

Ordinary Meeting

Meeting Date: Monday, 11 April, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

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

Statement of Ethical Obligations

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

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

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 28 March 2022

6. Declarations of Interest

7. Presentation of Petitions

8. Mayoral Minute

9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

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Notices of Motion / Questions on Notice

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CCL22.11	Tenders - Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works)
	<i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>
	<i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>

CL22.165 Report of the Shoalhaven Sports Board - 9 March 2022

HPERM Ref: D22/131776

**SB22.6 Nowra High School Sporting Fields - Council
Direction for Termination of Licence**

**HPERM Ref:
D22/54607**

RECOMMENDATION

That Council:

1. Make arrangements to advise the Director – NSW Department of Education, of Council's intention to terminate the current licence agreement over NSW Department of Education's open space fields, at the rear of Nowra High School, Moss Street, Nowra.
2. Redistribute annual savings (\$20,000) from licence termination towards the maintenance and upkeep of Council owned and managed sporting assets.

CL22.165

CL22.166 Report of the Homelessness Taskforce Shoalhaven - 10 March 2022

HPERM Ref: D22/122424

**HT22.4 Shoalhaven Homelessness Taskforce Committee
Community Membership Expression of Interest -
Member Recommendation Report**

**HPERM Ref:
D22/61748**

RECOMMENDATION

That:

1. Four applicants are invited to represent their organisation on the Taskforce:

- Ruby Hansen-Tarrant - Age Matters
- Grace Rey – Socks and Jocks
- Liz O’Connell – Mission Australia
- Alice Russack – Yumaro (NDIS)

The above organisations are not currently represented on the Committee.

2. Three community membership appointments are offered to applicants with lived experience:

- Michael Sweeney – Bomaderry
- Shirley Taylor – Ulladulla
- Keith Davis – Ulladulla (itinerant)

3. Three community membership appointments are offered to represent community members with an interest in homelessness:

- Raul Arregui – North Nowra
- Julianne Hopkins – Nowra
- Stuart Bellingham – Mollymook

CL22.166

CL22.167 Report of the Shoalhaven Heads Estuary Taskforce - 15 March 2022

HPERM Ref: D22/135869

SH22.3 Shoalhaven Heads - River Opening

HPERM Ref:
D22/99472

RECOMMENDATION

That the review of the Shoalhaven Heads Entrance Management Plan for Flood Mitigation, and other related plans currently on review, include an analysis and modelling of the effects of an open entrance and improved flows at Shoalhaven Heads on flooding events at Shoalhaven Heads, Greenwell Point, and upstream of the Shoalhaven River within six months.

SH22.4 Additional Item - Task Force Membership

RECOMMENDATION

That Council:

1. Create a new Indigenous representative position on the Taskforce.
2. Advertise to fill the three (3) membership vacancies:
 - a. Community
 - b. Community
 - c. Indigenous

SH22.6 Additional Item - Business Arising from Previous Minutes - 4 Knot Zone

RECOMMENDATION

That Council raise with MIDO Maritime the relocation of the 4 Knot Zone and write to Transport for NSW in relation to the visibility of other signage requirements, as well as their enforcement of this, to reduce boat wash and associated erosion.

CL22.167

CL22.168 Report of the Youth Advisory Committee - 16 March 2022

HPERM Ref: D22/126387

Attachments: 1. Draft YAC Terms of Reference [↓](#)

YA22.5 Nowra Youth Centre Bus - Request for Financial Support for Running Costs

HPERM Ref:
D21/355580

RECOMMENDATION

That Council adopt the recommendation from the Youth Advisory Committee to:

1. Receive this report on the request from the Nowra Youth Centre to reinstate the financial support to cover the running costs of their bus.
2. Propose \$9,361 of unspent funds remaining due to the impact of COVID19 on project implementation in 2021/2022 be allocated from Community Capacity Building Youth Projects and Community Capacity Building Projects, to cover the running costs of the Nowra Youth Centre Bus for 2022.
3. Consider reinstating the Community Capacity Building Original Operating Budget to cover the increasing running costs of the Nowra Youth Centre Bus for 2023 onwards.
4. Enter into an MOU with the Nowra Youth Centre outlining roles and responsibilities of this funding partnership.

YA22.6 Youth Advisory Committee Terms of Reference Review

HPERM Ref:
D22/90044

RECOMMENDATION

That Council:

1. Accept the proposed amendments to the Youth Advisory Committee (YAC) Terms of Reference as recommended by the YAC.
2. Extend invitations (via Community Connections Team) to the following organisations to encourage a youth representative to attend upcoming YAC meetings:
 - a. Youth representatives from the community and social service sector, including but not limited to Headspace Youth Reference Group, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.
 - b. Tertiary Education Representatives: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven
3. Conduct an EOI process to fill the remaining 5 community member positions:
 - a. A maximum of 6 young people aged between 12 and 25 years from the community with an interest in youth issues in the Shoalhaven, with representation from North Central and South of the Shoalhaven LGA.

CL22.168

Youth Advisory Committee – Terms of Reference

Adoption Date:	22/11/2016
Amendment Date:	22/08/2017, 7/02/2018, 21/08/2018, 29/06/2021
Minute Number:	MIN16.919, MIN17.748, MIN18.620, MIN21.413
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL22/71

CL22.168 - Attachment 1

Youth Advisory Committee – Terms of Reference

1. Statement

Shoalhaven City Council has a Youth Advisory Committee whose objective is to represent the interests and views of young people to Council and the Community.

2. Purpose

- a) To represent the interests and views of young people to Council and the Community
- b) To provide an opportunity for young people to discuss issues of concern to young people
- c) To provide a mechanism for young people to make representations to organisations and various spheres of Government requesting appropriate action to improve facilities and services available to young people
- d) To give young people experience in Local Government and community affairs
- e) To create greater awareness and appreciation within the general community of the needs and talents of young people
- f) To provide a mechanism for young people to address youth issues themselves.

3. Terms of Reference

3.1 Relationship to council

The Youth Advisory Committee is an Advisory Committee with delegated authority.

3.2 Delegated Authorities

Act within adopted budgets aligning with council's strategic plans and documents to deliver youth programs and activities that meet the needs of local young people.

3.3 Membership

3.3.1 Appointments

~~a) A maximum of 26 youth members comprising of:~~ Membership of the Youth Advisory Committee will be open to young people with an interest in addressing issues of concern to them from across the Shoalhaven.

The membership of the Committee will comprise of:

- i. High School Representatives: 2 students selected as voting members, and up to 3 other students from each local high school are invited to join. Schools include: Nowra Christian School, Shoalhaven High School, Vincentia High School, St John the Evangelist High School, Nowra Anglican College, Bomaderry High School, Ulladulla High School and Nowra High School.
- ii. Youth representatives from the community and social service sector, including but not limited to Headspace Youth Reference Group, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.

Youth Advisory Committee – Terms of Reference

- iii. Tertiary Education Representatives: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven
- iv. A maximum of 6 young people aged between 12 and 25 years from the community with an interest in youth issues in the Shoalhaven, with representation from North Central and South of the Shoalhaven LGA.
- v. One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama
- vi. Councillors of Shoalhaven City Council.

- ~~i) 18 students from Year 7 and above from local high schools, be appointed as members. A maximum of 5 students may be elected from each local high school, however only a maximum of 2 students from each school may vote at any meeting;~~
- ~~ii) A maximum of 8 young people aged between 12 and 25 years from the community and/or Youth Services be appointed as members; and~~
- ~~b) One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama; and~~
- ~~c) Councillors of Shoalhaven City Council.~~

Council and the Youth Advisory Committee welcomes membership of young people from diverse and varied backgrounds. Other interested people may attend as support and observers but are not able to vote on motions. The Youth Advisory Committee may also call on other people to attend the meetings as required.

