

## Ordinary Meeting

**Meeting Date:** Tuesday, 26 May, 2026  
**Location:** Studio Room, Shoalhaven Entertainment Centre

## Additional Information

The following information was provided to Councillors and includes responses to questions submitted to the CEO prior to the Council Meeting, as well as written submissions submitted to Council by 9:30am on the day of the Council Meeting. The information is published in accordance with Section 3.32 of the Code of Meeting Practice.

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## AGENDA QUESTIONS

### **CL26.65 Notice of Motion - Protecting Communities right to access Community Areas and Protect Our Logging Workers**

**Questions:** Clr Boyd

1. If Brooman State Forest, or part thereof is declared a Flora Reserve, how does that affect zoning of privately owned land in the vicinity?
2. Does the hypothetical declaration affect the zoning of privately owned adjacent land?

**Question:** Clr Tribe

3. Would a change to zone of logging area affect surrounding properties zones/allowable activities?

**Questions:** Clr Killian

I note that the **Protect Big Spotty's Forests proposal** which is referred to in the motion and which was discussed at Council's Ordinary meeting of March 2026 suggests that North Brooman State Forest be made into a Flora Reserve. This is a category within Forestry managed State forests and would see continuation of the FCNSW role as manager. I note also that FCNSW is a NSW Government Statutory Corporation and receives additional funding for any roading or bridge building as Community Grants from the NSW Government and that this would be expected to be continued and even enhanced should the Reserve be created.

Since there have been suggestions that management of the forest may be changed to National Parks and Wildlife Services under the protected areas reserve system. While this change has not been formally proposed, it would change the management of the area to a different authority and set of regulations and funding. I ask the questions below to try to tease out what likely arrangements would be in place – as far as Council can identify at this stage - in either case.

4. Can staff advise on which agency (Council; FCNSW; or NSW Dept for Transport) currently holds management / maintenance responsibility for each of the following roads within the State forests:

#### North Brooman State Forest

The following are the dirt public roads within the boundaries of North Brooman State Forest proposed by the Protect Big Spotty campaign to become a reserve:

- Middle Ridge Road.
- Brooman Road and Tumblebar Road (bounded by Compartment 41 scheduled for logging in May 2026)
- Brooman Road south of Middle Ridge Road bordering Compartment 44 (scheduled for logging from March 2026 between Brooman Rd and the Clyde River)

#### South Brooman State Forest

Roads within the boundaries of South Brooman State Forest, noting that Steele's motion refers to South Brooman State Forest although it is not proposed for reserve:

- The Sheep Track.
- The River Road.
- Barkshed Road.

5. Upon the creation of a Reserve under FCNSW management, would Council gain any additional responsibility for maintaining any of these roads? If so, which roads and what changes would be expected?
6. In regard to those roads within North Brooman State Forest and proposed for inclusion in a Big Spotty Flora Reserve:
  - What role would Council have in managing the public dirt roads in North Brooman if its management – after cessation of logging - were to be placed under NPWS?
7. Can staff confirm that Primary producers in the lower Shoalhaven (including all those within the State Forest areas, currently are permitted to conduct grazing only on private property and that grazing on State Forest land is not permitted?
8. Can staff confirm that beekeeping permits are issued in both National Parks and State Forests?
9. Should the NSW Government decide to rezone the proposed area of North Brooman State Forest as a part of a National Park under NSWPWS or denote it as a Flora Reserve within the State Forest under FCNSW **would this be expected to change to land use rights for private land owners on their property within the area?**
10. Should the NSW Government decide to rezone the proposed area of North Brooman State Forest as a part of a National Park under NSWPWS or denote it as a Flora Reserve within the State Forest under FCNSW – would Council have any role in zoning for the LEP?

**Answers 1-2:** Director – City Services

Council is not proposing any re-zoning of land in proximity of Brooman State Forest.

This would be a matter for State Government.

**Answer 3:** Director – City Services

Council is unaware of any proposed changes.

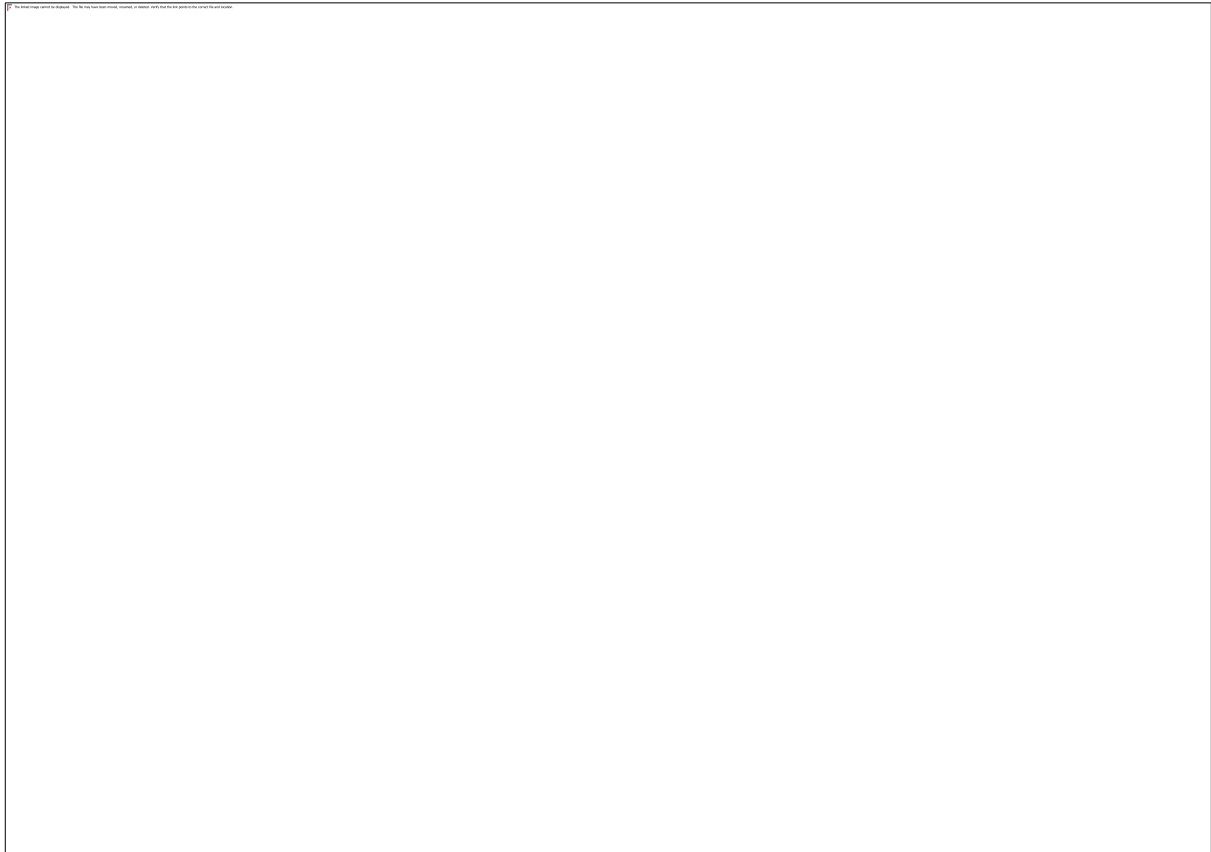
**Answer 4:** Director – City Services

North Brooman

- Council is responsible for Brooman Road for the full extent. Council has also recently had Carisbrook Road transferred from crown.
- There is no Council Road reserve for Tumblebar Road and Middle Ridge Road, this road is believed to be Forestry.

South Brooman

- Barkshed is not a Council asset. It is assumed this road is Forestry, not Crown.
- The River Road is Councils for full extent.
- The Sheep Track is contested and varies depending where along the track. Crown has transferred the small section in private land (the white hole in the grey area below). There is no corridor between there and to the west to be made Councils, and the corridor to the east stops in the middle of the forest, with the remaining 2km of The Sheep Track through to the Princes Highway being mostly impassable and within Forestry land without road corridor.



**Answer 5:** Director – City Services

No, not unless the roads are formalised and transferred.

**Answer 6:** Director – City Services

No, not unless the roads are formalised and transferred.

**Answer 7:** Director – City Services

A person cannot graze cattle freely in a State Forest but is allowed in some areas under permit. The Forestry Corporation of NSW administers a permit system for cattle grazing in some State Forests. The Corporation's website provides an application form and general conditions for grazing permits ([hyperlink to website](#)). The public and Council are not privy to these agreements.

**Answer 8:** Director – City Services

Yes, in short. The *NSW Department of Primary Industries and Forestry Corporation of NSW* identify the following:

- To keep bee hives (an Apiary) on public land in NSW a permit or license is required from the government agency that manages the land.
- The creation of new apiary sites in National Parks and Wildlife Service parks and reserves is not permitted under the [National Parks and Wildlife Act 1974](#) unless it can clearly and demonstrably benefit the conservation of nature in the park.
- Existing apiary sites are permitted in National Parks and Wildlife Service parks and reserves if established prior to the land becoming a park or reserve.
- Permits for apiary sites are available for some State forests. These Forests are not identified online. The *Forestry Corporation of NSW* manages queries and applications about existing and new apiary sites.

**Answer 9:** Director – City Services

Private property does not automatically become a park or reserve because the surrounding area is zoned or declared as one. To become part of a park or reserve, the land must be owned or controlled by the NSW Government also.

- If a property remains private land, normal rights are retained, subject to land use planning laws. However, there may be greater control over development and activities to limit potential impacts on the adjacent/surrounding park or reserve.
- The *NSW Department of Environment and Heritage* has issued *Guidelines for developments adjacent to national parks and other reserves* to guide Council's (or another planning authority's) consideration of development proposals ([hyperlink to guidelines](#)).
- The National Parks and Wildlife Service can:
  - Buy land from willing sellers,
  - Receives it via transfer or donation, or
  - Use compulsory acquisition powers, potentially supported by the acquisition planning controls in Council's City-wide Local Environmental Plan.

**Answer 10:** Director – City Services

Council may have a potential role in the rezoning of land to reflect its identification as a park or reserve. NSW Government can also implement zone changes through SEPP and LEP change processes. After the creation of the park or reserve to ensure consistency in legislative settings, the land use zone and planning controls would need to be updated to reflect the reserve status.

**CL29.94 Notice of Motion – Enhancing Environmental Management for Fisherman's Paradise and Lake Conjola Village****Questions:** Cllr Boyd

At the public Forum, I understood that the depute was requesting that Council should seek to open Lake Conjola to control environmental factors impacting on the quality of the water.

1. Is it possible to resume measuring water quality at Fisherman's Paradise boat ramp as requested? At what approximate cost?
2. Is it possible to renegotiate the Licence with Crownland to open Lake Conjola to the sea in response to water quality measures once the Fisherman's Paradise water sampling capability is restored as requested?
3. Will opening the lake in response to water quality parameters cause disruption of the ICOLL ecosystem?

**Answers 1-3:** Director – City Services

Water quality has never been the primary reason to open Lake Conjola. Research has found that mechanical openings do not guarantee improved water quality due to limited flushing of the long narrow entrance of Lake Conjola.

Poor water quality is more strongly driven by rainfall and catchment inputs than entrance condition.

Regarding ecosystems ICOLLs are naturally dynamic systems that have evolved over millennia with cycles of closure and opening. Ecological processes, aquatic & terrestrial

species and their habitats have adapted to this over time and under these conditions. Any intervention to that natural system will disrupt ecosystems in some way.

The potential impacts to the ICOLL ecosystem from an entrance opening via intervention will result in disruption. Crown Land and DPIRD Fisheries did not support entrance intervention as a sole result of water quality trigger during the development of the REF of the EMP due to the outcomes of the risk benefit analysis.

### **CL26.96 Notice of Motion - Bay and Basin Sports and Community Hub Project**

**Questions:** Clr Boyd

1. Does a Masterplan for Frances Ryan Reserve already exist?
2. If so, can that plan be modified to meet the objectives of the project that this group wishes to pursue as a Community Led project?

Following on from my previous question in relation to the Master Plan for the Sanctuary Point area:

3. Could the modification of the plan, specifically in the area of the Frances Ryan Reserve, be undertaken within the context of developing the community led project as proposed in this Notice of Motion?
4. Would the community group who are proposing the redevelopment of France Ryan Park, be required to pay Council \$16000, or an alternative amount, to modify/negotiate the revised plan the context of the implementation of the Community led plan?

**Answer 1:** Director – City Services

[Supporting Map 1](#) (ref. chapter [N22 Sanctuary Point Local Centre](#) of the *Shoalhaven Development Control Plan*) is predominately focused on controls for future commercial / retail development (related to “expansion of the Sanctuary Point shopping area” – adjacent to Francis Ryan Reserve).

There are various plans that have been prepared for areas at Francis Ryan Reserve – through the **Sanctuary Point Library** project and **Bob Proudfoot Pavilion** project - for car parking and amenities facilities at Francis Ryan Reserve.

