,103.65.

Note the original Cleary Bros (Bombo) Pty Ltd tender price was = \$1,825,137.82

### **Financial Implications**

Nil.

The work is now fully funded in the 2023/24 Capital Works Program by the NSW Federal Road Safety Program/ School Zone Infrastructure Sub-Program. The funding provided is available to cover both the tender amount and other project costs including the preliminary works, project management costs and lighting upgrades.

The summaries of the estimated expenditures of the contract and project are as follows:

<b>CONTRACT BUDGET TABLE</b>		<i>Amount (excl GST)</i>
Contract Value		\$1,678,103.65
Contract Contingency	5%	\$83,905.18
Purchase Order (Value + Contingency)		\$1,762,008.83

<b>GST CALCULATION TABLE</b>	
Purchase Order (excl GST)	\$1,762,008.83
GST	\$176,200.88
Purchase Order (incl GST)	\$1,938,209.72

<b>PROJECT BUDGET TABLE</b>		<i>Amount (excl GST)</i>
<b>Project Budget</b>		
Finance Number 106059		\$2,150,000.00
<b>Total</b>		<b>\$2,150,000.00</b>
<b>Project Forecast Expenditure</b>		
Contract Budget (PO Value from Contract Budget Table)		\$1,762,008.83
Design including TfNSW WAD & Design Fees		\$205,695.17
Project Management & Site Surveillance		\$20,879.17
Electrical works and Road Safety Audits		\$37,737.02
Stormwater renewal and Telstra relocations		\$121,843.42
<b>Total</b>		<b>\$2,148,163.61</b>
<b>Balance (Project Budget – Project Forecast Expenditure)</b>		
		<b>\$1,836.39</b>

### Risk Implications

A *Risk of Failure Report* (D23/143820) has been obtained which indicates that the probability of the recommended tenderer experiencing financial difficulty within the next 12 months is minimal and therefore deemed acceptable by the tender evaluation team.

CL24.30

## CL24.31 Development Application (SF11002) – Two Lot Torrens Title Subdivision - Pine Forrest Road – Lot 23 DP 1117746

DA. No: SF11002/4

HPERM Ref: D23/445761

Department: Certification & Compliance  
Approver: James Ruprai, Director - City Development

Attachments: 1. DRAFT Determination - Approval - SF11002 - Pine Forest Rd TOMERONG - Lot 23 DP 1117746 & 12 Connolly St TOMERONG - Lot 22 DP 1117746 (under separate cover) [⇒](#)  
2. Planning Report S4.15 Assessment - Pine Forest Rd TOMERONG - Lot 23 DP 1117746 & 12 Connolly St TOMERONG - Lot 22 DP 1117746 (under separate cover) [⇒](#)  
3. Plans - Subdivision - Pine Forest Rd TOMERONG - Lot 23 DP 1117746 & 12 Connolly St TOMERONG - Lot 22 DP 1117746 (under separate cover) [⇒](#)

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

**Owner:** M J Malone & T L Malone

**Applicant:** Jervis Bay Town Planning

**Notification Dates:** 26 October 2023 to 11 November 2023

**No. of Submissions:** 0

### Purpose / Reason for consideration by Council

The Development Application was called in for determination on public interest grounds due to the nature of the policy variation being proposed by the applicant (MIN23.571).

### Recommendation

That Council confirm that it supports the variation to A15.2 of Chapter G8 On-Site Sewer Management and approve the Development Application SF11002 for two (2) lot Torrens Title subdivision at Pine Forest Road TOMERONG - Lot 23 DP 1117746 as detailed in the draft conditions of consent (Attachment 1) to this report.

### Options

1. That Council approve the recommendation as printed.

Implications: This would enable the development to proceed according to the recommended conditions of consent.

2. Refuse the Development Application (DA).

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

CL24.31

3. Adopt an alternative recommendation.

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



CL24.31

Figure 1: Location Map

### Background

Two applications have previously been lodged over the subject site for a two (2) lot Torrens Title subdivision. These are as follows:

- **SF10926**

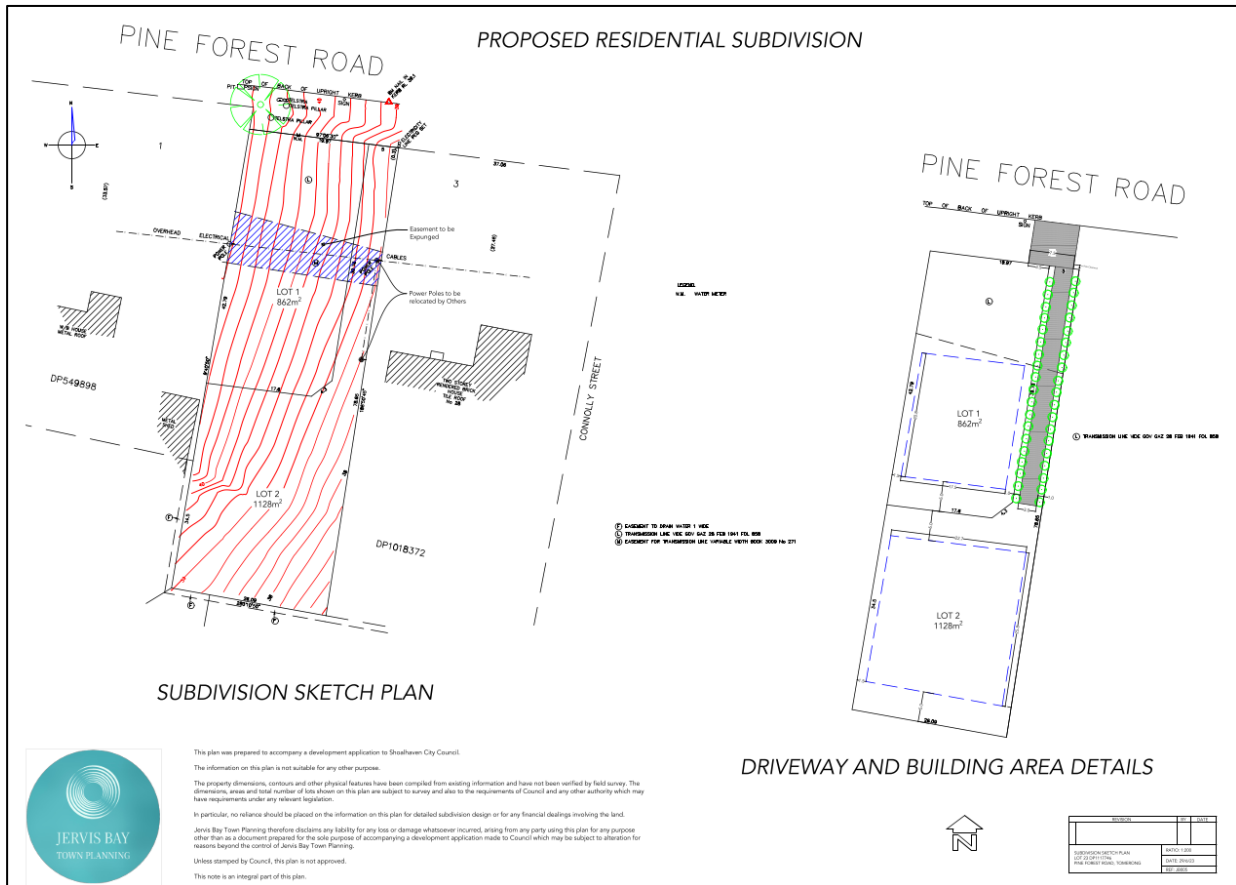
An application for two (2) lot Torrens Title subdivision, which proposed to manage effluent via pump-out was lodged with Council on 18/2/2022 and refused on SF10926.

- **RD22/1000**

A section 8.2 review of the refusal determination of SF10926 was lodged on 10/11/2022. The review of determination upheld the determination of SF10926 and was refused on the 24/2/2023.

### Proposed Development

Two (2) Lot Torrens Title Subdivision



CL24.31

Figure 2: Proposed Subdivision Sketch Plan

**Subject Land**

The development site comprises Lot 23 DP 1117746 – Pine Forest Road TOMERONG. The proposal also involves connection to the inter-allotment drainage at 12 Connolly Street TOMERONG – Lot 22 DP 1117746.

The site has an area of 1990m<sup>2</sup> and is rectangular in shape.

**Site & Context**

The site is currently vacant and adjoins residential development to the north south east and west.

The locality is within the RU5 Village zone.



Figure 3 – Zone Mapping – SLEP 2014

The subject site does not have access to reticulated sewer, however, as per Council resolution MIN21.464 the Council resolved to include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the **2028/29** financial year.

## History

### Lot Creation

Approval was issued on the 06/03/2006 for SF9585 - 29 Lot Residential Subdivision and 1 Public Reserve Lot. The subject site, lot 23 DP 1117746 was created as part of this.

Condition number 47 of the development consent, states that:

*“The following shall be created as restrictions-as-to-user under Section 88B of the Conveyancing Act.*

...

*b) No further subdivision of any lot unless reticulated sewerage available.”*

Restriction numbered 9 in DP1117746 was imposed accordingly which restricts any further subdivision until the site is serviced by reticulated sewerage.

### Existing Restrictions

Due to there being no reticulated sewerage available to the area, the subdivision was created based upon all lots managing waste via onsite effluent systems. Given this, a Geotechnical Assessment was conducted on each lot to demonstrate that each lot had a suitable area for the location and operation of an effluent system.