When a member turns 25 years of age, their position will be declared vacant.

3.3.2 Period of Membership

- a) The advisory committee will run on a 12-month term with an annual review. The purpose of the annual review is to ensure the Committee are still addressing the goals set by the group, as well as identifying opportunities for improvement and setting future direction.
- b) To maintain momentum, at the end of each 12-month term membership will be reviewed to allow members to assess their membership and the committee to appoint new members in vacant positions. Vacant positions will be recruited for through an Expression of Interest hosted through the Council's Get Involved platform and promoted through social media.
- c) To promote and encourage a diverse, inclusive and accessible Committee of young people Expressions of Interest for new members will be widely promoted across multiple platforms to include independent schools, work places, youth organisations, as well as targeted promotions to reach young people with a disability, CALD communities, Aboriginal and Torres Strait Islander young people and young people identifying as LGBTQIA+
- d) New membership applications will be collated by Council and recommendations presented to the Committee for voting.

Youth Advisory Committee – Terms of Reference

- e) Where a member of the Committee is absent for three consecutive meetings (unless leave of absence has been sought and approved by the Committee), that position will be deemed vacant.
- f) Should a membership become vacant within the term for any reason, Council will call for nominations ensuring membership remains in accordance with these terms of reference.

3.3.3 Training

~~a) Members will attend Youth Advisory Committee Induction and Planning Day annually.~~

~~b) a) Regular training~~ Annual induction and training opportunities will be offered to members to assist in skill development. Topics will be voted on by the Committee and could include Advocacy, Networking, Public Speaking, Speech Writing, the inner workings of Council etc.

3.4 Quorum

The quorum to be 6 members

3.5 Meetings

- ~~a) a) The Youth Advisory Committee meet quarterly and convene additional meetings when required;~~
 - ~~i. Meetings to be held Monday – Thursday during school terms and between 10am – 12pm;~~
 - ~~ii. A Guest Speaker be invited to attend Committee meetings when appropriate and provided the topic is related to priority areas set by the YAC; and~~
 - ~~iii. Set agendas & minutes of the meetings will be undertaken by Executive Support staff, but will not necessarily have a business paper, unless there are Council issues to report to Youth Advisory Committee etc.~~
- ~~b) Meetings to be held Monday – Thursday during school terms and between 10am – 12pm;~~
- ~~c) A Guest Speaker be invited to attend Committee meetings; and~~
- ~~d) Set agendas & minutes of the meetings will be undertaken by Executive Support staff, but will not necessarily have a business paper, unless there are Council issues to report to Youth Advisory Committee etc.~~
- b) The Youth Advisory Committee hold monthly virtual working group meetings
 - i. Meeting times will vary depending on availability of members
 - ii. Virtual informal meetings will provide opportunities for open dialogue between committee members and Council and offer greater opportunities for consultation. It will also increase inclusion by providing a safe accessible format for all members.
 - iii. These will be open discussion meetings, and will not necessarily work to an agenda. If items arise that require use of delegations then these items will be held over to the quarterly in person YAC meetings.

3.5.1 Chairperson

- a) A Chairperson will be voted in by the group at the end of each meeting to be in place for the next meeting.

Youth Advisory Committee – Terms of Reference

- b) A member of Council staff will visit the nominated young person ~~two~~one weeks prior to each meeting to train them for the role of Chairperson; talk them through how the meetings are run, explain the Agenda, and answer any questions they may have,
- c) Agendas are to be sent out to members 1 week in advance of each meeting.
- d) To ensure agendas are accessible they should include a summary page, no more than one page long with Agenda items displayed. The full agenda will be available for those that wish to read it.

3.5.2 Quarterly Meeting Format

- a) Meetings to open with a round table question e.g. What is happening in your school, community, workplace etc'. This will encourage open discussion and participation and keep the group up to date with local issues and opportunities which can be raised as topics for future meetings.
- b) Meetings will be held in rotating venues throughout the Shoalhaven LGA to give schools the opportunity to host meetings and cultivate an inclusive and accessible space. The first meeting of each year will be held in Council Chambers with following meetings taking place in venues across Shoalhaven LGA as nominated by the Committee.
- c) Preference is for meetings to be held in person to encourage participation and conversation; however, video link will remain an option for young people who are not able to attend in person.

3.6 Code of Conduct

Meetings be conducted in an informal manner, but still within Council's "Code of Meeting Practice" Policy.

4. Review

This policy will be reviewed within one year of the election of each new Council.

CL22.169 Report of the Inclusion & Access Advisory Group - 21 March 2022

HPERM Ref: D22/135722

Attachments: 1. Draft Terms of Reference [↓](#)

IA22.4 Current Membership & A Best Practice Approach

HPERM Ref:
D22/48721

RECOMMENDATION

That Council adopt the recommendation of the Inclusion & Access Advisory Group to:

1. Accept the minor amendment to the Terms of Reference to:
 - a. Introduce a membership cap of 25 voting memberships, and
 - b. Introduce a member attendance quorum.
2. Support a membership audit to provide summary of attendance quorum for 2021.
3. Support an Expression of Interest to fill identified vacant positions through the audit in line with the updated Terms of Reference.
4. Nominate the following members of the Committee to sit on the assessment panel for the proposed new membership appointment recommendations:
 - a. Kylie Knight
 - b. Kylieanne Derwent
5. Support a Terms of Reference workshop which will be scheduled after the membership recruitment period is completed to facilitate a full review of the Terms of Reference.

IA22.7 Additional Item - Investigate and Report back Footpath from Nowra Bridge to Junction Street and Scenic Drive to bridge Road

RECOMMENDATION

That Council investigate the accessibility of the footpath from the Nowra Bridge to Junction Street and the safety of the accessibility footpath from Scenic Drive to Bridge Road.

IA22.8 Additional Item - Councillor Training - Inclusion & Access

RECOMMENDATION

That Councillors receive Inclusion & Accessibility Training prior to the 5 May 2022 Councillor Briefing on the DIAP.

IA22.9 Additional Item - Presentation and Report Request - Coastal Management Programs (CMP)

RECOMMENDATION

That:

CL22.169

1. Council Staff (Manager – Environmental Services) provide a presentation to the next meeting of the Inclusion & Access Advisory Committee (IAAG) on the CMP's and how the IAAG can best advocate for beach access when developing actions within the CMP.
2. The Report requested at the October 2021 IAAG meeting in relation to IA21.14 be submitted to the next IAAC meeting.

Inclusion and Access Advisory Group – Terms of Reference

Adoption Date:	27/03/2018
Amendment Date:	22/09/2020
Minute Number:	MIN18.224, MIN20.688
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL22/68

Inclusion and Access Advisory Group – Terms of Reference

1. Purpose

To inform, educate and advise Shoalhaven City Council, its staff and residents on accessibility and inclusion with the purpose of creating accessible and inclusive community infrastructure by:

- Actively engaging with Council on policies,
- Inputting on submissions and relevant legislation affecting accessibility and inclusion
- Being a conduit for information and communication between community and Council,
- Raising awareness in the Council, with its staff and in the community around inclusion and accessibility issues

2. Statement

Shoalhaven City Council recognises the experience, knowledge, expertise and insight of the Inclusion and Access Advisory Group. Council acknowledges the Group's role as a conduit for strategic input into Council's decision-making processes.

3. Terms of Reference

3.1. Relationship to Council

The Group is a Section 355 Committee of Council (Local Government Act 1993). It is a strategic advisory committee to advocate for and inform Council's decision-making process related to people with disability in the Shoalhaven.