**Answer 2:** Director – City Services

Plans for the Francis Ryan Reserve and surrounding area can be modified; though, it will be necessary for the Bay & Basin Sporting & Community Hub project committee to liaise with relevant Council officers as they move through their proposed community-led project process, to ensure their plans are aligned with relevant statutory planning instruments, Shoalhaven City Council’s strategic asset plans (such as the Community Infrastructure Strategic Plan – once adopted), discrete capital works projects (such as the Sanctuary Point Library and associated car park), operational requirements, and tenure arrangements.

**Answer 3:** Director – City Services

Yes, though it will be necessary for the Bay & Basin Sporting & Community Hub Project Committee to liaise with relevant Council officers as they move through their proposed community-led project process, to ensure their plans are aligned with relevant statutory planning instruments, Shoalhaven City Council’s Strategic Asset Plans (such as the Community Infrastructure Strategic Plan – once adopted), discrete capital works projects (such as the Sanctuary Point Library and associated car park), operational requirements, and tenure arrangements.

**Answer 4:** Director – City Services

No. Concept design services (such as the services foreshadowed through this motion) can be provided by Council's Building & Landscape Design team. Generally, these services can be provided as in-kind contributions (funded through annual salaries allocations). To date, no request has been received for Council to provide these services to this community-led project.

### **CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**

**Questions:** Clr Tribe

1. The depute expressed concern that the numbers being submitted are not up to date with the latest engineering data or 'ground truth' can we confirm if this has been updated please?
2. He also raised a \$10 million discrepancy on page 335 is this a typo?
3. Lastly concerns were raised re the number growing from 79 to 147 million can you explain how we arrived at that? Thank you

**Answer 1:** Director – City Development

- a. The infrastructure costs presented in the report and daft plan are IPART's benchmark costs. IPART's information has been informed by cost comparisons from other contribution plans, advice from consultants and strategic cost advisors.
- b. Working in close collaboration over the past 9 months, The Moss Vale Road North Owners Group were provided the opportunity to submit more detailed designs and costings for Council's consideration as it progresses the draft Contribution Plan. The Owners Group's submissions to date, are not complete, and further information has been requested. A review of their final set of information is also required to ensure suitable infrastructure outcomes are achieved (e.g. the bridges function during floods, the drainage infrastructure appropriately manages stormwater).
- c. The Owner Group's costs are "engineering estimates", they have not been prepared by a quantity surveyor, so at this point their information is not more accurate, then IPART benchmark estimates.
- d. The depute's reference to "5.2.12 of the IPART Guidelines" is a reference to a technical document prepared for IPART by Genus Advisory in April 2025 which provides the benchmark costs: Independent Pricing and Regulatory Tribunal – Benchmark Costs for Local Infrastructure ([hyperlink to document](#)). 5.2.12 Methodology for non-standard items (page 17) addresses infrastructure or works which are not included in the benchmark costs and recommends (it does not mandate) an appropriately qualified quantity surveyor prepares cost estimates.
- e. IPART's Guidance is provided in its IPART Assessment of Local Infrastructure Contributions Plans Information Paper published in July 2025 ([hyperlink to document](#)). This sets out IPART's process and considerations for its assessment of any draft contributions plan Council submits for its assessment. Part 5.1 Cost of works (page 18) sets out how IPART considers the cost of works in any draft contribution plan it assesses. This notes councils use one or more approaches including recent rates, quantity surveyor rates, consultant estimates, and/or IPART's local infrastructure benchmarks. IPART's information paper also provides examples of previous approaches to estimating costs.

An IPART assessment of the draft contributions plan will include a detailed analysis of the cost of works, comparing them against a range of information. IPART may also recommend for Council to procure independent advice from an accredited quantity surveyor.

**Answer 2:** Director – City Development

There is a “typo” in the value of the “works” for the road, intersections, and bridges which will form the Central Boulevard. The current draft indicates a value of \$6,762,270. This should be \$16,762,270 and will be corrected and reviewed while producing the polished draft, prior to public exhibition of the draft contributions plan.

**Answer 3:** Director – City Development

- a. In 2024 a Discussion Paper was drafted which identified a smaller range of infrastructure for the release area with costs associated with 79 Million. This was NOT a draft contributions plan. The 2024 indicative infrastructure costs did not include the value of the land which needs to be acquired to deliver the infrastructure and as a reduced list, were based on “engineering estimates”, rates set in 2018 (with a 20% contingency).
- b. Following review of full Urban Release Area’s infrastructure needs, a more comprehensive list was prepared between March and September 2025 and was included in the Development Control Plan for the release area adopted by Council in September 2025. Infrastructure added to the list included the entire planned collector road network within the release area, increasing the length of the network identified in 2024 from 3.5km to 7.2km, street lighting, bus infrastructure, and the shared user path network.
- c. The draft contributions plan now includes \$18.1m for the acquisition of land to provide the infrastructure. This value reflects contemporary land valuations.
- d. The use of IPARTs benchmark costs (which include an increased 40% contingency) and contemporary open space embellishment rates from recent and comparable Council projects. These costs and level of contingency are more than identified in 2024 to reflect rising construction costs, protect Council from further increases to costs, and reflect the “planning status” of a large amount of the planned infrastructure not yet examined by the Owners Group (their scope is focussed on the 2024 infrastructure list).
- e. The preparation of the draft plan also identified some savings through minor reductions in road widths, delivery of smaller local roads until future growth occurs, and the use of priority intersections instead of roundabouts.
- f. The new City-wide Local Infrastructure Contributions Plan, recommended for finalisation at the 26 May 2026 Ordinary Meeting also reduced the amount of contributions towards City-wide projects from approximately \$9,000 per dwelling to \$1,100 per dwelling.

**CL26.115 Development Application DA25/1028 - 30 Tallowa Dam Road, Kangaroo Valley - Lot 1 DP 1262638****Question:** Clr Tribe

Would council be responsible for any liability if it approved this 'bushfire shelter' if parties were injured in the event of a bushfire. Or in the event the water tank collapsed as the depute expressed concerns about.

**Answer:** Director – City Development**Council liability – bushfire shelter:**

Council’s liability risk is significantly reduced where it determines a development application in accordance with the statutory framework and relies on the expert advice of the NSW Rural Fire Service (RFS). Provided Council adopts the RFS conditions and the proposal complies with the required standards, the liability risk to Council is low and appropriately managed.

In this case:

- The proposed refuge building (bushfire shelter) falls within the Special Fire Protection Purpose (SFPP) framework under s100B of the Rural Fires Act 1997.
- The application has been supported by a Bushfire Assessment Report and addendum, prepared by a suitably qualified consultant.
- The NSW RFS has issued General Terms of Approval (GTAs) (dated 25 November 2025), which are incorporated as conditions of consent.
- The proposal must comply with AS3959-2018 (BAL-12.5) and Planning for Bush Fire Protection 2019, including access, water supply, APZs, and emergency management planning.

Council is entitled to reasonably rely on the RFS concurrence and GTAs. Where Council follows this process, acts in good faith, and imposes the RFS conditions, any residual liability is minimised.

However, it is important to note:

- Reliance on RFS advice reduces but does not completely eliminate liability.
- Compliance with recognised Australian Standards and RFS requirements demonstrates that Council has exercised due diligence and reasonable care.

#### Gazebo and underlying water tank – structural concerns

The existing gazebo (rotunda) was approved by Council in 2021 for residential use. No new engineering documentation has been submitted with this application confirming its suitability for increased occupancy associated with functions. Given the size and location of the land, coupled with the fact that there are no specific onsite complexities (such as overflow management considerations) staff have not required a

hydrology report. However, despite there being no evidence before Council that the structure is unsafe, the current DA proposes use by up to 40 people, which warrants additional verification.

To address this concern regarding engineering safety / structural integrity and further minimise risk, it is reasonable for Council to require a Structural Adequacy Certificate as a condition of consent.

***Prior to the issue of a Construction Certificate, a Structural Adequacy Certificate must be submitted to and approved by Council and/or the Principal Certifier. The certificate must confirm that the rotunda (gazebo) is structurally capable of safely accommodating the proposed number of occupants and must consider the structural integrity of the supporting concrete water tank. The certificate must also specify the maximum permitted occupancy.***

This approach:

- Ensures the structure is independently certified by a qualified engineer
- Provides a clear occupancy limit based on structural capacity
- Further protects public safety and reduces Council's exposure to liability

Overall conclusion

- Bushfire risk has been addressed through the formal RFS concurrence process and compliance with statutory requirements.
- Residual liability to Council is low when acting in accordance with that framework.
- Any remaining concern regarding the gazebo/water tank can be appropriately mitigated through a targeted condition requiring structural certification.

Other matters raised at the Public Forum last Tuesday:

- *Concern raised over temporary vs permanent buildings (case law re pre-existing buildings).* There is no requirement in the LEP or DCP that temporary uses must be limited to pre-existing structures. The assessment turns on the nature and duration of the use, not whether the building already exists. In any event, the structures can be readily repurposed for other permissible uses if the temporary use ceases.

There is no requirement in planning law that a temporary use must be confined to pre-existing structures. The relevant legal test focuses on the nature, duration and impact of the use, not whether the building already exists. NSW Land and Environment Court decisions confirm that:

- A “temporary use” is assessed by reference to time limits and impacts, including whether the use affects future development or adjoining amenity.
- Temporary uses may involve new or ancillary structures, provided they remain subordinate to, and consistent with, the temporary use of the land.
- The Court’s focus is on whether the proposal satisfies clause 2.8 criteria (duration, impacts, reversibility), rather than whether buildings already exist.

The presence or absence of pre-existing buildings is not determinative. The key question is whether the proposal constitutes a genuinely temporary use of land, having regard to duration, impacts and ability to revert. On that basis, the proposal is appropriately characterised and assessed.

- *Threshold for temporary use and adverse impacts on neighbouring land.* The key potential impact is noise, which has been appropriately assessed and addressed in the Section 4.15 report. The assessment concludes that impacts are acceptable and manageable, and therefore the temporary use threshold is satisfied.
- *Noise not assessed on bushwalker land – alleged error at law.* There is no general requirement in the planning framework to assess noise impacts on undeveloped land used intermittently, and whether such impacts warrant assessment depends on the planning context, including the nature of the land use, zoning, and its sensitivity. The absence of such assessment will not constitute an error at law unless the consent authority failed to consider a clearly relevant impact or misunderstood its statutory obligations. In this case, the EMP proposes controls on amplified noise and operating hours to minimise ecological impacts on all surrounding land.
- *Primitive camping vs glamping – characterisation and permanence of trailers.* The proposal is correctly characterised as a camping ground, which is permitted with consent in the RU2 zone. The LEP definition expressly allows for:
  - Short-term placement of tents, campervans and similar lightweight, portable shelters
  - Includes primitive camping grounds

The trailers are not permanent installations and are only used on an intermittent, event-based basis, which is consistent with the definition. Accordingly, the proposal meets the definition and regulatory intent of a camping ground

- *Appropriateness of a Detached Habitable Room linked to temporary use / ancillary issue.* Detached habitable rooms are permissible in the zone and are commonly ancillary to a dwelling house. Such buildings do not derive permissibility from the function use. It is lawful in its own right as ancillary development to the existing dwelling. Its assessment is therefore separate from whether the function use is temporary or otherwise.

- *Existing dwelling – potential use for additional accommodation.* Short-term rental accommodation is permissible without consent under the current planning framework. As such, Council cannot impose conditions to prevent lawful use of the dwelling for short-term accommodation by visitors or guests. This is outside the scope of the current DA and not a matter Council can regulate through this consent.
- *Further detail on light controls under the EMP*
  - Lighting controls are addressed in both the Plan of Management and ecological assessment:
    - All lighting must comply with the National Light Pollution Guidelines for Wildlife (2020), including:
    - Warm lighting (<3000K)
    - Downward-directed, fully shielded fittings
    - No spill into surrounding bushland
    - Avoid lighting vegetation/canopy
    - Use of timers or motion sensors
  - The Flora and Fauna Assessment concludes that:
    - Light spill impacts are minor
    - Surrounding dark bushland provides adequate refugia
    - Some positive ecological effects may occur (e.g. increased insect availability for bats and nocturnal birds)
  - EMP Conclusion: Lighting impacts are low and appropriately mitigated.
- *Where does the 10:00pm curfew come from?* The 10:00pm curfew is a direct response to community submissions, with the applicant reducing proposed hours of operation (originally 1am) to address amenity concerns. The curfew is a mitigation measure to manage noise and amenity impacts.

### **CCL26.12 Culburra Beach – Roads & Road Reserves**

A question was asked by Cllr Tribe on this item, and response provided. This information is considered confidential under *Section 10A(2)(g) Local Government Act - Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

## WRITTEN SUBMISSIONS

Written submissions were received for the following items and were distributed to Councillors:

### **CL26.65 Notice of Motion - Protecting Communities right to access Community Areas and Protect Our Logging Workers**

1. Joslyn van der Moolen on behalf of NPA NSW Eurobodalla Branch provided a submission AGAINST the recommendation (see [attachment 1](#)).

### **CL26.100 Proposed Accredited Community Forums Model of Engagement**

1. Theo van Veenendaal provided a submission in relation to this item (see [attachment 2](#)).

### **CL26.105 Acquisition of Abernethy's Creek Drain - Lot 11 Sec 1 DP 3885, Bomaderry**

1. Ron Arthur provided a submission FOR the recommendation (see [attachment 3](#)).
2. Debra Traill provided a submission FOR the recommendation (see [attachment 4](#)).