This assessment included investigations to ensure each proposed lot had sufficient area for the primary and reserve system, building area (including dwelling, sheds, pools, and

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rainwater tanks), driveways, stormwater management areas and the required buffer distances.

It was for this reason that the lots were created to this size, and the restriction to user was imposed to prevent any further subdivision from occurring until such a time reticulated sewage was available.

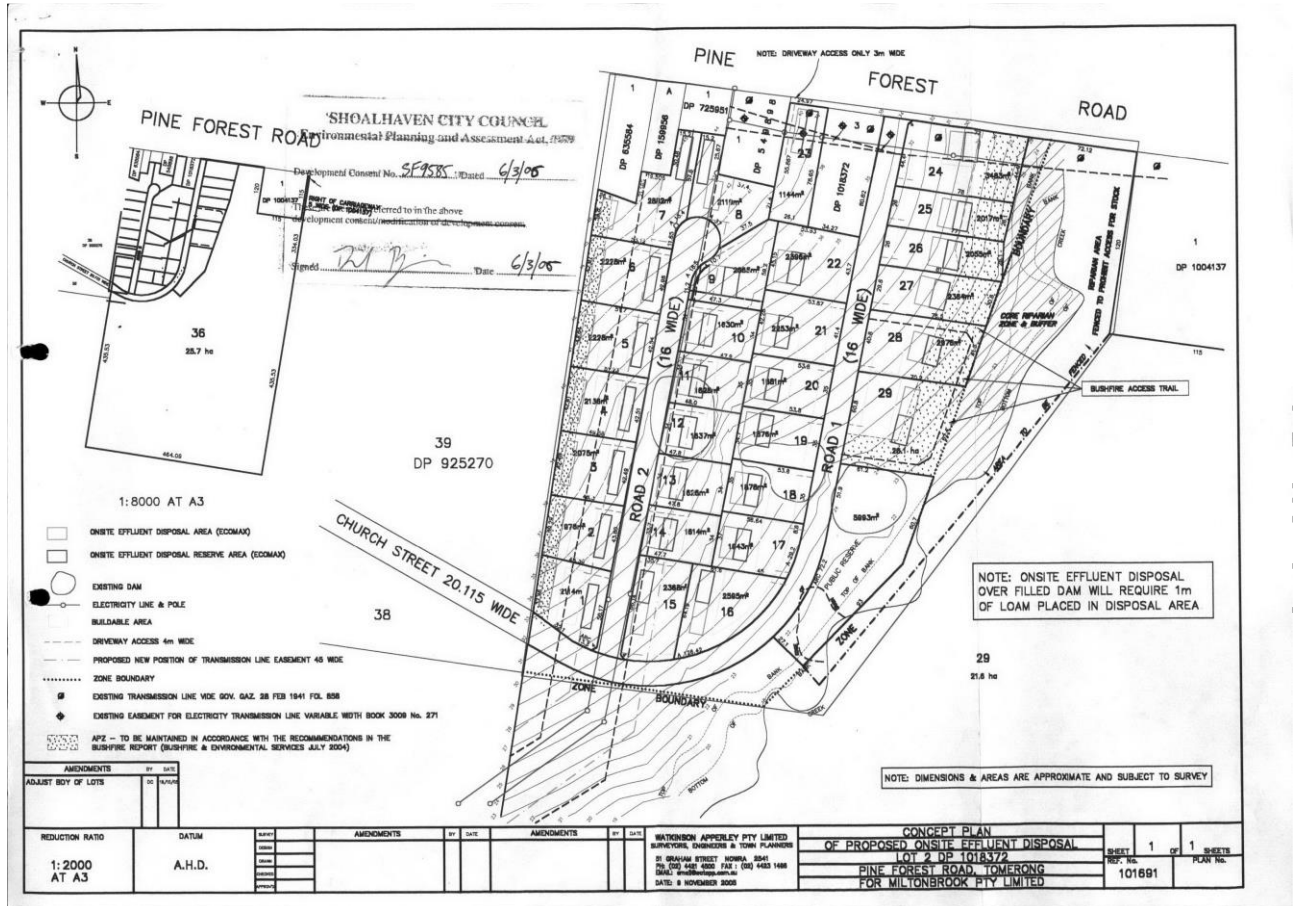


Figure 4: Plans for SF9585 showing indicative locations of potential future buildings, ancillary structures, driveways, and effluent management areas (D08/103645)

**Issues**

Effluent Disposal via Pump Out

The applicant’s submitted Statement of Environmental Effects and Report on Effluent Disposal contends that the site is not of sufficient size to manage effluent on-site under the current policy requirements, and as such, Council should support the subdivision of land and the management of effluent via pump out as the current lot is already not capable of managing effluent on-site.