3.2. Chairperson

The Chairperson position is open to Councillors who are members of the Group

The Group will appoint the Chairperson with the position limited to one (1) Council term. (4 years)

3.3. Membership

Members must live, work or volunteer within the Shoalhaven City Council Local Government Area.

Membership is by application and is open to:

- Up to 25 community members who are either a:
 - Parents/carers of people with disability.
 - A person who has lived experience of physical, sensory, intellectual, and mental health issues.
 - young person
 - a person who are passionate about advocating for access & Inclusion
- ~~People who have lived experience of physical, sensory, intellectual and mental health issues.~~
- ~~Parents/carers of people with disability.~~
- Representatives from disability organisations (non-voting).
- 1 x Health Representative (from an organisation providing health services in the Local Government Area)
- 1 x Education Representative (from an organisation providing Educational services in the area)
- State & Federal Parliament Representation
- 3 Councillors

Inclusion and Access Advisory Group – Terms of Reference

- All other Councillors as observers
- People who are passionate about advocating for access & inclusion.
- Young person

~~Council will manage the application process. All applications will be considered by the Group and appointment decided at the next scheduled meeting.~~

An assessment panel will consist of a Council staff member, the Chair of the Inclusion & Access Advisory Group (IAAG) and one (1) Community Committee representative to assess the applications against the agreed criteria for the Committee. Appointment recommendations to IAAG to be submitted to Council at the next Ordinary Meeting for endorsement.

Community representatives that do not attend three (3) meeting without an apology will be sent a reminder/courtesy letter advising that their membership will lapse unless they confirm their membership in writing.

3.4. Quorum

The quorum to be 5 (five) members in attendance at the meeting (including those who have joined by video or tele-conference)

3.5. Meetings

- Frequency - Quarterly
- Duration - 2½ hours to be reviewed after 6 months
- Agendas - Will be distributed to members one week prior to the meeting. Priorities identified by participants at the beginning of each meeting will be used to order the business of the meeting.
- Minutes - Council will perform administrative support for the meetings of the Group

3.6. Voting

- Members do not need to be present to have an input. Should they wish to make comment on items when they cannot be in attendance, they can be submitted via email on one working day before the meeting. People can also video or tele-conference (where available).
- Where possible, all decisions will be reached by consensus
- All decisions must be stated precisely for the inclusion of the minutes
- Alternative views are to be minuted.
- Every possible avenue will be explored to reach consensus. If consensus cannot be reached, and there is no urgency to the business, it will go to vote at the third meeting.
- Where an item cannot be determined by consensus after 3 meetings or an urgent decision is required before the next meeting, a vote will be taken from those members in attendance (including those who have joined by video or tele-conference). The chairperson will have a casting vote.

3.7. Code of Conduct

- All members of the Group are to abide by Council's Code of Conduct. A copy of the Code of Conduct is distributed to prospective members upon application to the Group.
- Members must declare in writing any interest in any report tabled at the meeting covered by the Code of Conduct and Pecuniary Interest
- Group members should act in a professional and responsible manner with the information they obtain as a member, as the Group requires openness and honesty to function well,
- Group members should feel free to express their opinions and views without fear of recrimination.

Inclusion and Access Advisory Group – Terms of Reference

3.8. Confidentiality and Privacy

- Members may have contact with private and confidential or personal information retained by Council. If so members are required to maintain security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

3.9. Communication

- All issues must be clearly communicated including priorities, limitation and benefits to the community
- Members of the Advisory Group are not permitted to speak to the media as a Group of Council representatives of the Advisory Group unless approved by the Chairperson
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes
- The Chair of the Advisory Group is the point of contact for communication between Board members and Council staff.
- Communication methods must be accessible in all instances and may take place via email, direct mail and phone calls where necessary.

3.10. Working Sub Groups

- The Group may establish working sub groups as deemed appropriate to assist in fulfilling their role and purpose.
- Working sub groups will be formed around specific tasks and a convenor from the group will be appointed.

3.11. Responsibility of Council

- Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.
- Council at its discretion may review and change the Terms of Reference, Role and Structure of the Advisory Group.

4. Implementation

| The ~~Finance, Corporate and Community Services Group~~ City Lifestyles Directorate of Council is allocated responsibility for the administration of the policy.

5. Review

To be reviewed within one (1) year of the election of a new Council, or earlier at the direction of Council.

CL22.170 Report of the North Floodplain Risk Management Committee - 21 March 2022

HPERM Ref: D22/142268

Attachments: 1. Report - Lower Shoalhaven River Floodplain Risk Management Study and Plan Update - North Floodplain Risk Management Committee 21 March 2022 [↓](#)

NFM22.1 Lower Shoalhaven River Floodplain Risk Management Study and Plan Update

HPERM Ref:
D22/87287

RECOMMENDATION

The Council receive the draft Lower Shoalhaven River Flood Study report for information and endorse the commencement of public exhibition and community engagement for the Draft Flood Study.

CL22.170

NFM22.1 Lower Shoalhaven River Floodplain Risk Management Study and Plan Update

HPERM Ref: D22/87287

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Reason for Report

To provide the Northern Floodplain Risk Management Committee (FRMC) with an update on the draft Lower Shoalhaven River Flood Study (completed as part of the Lower Shoalhaven River Floodplain Risk Management Study & Plan Update) and seek endorsement from the FRMC to commence public exhibition and community engagement of the Draft Flood Study report.

Recommendation

The Committee receive the draft Lower Shoalhaven River Flood Study report for information and endorse the commencement of public exhibition and community engagement for the Draft Flood Study.

Options

1. The Committee receive the draft Lower Shoalhaven River Flood Study report for information and endorse the commencement of public exhibition and community engagement of the Draft Flood Study report.

Implications: Nil.

2. The Committee could choose to provide an alternative recommendation for consideration by Council.

Implications: This option could delay the progress of the project, result in additional project costs and/or prevent the completion of a Flood Study and Floodplain Risk Management Study & Plan within the project timeframe.

Background

The study area comprises the Lower Shoalhaven River floodplain from Burrier to the primary entrance to the Tasman Sea at Crookhaven Heads and the intermittently open and closed entrance at Shoalhaven Heads.

The objective of this study is to improve understanding of flood behaviour and impacts, and better inform management of flood risk in the study area in consideration of the available information. The study will also provide a sound technical basis for any further studies.

The previous Floodplain Risk Management Study and Plan (FRMS&P) for the Lower Shoalhaven River was completed in 2011. A review was recommended as per the NSW Floodplain Development Manual. It is noted that the Australian Rainfall and Runoff (ARR) Guidelines were updated in 2019 and this resulted in several changes to input parameters for design event flood modelling such as Bureau of Meteorology (BoM) design rainfall depths and ARR rainfall losses and design temporal patterns, in addition to significant advancements in computing power and modelling techniques. Hence, the Lower Shoalhaven

River FRMS&P update will result in updated contemporary flood investigations which utilise industry best practice guidelines.

The study outputs will inform decision making for investing in the floodplain, managing flood risk through prevention, preparedness, response and recovery activities, and informing and educating the community on flood risk and response to floods.

Funding was approved by the NSW Department of Planning, Industry and Environment (DPIE) for this study in October 2017 and Cardno were engaged to prepare the Lower Shoalhaven River FRMS&P in June 2018.

The Shoalhaven River entrance behaviour at Shoalhaven Heads has been investigated using a detailed coastal hydrodynamic and morphological numerical model. The objective of this investigation was to better understand the relationship between the Shoalhaven River inflow (from catchment flooding), the rate at which the berm opens, and the maximum width of the entrance under different flow conditions, and what this means for flood levels in the lower reaches of the river. The findings from this modelling were used to inform and improve confidence in the entrance condition assumptions for design flood events in the Lower Shoalhaven River.