### **CL26.110 Finalisation - Shoalhaven Development Contributions Plan 2026**

1. Nathan Boulous on behalf of Urban Development Institute of Australia NSW provided a submission FOR the recommendation (see [attachment 5](#)).

### **CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**

1. Debra Traill provided a submission FOR the recommendation (see [attachment 6](#)).
2. Paul Duncan provided a submission FOR the recommendation (see [attachment 7](#)).
3. Ron Arthur provided a submission FOR the recommendation (see [attachment 8](#)).
4. Stephen Omrod provided a submission FOR the recommendation (see [attachment 9](#)).

### **CL26.115 Development Application DA25/1028 - 30 Tallowa Dam Road, Kangaroo Valley - Lot 1 DP 1262638**

1. James Ryan provided a submission FOR the recommendation (see [attachment 10](#)).
2. Russell Moule on behalf of Department of Climate Change, Energy, the Environment and Water NSW provided a submission AGAINST the recommendation (see [attachment 11](#)).
3. Toni Wearne on behalf of the Owners provided a submission FOR the recommendation (see [attachment 12](#)).

### **CL26.116 Development Application – 21 Fegen Street Huskisson – Lot F DP 384715**

1. Michael Farmer provided a submission AGAINST the recommendation (see [attachment 13](#)).

No written submissions were refused.

Attachment 1



## Protect Big Spotty's Forest Campaign – North Brooman State Forest



Photo Credit: Hayden Griffith / Stitch Films

[https://www.nature.org.au/protect\\_big\\_spotty\\_forest](https://www.nature.org.au/protect_big_spotty_forest)

Big Spotty at 71 metres tall is the tallest spotted gum on this planet. This international tourism drawcard:

- Will generate off peak Giant Tree Tourism
- Will benefit the local tourism and hospitality sector including Termeil, Bawley Point, Burrill Lake, Ulladulla and Milton
- Visitation will support existing tourism facilities such as Shallow Crossing Campground, Clyde River Berry Farm and accommodation throughout the forest.

## What we are asking for

We are calling on the NSW Government to:

**Permanently protect Big Spotty's Forest from logging** by declaring the North Brooman State Forest to be the **Big Spotty Flora Reserve**.

**Work with Traditional Owners, tourism providers and the community** to deliver;

- A 50-metre boardwalk and viewing platform at Big Spotty.
- Clearly marked car parking and signage next to Four Mile Road.
- Signage explaining the forest's ecological, cultural and historic significance.
- A shallow boot bath to disinfect visitors' boots

This Infrastructure would protect Big Spotty while giving more people the opportunity to view the largest spotted gum in the world.

## Big Spotty – North Brooman State Forest

I will also address the following aspects of Clr Steele's Motion regarding North Brooman State Forest becoming a reserve:

- 1) The dirt Public Roads in state forests remain open and maintained
- 2) That free campgrounds remain open
- 3) Horse riding can occur
- 4) Does not change private property zoning and improves outcomes for primary producers.

## 1) Public Dirt Roads in North Brooman State Forest

- Middle Ridge Road from above Termeil to
- Brooman Road along the Clyde River

Logging compartment 44 next to the Clyde River will see logging trucks going up Middle Ridge Road to Termeil from 6am to 7pm

Photo: Logging truck driving over Shallow Crossing in School Holidays with families on both sides



**Extract: Compartment 44 Harvest Plan Operating Hours 6am -7pm, noise, dust, damage**

Haulage

Route

- East out Cpt 44/2 Road, then north on Brooman road and south-east out Middle Ridge Road, then north-east out Old Princes Highway to Princes Highway, via internal forest roads shown as haulage roads on the HPOM.
- South-east out Cpt 44/13 Road, to south on Brooman road and south-east out Middle Ridge Road, then north-east out Old Princes Highway to Princes Highway, via internal forest roads shown as haulage roads on the HPOM.

Log haulage is only permitted along the routes specified in this plan. The FO must install truck warning signs at all intersections along the haul route.

Noise - Homes immediately adjacent to Brooman Road and Old Princes Highway may be adversely impacted by noise created by log haulage. Truck drivers should reduce speed and minimise the use of engine brakes near these homes.

Dust - All vehicle operators are responsible for minimising dust on Brooman Road adjacent to homes.

Operation Hours – Haulage hours along Brooman Road and Middle Ridge Road are limited to between 6am – 7pm.

## **1) Public Dirt Roads in North Brooman State Forest**

**These roads are part of a public road network. The community will continue to drive four wheel drives, dirt trail bikes and mountain bikes throughout the public road system in state forests that become reserves.**

**Council staff needs to advise Councillors which government agency has responsibility for maintaining each road.**

- **Forestry receive Community Service Obligation funding from the NSW Government for any road maintenance or bridge building.**
- **If Forestry were to no longer manage a road, that NSW Government road funding can be allocated to the new managing agency**
- **Residents in state forests risk of accidents increases from meeting logging trucks on blind corners on dirt roads.**

## 2) Camping will remain free



**Camping at Yadboro Flat  
Campground in State Forest is free**

**Camping at nearly Blue Gum Flat  
Campground in Morton National Park  
is free**

**Camping will remain free if state  
forest becomes a reserve.**

### 3) Horse Riding

- Is already occurring throughout NSW in National Parks (google horseriding on the [NPWS website](#) to confirm there are already 29 reserves in NSW with horse riding).
- If locals want to ride horses in state forest that becomes national park they simply put in a proposal to be incorporated into the plan of management.



#### [See our range of horse riding trails](#)

Check out the great range of trails in NSW national parks where you can ride your horse.

[Read more >](#)

### 3) Horse Riding – Pack Riding - The Corn Trail

#### Corn Trail walking track

Monga National Park

 Open, check [current alerts](#)

[Overview](#) [Visitor info](#) [What's nearby](#) [Learn more](#) [Map](#)



[View full screen](#) [Pause](#) [Play](#)

Corn Trail walking track is a historic trail for hikers and horse riders to traverse a wide variety of landscapes and follow in the footsteps of the past.

## 4) Zoning - Protecting forest benefits Primary Production

**Clr Steele's Motion:** *Maintain the current primary production/forestry zoning within the Shoalhaven LEP. Council explicitly refuses to support any rezoning to environmental conservation for these two compartments.*

**Local member Liza Butler has already indicated support for the forest that surrounds Big Spotty being added to the reserve system. This will see a transfer from State Forest to National Park.**

**Clr Steele asks Councillors to**

*“Assess the potential loss of income to any affected primary producers and the impact on them”.*

**ZONING – Changing state forest into reserve will not affect zoning of private property.**



## 4) Protecting forest benefits Primary Production

- Grazing properties along the Clyde River will not change zoning.
- Apiarists get permits for beekeeping in National Parks & state forests.
- Visitors to the Clyde River Berry Farm will travel without encountering logging trucks.



The  
Oyster  
industry  
catchment  
will  
improve if  
logging  
stops

## OUR SHARED RESOURCE

Our estuaries are a shared resource and maintaining clean, unpolluted water is the responsibility of the whole community. If you fish in it, eat from it, play in it, or just love it - a healthy waterway matters.

Oysters are especially sensitive to water quality. To ensure that farmed oysters are safe for human consumption, oyster farmers regularly test water quality and oyster meat. Local Oyster farmers are working with the community, Eurobodalla Shire Council and other stakeholders to protect the Clyde River, promote clean water and produce great tasting oysters for everyone.

## THE CLYDE RIVER:

### Oyster Farming on the Edge of Wilderness



## In Summary – The benefits of nature based Giant Tree tourism

- Increases off peak tourism and business for existing tourism and hospitality small business.
- Improves outcomes for the primary producers:
- Does not change private property enterprise and also makes our dirt roads safer for residents and tourists.



## Attachment 2

19 May 2026

The Mayor & Chief Executive Officer  
Shoalhaven City Council  
City Administrative Centre  
Bridge Road  
NOWRA NSW 2541

By email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)  
[mayor@shoalhaven.nsw.gov.au](mailto:mayor@shoalhaven.nsw.gov.au)

**Re: Supplementary Submission – Ordinary Meeting Report CL26.100 Proposed Accredited Community Forums**

Dear Mayor and Chief Executive Officer,

I refer to my earlier submission dated 14 April 2026 concerning the proposed Accredited Community Forum (ACF) Policy and Operating Model, and to the revised framework now before Council in Ordinary Meeting report CL26.100.

At the outset, I wish to acknowledge the considerable work undertaken by Council staff, Councillors, and community representatives in refining the proposed model. I also recognise that the revised framework reflects a number of constructive improvements in response to consultation, including clearer recognition of forum independence, improved procedural fairness language, stronger complaints management provisions, clearer behavioural expectations, guaranteed financial assistance, and improved clarification regarding the legal status of Accredited Community Forums. These are positive developments.

Notwithstanding those improvements, I submit that some important governance, engagement, and policy issues would benefit from further consideration before the model is adopted in its current form.

**1. Alignment with Council's Community Engagement Strategy**

The Council report indicates that the proposed ACF model supports Council's Community Engagement Strategy and Framework in relation to participation, transparency, governance, and place-based engagement. However, I suggest that there remains an opportunity to more fully consider how the revised ACF model aligns with the broader principles of Council's adopted Community Engagement Strategy 2025–2029.

That Strategy places emphasis on inclusivity, proportionality, flexibility, reducing barriers to participation, multi-channel engagement, and participation across the IAP2 engagement spectrum. The revised ACF model, while clearer and more structured, places emphasis on accreditation and compliance processes.

This approach may suit some incorporated organisations well. At the same time, it may be more challenging for smaller volunteer-led groups, emerging community organisations, informal networks, communities of interest, and groups with limited administrative capacity. For that reason, the model may benefit from further consideration to ensure it remains as accessible and facilitative as possible.

## **2. Independence and regulatory control**

The revised report states that Council does not assume responsibility for governance, operational, liability, or complaint matters relating to Accredited Community Forums. At the same time, the framework gives Council a meaningful role in accreditation and compliance oversight, including the ability to accredit forums, impose operational standards, review complaints, issue improvement notices, suspend accreditation, withdraw accreditation, and manage public listing and support arrangements.

I appreciate the intention behind these provisions, particularly in relation to clarity and risk management. However, there does appear to remain some tension between the stated independence of forums and the degree of regulatory oversight retained by Council. In my view, this is an area where Council may wish to consider whether the language and operation of the model can be made even more clearly facilitative rather than regulatory.

## **3. Psychological harm and complaint provisions**

The revised model continues to rely on the concept of psychological harm as a basis for investigation, suspension, and withdrawal of accreditation. I appreciate that Council is seeking to provide safeguards for elected officials, staff, and forum participants. However, the framework does not appear to clearly define what constitutes psychological harm, the level of evidence required, the process for investigation, the safeguards available to forums, or the availability of review or appeal. This raises important questions regarding procedural fairness and natural justice for affected forums and community groups.

Given the significance of possible outcomes such as suspension, withdrawal, and public notification, it may be beneficial for Council to provide further clarity in these areas so the framework can be applied consistently, fairly, and transparently.

## **4. Complaints framework**

The revised model provides that Council will only consider complaints from Councillors and Council staff, while complaints from other parties are to be managed internally by the ACF. I understand the intention to preserve forum independence and local responsibility for internal matters. Nevertheless, the current arrangement may give rise to a perception that complaints are treated differently depending on who raises them.

In my view, Council may wish to consider whether a slightly more balanced approach could better support confidence in the model while still respecting forum autonomy.

## **5. Geographic representation and diversity**

The report indicates that Council has retained the one-forum-per-geographic-area model following consultation feedback about fragmentation and competition between groups. I acknowledge the practical appeal of a clear geographic structure. However, it may also be worth considering whether there should be greater flexibility for communities that are diverse in character or contain multiple legitimate communities of interest.

Some communities may be well served by a single forum, while others may benefit from a more flexible approach that recognises distinct local needs and perspectives. A modest degree of flexibility in this area could, in my view, further strengthen the model.

It may also be important for the framework to recognise that accreditation of a community forum does not necessarily equate to comprehensive representation of all views within a geographic community.

While accredited forums may provide valuable and organised channels for community participation, many localities contain a diversity of demographic, social, environmental, business, and community interests that may not always be fully reflected through a single incorporated organisation or membership structure.

For that reason, maintaining flexibility in engagement pathways may assist Council in ensuring a broader range of community perspectives can continue to be heard.

A current case in point is the proposal regarding paid parking in high-demand tourist locations. This issue directly affects distinct communities such as Hyams Beach, Huskisson, Mollymook, and Berry, each with different infrastructure, street layouts, and commercial conditions. In circumstances like this, a more flexible recognition-based pathway may better support timely and locally relevant engagement alongside the existing geographic structure.

#### **6. Consultation results and engagement process**

The Council report states that overall sentiment toward the revised ACF model was positive. I agree that the consultation indicates meaningful support for the proposal. At the same time, a substantial proportion of respondents were neutral or unsure, and a notable minority expressed opposition.