It is agreed that the existing lot does not meet the required size under the SDCP 2014 to suitably manage effluent on site. However, there are concessions in the SDCP 2014 for new pump out services.

A15.2 prescribes the following:

*New pump out services shall only be considered:*

- *On lots within unsewered residential or business zoned land that was registered before the adoption of Council’s former Effluent Pump out Policy on 28 August 2007.*

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- For multi dwelling housing development in villages designated for future reticulation services.

With respect to A15.2 the corresponding Performance Criteria at P15.1 it prescribes the following:

*New subdivisions do not propose (or install) new pump out systems.*

Should the proponent apply to construct dual occupancy development without subdivision, an effluent pump out system would be permitted under the policy. This is due to the dwellings being located on a lot created before the adoption of Councils former effluent pump out policy on 28 August 2007.

Similarly, the proponent could apply to construct multi dwelling housing without subdivision, which is permitted within the zone and would comply with the policy. This is due to the Council resolving to provide reticulated sewer to the township of Tomerong (MIN21.464).

There are inconsistencies with the policy and the outcomes in which it is trying to achieve. As outlined above, dwelling yields similar to this proposal could be achieved (and which would be compliant with the Chapter G8 controls) if the subdivision element were not pursued. For this reason noting also that a degree of weight needs to be given to the fact that Council resolved to include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the **2028/29** financial year, the proposal is considered supportable.

### **Planning Assessment**

The DA has been assessed under s4.15 of the *Environmental Planning and Assessment Act 1979*.

### **Internal Consultations**

The application was referred to Council's Development Engineer, Environmental Health Officer, Asset and Strategy, and Assessment Management Section, Waste Section, GIS section and Shoalhaven Water.

Although issues were identified by the Environmental Health and the Asset and Strategy and Asset Management Sections, these related to there being insufficient area available to manage effluent on-site and associated implications to parking areas.

Shoalhaven Water have confirmed the forward planning for sewerage installation at the location, and that the lots are planned to be connected to sewer in the coming years.

If servicing of the proposed lots via pump out systems is supported by Council, the issues raised can be adequately addressed and resolved through appropriate conditions of consent.

### **External Consultations**

The application was referred to Endeavour Energy and the Rural Fire Service. No objection was raised subject to conditions of consent.

### **Community Consultations**

The application was notified in accordance with Council's Community Consultation Policy between 26 October 2023 to 11 November 2023. No submissions were received.

### **Financial Implications**

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



### **Legal Implications**

Pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a decision of the Council may be subject of a review by the applicant in the event of an approval or refusal. If such a review is ultimately pursued the matter would be put to Council for consideration.

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

### **Summary and Conclusion**

This application has been assessed having regard for section 4.15 (Evaluation) under the EP &A Act). As per section 6.3 of Chapter G8 of Shoalhaven DCP 2014, reliance on effluent pump out systems for new subdivisions in areas identified for future reticulation services may only be provided by resolution of Council.

As outlined in this report Tomerong village is to be connected to reticulated sewer in **2028/29** as resolved by Council in MIN21.464. Given the alternative scenarios that would comply with the controls set out in Chapter G8 of Shoalhaven DCP 2014 that could be utilised to achieve similar dwelling yields, and the future connection of the site to reticulated sewer it is recommended that the variation to A15.2 be supported.

Having regard to the assessment and the matters described in the section titled 'Issues' earlier in this report, the proposal is recommended for determination by way of approval.

A draft determination has been prepared and is located at Attachment 1 to this Report for consideration.

## **CL24.32 Application for Community Consultative Body Council Endorsement - Culburra Beach & Orient Point Community Forum**

**HPERM Ref:** D24/11444

**Department:** Community Connections

**Approver:** Michael Paine, Manager - Community Connections

**Attachments:** 1. Application to become an endorsed CCB - Culburra Beach and Orient Point Community Forum [↓](#)

### **Reason for Report**

The purpose of this report is to advise Shoalhaven City Council that the Culburra Beach Progress Association has ceased operations and to inform Council that the Culburra Beach & Orient Point Community Forum (CBOPCF) has submitted an application to become the endorsed Council Community Consultative Body (CCB) for the Culburra Beach and Orient Point area.

### **Recommendation**

That Council:

1. Acknowledge the contribution that the Culburra Beach Progress Association has made since being endorsed as a CCB over 25 years ago and:
  - a. Accept the Culburra Beach Progress Associations advice that they have disbanded and cease to recognise the Culburra Beach Progress Association as an endorsed Community Consultative Body for Council.
  - b. Write to the outgoing committee to thank them for their commitment and contribution to the Shoalhaven community.
2. Support in principle the application from Culburra Beach & Orient Point Community Forum to be recognised by Council as a Community Consultative Body.
3. Advertise the proposal for public comment.
4. In considering public comment,
  - a. if no significant adverse feedback is received, accept the Culburra Beach & Orient Point Community Forum as formally recognised and staff advise the community group accordingly.
  - b. if significant feedback is received, staff will submit a report to Council for final determination of the formal Community Consultative Body status.