Current Status of the Project

The draft Lower Shoalhaven River Flood Study report has been completed by Cardno. A link will be provided to the draft Lower Shoalhaven River Flood Study report with the FRMC meeting agenda. A Summary Report has also been prepared for the public exhibition and community engagement phase and a link to this report will also be provided with the FRMC meeting agenda.

Cardno will provide a presentation to the Northern FRMC on the Lower Shoalhaven River Flood Study development and outcomes.

The draft Lower Shoalhaven River Flood Study report has been reviewed by Council Flood Engineers and the NSW Department of Planning and Environment (DPE). The draft Flood Study report has been provided to the NSW State Emergency Service (SES) for review. The draft Lower Shoalhaven River Flood Study report has been updated based on feedback from Council, DPE and the SES.

An independent expert peer review of the flood model development and outcomes was completed by WMAwater. The hydrologic and hydraulic models have been updated as required to the satisfaction of the peer reviewer.

The next step in the project programme is community engagement for the Draft Flood Study report.

A preliminary list of potential mitigation measures to be considered in the FRMS&P is currently being prepared. The feasibility of these measures, along with preliminary environmental assessment and aboriginal heritage due diligence will be completed for all potential options prior to further assessment in the FRMS&P. Council welcomes any suggestions from the FRMC on potential mitigation measures to be considered in the upcoming FRMSP phase.

It is also noted that Council has received a final extension to the DPE funding term completion date for this project. The project funding term completion date is 21 November 2022. It is expected that the Lower Shoalhaven River Flood Study and Floodplain Risk Management Study & Plan Update should be completed by this DPE funding term completion date.

A number of tasks that would normally form part of a FRMS&P such as a flood damages assessment have been completed as part of the current draft Flood Study. This will reduce the scope of work included in the FRMS&P.

Community Engagement

The first round of community consultation was undertaken between November 2018 and February 2019. A project website was published by Council to inform the community about this project. The website has been developed to provide the community with detailed information about the study and gather information. The website will be updated during the duration of the project to provide relevant information at each stage of the study.

Council is seeking endorsement from the Northern FRMC to undertake community exhibition of the draft Lower Shoalhaven River Flood Study and seek input with regard to any mitigation measures to be considered in the FRMS&P. The four-week community exhibition phase is expected to commence in late April 2022 (pending endorsement from the FRMC). The following forms of community engagement are proposed.

- Media release to inform the community of the community engagement period.
- Mail out to property owners within the study area which comprise flood prone land and/or may experience flood isolation or flood evacuation difficulties. This will notify the property owner of the public exhibition period and provide a link to the project Get Involved page.
- Get Involved webpage. The Get Involved webpage will include a link to a pre-recorded presentation which discussed the Flood Study development and outcomes, links to the Summary and Full draft Flood Study reports, the ability to ask questions (response provided by Council, DPE or the consultant) and an online questionnaire to seek feedback from the community on the draft Flood Study and mitigation measures to be considered in the FRMS&P.
- Council is liaising with the SES to provide some flood education information on the Get Involved webpage during the community engagement period. This will include important links to the SES website, a Community Flood Safe brochure that has been specifically developed for the Lower Shoalhaven River floodplain and other flood safety information. This will help the community prepare for flood events, understand flood warning services, stay informed during a flood event, and ultimately improve the communities flood resilience and reduce their reliance on emergency services.

Drop-in sessions are not planned to be completed for the upcoming community engagement period. A pre-recorded presentation is expected to reach a wider audience as this allows property owners and residents to watch and view the information on the Get Involved webpage in their own time. The Get Involved webpage will then permit community members to provide comments, questions and statements in relation to the Flood Study.

The ongoing COVID-19 situation also presents a number of challenges with regard to physical drop-in sessions for the community.

Financial Implications

The Lower Shoalhaven River FRMS&P is 2/3 funded by DPE and 1/3 funded by Council. This funding has been approved under the NSW State Government 'Floodplain Management Program' on a 2:1 basis. Council's matching 1/3 contribution comes from the existing general Floodplain Management Program budget.

Any potential delays to the community engagement period could, however, prevent the project being completed prior to the end of the DPE funding term completion date and this could result in increased project costs for Council.

Policy Implications

The outcomes from the Lower Shoalhaven River Flood Study and Floodplain Risk Management Study & Plan Update will inform Council's Policy for Flood Planning Levels for the Lower Shoalhaven River Floodplain when this is reviewed this year.

All flood information completed in the Lower Shoalhaven River Flood Study and FRMS&P will be provided to the SES and then can be used to update the Shoalhaven Flood Emergency Sub Plan and other operational procedures accordingly.

CL22.171 Shoalhaven Flood Recovery Update Report from Recovery Committee

HPERM Ref: D22/125508

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

Attachments: 1. Notice of Natural Disaster Declaration [↓](#)

Reason for Report

Inform Council of the Response and Recovery activities undertaken to date, as a result of the March 2022 East Coast Lows.

Recommendation

That Council note that:

1. As a consequence of the damage sustained in the Shoalhaven LGA, Council was advised on 6 March 2022, that it had been included in the Notice - Natural Disaster Declaration - Extension 1 AGRN 1012 - NSW Severe Weather and Flooding from 22 February 2022.
2. The first meeting of the Shoalhaven Flood Recovery Committee was held on 21 March 2022, and the members of the Committee are as follows:
 - a. NSW Police, SES,
 - b. Resilience NSW
 - c. NSW Local Lands Services,
 - d. National Recovery and Resilience Agency,
 - e. Local Emergency Management Officer - Kim White,
 - f. Engineering / Infrastructure - Trevor Dando,
 - g. Media and Communications - Kate Crowe,
 - h. Community Recovery Officer - Andrea Forsyth.
 - i. Environmental Services - Michael Roberts and
 - j. Shoalhaven Water - Robert Horner.
3. On 8 March 2022, Shoalhaven LGA received a grant of \$1 million from the Joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) for flood-impacted Councils with these funds to be used for repairs on our road infrastructure.

Background

The Shoalhaven LGA was impacted by consecutive East Coast Lows in March 2022 and consequently experienced significant periods of flooding over several weeks.

The first event in early March saw the Emergency Operations Centre (EOC) activated to RED/Operational on 2 March 2022 for two days and reverted to YELLOW/Alert status on 3 March 2022.

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The most substantial event occurred from 7 to 9 March 2022, where the EOC was once again activated under the direction of the Local Emergency Operations Controller (LEOCON) in support of the NSW SES South-eastern Zone, the lead combat agency in managing the event.

As a consequence of the damage sustained in the Shoalhaven LGA, Council was advised on 6 March 2022, that it had been included in the Notice - Natural Disaster Declaration - Extension 1 AGRN 1012 - NSW Severe Weather and Flooding from 22 February 2022 (Attachment 1).

Numerous Flood Information, Severe Weather Warnings, Flood Watch alerts, Evacuation Warnings and Evacuation Orders were distributed to the community through the combat agency, social media and radio.

On 7 March 2022 NSW SES issued evacuation orders to residents of low-lying areas in

- Sussex Inlet (27 homes),
- Sanctuary Point (59 homes) and
- St George's Basin.

Evacuation Centres were activated at Sussex Inlet Bowling Club and the Bomaderry Bowling Club. The total number of attendees at Bomaderry Bowling Club was 1 and 45 attended the Sussex Inlet Bowling Club. Attendees ranged from 3 to 90 years old, 38 attendees were identified as locals with seven tourists. Thirteen pet dogs were also in attendance.