The consultation data also suggests that participation was weighted toward existing community participants and older demographic groups, with comparatively limited participation from younger residents and broader informal community networks.

These observations do not undermine the consultation process. However, they do suggest that the findings should be interpreted carefully when assessing how representative the model may be across the broader community.

It is also worth noting that the consultation summary contained within the Council report and attachments appears to focus primarily on survey metrics, engagement statistics, and high-level themes. There appears to be comparatively limited discussion of detailed written submissions, alternative governance proposals, or more substantive governance and constitutional issues raised outside the survey process.

Given that the proposed ACF framework is intended to strengthen community engagement across the Shoalhaven, Council may wish to consider whether additional engagement mechanisms, broader deliberative processes, or ongoing review arrangements may assist in ensuring the model continues to evolve in a manner that reflects the diversity of the wider community.

### **7. Recognition-based alternative pathway**

My earlier submission proposed a Recognised Community Forum (RCF) model intended to reduce unnecessary compliance burdens, support flexible and inclusive participation, recognise both formal and informal community structures, reinforce community independence, and maintain proportionate governance expectations.

I do not suggest that this concept is incompatible with the revised ACF model. Rather, Council may wish to consider whether the ACF framework could operate as the appropriate pathway for more structured incorporated groups seeking formal accreditation, while a complementary recognition-based pathway may also be appropriate for smaller, informal, emerging, or community-of-interest groups.

In my view, such an approach may better reflect the diversity of Shoalhaven communities while remaining consistent with Council's broader Community Engagement Strategy.

### **8. Governance and constitutional implications**

Since lodging my original submission, I have also reviewed the governance and constitutional implications of the proposed ACF framework, including the NSW Associations Incorporation model constitution and the governance expectations likely to arise under the proposed standards.

That review suggests that the standard NSW model constitution may not, in its current form, fully accommodate the practical governance requirements contemplated by the ACF framework without some amendment. In particular, the model appears to introduce expectations relating to complaints handling, procedural fairness, behavioural standards, political neutrality, conflict of interest management, governance transparency, insurance obligations, and interaction protocols with Councillors and staff.

This is not necessarily a criticism of the model itself, but rather an indication that community groups may require a greater level of support and constitutional review than may initially be apparent. That consideration may be especially relevant for smaller volunteer-led organisations, for whom preparing complex custom constitutional amendments may involve legal and administrative costs that are difficult to absorb.

### **Conclusion**

I again acknowledge and appreciate the work that has gone into the revised ACF framework. It is a substantial improvement on earlier drafts and reflects many of the concerns raised through consultation.

More broadly, it may also be beneficial for Council to consider whether aspects of the revised ACF model are fully aligned with contemporary NSW local government engagement and governance principles, including proportionality, inclusiveness, accessibility, procedural fairness, and support for diverse forms of community participation.

While the revised framework clearly seeks to strengthen governance and accountability, some elements of the model may continue to place comparatively strong emphasis on accreditation, compliance, and regulatory oversight when compared with more facilitative and participation-focused engagement approaches reflected in broader NSW community engagement practice.

My submission is simply that there remains scope for further refinement to ensure the framework is as flexible, accessible, and proportionate as possible, while continuing to support safe, constructive, and accountable place-based engagement.

For that reason, I encourage Council to continue considering whether a complementary recognition-based pathway could sit alongside the proposed ACF model, particularly for smaller, informal, or emerging community groups.

Yours sincerely,



**Theo van Veenendaal**



### Attachment 3

CL26.105 - Acquisition of Abernethy's Creek Drain - Lot 11 Sec 1 DP 3885, Bomaderry

Shoalhaven Council's proposed acquisition of Abernethy's Creek Drain  
Lot 11 Section 1 DP 3885, Bomaderry.

As a resident and property owner of land adjoining Abernethys Creek Bolong, Bomaderry, I support Council's proposed acquisition of Abernethy's Creek Drain, being Lot 11 Section 1 DP 3885, Bomaderry, on the condition that Council commits to an ongoing annual maintenance program, or more frequently if required. Such maintenance is necessary to ensure that the drain through the Manildra Plant, between Bolong Road and the Shoalhaven River floodgates, remains free from flood debris and vegetation that may impede the flow of water from the creek into the river during low-tide periods when the floodgates are open.

Abernethys Creek Drain is the sole drainage outlet to the Shoalhaven River for the Abernethys Creek and Tullian Creek catchments. Stormwater generated from the proposed Moss Vale Road North Urban Release Area (MVRNURA) will contribute additional flows into Abernethys Creek. In its current state, Abernethys Creek is already subject to frequent localised flooding during above-average rainfall events and sustained periods of heavy rainfall, due in part to its geographical setting and the microclimate created by Cambewarra Mountain and the surrounding escarpment.

Any development within the MVRNURA, and any future urban development in this area, should be contingent upon Council maintaining ongoing control of the Abernethys Creek Drain, together with the authority, resources and budget necessary to undertake remediation works and implement a continuing maintenance program as required. It is imperative that the drain through the Manildra Plant, between Bolong Road and the Shoalhaven River floodgates, be remediated in a manner that also facilitates effective ongoing maintenance, so that this section does not become restricted by debris and vegetation.

I also provide local rainfall data in support of these submissions regarding the flooding of Abernethys Creek.

Ron Arthur



## Rainfall Data

### Data 1

#### Average Annual Rainfall Data - Boxsells Lane versus Nowra RAN AWS

Average Annual Rainfall Data - Boxsells Lane													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total Boxsells Lane
1991						830	131	5	20	51	30	360	1427
1992	97	427	55	76	67	87	16	21	44	158	138	227	1413
1993	106	73	148	7	12	22	50	90	70	44	60	22	704
1994	25	268	158	160	15	88	1	15	13	64	57	47	911
1995	142	42	132	3	234	64	3	2	220	128	123	70	1163
1996	134	39	7	72	110	24	35	72	22	52	82	33	682
1997	195	178	99		97	189	32		205	61	32	19	1107
1998	110	19	23	103	152	128.5	39	378	50	6	110	28	1146.5
1999		127	52	78.5	17.5	53	186.5	50.5	45	243.5	41.5	1	896
2000	57	24.5	248.5	33.5	36.5	75	47.5	7	56	48.5	234.5	62.5	931
2001	60.5	188	97	45.5	22.5	18.5	181	68	38	73.5	100	45.5	938
2002	140	374	147.5	76.5	42	25	7	9.5	24.5	17.5	25	64	952.5
2003	73	115.5	76.5	114.25	304	54.5	46.5	21.5	8.5	78	171.5	54	1117.75
2004	67.5	90	78.5	90.5	12	7	48	38	54.5	221.5	72.75	63.5	843.75
2005	121	162.5	76	34	74.5	70	143	5	72.5	53.75	143	39.5	994.75
2006	154	65	46.25	7	37.5	185.5	106.5	53.5	56	4	41.5	94.5	851.25
2007	23.5	348.5	84	79.5	24	298	31	51.25	45	23.5	357	135.25	1500.5
2008	78.5	350.5	35	88	17.75	96.5	49.5	64	95	115.75	41	114	1145.5
2009	26.5	162	45	96.75	30	28.5	21.25	9.5	23.5	104.75	56.5	109.5	713.75
2010	28.75	336.25	73.75	34.5	79	45	51.5	20.75	64.25	108	311	169	1321.75
2011	48.25	72	275	62.25	46.75	101.25	113	58	73.5	82	97	73	1102
2012	69.5	214	293	87.5	6	98.75	17.5	3.5	31.5	33	38.5	19	911.75
2013	138	203.5	75.5	163	104	289	22.5	5	96.5		148.5	70.5	1316
2014	29	35	339.5	23.5	12.5	56		262	34	130.5	13	194.5	1129.5
2015	170	50.75	67	265.25	105	72.25	63	422.5	22	45.5	81	44	1408.25
2016	232	88.5	103.25	25.5	20.5	426.75	89	58	54.5	30.5	20.5	86.5	1235.5
2017	20	299.75	390.5	40.5	11.75	69.5		34		35.5	49.5	96.25	1047.25
2018	79.5	141	59.5	25	16	49	3.5	11.5	39	83.75	160	102	769.75
2019	70	34.5	138	11.5	2.5	120	15	29.75	77.5	34	9	3.5	545.25
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
2021	121.5	117	264.5	6	227	36	8	116.5	27.5	82	196	95.5	1297.5
2022	167	219.5	836	258.5	112.75	3.5	471	34.5	120.5	343	45.5	50	2661.75
2023	101.5	90.5	110	113	30.5	9.75	7	53	20.75	28	243.5	184	991.5
2024	107.5	132.5	141	240.5	347	260	94.5	18	30.5	37.5	162	16.5	1587.5
2025	199.5	52	195.5	137.5	196.5	6.5	254.5	250.75	165	43	51.5	58.5	1610.75
<b>Average Monthly Totals</b>	<b>93.44</b>	<b>159.82</b>	<b>143.49</b>	<b>76.93</b>	<b>76.60</b>	<b>114.35</b>	<b>74.65</b>	<b>75.85</b>	<b>57.91</b>	<b>79.11</b>	<b>105.76</b>	<b>83.66</b>	<b>1141.59</b>

Annual Average Total Nowra RAN AWS 2000-2025													
Mean Annual Rainfall	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
	74.9	145.8	116.9	59.7	55.4	108.8	64.7	80.7	41	65.5	81.9	73.7	939

BL -Boxsells Lane - a more accurate reading for Abernethys Creek

N-AWS - Nowra RAN AWS. Records only from 2000 (total average 2000-2025) and in report notes no significant event.

**Note:**

1991 June the rainfall was 830 mm over a 7 day period and together with July the total rainfall for the 2 months was 961 mm  
 2022 March the rainfall was 836 mm and over a 5 month period Jan- May we received 1593.75mm  
 6 April 2024 rain event was very significant occurring over a 3 hour period with a wet couple of months proceeding it & caused the railway line to collapse.  
 2025 Very high rainfall all year excluding 3 months.

**Data 2**

**Wetter than average all years - 1991 -2025**

Average Annual Rainfall Data - Boxsells Lane													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total Boxsells Lane
1991						830	131	5	20	51	30	360	1427
1992	97	427	55	76	67	87	16	21	44	158	138	227	1413
1993													
1994													
1995	142	42	132	3	234	64	3	2	220	128	123	70	1163
1996													
1997	195	178	99		97	189	32		205	61	32	19	1107
1998	110	19	23	103	152	128.5	39	378	50	6	110	28	1146.5
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2004													
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2006													
2007	23.5	348.5	84	79.5	24	298	31	51.25	45	23.5	357	135.25	1500.5
2008	78.5	350.5	35	88	17.75	96.5	49.5	64	95	115.75	41	114	1145.5
2009													
2010	28.75	336.25	73.75	34.5	79	45	51.5	20.75	64.25	108	311	169	1321.75
2011	48.25	72	275	62.25	46.75	101.25	113	58	73.5	82	97	73	1102
2012													
2013	138	203.5	75.5	163	104	289	22.5	5	96.5		148.5	70.5	1316
2014	29	35	339.5	23.5	12.5	56		262	34	130.5	13	194.5	1129.5
2015	170	50.75	67	265.25	105	72.25	63	422.5	22	45.5	81	44	1408.25
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2017	20	299.75	390.5	40.5	11.75	69.5		34		35.5	49.5	96.25	1047.25
2018													
2019													
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
2021	121.5	117	264.5	6	227	36	8	116.5	27.5	82	196	95.5	1297.5
2022	167	219.5	836	258.5	112.75	3.5	471	34.5	120.5	343	45.5	50	2661.75
2023													
2024	107.5	132.5	141	240.5	347	260	94.5	18	30.5	37.5	162	16.5	1587.5
2025	199.5	52	195.5	137.5	196.5	6.5	254.5	250.75	165	43	51.5	58.5	1610.75
<b>Average Monthly Totals</b>	<b>108.34</b>	<b>186.36</b>	<b>174.63</b>	<b>92.33</b>	<b>116.66</b>	<b>164.64</b>	<b>91.74</b>	<b>112.58</b>	<b>72.80</b>	<b>87.54</b>	<b>123.00</b>	<b>107.24</b>	<b>1437.86</b>

Annual Average Total Nowra RAN AWS 2000-2025													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>Mean Annual Rainfall</b>	<b>74.9</b>	<b>145.8</b>	<b>116.9</b>	<b>59.7</b>	<b>55.4</b>	<b>108.8</b>	<b>64.7</b>	<b>80.7</b>	<b>41</b>	<b>65.5</b>	<b>81.9</b>	<b>73.7</b>	<b>939</b>

BL -Boxsells Lane - a more accurate reading for Abernethys Creek

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**Note:**

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6 April 2024 rain event was very significant occurring over a 3 hour period with a wet couple of months proceeding it & caused the railway line to collapse.