### **Options**

1. Shoalhaven City Council cease to recognise the Culburra Progress Association as the endorsed CCB for the area and supports, in principle, the application from the Culburra Beach & Orient Point Community Forum (CBOPCF) to be recognised by Council as a Community Consultative Body (CCB).

Implications:

As per Section 1.7 of the *Community Consultative Body - Guidelines* (POL23/44), following Council's in principle support, for consultation purposes, Council staff will then:

- a. Advertise the proposal for public comment
  - b. Consult with any other organisation that is recognised as a CCB within any part of the same geographic area
  - c. Following public comment submit a report to a Council meeting for determination
  - d. Take into consideration any comments received when determining the application
  - e. Inform the applicant of Council's determination
2. Shoalhaven City Council cease to recognise the Culburra Progress Association as the endorsed CCB for the area does not support in principle the application from the Culburra Beach & Orient Point Community Forum (CBOPCF) to be recognised by Council as a CCB.

Implications:

Culburra Beach and Orient Point will remain an area within the Shoalhaven that does not have direct CCB representation due to the Culburra Beach Progress Association having ceased operations.

## Background

The currently endorsed CCB, the Culburra Beach Progress Association is no longer operational and folded in October 2023, as they were unable to form a committee. The first notification that Council received of this was in the application letter attached, and this has been verified with a telephone call to the former president of the Association on 10 January 2024.

Council staff have spoken to the former President of the Culburra Beach Progress Association and confirmed that he has no objections to the establishment of the Culburra Beach & Orient Point Community Forum (CBOPCF) as a CCB.

The CBOPCF will be an unincorporated association established for the sole purpose of fulfilling the role of a CCB. The CBOPCF steering committee is a temporary group that will ensure that the inaugural CCB Committee is representative of the community including, but not limited to Jerrinja Local Aboriginal Lands Council, Culburra Beach Festival, local business interests, environmental advocacy groups, senior citizens, Parents and Citizens' Association, volunteer organisations and other community representatives.

In their application CPOPCF have stated that they will be established and operated strictly in compliance with the *Community Consultative Body - Guidelines* (POL23/44). They will ensure a diversity of representation to disseminate information, listen to and respect multiple views, collect community feedback and provide this feedback to Council.

## Community Consultations

As per Section 1.7 of the *Community Consultative Body - Guidelines* (POL23/44), following Council's in principle support, for consultation purposes, Council staff will then:

- a. Advertise the proposal for public comment
- b. Consult with any other organisation that is recognised as a CCB within any part of the same geographic area
- c. Following public comment submit a report to a Council meeting for determination
- d. Take into consideration any comments received when determining the application

e. Inform the applicant of Council's determination

**Policy Implications**

CBOPCF will be bound by the *Community Consultative Body - Guidelines* (POL23/44) if they become recognised by Council as a CCB.

**Financial Implications**

As per Section 2.4 of the *Community Consultative Body - Guidelines* (POL23/44), Council provides financial assistance to help meet CCB administrative costs and/or hall hire expenses.

The amount determined in Council's budget process is currently \$500 per CCB, and is paid each financial year after the CCB provides a copy of their financial statements for the previous 12 months.

The currently endorsed CCB, Culburra Beach Progress Association has not been claimed these funds for the 2023/2024 financial year and these funds will be made available to the newly established CCB.

Council will obtain Public Liability cover on behalf of the new CCB for any activities and events conducted by the CCB whilst they are acting within the scope of their duties for and on behalf of Council as outlined in these guidelines and subject to policy terms and conditions.

Public Liability cover for the currently endorsed CCB - Culburra Beach Progress Association has been cancelled.

CL24.32

Steering Committee  
Culburra Beach & Orient Point  
Community Forum (CBOPCF)  
Culburra Beach NSW 2540

December 21<sup>st</sup> 2023

Shoalhaven City Council  
PO Box 42  
Nowra NSW 2451

Att: Community Liaison Officer

### Application to be recognised as a Community Consultative Body (CCB)

Following consultation with diverse members of the community, a steering committee has been formed to establish the Culburra Beach & Orient Point Community Forum (CBOPCF). The committee wishes to apply for recognition as the official Community Consultative Body (CCB) for the Culburra Beach and Orient Point areas.