Several calls were received from family members relating to residents who were palliative and could not be moved. Welfare checks were undertaken with these people by SES, RFS and Police.

Power outages impacted 1500 customers at Bawley Point and 100 customers in Kangaroo Valley at various stages throughout the event.

During the event, more than 120 local and state government managed roads were closed, limiting access for many locations within Shoalhaven.

On 8 March 2022, Shoalhaven LGA received a grant of \$1 million from the Joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) for flood-impacted Councils, these funds will be used in our road infrastructure.

Following an Extra Ordinary Meeting of the Local Emergency Management Committee on 15 March 2022, a decision was made to form a Recovery Committee due to the significant impact to the Shoalhaven LGA.

The first meeting was held on 21 March 2022 with the LEOCON appointed as Convenor of the Committee. Representatives on the Committee include:

- NSW Police, SES
- Resilience NSW
- NSW Local Lands Services
- National Recovery and Resilience Agency
- Local Emergency Management Officer - Kim White
- Engineering / Infrastructure - Trevor Dando
- Media and Communications - Kate Crowe
- Community Recovery Officer - Andrea Forsyth.

On 28 March 2022, the Committee made the decision to add additional Council staff to assist with the recovery efforts including:

- Environmental Services - Michael Roberts and
- Shoalhaven Water - Robert Horner.

The decision was made to invite other representatives as and when required, to deal with specific issues.

The Committee has extended an open invitation for the Mayor to attend all meetings.

Impacts to the Shoalhaven

Infrastructure

A Rapid Damages Assessment of the road network was completed on 18 March, which advised that the estimated damages were in the order of \$25M plus. Additional rains have fallen since that initial assessment, and as a consequence, further damage is still continuing. The current damage estimate for the Shoalhaven road network is in the order of \$35M.

A summary of the known damages at the time of writing the report are as follows:

- 48 major landslips (i.e. Upper Kangaroo Valley Rd (x 2) & Wattamolla Rd)
- 114 minor landslips (i.e. Browns Mountain Rd, Mount Scanzi Rd, Gerringong Creek Rd)
- 8 causeways have been washed away (i.e. Martin Vale Lane, Bunkers Hill Rd)
- 1 bridge destroyed (i.e. Western Distributor Rd bridge)
- 3 bridges damaged (i.e. Croobyar bridge)
- 2,600 sites of damage logged in the Recovery software
- 250 kilometres of road damaged (i.e. pavement damage) -14.7% of the total Shoalhaven road network
- 65 culverts / pipes crossings damaged

Operational staff have closed over 400 roads in the last three weeks. Most of these are now open, however, there are eight roads that are still closed, one a static road closure at Wattamolla Rd, and the rest are manned by traffic controllers (i.e. Upper Kangaroo Valley Rd) or have signalised lights in place.

The weather has been conducive to create an intensity of potholing, the likes that have not been seen in the Shoalhaven LGA before. Operational staff from both City Services and Shoalhaven Water have used 400 tonnes of bituminous asphalt (coldmix) to fill 20,000 plus potholes in a three-week period. These works are estimated to continue over the next 6 months with our staff being supplemented by contractors and staffing from other LGA's who have not been affected by the weather event.

It was recognised early in the event, that the damages to Council's Road network was going to be much larger than the Currowan fire had on them. Little did staff know that the effect would be fourfold.

As a result, a decision was made early during the Response phase, to setup a Natural Disaster Project Office with a staff of seven, who will be dedicated to project managing the Infrastructure Recovery phase. This will provide the necessary focus and separate the Recovery activities in respect of Council's road infrastructure from business as usual activities.

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Council's application for the Natural Disaster Project Office was approved on 1 April 2022 under the Federal Natural Disaster Funding Arrangements (NDFA). The funding has been approved for a two-year period.

Preparations are well underway to resource the Natural Disaster Project Office through the use of a mix of seconded Council staff and external road project managers / surveillance officers, who specialise in the type of works that Council will need to deliver such a large road recovery program.

The Natural Disaster Project Office will commence operating on 19 April 2022. In the meantime, the District Engineering Teams are managing the emergency works, including both minor repairs not requiring major design work and making safe works for the road network.

Waste Services

Kerbside collection services continued throughout the period. There were some delays (one day) in significantly affected areas, and Kangaroo Valley was unable to receive a service in the first week after the landslide.

The Recycling and Waste Depots continued operating throughout, except over the first weekend at Kangaroo Valley (5 to 7 March), where staff could not attend the depot due to the landslide. The depot was reopened and operating on 11 March.

Free tipping of flood damaged materials at all of Council's Recycling and Waste Depots was activated on 8 March 2022, is still current and is continuing to the end of April 2022, or longer if necessary. Up to 3 April 2022 a total of 619.19t of flood damaged waste has been accepted at no charge.

Large 15m³ bins were placed in three locations for disposal of flood damaged waste, Shoalhaven Heads, Sanctuary Point and Lake Conjola. These bins have now been removed. A total of 22.3t of flood damaged waste was placed in the bins.

The total of 641.79 tonnes of flood waste disposed comprised of 105.32 tonnes of green waste (seaweed and tree damaged waste) and 536.47 tonnes of household goods.

Water Supply

No damage was experienced to Shoalhaven's water supply infrastructure nor were there any disruptions to water supply to Shoalhaven customers throughout the event.

All Shoalhaven Water managed dams experienced overflows, with Cambewarra Dam reaching an amber alert level, triggering emergency procedures per the Emergency Management Plan.

Sewerage

No damage to sewerage infrastructure was experienced from the event, and power outages were minimal, meaning sewerage schemes continued to operate to their optimal capacity. Despite this, the flows experienced were beyond the capacities of the schemes.

Overflows/inundation of flood waters were experienced at 153 of the Shoalhaven's 244 sewage pumping stations at various stages throughout the event. While all 13 sewerage schemes were impacted, the worst affected areas were the northern Shoalhaven Schemes, from Berry to Sussex Inlet.

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Due to the inundation of sewerage systems, extremely high flows were experienced into the Wastewater Treatment Plants (WwTP's). Emergency storages were filled and overflowed at most WwTP's, with the more extreme overflows again realised in the northern Shoalhaven schemes.

In accordance with Sewerage Schemes' Licences, notifications of overflows were made to Regulatory Authorities, EPA and NSW Health. Oyster Growers and Food Authority NSW were also advised throughout the event.

Environment and Public Health

During flood events, nutrients, sediments, sewage, and potential pollutants are all converged in the waterway until the flooding recedes. When it recedes, some of this matter is washed back into the adjoining creeks, rivers, estuaries, dams and oceans. Therefore, the water may be contaminated with what it has collected. This contamination may continue for some time and affect recreational waters.

Environmental Services undertook water sampling at Sussex Inlet and arranged testing by a NATA accredited laboratory. Important water quality indicators were assessed to guide public health in collaboration with NSW Health (e.g. E coli and Faecal coliforms) and comparisons were made with reputable criteria to determine suitability. These samples indicated that the water was in a *Good* condition as per this criteria.

Warnings were also issued to the community, which supports NSW Health recommendations about avoiding contact with floodwaters.

In relation to entrance management, Intermittently Closed and Open Lakes and Lagoons (ICOLLS) within the Shoalhaven LGA were closely monitored using real time data supported by ground verification. Mechanical intervention was required at Lower Shoalhaven River and Tabourie Lake during this time. This required consultation with NSW Crown Land, to seek a dispensation from licence conditions in the case of the Shoalhaven River, as the trigger level in the Entrance Management Plan was not reached at the time of intervention. A balance of public and staff safety was effectively achieved during this process.