2025 Very high rainfall all year excluding 3 months.

**Data 3**

**Wetter than average 2020-2025**

Average Annual Rainfall Data - Boxsells Lane													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total Boxsells Lane
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
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<b>Average Monthly Totals</b>	<b>134.7</b>	<b>194.9</b>	<b>297.8</b>	<b>135.2</b>	<b>188.25</b>	<b>64.2</b>	<b>211.2</b>	<b>147.2</b>	<b>70.2</b>	<b>122</b>	<b>122.8</b>	<b>59.3</b>	<b>1747.75</b>

Annual Average Total Nowra RAN AWS 2000-2025													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>Mean Annual Rainfall</b>	<b>74.9</b>	<b>145.8</b>	<b>116.9</b>	<b>59.7</b>	<b>55.4</b>	<b>108.8</b>	<b>64.7</b>	<b>80.7</b>	<b>41</b>	<b>65.5</b>	<b>81.9</b>	<b>73.7</b>	<b>939</b>

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2025 Very high rainfall all year excluding 3 months.

**Attachment**

**4**

Shoalhaven Council's proposed acquisition of Abernethy's Creek Drain  
Lot 11 Section 1 DP 3885, Bomaderry.

As a resident and property owner of land adjoining Abernethys Creek Bolong, Bomaderry, I support Council's proposed acquisition of Abernethy's Creek Drain, being Lot 11 Section 1 DP 3885, Bomaderry, on the condition that Council commits to an ongoing annual maintenance program, or more frequently if required. Such maintenance is necessary to ensure that the drain through the Manildra Plant, between Bolong Road and the Shoalhaven River floodgates, remains free from flood debris and vegetation that may impede the flow of water from the creek into the river during low-tide periods when the floodgates are open.

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Any development within the MVRNURA, and any future urban development in this area, should be contingent upon Council maintaining ongoing control of the Abernethys Creek Drain, together with the authority, resources and budget necessary to undertake remediation works and implement a continuing maintenance program as required. It is imperative that the drain through the Manildra Plant, between Bolong Road and the Shoalhaven River floodgates, be remediated in a manner that also facilitates effective ongoing maintenance, so that this section does not become restricted by debris and vegetation.

I also provide local rainfall data in support of these submissions regarding the flooding of Abernethys Creek.

Debra Traill



## Rainfall Data

### Data 1

#### Average Annual Rainfall Data - Boxsells Lane versus Nowra RAN AWS

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1998	110	19	23	103	152	128.5	39	378	50	6	110	28	1146.5
1999		127	52	78.5	17.5	53	186.5	50.5	45	243.5	41.5	1	896
2000	57	24.5	248.5	33.5	36.5	75	47.5	7	56	48.5	234.5	62.5	931
2001	60.5	188	97	45.5	22.5	18.5	181	68	38	73.5	100	45.5	938
2002	140	374	147.5	76.5	42	25	7	9.5	24.5	17.5	25	64	952.5
2003	73	115.5	76.5	114.25	304	54.5	46.5	21.5	8.5	78	171.5	54	1117.75
2004	67.5	90	78.5	90.5	12	7	48	38	54.5	221.5	72.75	63.5	843.75
2005	121	162.5	76	34	74.5	70	143	5	72.5	53.75	143	39.5	994.75
2006	154	65	46.25	7	37.5	185.5	106.5	53.5	56	4	41.5	94.5	851.25
2007	23.5	348.5	84	79.5	24	298	31	51.25	45	23.5	357	135.25	1500.5
2008	78.5	350.5	35	88	17.75	96.5	49.5	64	95	115.75	41	114	1145.5
2009	26.5	162	45	96.75	30	28.5	21.25	9.5	23.5	104.75	56.5	109.5	713.75
2010	28.75	336.25	73.75	34.5	79	45	51.5	20.75	64.25	108	311	169	1321.75
2011	48.25	72	275	62.25	46.75	101.25	113	58	73.5	82	97	73	1102
2012	69.5	214	293	87.5	6	98.75	17.5	3.5	31.5	33	38.5	19	911.75
2013	138	203.5	75.5	163	104	289	22.5	5	96.5		148.5	70.5	1316
2014	29	35	339.5	23.5	12.5	56		262	34	130.5	13	194.5	1129.5
2015	170	50.75	67	265.25	105	72.25	63	422.5	22	45.5	81	44	1408.25
2016	232	88.5	103.25	25.5	20.5	426.75	89	58	54.5	30.5	20.5	86.5	1235.5
2017	20	299.75	390.5	40.5	11.75	69.5		34		35.5	49.5	96.25	1047.25
2018	79.5	141	59.5	25	16	49	3.5	11.5	39	83.75	160	102	769.75
2019	70	34.5	138	11.5	2.5	120	15	29.75	77.5	34	9	3.5	545.25
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
2021	121.5	117	264.5	6	227	36	8	116.5	27.5	82	196	95.5	1297.5
2022	167	219.5	836	258.5	112.75	3.5	471	34.5	120.5	343	45.5	50	2661.75
2023	101.5	90.5	110	113	30.5	9.75	7	53	20.75	28	243.5	184	991.5
2024	107.5	132.5	141	240.5	347	260	94.5	18	30.5	37.5	162	16.5	1587.5
2025	199.5	52	195.5	137.5	196.5	6.5	254.5	250.75	165	43	51.5	58.5	1610.75
<b>Average Monthly Totals</b>	<b>93.44</b>	<b>159.82</b>	<b>143.49</b>	<b>76.93</b>	<b>76.60</b>	<b>114.35</b>	<b>74.65</b>	<b>75.85</b>	<b>57.91</b>	<b>79.11</b>	<b>105.76</b>	<b>83.66</b>	<b>1141.59</b>

Annual Average Total Nowra RAN AWS 2000-2025													
Mean Annual Rainfall	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
	74.9	145.8	116.9	59.7	55.4	108.8	64.7	80.7	41	65.5	81.9	73.7	939

BL -Boxsells Lane - a more accurate reading for Abernethys Creek

N-AWS - Nowra RAN AWS. Records only from 2000 (total average 2000-2025) and in report notes no significant event.

**Note:**

1991 June the rainfall was 830 mm over a 7 day period and together with July the total rainfall for the 2 months was 961 mm  
 2022 March the rainfall was 836 mm and over a 5 month period Jan- May we received 1593.75mm  
 6 April 2024 rain event was very significant occurring over a 3 hour period with a wet couple of months proceeding it & caused the railway line to collapse.  
 2025 Very high rainfall all year excluding 3 months.

**Data 2**

**Wetter than average all years - 1991 -2025**

Average Annual Rainfall Data - Boxsells Lane													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total Boxsells Lane
1991						830	131	5	20	51	30	360	1427
1992	97	427	55	76	67	87	16	21	44	158	138	227	1413
1993													
1994													
1995	142	42	132	3	234	64	3	2	220	128	123	70	1163
1996													
1997	195	178	99		97	189	32		205	61	32	19	1107
1998	110	19	23	103	152	128.5	39	378	50	6	110	28	1146.5
1999													
2000													
2001													
2002													
2003	73	115.5	76.5	114.25	304	54.5	46.5	21.5	8.5	78	171.5	54	1117.75
2004													
2005													
2006													
2007	23.5	348.5	84	79.5	24	298	31	51.25	45	23.5	357	135.25	1500.5
2008	78.5	350.5	35	88	17.75	96.5	49.5	64	95	115.75	41	114	1145.5
2009													
2010	28.75	336.25	73.75	34.5	79	45	51.5	20.75	64.25	108	311	169	1321.75
2011	48.25	72	275	62.25	46.75	101.25	113	58	73.5	82	97	73	1102
2012													
2013	138	203.5	75.5	163	104	289	22.5	5	96.5		148.5	70.5	1316
2014	29	35	339.5	23.5	12.5	56		262	34	130.5	13	194.5	1129.5
2015	170	50.75	67	265.25	105	72.25	63	422.5	22	45.5	81	44	1408.25
2016	232	88.5	103.25	25.5	20.5	426.75	89	58	54.5	30.5	20.5	86.5	1235.5
2017	20	299.75	390.5	40.5	11.75	69.5		34		35.5	49.5	96.25	1047.25
2018													
2019													
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
2021	121.5	117	264.5	6	227	36	8	116.5	27.5	82	196	95.5	1297.5
2022	167	219.5	836	258.5	112.75	3.5	471	34.5	120.5	343	45.5	50	2661.75
2023													
2024	107.5	132.5	141	240.5	347	260	94.5	18	30.5	37.5	162	16.5	1587.5
2025	199.5	52	195.5	137.5	196.5	6.5	254.5	250.75	165	43	51.5	58.5	1610.75
<b>Average Monthly Totals</b>	<b>108.34</b>	<b>186.36</b>	<b>174.63</b>	<b>92.33</b>	<b>116.66</b>	<b>164.64</b>	<b>91.74</b>	<b>112.58</b>	<b>72.80</b>	<b>87.54</b>	<b>123.00</b>	<b>107.24</b>	<b>1437.86</b>

Annual Average Total Nowra RAN AWS 2000-2025													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>Mean Annual Rainfall</b>	<b>74.9</b>	<b>145.8</b>	<b>116.9</b>	<b>59.7</b>	<b>55.4</b>	<b>108.8</b>	<b>64.7</b>	<b>80.7</b>	<b>41</b>	<b>65.5</b>	<b>81.9</b>	<b>73.7</b>	<b>939</b>

BL -Boxsells Lane - a more accurate reading for Abernethys Creek

N-AWS - Nowra RAN AWS. Records only from 2000 (total average 2000-2025) and in report notes no significant event.

**Note:**

1991 June the rainfall was 830 mm over a 7 day period and together with July the total rainfall for the 2 months was 961 mm

2022 March the rainfall was 836 mm and over a 5 month period Jan- May we received 1593.75mm

6 April 2024 rain event was very significant occurring over a 3 hour period with a wet couple of months proceeding it & caused the railway line to collapse.

2025 Very high rainfall all year excluding 3 months.

**Data 3**

**Wetter than average 2020-2025**

Average Annual Rainfall Data - Boxsells Lane													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total Boxsells Lane
2020	78	453.5	52	33.5	58	15	228	316.25	7.5	104.5	159	76	1581.25
2021	121.5	117	264.5	6	227	36	8	116.5	27.5	82	196	95.5	1297.5
2022	167	219.5	836	258.5	112.75	3.5	471	34.5	120.5	343	45.5	50	2661.75
2023													
2024	107.5	132.5	141	240.5	347	260	94.5	18	30.5	37.5	162	16.5	1587.5
2025	199.5	52	195.5	137.5	196.5	6.5	254.5	250.75	165	43	51.5	58.5	1610.75
<b>Average Monthly Totals</b>	<b>134.7</b>	<b>194.9</b>	<b>297.8</b>	<b>135.2</b>	<b>188.25</b>	<b>64.2</b>	<b>211.2</b>	<b>147.2</b>	<b>70.2</b>	<b>122</b>	<b>122.8</b>	<b>59.3</b>	<b>1747.75</b>

Annual Average Total Nowra RAN AWS 2000-2025													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>Mean Annual Rainfall</b>	<b>74.9</b>	<b>145.8</b>	<b>116.9</b>	<b>59.7</b>	<b>55.4</b>	<b>108.8</b>	<b>64.7</b>	<b>80.7</b>	<b>41</b>	<b>65.5</b>	<b>81.9</b>	<b>73.7</b>	<b>939</b>

BL -Boxsells Lane - a more accurate reading for Abernethys Creek

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**Note:**

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2022 March the rainfall was 836 mm and over a 5 month period Jan- May we received 1593.75mm

6 April 2024 rain event was very significant occurring over a 3 hour period with a wet couple of months proceeding it & caused the railway line to collapse.

2025 Very high rainfall all year excluding 3 months.

## Attachment 5

CL26.110 Finalisation - Shoalhaven Development Contributions Plan 2026

Mr. Andrew Constance  
Chief Executive Officer, Shoalhaven City Council  
PO Box 42, Nowra NSW 2541  
Via email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)



Dear Andrew,

**RE: UDIA NSW Written Submission to CL26.110**

The Urban Development Institute of Australia NSW (UDIA) is the state's leading development industry body. Our more than 450 members include developers, builders, architects, engineers, planning consultants, academics, state government agencies, and local government. We also have established regional chapters across Western Sydney, the Hunter, Central Coast, and Illawarra-Shoalhaven.

We appreciate the opportunity to provide a written submission to Shoalhaven City Council in relation to Paper CL26.110 that recommends the finalisation of the Draft Shoalhaven Development Contributions Plan (CP). We provided a submission to the public exhibition of the Draft CP at the time expressing support for the intent of the CP and providing some suggestions.

We take this opportunity to reiterate our support for the timely and efficient finalisation of the CP from Council and additionally share feedback on an element of the CP that we believe merits prioritisation.

**Timely and Efficient Endorsement**

In our submission, we highlighted the challenges facing all local councils in their interface with the local contributions system. While our submission outlines UDIA's ongoing advocacy efforts in this space, we also encourage councils to do what they feasibly can to work effectively within this system so that industry and future homeowners are provided heightened certainty around the plan for new housing.

One of our suggestions was encouraging councils to partake in the efficient delivery and finalisation of CPs. The costs that feature in a CP can quickly become outdated, which is especially true in the current high-cost escalation and high uncertainty market. If there is greater certainty around local contribution costs and what infrastructure can be provided as works in kind, it will enable housing to be delivered in a timelier manner, the contributions bucket can be refilled quicker, and future tranches of enabling infrastructure can be unlocked for even more housing. This cycle starts with the efficient finalisation and communication of new CPs.