We are applying for Shoalhaven Council recognition as the CCB for the Culburra Beach and Orient Point because the currently recognised CCB, the Culburra Beach Progress Association is no longer operational, having folded and disposed of its assets in July 2023. This means the Culburra Beach and Orient Point residents no longer have a representative group that:

- Can speak to council on behalf of residents and ratepayers in the Culburra Beach and Orient Point areas, and,
- Has the general support and confidence of the local community to:
  - Disperse information
  - Promote and facilitate discussion
  - Communicate the collective views of the community to Council.

The CBOPCF will be an unincorporated association established for the sole purpose of fulfilling the role of a CCB.

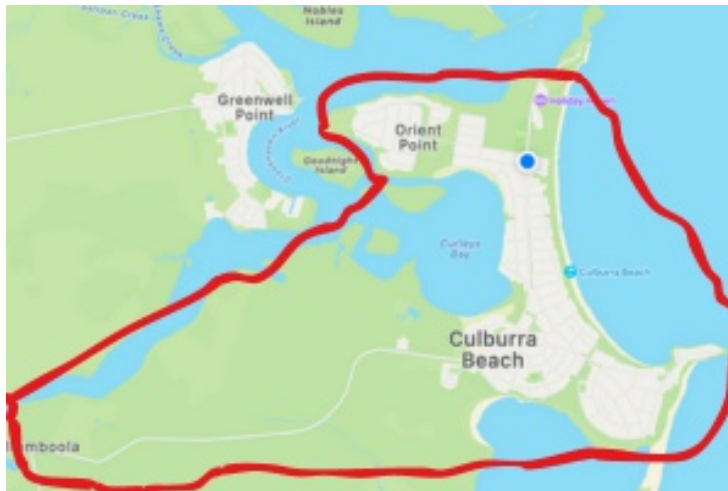
The CBOPCF steering committee is a temporary group that will ensure that the inaugural CCB Committee is comprised of representatives from different sectors of the community including, but not limited to Jerrinja LALC, Culburra Beach Festival, local business interests, environmental advocacy groups, senior citizens, Parents and Citizens' Association (P&C), volunteer organisations and other community representatives.

The CBOPCF will be established and operated strictly in compliance with the current [Guidelines for the Conduct of Community Consultative Bodies \(CCB Guidelines\)](#).

The CBOPCF operating as a CCB will pay particular notice to adopting the following principles, many of which are in the 2023 amended CCB Guidelines:

- a) All eligible residents or ratepayers will be able to participate and vote at a CCB meeting,
- b) Maintain a quorum of at least seven (7) people for three (3) consecutive meetings,
- c) Provide Council with a copy of the minutes of meetings and sub-committee meetings,
- d) Provide Council with up-to-date contact details of the principal office bearers and the mailing address of the organisation,
- e) Will hold regular meetings,
- f) Will operate or adopt functions which substantially support the CCB’s ability to represent the whole community,
- g) Will ensure a diversity of representation to disseminate information, listen to and respect multiple views, collect community feedback and provide this feedback to Council,
- h) Will provide access via in-person meetings, while allowing residents and ratepayers to attend via a Zoom link where technology allows,
- i) Will make public a schedule of planned meetings (monthly or at least every second month) and advertise these via social media, public noticeboards and other online channels to ensure that the community is always notified of meetings,
- j) Will run meetings in a democratic and inclusive manner that ensures all community members in attendance have an opportunity to speak,
- k) Will ensure it maintains the general support and confidence of the local community.

We enclose a map identifying the proposed CCB area of Culburra Beach and Orient Point.



We look forward to answering any questions Council may have.

Yours sincerely,

CBOPCF Steering Committee

Claire Haywood, Kym Heffernan, Alfred Wellington, Jennifer Connor, Narelle Wright



## CL24.33 Towards Net-Zero Emissions - Annual Energy Review 2022-23 Report

**HPERM Ref:** D23/507910

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. SCC Towards Net Zero Emissions Annual Energy Review Report 2022-2023 FINAL (under separate cover) [⇨](#)

### Reason for Report

The reason for this report is to provide Council with an update on energy and emissions reduction initiatives and an update on Council's internal Revolving Energy Fund.

This is in line with MIN19.845 adopted at the Strategy & Assets Committee meeting on 12 November 2019, where it was resolved that Council *"Endorse the preparation of Annual Energy Review reports to track Council's performance against energy and emission reduction targets established in Council's Sustainable Energy Policy"*.

### Recommendation

That Council receive and note:

1. The energy and emissions reduction initiatives outlined in the Towards Net-Zero Emissions - Annual Energy Review 2022-23 Report
2. The update on Council's internal Revolving Energy Fund.

### Background

The attached Towards Net Zero Emissions - Annual Energy Review report, which covers the 2022-23 financial year (FY2023), presents an annual analysis of Council's energy consumption, documents energy savings measures recently implemented and identifies potential cost-effective measures for future energy efficiency and renewable energy investment.