Social Impacts

The community is exhausted from back-to-back disasters including droughts, bushfires, COVID and multiple floods. There is a lot of confusion in the community due to the effects of compounding events, with people uncertain where to turn for assistance.

There has been a lack of information regarding affected properties and people. Council is seeking clarity on the extent of properties affected and are working closely with the SES who are doing their best to get the information. Estimates indicate that there are approximately 200 affected properties in the Sanctuary Point / Bay and Basin areas, approximately 40 properties in Sanctuary Point and smaller numbers in Conjola, Greenwell Point and Shoalhaven Heads.

Following the 2019-20 fires, Shoalhaven City Council established a Recovery Hotline and has employed 2 x Casual Outreach Officers. These officers have so far connected with over 80 residents that have been affected, to offer support and referral. The Health and Wellbeing Network, established following the bushfires and made up of Federal and State agencies, NGO's, Charities and Community Groups to help with social recovery, have been involved in the immediate social recovery, which has meant that dissemination of relevant and up to date information about flood recovery supports, has been able to be shared quickly between agencies and communities.

The Shoalhaven Recovery Support Service funded by Resilience NSW and operated by Barnardos, unfortunately ended on 31 March, and this essential service will not be available to support survivors through their recovery journey. The Health System is overloaded with referrals due to COVID, and it is hard to find Mental Health support.

The community have also reported concern over environmental issues and water quality however, thanks to a series of conversations at Sussex Inlet and Conjola with Shoalhaven Water and SCC Environment Teams, many fears have been allayed which has improved anxiety and mental health outcomes.

Kangaroo Valley is not flood impacted but has been severely impacted by the lack of access to the village caused by the damage to all roads leading in and out of the village. This has meant that there is little or no grant support for businesses impacted by the drop in trade caused by lack of access.

In Kangaroo Valley, there are concerns over the mental health of children impacted by Fires, COVID and now with having the village impacted by access issues. The SCC Team are working with NSW Health to check in with school counsellors to ensure there are appropriate supports available.

The social impacts felt by the Kangaroo Valley community have been helped by community conversation held with SCC Roads and Economic Development. SCC are currently seeking representation from Transport for NSW and Sydney Water to come and speak to the community.

In all cases, community tell us they want more communication and to be informed.

Recovery Committee

Prior to the Recovery committee being formed, the SES with the assistance of RFS and Defence undertook to assist residents in clean-up.

Clean up assistance is now available through Service NSW where residents can lodge a request for assistance.

No Recovery Centre or Recovery Assistance Point has been established within the Shoalhaven; however, the Recovery Hub is operating weekly from the Ulladulla Civic Centre and is assisting with flood information.

Main impacts for Recovery have been identified as access issues due to road closures and land slips, economic impact of business in Kangaroo Valley due to access issues, community perception on stagnant water being sewerage overflow and social recovery.

A communications plan has been established to inform the community of how to stay up to date with the latest information. Council has established a Get Involved platform [Flood Recovery Shoalhaven | Get Involved Shoalhaven \(nsw.gov.au\)](https://www.nsw.gov.au/flood-recovery-shoalhaven) and ongoing messaging is being circulated through Council Social Media pages. A hardcopy newsletter is being published on a weekly basis to improve messaging within the community. These hardcopy newsletters are being circulated by a combination of Council staff, State Government Agencies and NSW SES volunteers to impacted residents. It has been acknowledged by the Committee that information dissemination needs to leverage all available means of distribution to the community.

Community Conversations

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Already several community meetings have taken place with Council staff and State Government Agencies.

Kangaroo Valley

Sunday 20 March, Council's Outreach Support Team joined NSW Local Lands Services and SES representatives for a pop-up event.

Tuesday 29 March, Council staff joined NSW Transport to discuss roads infrastructure.

Sussex Inlet

Tuesday 29 March, Council Environment Team joined Shoalhaven Water for a community meeting in relation to water quality.

Wednesday 6 April, Service NSW Mobile Service Centre.

Sanctuary Point

Thursday 7 April, Service NSW Mobile Service Centre

Additional Community Conversation events are being organised with another two (2) events to be held in Kangaroo Valley, Sanctuary Point, Sussex Inlet and Conjola during April.

Council has developed some newsletters and other information and provided these to the SES, who will give this information to residents when visiting their properties.

Policy Implications

Nil

Financial Implications

Natural Disaster funding is available and Council will access this to the fullest extent possible. The financial impacts on Council's existing budgets will be the subject of a future Quarterly Budget Review.

Risk Implications

Still being determined.

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**Resilience
NSW**

D22/866


NOTICE OF NATURAL DISASTER DECLARATION

Notification Type	<input type="checkbox"/> Initial Notification <input checked="" type="checkbox"/> Updated
Name of disaster event	NSW Severe Weather and Flooding from 22 February 2022 onwards
Australian Government Registration Number (AGRN)	AGRN 1012
Combat Agency event reference numbers	260/2122, 261/2122
Date event started	22 February 2022
Local Government Areas included (full list)	<ul style="list-style-type: none"> - Bayside Council - Bega Valley Shire Council - Blacktown City Council - Blue Mountains City Council - Camden Council - Campbelltown City Council - Canterbury Bankstown Council - Central Coast Council - Eurobodalla Shire Council - Fairfield City Council - Georges River Council - Hawkesbury City Council - Inner West Council - Kiama Municipal Council - Ku-ring-gai Council - Liverpool City Council - MidCoast Council - Newcastle City Council - Northern Beaches Council - Parramatta Council - Penrith City Council - Ryde Council - Shellharbour Council - Shoalhaven Council - Sutherland Shire Council - Wingecarribee Shire Council - Wollondilly Council - Wollongong City Council

CL22.171 - Attachment 1



**Resilience
NSW**

Date of Media Release for this event	5 March 2022
Media Release Attached	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Additional Information	Nil
Prepared by	Merilyn Bryen NaturalDisasters@resilience.nsw.gov.au
Authorised by (signed and dated)	 <hr/> Simon Davis Director, Operation Coordination 6 March 2022

CL22.172 Destination NSW Marketing Grants - Successful Outcome

HPERM Ref: D22/104114

Department: Tourism

Approver: Gordon Clark, Interim Director - City Futures

Reason for Report

Inform Council of a successful outcome regarding the following Co-Operative Marketing Grants from Destination NSW for 'Feel NSW' campaigns:

- Package 3 - \$40,000 contribution to \$128,000 Shoalhaven Itinerary Campaign
- Package 4 - \$20,000 contribution to \$339,000 South Coast Campaign

Recommendation

That Council accept the Co-Operative Marketing Program Grant Offer (Packages 3 and 4) from Destination NSW and agrees to be the lead partner in the South Coast Campaign Collaboration.

Options

1. As recommended

Implications: Destination NSW is matching Council funds 120% as well as contributing further funds for content shoots, which will significantly amplify budgets for winter tourism marketing campaigns.

Package 4 will allow the co-operative partnership of Wollongong, Shellharbour, Southern Highlands, Shoalhaven, Eurobodalla, and Sapphire Coast destinations to work together again after a three-year hiatus of three 'unspoilt' campaign.

2. Council adopts an alternative recommendation

Implications: Depending on the nature of the recommendation, tourism operators could miss funding to support crucial off-season marketing after visitation has been significantly affected by bushfires, floods and COVID.

Background

Shoalhaven has a long successful history of working with Destination NSW and South Coast partners on Co-Operative Marketing Campaigns to grow off-season visitation and create year-round jobs in Shoalhaven. The current funding round opened in November 2021 and grants were awarded in late February 2022.