UDIA strongly encourages Council to act without delay in endorsing and finalising the CP.

**Stormwater Management**

UDIA also draws Council's attention to an ongoing issue that, while not unique to the Shoalhaven, does highlight an area where Shoalhaven's approach could be matured to deliver stronger

efficiencies and certainty to industry. UDIA sees an opportunity, through this CP, for Council to develop a workable approach to stormwater management in collaboration with industry.

We note the Shoalhaven's current approach to stormwater management and maintenance can lead to reduced developable residential land and worsen affordability. These issues include:

- The limited, bulky, and costly types of stormwater treatment options permissible through the Shoalhaven Development Contributions Plan (DCP), often leading to intrusion on otherwise developable land.
- Limiting performance of newer/alternative devices to old benchmarks (despite performance being independently tested and verified), which discourages innovation in the sector as well as increases cost due to reduced competition.
- The inefficient use of Council resources, requiring bespoke designs and drawings and often utilising the wrong internal skillsets, as opposed to taking a strategic, principled or consistent approach for new development proposals.
- Inconsistent feedback provided to industry from within Council due to the range of different standards and guidelines referenced throughout the DCP.
- No clear approach to maintenance funding exists, leading to inefficient resolutions that become added burdens to developers (and ultimately new homeowners), and ongoing funding shortfalls.
- A one-size-fits-all approach to asset handover which creates disproportionate burdens for greenfield subdivision developers compared to DAs inclusive of home construction.

UDIA has been informed that the Shoalhaven Contributions Plan will assign some of its collected funds under Plan Administration towards a strategic stormwater and enabling infrastructure plan.

UDIA encourages Council to prioritise funding towards this strategic planning work for enabling infrastructure and would strongly encourage engagement with UDIA in developing the strategy. UDIA has curated a group of engaged technical experts to develop evidence that includes best practice approaches to maintenance and provides benchmark planning controls based on existing approaches taken by local councils across NSW and interstate. We would welcome the chance to present these to Council to help inform this work and support efficiencies.

We look forward to working with Council and congratulate staff again on the finalisation of this important document. Please reach out to Nathan Boulous, Manager, Research, Illawarra & Southern NSW at [REDACTED] to discuss further.

Kind regards,

[REDACTED]

**Stuart Ayres**  
**Chief Executive Officer, UDIA NSW**

## Attachment 6

**CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**  
**HPERM Ref: D26/87162**

As a member of a group of residents and property owners downstream of the Moss Vale Road North Urban Release Area (MVRNURA), who have for several years raised concerns about the potential for increased stormwater flows into Abernethys Creek and the likely downstream flooding impacts, I support CL26.111, *Preparation of a Local Infrastructure Contributions Plan for the Moss Vale Road North Urban Release Area*.

It is important that the infrastructure costs associated with this development are brought to the attention of the wider community. This is particularly important because those costs exceed the NSW Government's contributions threshold of \$30,000. There are two main reasons why the community needs to be aware of these infrastructure costs:

1. The additional costs to be borne by Shoalhaven City Council at the time of development will ultimately come from ratepayers.
2. If the minimum infrastructure identified in the MVRNURA DCP is not delivered, the downstream flooding impacts could be devastating. In addition, any "cost savings" achieved now could become much greater costs for Council and ratepayers in the future.

There should be no further delay in placing the Contributions Plan on public exhibition so that the whole community has the opportunity to review it.

Given the significance of the infrastructure costs, and the potential downstream impacts if the infrastructure recommended in the MVRNURA DCP is not delivered, Shoalhaven City Council must ensure that the community is properly informed and given the opportunity to raise its concerns.

In addition, following the public exhibition period, Council should apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan, subject to the scale and scope of submissions received during exhibition.

I support Council's CL26.111 request because I am concerned that, if all infrastructure works identified in the MVRNURA DCP are not fully delivered at this stage of the development, they may never be completed, and/or the cost may ultimately fall to Council and, in turn, Shoalhaven ratepayers.

Debra Traill



## Attachment 7

### Paul Duncan –submission Re CL26.111 for SCC meeting 26.05.26

- I am the owner of 1044 Meroo Road, Meroo Meadow –Lot 501 DP1221372.
- My property of approx 19 hectares borders the Princes Highway to the east and is the first property that Abernethys Creek crosses - after going under the Princes Highway – the creek then winds its way through my property for approximately 1 km.
- My property is downstream of MVRNURA
- In a flood event my property is 1/3 inundated by the waters of Abernethys creek.
- I have resided at this property for 15 years – the worst 2 flood events in this period have occurred within the last 4 years.
- There is a group of owners along Abernethys creek who have been meeting for the last few years – to discuss the MVRNURA and how this will affect the flooding of Abernethys creek and their respective properties.
- We made submissions to SCC regarding the Development Control Plan (DCP) for MVRNURA prior to its 2025 adoption. Primarily our submissions focused on the Drainage and flood management infrastructure that was documented in the DRAFT DCP.
- Some within the group had reservations about the Methodology used in the flood modelling and thus the adequacy of the subsequent planned infrastructure.
- Nonetheless the DCP was Adopted in 2025.
- I believe as a **minimum** it is imperative to have the food and drainage infrastructure as outlined within the Development Control Plan.
- To this end these costs along with other planned infrastructure costs appear to be greater than the NSW Government's \$30,000 per dwelling limit on local contributions.

**Therefore I support the Recommendation as per CI 26.111**

**CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**  
HPERM Ref: D26/87162

As a member of a group of residents and property owners downstream of the Moss Vale Road North Urban Release Area (MVRNURA), who have for several years raised concerns about the potential for increased stormwater flows into Abernethys Creek and the likely downstream flooding impacts, I support CL26.111, *Preparation of a Local Infrastructure Contributions Plan for the Moss Vale Road North Urban Release Area*.

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In addition, following the public exhibition period, Council should apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan, subject to the scale and scope of submissions received during exhibition.

I support Council's CL26.111 request because I am concerned that, if all infrastructure works identified in the MVRNURA DCP are not fully delivered at this stage of the development, they may never be completed, and/or the cost may ultimately fall to Council and, in turn, Shoalhaven ratepayers.

Ron Arthur



**CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**  
HPERM Ref: D26/87162

As a member of a group of residents and property owners downstream of the Moss Vale Road North Urban Release Area (MVRNURA), who have for several years raised concerns about the potential for increased stormwater flows into Abernethys Creek and the likely downstream flooding impacts, I support CL26.111, *Preparation of a Local Infrastructure Contributions Plan for the Moss Vale Road North Urban Release Area*.

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I support Council's CL26.111 request because I am concerned that, if all infrastructure works identified in the MVRNURA DCP are not fully delivered at this stage of the development, they may never be completed, and/or the cost may ultimately fall to Council and, in turn, Shoalhaven ratepayers.

Steve Omrod



25/5/26

Attachment 10

**SPEIRS**RYAN

CL26.115

Our ref: 17127

25 May 2026

**By email**

The Chief Executive Officer  
Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541

Speirs Ryan Pty Ltd  
ACN 167 978 074

Level 6  
185 Clarence St  
Sydney NSW 2000

t +61 2 9246 3400  
m +61 405 395 587

Dear Sir or Madam

**Response to Public Deputations made at Public Forum meeting 19 May 2026  
Development Application no. DA2025/1028  
30 Tallowa Dam Rd, Kangaroo Valley NSW 2577 – Lot 1 DP 1262638**

We refer to the deputation by Sarah Waddell given on behalf of the Sydney Bush Walkers Club ('SBWC') against development application DA2025/1028 and write both in the capacity as owner of the subject site and property lawyer.

Towards the end of Ms Waddell's deputation, she presented footage of loud music being played from the house at 30 Tallowa Dam Road reportedly recorded at 8.30pm on Saturday evening from the land owned by SBWC.

We have separately written to Council emphasising that the occupants of our property were guests staying as part of a 3-day accommodation booking. The property was **not** hired for the purpose of hosting an event. Nonetheless, we have submitted to Council a number of additional measures proposed to address anti-social behaviour at the property (copy available on request).

The purpose of this letter is to address the location from which the footage was taken, and outline the land use rights of the SBWC having regard to its objection that use of our property disturbs, or is likely to disturb, the camping activities of the SBWC.

The conclusion of our analysis is that **the existing camping activities of the SBWC are unauthorised and are a trespass on neighbouring land.**

**1. Current camping activities of SBWC**

As long as my wife and I have owned 30 Tallowa Dam Road (since 2017), SBWC members have routinely camped at the top of the escarpment, adjacent to our property on lots 246 & 248 in DP 1214345.

The location of the camping ground is visible in Six Maps satellite footage (the NSW government satellite service, accessible via <https://maps.six.nsw.gov.au>)

**SR**



Figure 1 – SBWC camping area adjacent to 30 Tallowa Dam Road, on Lots 246 & 248

**2. Lots 246, 248 & 247**

We immediately recognised the location of the video footage as being taken from just outside the eastern boundary fence of 30 Tallowa Dam Road; specifically, on Lot 246.

The SBWC currently accesses its site from Tallowa Dam Road via Lot 246.

Lot 246 (shown in yellow below) is owned by The State of New South Wales and noted on title as being land granted pursuant to the *Aboriginal Land Rights Act 1983*. There is no registered right of carriageway or any other easement in favour of the SBWC property permitting SBWC to use or access that land.

Lot 248 (shown in orange below) is owned by the Nowra Local Aboriginal Land Council and expressly excludes a road reserve which is the legal access route for the SBWC property.

Lot 247 (shown in pink below) is owned by The State of New South Wales, also noted on title as being land granted pursuant to the *Aboriginal Land Rights Act 1983*. There is no registered right of carriageway or any other easement in favour of the SBWC property permitting SBWC to use or access that land.

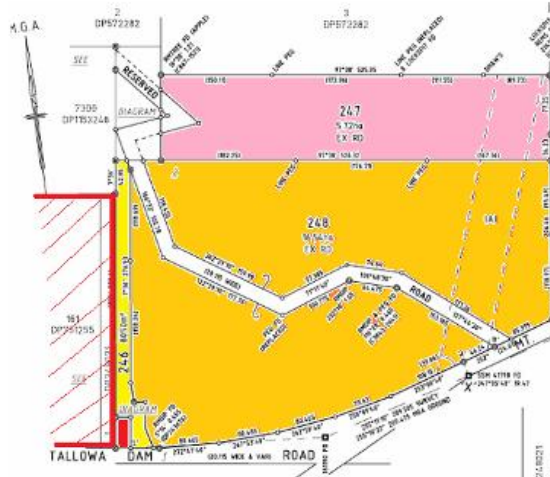


Figure 2 – Lots 246, 247 & 248 neighbouring 30 Tallowa Dam Road

3. Lot 240 of the SBWC property

The most southern parcel of the SBWC property (closest to 30 Tallowa Dam Road) is Lot 240 in DP 41285 which consists of large rocky formations and a road reservation which zig zags through the parcel. The title search of Lot 240 expressly notes that the "Land excludes the road(s) shown in the title diagram".

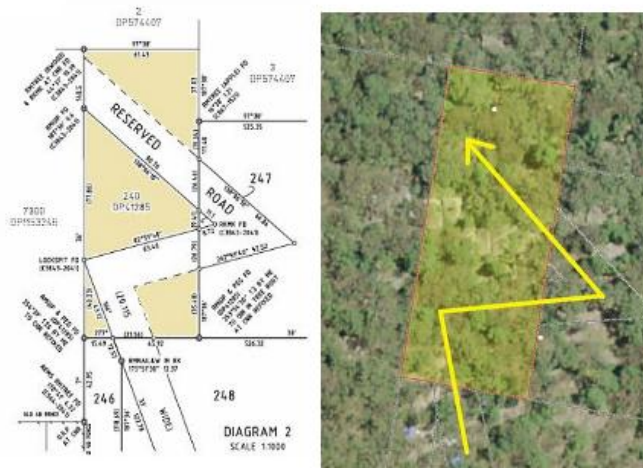


Figure 3 - Lot 240 in DP 41285



The road reserve commencing at Lot 240 is the start of a steep descent down the escarpment and into the basin of the Kangaroo River which is where the SBWC call their "Friday Flats".

4. SBWC property subject to Conservation Agreement

The SBWC property consists of Lot 240 referenced above, together with Lot 2 in DP580392, Lot 2 in DP572282 and Lot 3 in DP572282.

Save for an excluded area which we believe correlates with the "Friday Flats" grounds, all 4 lots are subject to a Conservation Agreement with the Minister for Environment and Heritage dated May 2012 and registered AH139408 which strictly regulates the activities that can be carried out on the property. The Conservation Agreement **does not** permit camping or related activities within the conservation area.

The conservation area is defined as the hatched area shown in the plan in Annexure A, which is extracted below. We have highlighted the excluded area in light blue.