This report also tracks the performance of Council towards achieving its energy and emissions reduction targets set out in Council's adopted Sustainability and Climate Policy (POL22/177), which replaced the Sustainable Energy Policy in late 2022. Included in the review is a full analysis against all the recommended initiatives listed in Council's Sustainable Energy Strategy 2020-2025.

### Summary of 2022-23 Annual Energy Review Report

- In late 2022, Shoalhaven Council led a joint tendering activity with Kiama and Shellharbour Councils for the supply of renewable electricity for Large Sites and Street Lighting. The successful electricity retailer was Flow Power and all 3 Councils executed contracts with them for electricity supply under a Power Purchase Agreement from 2023-2030 inclusive. Shoalhaven will buy 25% renewables in 2023 and 2024, then increase to 50% renewables from 2025 onwards. Additional renewables (LGCs) are expected to be bought post-2025 depending on market pricing to eventually achieve 100% renewables.
- Stage 2 to replace 100% of Council's public streetlights to LEDs commenced in late June 2023. The \$2.65M capital funding enables Endeavour Energy to replace the remaining 4,435 non-LED streetlights with energy efficient LEDs. The project will generate Energy Savings Certificates to the value of approx. \$750,000 (market variable) to offset the total



cost of this project to Council (*update - the ESC market price is much lower now so a more realistic value is \$500,000 total sale price which was identified in the original business case analysis as a lower-end possibility*). By early December 2023, around 3,500 of the 4,435 lights had already been replaced with LEDs (*update - the project is expected to be fully completed by the end of Feb 2024*).

- Eleven solar PV systems operated by Shoalhaven Water were maintained in 2023 by way of a deep clean of the solar panels and electrical check. This improved solar generation by 10% on average.
- By mid-2023, solar PV installations had risen to 31% of dwellings in the Shoalhaven LGA, compared to 18% in 2018. This is not far from achieving the original Sustainable Energy Policy target of 33% of dwellings by 2025. A Solar and Battery 101 public workshop was delivered to assist the community with this technology. Repower Shoalhaven delivered another community workshop on behalf of Council titled 'Electrify Everything' to encourage community uptake of EVs, heat pumps, and 'getting off the gas'.
- Shoalhaven Council has subscribed to the Australian Photovoltaic Institute (APVI) SunSpot tool which allows Shoalhaven residents and businesses to check on the suitability of their rooftops for solar PV systems.
- The Revolving Energy Fund (REFund) has continued to fund projects with the most recent being the 100kW solar PV installation on the rooftop of the Ulladulla Civic Centre.
- Council's West Nowra Landfill site flared off the captured methane gas emanating from the waste cells during 2022-2023. Total biogas captured in the 2023 financial year was 7,631,695 m<sup>3</sup> – approx. half of which is methane gas. Total carbon abatement from biogas captured in the 2023 financial year was 72,483 tonnes CO<sub>2</sub>-e. The operation of the landfill gas generation facility by LGI Ltd to turn the biogas into renewable energy to feed into the grid is under development.
- Shoalhaven City Council's operations emitted a total of 73,250 tonnes of greenhouse gases (carbon dioxide equivalents or CO<sub>2</sub>-e) in 2022-23 (Scope 1, 2 & associated Scope 3 emissions). Between FY 21-22 and FY 22-23, Council's annual emissions **reduced by 17%** from 88,263 tCO<sub>2</sub>-e, showing significant progress towards advancing Council's net zero target. This reduction can be attributed to several factors, including a reduction in electricity emissions as a result of renewable energy procurement through the new Power Purchase Agreement (PPA), as well as improvements in wastewater emissions calculations.

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### Report Recommendations for 2023-24

The following actions are priorities for implementation throughout 2023-24 for Shoalhaven City Council:

- Continue to work with energy partner Flow Power to manage energy efficiency at all Large Sites and identify and implement demand management opportunities to reduce electricity costs and charges. This will include interrogation of real time electricity data from the recently installed kWatch controllers and engagement of Asset Custodians in energy savings opportunities;
- Continue to identify and approve energy efficiency and renewable energy projects under the Revolving Energy Fund (REFund);
- Continue to explore opportunities to electrify council assets and transition facilities away from gas. Of particular note is the opportunity to secure matched funding under the Community Energy Upgrade Fund. A feasibility study including costs and payback periods is in development (*update – now completed*) to transition the pool heating system at the Ulladulla Leisure Centre to an energy-efficient electric heat pump, so that this project is shovel-ready to take advantage of this grant funding. Council had previously approved the budget to upgrade the facility in FY 23-24. This funding will need to be confirmed to ensure that Council has sufficient matched funds to apply for

the grant. There is also potential for the REFund to support additional solar generation at the site as part of these works;