The competitive marketing program is run by Destination NSW (DNSW) and inclusion is competitive, like a grant. However, administration differs from usual grants, and if successful, Council committed funds are given to DNSW and campaigns are run by the state agency in partnership with Local Government. This is how past collaborative campaigns have been run, for example the 'unspoilt' campaign.

Only a small number of Local Government and destination partners were accepted in the 2022 program. Due to the time sensitive nature of campaign marketing, early planning is

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already taking place. **Shoalhaven has been successful in the following two separate ‘package streams’.**

Package 3: Awarded a place in the ‘itineraries package’ which includes two-day trips through Shoalhaven featuring wineries, breweries and distilleries, Shoalhaven will collaborate with the Shoalhaven Wine Association and Destination NSW to deliver the campaign from 1 June until 21 July 2022.

Package 4: Partnership with Wollongong, Shellharbour, Southern Highlands, Eurobodalla, and Sapphire Coast destinations have been successful in securing funds for a co-operative campaign that focuses on winter visitation to the broader South Coast, running from 11 July until 21 August 2022. Shoalhaven is the lead partner in this collaboration.

This means contracts are signed by Council on behalf of the collaborative and Destination NSW will invoice Council for the full amount from all Local Government areas. Council will then invoice all other Local Government areas for funding contributions. The lead partner is administrative only. Working groups exist with all partners to ensure decision making is collaborative.

Community Engagement

Council will be the lead agency working with Destination NSW and as such will manage both packages on behalf of the neighbouring destinations.

Policy Implications

Nil.

Financial Implications

No additional budget is required for this project as matching funding is allocated from existing budgeted operational funds. Tourism marketing funds for winter campaigns will be committed to Destination NSW and amplified to the below totals per package:

Package 3 Contributions:

<i>Shoalhaven Council</i>	<i>\$40,000</i>
Shoalhaven Wine Association	\$5,000
<i>Subtotal:</i>	<i>\$45,000</i>
Destination NSW grant	\$48,000
<i>Destination NSW additional content funding</i>	<i>\$35,000</i>
Total Campaign Value:	\$128,000

Package 4 Contributions:

<i>Shoalhaven Council</i>	<i>\$20,000</i>
Wollongong	\$20,000
Shellharbour	\$20,000
Kiama	\$15,000
Southern Highlands	\$20,000

Eurobodalla	\$20,000
Sapphire Coast	\$10,000
Subtotal:	\$125,000
Destination NSW Grant	\$144,000
<i>Destination NSW additional content funding</i>	<i>\$70,000</i>
Total Campaign Value:	\$339,000

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CL22.173 Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment

HPERM Ref: D22/97336

Department: Strategic Planning

Approver: Gordon Clark, Interim Director - City Futures

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

Reason for Report

- Detail the submissions received on the exhibited draft Coastal Amendment to the following chapters of Shoalhaven Development Control Plan (DCP) 2014:
 - Chapter N12: Culburra Beach – The Marina Area
 - Chapter G6: Coastal Management Areas
 - Chapter V2: Building Lines
- Enable the finalisation of the Coastal Amendment to the DCP.

Recommendation

That Council:

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

Options

1. As recommended.

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

2. Adopt an alternative recommendation.

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

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3. Not adopt the recommendation.

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

Background

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

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

Following consideration of the draft Coastal Amendment, Council's Development & Environment Committee resolved (MIN21.694) on 5 October 2021 to:

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

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

Public Exhibition

The Amendments package was publicly exhibited for a period of 30 days from 17 November to 17 December 2021 (inclusive) on Council's website and can be viewed at: <https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition>

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

The exhibition documentation for the amendment included the following:

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

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

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

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

It is noted that the Coastal DCP Amendment was exhibited concurrently with Planning Proposal PP026 - Coastal Hazards Review (revised approach). The PP026 exhibition outcomes will be considered by Council in a separate report, at this meeting. As such, a number of submissions were received that referenced the draft Coastal Amendment to the DCP in the subject line, however, the content of the submission pertained solely to PP026. These submissions will be considered in the separate report, and for the purpose of this report, have not been counted.

Interim Policy Position

Following the transfer of content from former DCP No.48 to Chapter N12, Council adopted [POL20/21](#): Interim Policy – Chapter N12: Culburra Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines as its interim policy position for the relevant

'lines.' In response to the environmental consultant's independent study, the building lines along The Marina have been transferred to DCP Chapter V2 Building Lines, and the 2019 Dune Vegetation Zone has been included in Chapter N12. These 'lines' remain Council's strategic intent for the subject land and have been rigorously applied throughout the area to date. Following the finalisation and adoption of the Coastal Amendment to the DCP, the Interim Policy can be rescinded.

Conclusion

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

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

Community Engagement

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

Policy Implications

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

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

Financial Implications

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

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Summary of Submissions

Coastal Amendment to Shoalhaven DCP 2014 (DCP2014.39)

Public Exhibition: 17 November to 17 December 2021

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

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

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

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

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

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

CL22.174 Update & Possible Next Steps - Huskisson Church Planning Proposal (PP050)

HPERM Ref: D22/108921

Department: Strategic Planning

Approver: Gordon Clark, Interim Director - City Futures

Attachments:

1. Huskisson Church Historical Heritage Assessment & Archaeological Research Design (NOHC, 2021) (under separate cover) [⇒](#)
2. NOHC Supplementary Information 24/2/22 s140 Application [↓](#)
3. Dr Ian Moffat - Independent Desktop Peer Review of GPR Report [↓](#)
4. Heritage NSW s140 Archaeological Permit - Huskisson Church Site [↓](#)

Reason for Report

Given the nature of this matter and the community interest:

- Advise that Heritage NSW has approved, with conditions, shallow surface scraping (max depth 30 cm) to help verify the findings of Ground Penetrating Radar (GPR) survey work at the former Huskisson Anglican Church site (Lots 7 and 8, Section 3, DP758530)
- Provide copies of the associated application including the detailed Heritage Assessment and Archaeological Design Report, independent peer review of the GPR report by Hunter Geophysics, and Heritage NSW's conditional approval (Section 140 permit).
- Seek Council's endorsement to proceed noting the strict conditions of the approval under Section 140 of the NSW Heritage Act.

Recommendation

That Council

1. Receive for information, the documentation provided to Heritage NSW in support of the Section 140 Application to undertake archaeological investigation involving shallow surface scrapes within Lots 7 and 8 only, noting that:
 - a. the detailed historical research by Navin Officer Heritage Consultants (NOHC) found that one grave (Niclasson) is likely to be on the property, but the location is uncertain;
 - b. NOHC found no direct evidence of other graves on the site although, given the lack of precision in the recording of burial places on some death certificates, at least three (3) others, while unlikely, cannot be discounted.
 - c. An independent desktop peer review of the Hunter Geophysics Ground Penetrating Radar (GPR) Report by a leader in the field, supports the proposed archaeological investigation to assist with certainty.
2. Note the receipt of the Section 140 Permit issued by Heritage NSW including the following conditions that are specifically relevant/important:
 - a. NOHC's Excavation Director(s) must supervise all archaeological fieldwork activity that is likely to expose significant relics and brief all personnel involved in the project about the requirements of the *NSW Heritage Act, 1977* in relation to the proposed archaeological program.

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- b. Scraping will be limited to the topsoil, less than ~30 cm, to expose the tops of potential grave cuts only.
- c. The Applicant (Council) must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
- d. A public open day is to be held during the excavation program.
- e. At least 2 weeks' notice must be provided to Heritage NSW.
3. Proceed with the shallow surface scraping in accordance with the Section 140 Permit.
4. Advertise the public open day on Council's website and the Get Involved project page and offer to arrange special inspections for members of the Jerrinja Local Aboriginal Land Council (LALC), the Huskisson Heritage Association (HHA) and others as required/appropriate.
5. The outcomes of the archaeological investigation and the other 'post-gateway' studies be reported to Council to consider and confirm the details of the Planning Proposal, including the appropriateness of a heritage listing in the Shoalhaven Local Environmental Plan (LEP) 2014.
6. At the appropriate point, consider the provision of appropriate interpretive information (either on site or in close vicinity) regarding the site and its history.