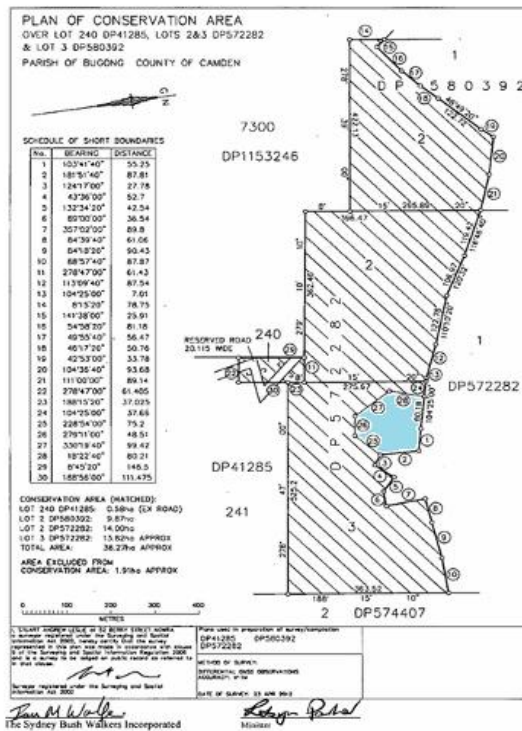


Figure 4 - Plan of Conservation Area (AH139408)

**SR**

Clauses 2.2 and 2.3 of the Conservation Agreement regulate development, expressly permitting only the following development activities:

- Construct and maintain internal walking tracks including the existing access tracks in the conservation area;
- Maintain or permit maintenance of a 60 metres wide corridor beneath the powerlines where vegetation above 2 metres high is removed;
- Construct and maintain cleared fire breaks 6 metres wide along fencelines on the property boundary, if required; and
- Maintain existing trails.

Notwithstanding the excluded area under the Conservation Agreement, Lot 2 in DP 580392, Lot 2 in DP 572282 and Lot 3 in DP 572282 are all zoned C2 Environmental Conservation. These lots are also identified on the Terrestrial Biodiversity Mapping, under the Shoalhaven Local Environmental Plan, as containing significant vegetation and forming part of a habitat corridor.

It is further noted that the SBWC property (Lot 2 DP580392, Lot 2 DP572282 and Lot 3 DP572282) are all mapped on the NSW Biodiversity Values Map. This includes part of the area in which the Friday Flats Camping Ground is located (within Lot 3 DP 572282) The BV Map identifies land with high biodiversity value which are considered particularly sensitive to development impacts.

The SBWC has been the loudest objector to development application DA2025/1028, co-ordinating the vast majority of submissions from members raising objection to Council.

Fierce objection largely stems from members concerned that proposed development activities will affect their recreational camping at the top of the escarpment, just adjacent to the property on 30 Tallowa Dam Road.

Those camping activities are not only an unauthorised use of land, but involve trespass on Crown and Aboriginal owned land.

Assuming the SBWC has obtained the necessary approvals required for recreational camping on the SBWC property, such activities need to be conducted within the excluded area. That excluded area is approximately 700 metres away from the proposed bush fire shelter (as the crow flies), and likely over a kilometre away when factoring the diagonal from the top of the escarpment to the riverside.

Copies of all title searches are available on request, including a copy of the Conservation Agreement registered on title of the SBWC property.

Yours faithfully  
**James Ryan**



**Speirs Ryan**

## Attachment 11

### Russell Moule

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**From:** Russell Moule on behalf of OEH ROGHD Illawarra Mailbox  
**Sent:** Tuesday, 19 May 2026 9:21 AM  
**To:** Bryan Netzler  
**Cc:** Chris Page  
**Subject:** FW: Report to Council - DA2025 1028 - 30 Tallowa Dam Road KANGAROO VALLEY NSW ~ Lot 1 DP 1262638

Hi Bryan,

Thank you for the notification that DA25/1028 will be reported to Council's Ordinary Meeting on 26 May 2026 with a Public Forum held beforehand on 19 May 2026.

We previously recommended in our submission (letter DOC25/528839, dated 15 July 2025) that formal and/or legal agreements are needing to be resolved prior to any DA approval to ensure public authority management actions that assist recovery of the Kangaroo Valley Brush-tailed Rock-wallaby population can continue without risk of intervention or legal dispute/claims due to smoke impacting on the proposed new development for event operations.

We cannot see evidence of an agreement between the proponent and with a public authority that conducts such burns e.g. National Parks and Wildlife Service. This is something we maintain should be resolved prior to approval, and not subject to post-approval.

As another issue, we did not see a specific mention to our submission (dated 28 February 2025) within the Council Report, yet there was mention of a Crown Lands submission. Furthermore, we could only see the name of our first submission listed in the DA Tracker, and accessibility is not linked to the correct document, but seems linked to an internal referral to the Building Surveyor (as is the other public submissions). We are concerned that our submissions may not be available to all decision makers.

Please contact me if you require further details.

Kind regards,

**Russell Moule**  
A/Team Leader, Planning (Illawarra)

Conservation Planning & Assessment | Conservation Programs, Heritage, and Regulation  
Department of Climate Change, Energy, the Environment and Water

E [REDACTED]

[dcceew.nsw.gov.au](mailto:dcceew.nsw.gov.au)



## Attachment 12

# AllenPrice

CL26.115 Development Application DA25/1028 - 30 Tallowa Dam Road,  
Kangaroo Valley - Lot 1 DP 1262638

25/05/2026  
AP Ref: K128297  
Council Ref: DA2025/1028  
The Chief Executive Officer

Nowra Office:  
75 Plunkett Street, Nowra

Kiama Office:  
1/28 Bong Bong Street, Kiama

Wollongong Office:  
Suite 1, Level 2,  
83-85 Market Street, Wollongong

### RE: RESPONSE TO PUBLIC DEPUTATIONS MADE AT PUBLIC FORUM MEETING 19 MAY 2026 DA2025/1028 – 30 TALLOWA ROAD, KANGAROO VALLEY LOT 1 DP 126638

This letter provides a response to issues raised in the public deputations regarding DA2025/1028.

#### 1.0 DEPUTATION MADE BY SARAH WADDELL OF THE SYDNEY BUSHWALKERS CLUB IN OPPOSITION TO DA2025/1028.

**1.1 Proposed Bushfire Refuge Building:** Concerns raised regarding the adequacy of the Bushfire Refuge Building are not supported by the evidence. The proposal has been rigorously assessed by the NSW Rural Fire Service (RFS) as Integrated Development under the *Environmental Planning and Assessment Act 1979*. A Bush Fire Safety Authority (BFSA) was issued by the RFS on 25 November 2025 subject to General Terms of Approval (GTAs), requiring BAL-12.5 construction for the refuge building. It is important to emphasise that the Bushfire Refuge Building is not intended to function as a bunker. Rather, consistent with RFS guidance, it is intended to provide a safer place for occupants to shelter temporarily in circumstances where evacuation cannot be safely undertaken.

A critical design parameter for such a refuge is that it must not be exposed to radiant heat levels over 10 kW/m<sup>2</sup>. To achieve this, an Asset Protection Zone (APZ) is established around the building. An APZ is a managed buffer area between a bushfire hazard and a structure. An APZ of 79 metres will be provided around the Bushfire Refuge Building. The methodology supporting this distance is detailed within the Bushfire Assessment prepared by Bushfire and Evacuation Solutions, dated 27 May 2024. The RFS have endorsed the 79m APZ calculated by B&ES.

Furthermore, the Bushfire Refuge Building forms only one component of a broader, bushfire risk management framework, including a Bushfire Emergency Management and Evacuation Plan (BEMEP), ensuring coordinated evacuation and contingency arrangements.

**1.2 Size of the Bushfire Refuge Building:** –Ms Waddell indicated that the proposed refuge is oversized and had been proposed in order to hold events. This is not correct. At the initial stages of preparing the proposal it was intended that larger functions would be undertaken within a temporary marquee. Prior to lodgement of the DA, a Preliminary Bushfire Assessment dated 23/06/22 was prepared by Bushfire and Evacuation Solutions (B&ES). B&ES liaised directly with Team Leader Martha Dotter of the NSW Rural Fire Service (RFS) who advised that the development would have to provide a refuge building of sufficient capacity for all occupants of the site (camping ground and function venue). The RFS specified that the refuge would need to be separated from the bushland hazard by an APZ based on 10kW/m<sup>2</sup> and constructed to BAL-12.5 construction. Importantly, this requirement applied irrespective of whether larger events were to be held within a permanent structure or a temporary marquee. Subsequently the proposal was amended to seek approval for the use of the bushfire refuge building for larger functions, rather than relying on a temporary marquee. The use of the refuge building for larger functions also results in improved amenity outcomes in relation to noise impacts, as events will be contained within an enclosed structure rather than occurring within an open or semi-open marquee.

The NSW RFS generally reference the *Construction & Project Management Guidelines for Community Fire Refuge* when considering refuge design specifications. These guidelines indicate that refuge buildings should provide between 0.75 m<sup>2</sup> and 1.5 m<sup>2</sup> per person. The proposed refuge building provides an area of 213 m<sup>2</sup>, excluding bathrooms. Based on a maximum occupancy of 120 function attendees + 10 staff the guideline requirement equates to 195 m<sup>2</sup>. The proposed refuge exceeds the guideline requirement by approximately 18 m<sup>2</sup>, which is a modest margin and cannot reasonably be characterised as excessive. The scale of the building is directly driven by NSW RFS requirements to



safely accommodate all site occupants during a bushfire event. The use of the building for larger functions is a secondary and pragmatic outcome for this structure.

- 1.3 Clause 2.8 and the Temporary Use of Land for Functions** – The use of the site for functions is permissible pursuant to Clause 2.8 of the Shoalhaven LEP 2014. The requirements of Clause 2.8 are outlined in Section 5.1.1.2 of the revised Statement of Environmental Effects (SEE). Ms Waddell asserted that the construction of permanent structures could not be termed temporary and would not be able to be repurposed. We consider that the proposed use is temporary and will not prejudice future development on the land. If needed, the bushfire refuge could easily be re-purposed as a shed and workshop, stables or a farm building in the future. While the land is not presently utilised for agricultural purposes, it has historically supported activities such as a horse-riding school and deer farming, demonstrating its suitability for a range of rural land uses. The site will also continue to require active management, including weed control and environmental stewardship. Potential future re-use of the refuge building could include secure storage for vehicles, plant, and property maintenance equipment, consistent with ongoing rural land management activities.

It is our view that the proposal is consistent with the provisions of Clause 2.8 and *Marshall Rural Pty Ltd v Hawkesbury City Council and Ors (2015) NSWLEC 197*. Section 5.3.3 of the revised SEE provides an assessment that demonstrates that the proposal will have 'no adverse impact' on the amenity of adjoining lands. The criteria of 'no adverse impact' is specifically addressed in the revised Environmental Noise Assessment (ENA) prepared by Harwood Acoustics (HA). According to HA the proposed development can be managed such that there will be no adverse noise impacts at any nearby residential properties or the wider neighbourhood. Recommendations re noise mitigation and management are included in Section 7 of the revised ENA. The provision of a manager, who will stay onsite when functions are held, will provide the necessary oversight to ensure that strict noise requirements are adhered to.

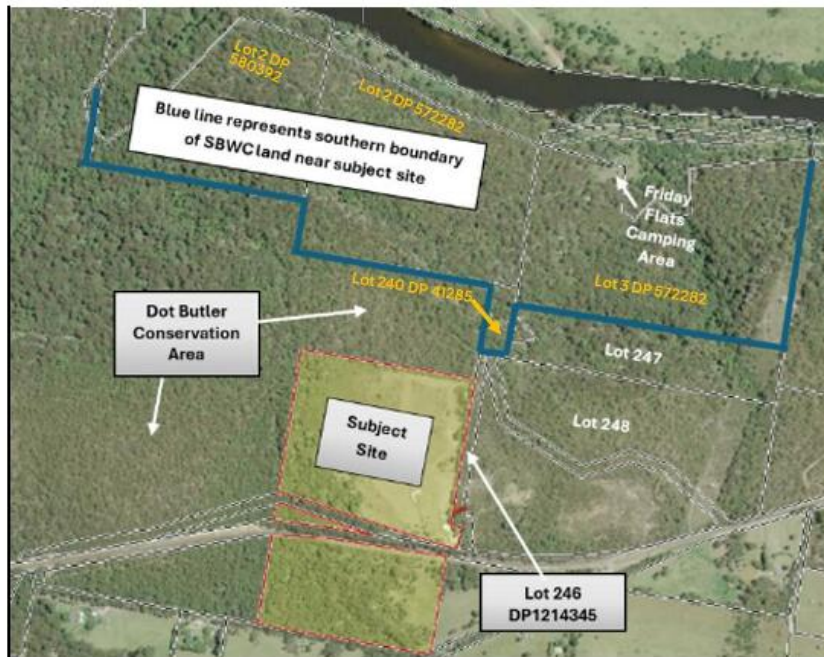
The ENA identified the highest predicted levels of noise emission at the nearest residence to the site as 29 dBA Leq, 15 minute during large functions held within the Bushfire refuge. Predictions for the smaller functions, camping area and car parking area had lower predicted dBA levels. Harwood Acoustics (HA) noted that the predicted noise levels are well below standard criteria typically applied to such developments, including the NSW Environment Protection Authority's *Noise Guide for Local Government (2013)* and Liquor and Gaming NSW noise conditions for licensed premises. The highest predicted level of noise emission, at 30 metres from the closest residential dwelling, is considered to be comparable to being between being inside a bedroom with the windows closed' and a 'quiet countryside'. Noise levels as received within the neighbouring dwellings will be significantly lower still. HA state that these noise levels could not reasonably be considered to represent an adverse impact.