- Identify additional sites and funding opportunities for further solar PV installations at Council assets such as solar car shades, including solar farm development sites for Flow Power under Council's Power Purchase Agreement for Large Sites;
- Work with EV Charge Point Operators for the installation of EV Charging Stations at priority sites within the Shoalhaven LGA, along with smaller 'destination' Council EV chargers at Council assets;
- Continue to work with Endeavour Energy/Ironbark on the upgrade of the remaining residential streetlights with energy savings LEDs;
- Continue to support Endeavour Energy on the roll-out stage of the new Bawley Point/Kioloa community microgrid;
- Develop an Emissions Reduction Plan to identify pathways to achieve Council's net zero target;
- Develop engaging and educational content for Council's webpage on sustainability, emissions, and climate change for improved community engagement on local sustainability and energy actions, including the benefits of installing residential and business solar PV and batteries;
- Deliver a range of community workshops and forums to reduce community emissions;
- Continue to work with ISJO on the Regional Energy Strategy and Net Zero Emissions Project Control Group.

### **Update on Revolving Energy Fund**

The Revolving Energy Fund (REFund) was established by Council in 2019 to provide funding for energy efficiency projects, such as solar installations and energy efficient lighting upgrades which reduce Council's billed energy use (sites where council pays the energy bill). The REFund can provide partial or total funding for eligible projects, and acts as a revolving fund where the financial savings achieved by projects are reinvested back into the REFund to enable new projects in the future.

Under the current REFund procedure, a project may be eligible for the REFund if:

- The project would result in a reduction in Council's energy bills through improved energy efficiency
- The project would result in energy savings that achieve a short payback period (3-5 year payback is considered ideal)
- The building or site where the project would occur comes under the general fund (not a commercial asset such as Shoalhaven Water or Waste)

The REFund is open for applications at any time, and information is provided to staff to assist in submitting a project application on [Council's intranet](#). Projects seeking funding require approval from the asset custodian and are then assessed by a REFund Committee (comprising staff from financial services, procurement, building services, sustainability and energy management) and then presented to the Director of City Services for approval.

Project applications are assessed against the following criteria:

- Estimated payback period for the project
- Reduction in energy use and greenhouse gas emissions
- Amount of funding requested from the REFund
- Additional benefits of the project, including scope for Council publicity or community education opportunities
- Risks associated with project implementation and payback

The REFund has funded a total of 10 projects across 8 sites. The total value of projects funded is \$304,411 and the estimated annual savings across these projects is \$95,731, achieving an average payback period of 4 years. These projects combined are estimated to reduce carbon emissions by 362 tonnes per year.

Projects which have been completed under the REFund include:

- 30kW of solar installed at Bomaderry Works Depot
- 30kW of solar and an energy efficient lighting upgrade at the Nowra Library
- LED lighting upgrade across four Aquatic Centres and the Shoalhaven Entertainment Centre
- LED lighting upgrade and large scale 99kW solar installation at the Ulladulla Civic Centre

Future projects currently being considered for the REFund include the installation of additional rooftop solar at the Ulladulla Leisure Centre as part of a broader energy efficiency upgrade for the facility. The REFund reserve balance currently sits at \$261,000, as of 1 Feb 2024.

### **Internal Consultations**

The 'Towards Net-Zero Emissions Report 2022-23' was tabled at the Executive Management Team meeting on 5 December 2023. The EMT recommended that it be presented to Councillors via a report to Council.

### **Policy Implications**

The Towards Net-Zero Emissions Report 2022-23 tracks Council's performance against the net zero emissions targets adopted in the Sustainability and Climate Policy, as well as the Sustainable Energy Strategy 2020-2025.

Moving ahead, annual reports on the delivery of Council's Sustainability and Climate Action Plan will be prepared, encompassing all aspects of the Action Plan and associated Policy objectives.

### **Financial Implications**

Many of the energy initiatives recommended are aimed at reducing electricity costs and therefore have potential cost savings for Council's operational budget.

## **CL24.34 Notice of Motion - Support for Valparaiso and Vins del Mar - Chile**

**HPERM Ref:** D24/45630

**Submitted by:** Cllr John Kotlash

### **Purpose / Summary**

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

### **Recommendation**

That the CEO in conjunction with Mayor Findley:

1. Write a letter of support to the Mayors of Valparaiso and Vins del Mar regarding the recent fires they are experiencing / have experienced.
2. Share details of the Shoalhaven City Resilience into Recovery work, especially the Disaster Hubs, with the new CEO and the Local Government leaders in Chile.
3. Share our City's commiserations on their losses as we similarly did with the letter to Hawaiian Local Government leaders reflecting on the Currowan fire of 2019.

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## 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.