**Adverse Impact on Land Owned by the Sydney Bush Walking Club:** Ms Waddell stated the SBWC property, which is used by members of the SBWC for conservation work and camping activities, directly adjoins the subject site to the north and east – this is incorrect.

The SBWC property consists of the following lots – Lot 240- DP 41285, Lot 2- DP580392 and Lots 2 and 3 - DP572282. The SBWC property does not adjoin the subject site and is separated by a heavily vegetated buffer –see **Figure 1.**

As detailed in the Council Section 4.15 assessment, the land to the north and west of the subject site comprises part of the Dot Butler Conservation Area. The land to the east of the property (Lots 246 and 248) constitutes land administered by the Nowra Local Aboriginal Land Council.

Within Lot 240 the land descends steeply down the escarpment into the Kangaroo Valley river basin. The SBWC maintains a camping area referred to as "Friday Flats" in this area. The 'Friday Flats' camping area is located approximately 580 m from the existing dwelling on the subject site. Due to the distance and topography, it is considered the SBWC camping area would not be adversely impacted by the proposed functions, given the noise mitigation measures proposed.



A video, which Ms Waddell advised had been taken from SBWC land at 8.30 pm the previous Saturday, was also presented at the Public Forum. The video showed loud music emanating from the dwelling on the subject site. The owner of the 30 Tallowa Dam Road has advised that, due to camera angles and distance from the dwelling on the subject site, the video shown was taken from Lot 246 to the east of his property, not SBWC land.

Regardless, the owner takes noise complaints seriously and is committed to addressing any concerns promptly. The owner advised he had previously provided his mobile number to SBWC committee members requesting that they contact him directly if there are any noise or other complaints so that he could address any concerns promptly. No noise complaints were made to the owner or the property manager in relation to the incident filmed. Nevertheless, given the footage presented the owner has decided to implement additional mitigation strategies in relation to the rental of the property including installation of 'Minut' sound monitoring around the property with direct notification capability to the property manager and updating booking terms to incorporate a \$3,000 fine for noise disturbance.

**1.4 Primitive Camping Ground:** Ms Waddell disagreed with characterising of the camping ground as a primitive camping ground. As outlined in the SEE the development satisfies the requirements for primitive camping grounds set out in Part 131 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (The Regulations)*.

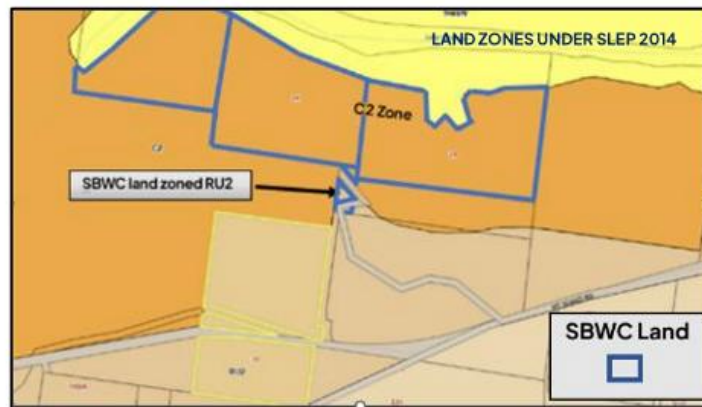
It is intended that the site operators will provide purpose built camper trailers for guests to use on the designated campsites. These trailers will incorporate canvas structures and will contain their own shower, toilet and kitchenette facilities. Ms Waddell suggested that the proposal should be characterised as "glamping". However, the provision of camper trailers with integrated facilities is not materially different to individuals bringing their own campervans containing such amenities to a primitive camping ground. The camper trailers are mobile, self-contained and not permanently affixed



to the land. Accordingly, the proposal does not constitute “glamping” but rather remains consistent with the nature and intent of a primitive camping ground.

Part 131(3)(f) of the Regulations states that unoccupied campervans, tents or other moveable dwellings are not permitted to remain within a primitive camping ground for more than 24 hours. It is proposed that all camper trailers will be packed away by the site manager when not in use. The development includes a dedicated car parking area, located away from the campsites, which is designed to accommodate the temporary storage of camper trailers when not in use. Ms Waddell has raised concerns that this arrangement does not comply with Part 131(3)(f) as the storage area remains within the camping ground. However, it is considered that the intent of the provision is to prevent the ongoing presence of unoccupied structures on campsites, thereby maintaining the low-impact character of the development. As the camper trailers will be dismantled and removed from the campsites when not in use, this intent is satisfied. Notwithstanding the above, if Council maintains that the storage area must be excluded from the camping ground, it is noted that Part 131(l) of the Regulation permits a maximum of two campsites per hectare. The proposal seeks to establish 10 campsites on a property with an area of approximately 16.81 hectares, which is well below the maximum permissible density. Accordingly, even if the trailer storage area were excluded from the site area identified as the camping ground, the proposal would remain compliant with the density requirements of the Regulations.

- 1.5 Zoning of SBWC land:** Ms Waddell stated that the land owned by the SBWC is zoned as RU2 Rural Landscape. However, only a small section of the SBWC property (on Lot 240) is zoned RU2. The vast majority of the SBWC site is zoned C2 Environmental Conservation - We are not aware of the approval status of the Friday Flats camping area but note that camping is currently not listed as a permissible use on C2 zone land.



- 1.6 Detached Habitable Room** –The amended Development Application proposes the construction of a Detached Habitable Rooms (DHR) in proximity to the existing dwelling house. The DHR is permissible as it is considered ancillary development to the principal dwelling. The DHR is intended to function as an additional bedroom associated with the existing dwelling and does not include kitchen or laundry facilities. Accordingly, they do not meet the definition of a self-contained dwelling. The existing dwelling will not be utilised for hosting functions -no events will be conducted within the dwelling, and its kitchen and bathroom facilities will not be used to support function activities. It is proposed that, during events held on the site, the DHR will accommodate an on-site manager to ensure overnight supervision and oversight of functions and the camping ground.



### 1.7 Structural Integrity of Water Tank under Gazebo

It is proposed that smaller functions may be held within an existing, approved gazebo on the site. The gazebo is situated above an underground water tank. Ms Waddell raised concerns and suggested that Council could be held legally liable in the unlikely event of a structural failure of the tank. The owner has a report addressing the structural integrity of the water tank. Notwithstanding this, the owner has indicated a willingness to obtain additional certification from a structural engineer specifically addressing the suitability of the tank structure to support the gazebo and the loading associated with its use by guests. It is considered appropriate that this matter be addressed via a condition of consent, requiring the submission of structural certification to the satisfaction of Council prior to the use of the gazebo for functions. Such a condition would ensure that the structure is verified as safe for its intended use and that the gazebo is not utilised until compliance is demonstrated. This approach provides an appropriate and enforceable mechanism to manage any residual risk, and it is not considered that Council would be exposed to unreasonable liability where such certification is required and implemented through consent conditions.

### 2.0 DEPUTATION MADE BY TONI WEARNE (ALLEN PRICE) IN SUPPORT OF DA2025/1028.

**2.1 Impact on Brush tailed Rock Wallaby** – After the deputation Cr Clancy requested details regarding the light controls proposed to mitigate and avoid indirect impacts to native species. She expressed particular concern in regard to the Brush-tailed Rock Wallaby.

Section 7.3 of the revised Flora and Fauna Assessment (FFA), prepared by Ecoplanning, included a Test of Significance for the Brush-tailed Rock Wallaby. Ecoplanning advised that the Test of Significance found that the impact to this species from the proposed development would not be significant. Ecoplanning note that while Brush-tailed Rock Wallabies were not observed on site, this species is known to occur in the wider escarpment landscape. As such the revised proposal incorporates precautionary measures to avoid indirect impacts to this, and other, native species. The FFA includes an Environmental Management Plan (EMP). The EMP, which has been incorporated into the Plan of Management for the site, outlines all of the proposed measures to avoid and minimize indirect impacts. However, in response to Cr Clancy's question the following is advised – Proposed light controls include:

- All lighting will comply with the National Light Pollution Guidelines for Wildlife (DAWE 2020), including:
  - Use of warm-coloured (<3000K), downward-directed lights
  - Fully shielded fixtures to prevent spill into adjacent bushland
  - Avoidance of illumination of vegetation and canopy trees
  - Installation of timers or motion sensors to minimise constant illumination

Overall, the proposed mitigation measures within the EMP are considered robust, appropriate to the site context, and sufficient to ensure that the development will not result in adverse impacts to the Brush-tailed Rock Wallaby or other native fauna.

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Given the above, and the information submitted with the revised proposal, we request that Council support this application for approval.

Should you require anything further related to the matter outlined above please do not hesitate to contact me.

Toni Wearne MPIA  
**Allen Price Pty Ltd**

Note: A copy of the Preliminary Bushfire Constraints Assessment prepared by B&ES referred to in this letter can be provided to Council should they require it.

## Attachment 13

Shoalhaven Council meeting, Tuesday 26 May 2026

Page 126 - Item 15 / Reports / CL26.116 – Development Application – 21 Fegen Street Huskisson, DA2024/2379

### OBJECTION TO DEVELOPMENT APPLICATION

Michael Farmer, [REDACTED]  
(I am an immediately adjoining neighbouring lot owner).

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As a matter of administrative fairness, I must first raise a serious failure in the transparent exhibition of this Development Application.

Transparency regarding this DA has failed community expectations. Updated architectural and engineering plans have been omitted from the Council web portal since April. Despite this breakdown being directly communicated to and acknowledged by Council representatives on the 13<sup>th</sup> April, the documents have only been made available to the public on Monday 18<sup>th</sup> May.

Before any determination is made on this development, surely procedural fairness dictates that the right of transparency be offered to the community so that timely, accurate, and informed decisions can be considered.

The fundamental objection to this application is the excessive **29% numeric breach** of a principal development standard. It requests a multi-dwelling development on just 638.6m<sup>2</sup> where the Shoalhaven LEP 2014 strictly requires a **minimum of 900m<sup>2</sup>** (Clause 4.1A).

**The site is fundamentally too small for what is being proposed, and the applicant's Clause 4.6 variation request must be rejected.**

The proposal constitutes a gross overdevelopment of a highly constrained site. It relies heavily on multiple compounding non-compliances to force the density onto the lot. Approving this application creates an adverse planning precedent and creates an expectation of future LEP leniency that fundamentally erodes the neighbourhood's expectations.

When the adjoining lots were purchased, financial and investment decisions were made with absolute reliance on the integrity of Council's statutory planning instruments, specifically the minimum threshold under Clause 4.1A.

A 29% variation departs fundamentally from minor numeric flexibility, it establishes a highly contentious precedent for the immediate neighbourhood, completely undermining the community's trust in the Shoalhaven LEP as a consistent and reliable regulatory tool.

The fact is that because the lot is so severely undersized, the design forces an excessive compromise directly onto the adjoining property line. The combination of an undersized lot and the proposed three-storey multi-dwelling design creates severe, unmitigated privacy impacting the adjoining property.

**Direct Overlooking:** The sheer height (forced by the constraints of the undersize block), window placements, and elevated living areas of these units will look directly into my indoor living spaces and my private outdoor open terrace. My fundamental right to visual and acoustic privacy in my own home is being completely stripped away to accommodate a developer's overdevelopment.

**Compounding Structural Variations:** My understanding is that a Clause 4.6 variation is only supposed to be supported if the rest of the design conforms strictly to planning controls to prove the site can handle the density. Yet, this application concurrently demands reduced setbacks for swimming pools along Fegen Street and a shortfall in total permeable area. The fact that the applicant must cut corners on setbacks and permeability proves that fitting 3 three-storey units on this undersized lot forces an unacceptable compromise on my boundary separation.

**Failure to Minimize Adverse Amenity Impacts:** The physical massing of three storeys, combined with the reduced setbacks of the proposed swimming pools, creates an overwhelming sense of enclosure and noise pollution right against my property line. The site is being forced to do too much work, to the direct detriment of its immediate neighbours.

The assessment report relies heavily on the presence of Holiday Haven White Sands and nearby flat buildings to justify the density. However, it completely ignores the low-density residential context located directly to the south.

Allowing three-storey units on an undersized lot fails to provide an appropriate transition zone. Instead, it accelerates aggressive overdevelopment, pushing high-density massing directly against established low-density boundaries.

In my view, the applicant and Council have failed to establish sufficient environmental planning grounds to justify a massive 29% departure from the established LEP, what next a 39%, 49% variation or more?

I urge Council to defer this matter to allow fair and reasonable access time to the development documents, which has only been activated on Monday 18<sup>th</sup> May and ultimately **reject DA24/2379 to protect the zoning integrity of the Huskisson community.**