Options

1. Proceed as recommended. Undertake the archaeological investigation to verify the GPR findings and report the outcome, along with the other supporting studies, to enable Council to confirm the Planning Proposal (PP) detail, including a potential heritage listing *before* public exhibition.

Implications: This approach is generally consistent with Council's approach to this PP to date and as also recommended by Council's heritage consultant on this project, Navin Officer Heritage Consultants (NOHC). The detailed historical research and documentation prepared in support of the Section 140 application suggests there are a limited number of graves on the subject land and that potentially, none are indigenous, although this cannot be ruled out.

Furthermore, a leading Australian researcher and practitioner in the use of high resolution geophysics for locating unmarked graves, Dr Ian Moffat, conducted an independent desktop review of the Hunter Geophysics report, and concluded that it *'...suffers from some overly optimistic phrasing and a lack of integration with site survey, historical and archaeological information interpretation of the GPR survey results'* and that undertaking shallow scrapes of the *'...high-confidence anomalies is an excellent and non-destructive means to evaluate these features.'*

The investigation would be managed by Council's consultants, NOHC under the strict supervision of their Excavation Director in accordance with the conditions of the Section 140 Permit issued by Heritage NSW, including holding a public open day during the excavation program.

Undertaking the shallow surface scraping will hopefully help confirm the existence of graves, their number and locations with increased certainty. This information will be important and assist in the future planning for the site, irrespective of what zone or use eventuates.

The results of the shallow surface scraping, along with the other supporting studies would be reported to Council to confirm the details of the PP before public exhibition. Heritage listing the site in the LEP in conjunction with the PP would also help ensure that

any locally significant heritage values such as the church and/or any graves, are appropriately considered in any future development application.

2. As per Option 1, but not consider the outcomes of the studies (and community feedback) until *after* public exhibition of the PP (subject to satisfying the Gateway conditions).

Implications: This option is consistent with the intent of previous Council consideration which added the underlined text to part 5 of the initial decision to support the PP on 20 January 2020 (MIN20.17):

5. *Upon completion of the above assessments and considerations, report the findings to Council to confirm the details of Planning Proposal. Immediately upon gateway determination, subject to the completion of any reports required by the gateway determination, the Planning Proposal is to be placed on public exhibition.*

Should Council want to alter the PP details based on the outcomes of the studies, this should be done *prior* to exhibition to avoid the need for re-exhibition (and 'consultation fatigue' in the community). This option is not recommended.

3. Not undertake the archaeological investigation and progress the PP based on the findings of the Hunter Geophysics GPR Report.

Implications: While the case for undertaking archaeological investigation is strong, should this not be done, parts of Lots 7 and 8 are free of any grave-like subsurface anomalies identified in the Hunter Geophysics GPR Report.

Council could potentially formulate a combination of Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions that seek to confine any development to the 'anomaly-free' land. This option is not recommended given the likelihood that many of the anomalies are not graves.

Not only would this needlessly sterilise the land, but it is also contrary to the findings of the independent peer review referred to above.

4. Not undertake the archaeological investigation and terminate the Planning Proposal, leaving the land zoned SP2 'place of public worship'.

Implications: Retaining the current SP2 zoning is perhaps contrary to the general approach taken to land use zoning under the NSW Standard LEP Instrument and is also not appropriate because the land is no longer used for this purpose and it is now privately owned. In circumstances like this, the principle outlined in the NSW Department of Planning's practice note PN 10-001 is that the appropriate adjacent land zone should generally be used. The adjacent zones are: *B2 Local Centre*, *R3 Medium Density Residential*, *RE1 Public Recreation* (see option 5) and *R2 Low Density Residential*. Note: the *B2* zone is proposed to be transitioned to *E1 Local Centre* under the NSW Government's Employment Zones Reform. This option is not recommended.

Furthermore, the proponent has development consent (DA18/2102) to relocate the church to the central part of the site. Hence, regardless of the land use zoning, the proponent can relocate the church in accordance with the consent.

5. Seek to rezone the land for RE1 Public Recreation.

Implications: This is not a recommended option unless Council wishes to acquire the land, which would also need to be added to the Land Reservation Acquisition map overlay in the LEP.

6. Defer the matter to enable Councillors to be given a detailed briefing on this matter ahead of its reconsideration by Council.

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Implications: This would provide an opportunity for Councillors to gain a fuller understanding of this matter prior to deciding how to proceed. It would however further delay the progress of the PP.

Background

Council initially resolved on 20 January 2020, to progress a proponent-initiated Planning Proposal (PP) over the former Anglican church site at Huskisson to change its LEP zoning.

At this time the proponent (Mr Steve Bartlett) was in the process of purchasing the land from the Anglican Church, which had ceased to use the site as a church in circa 2016 ([GBA Heritage, 2018](#)). The ownership of the property changed hands in July 2021 and it is now privately owned. Figure 1 shows the area to which the PP applies.



Figure 1 – Subject land for PP050 (bound by red) and the adjoining Lot 9 (Jerrinja LALC)

Heritage assessments and a patchwork of previous Ground Penetrating Radar (GPR) surveys indicated that a small number of graves on the southern side of Lot 7 (No. 17 Hawke Street) including one which straddles the boundary with the adjacent Lot 9 (No. 26 Currambene Street) on which another two potential graves had been detected. Lot 9 is owned by the Jerrinja Local Aboriginal Land Council (LALC) and is not part of the PP subject land.

Links to the previous GPR survey reports are provided in the PP that was initially submitted to the previous NSW Department of Planning, Industry & Environment (DPIE) for Gateway determination, which can be access via the [NSW Planning Portal](#).

Council resolved to provide in-principal support for the progression of the PP subject to undertaking several studies, including: *“a new independent Ground Penetrating Radar (GPR) survey over the entire site by a grave detection specialist using best practice methodology.”*

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Planning Proposal (PP050)

In summary, the PP currently seeks to resolve and revise the planning controls that apply to the former Church site as it is no longer used as a 'place of public worship' and the current SP2 zoning effectively prevents other forms of development.

The PP seeks to amend the Shoalhaven LEP 2014 to potentially enable:

- Mixed-use development comprising a residential apartment building, tourist and visitor accommodation (hotel and serviced apartments), and retail premises (including food and beverage) on Lots 7 and 8, Section 3, DP 758530 (No. 17 Hawke Street and No. 22 Currumbene Street) Huskisson.
- Lot 7 Section 3, DP 758530 (No. 17 Hawke Street) to potentially be developed up to 16 m above the natural ground level.

Relevant Gateway conditions

The Gateway determination issued by the DPIE on 30 April 2020, includes the following conditions:

2. *Council shall prepare the following assessments prior to public exhibition:*
 - a. *A new independent Ground Penetrating Radar (GPR) survey over the entire site to which the Planning Proposal applies by a grave detection specialist using best practice methodology.*
 - b. *An independent assessment by an appropriately qualified historical archaeologist of the entire area to which the Planning Proposal applies that must determine the status of the graves and if they are "relics" under the NSW Heritage Act 1977 in compliance with Heritage Council of NSW Guidelines including "Assessing Significance for Historical Archaeological Sites and Relics, 2009".*
 - c. *A full Aboriginal Cultural Heritage Assessment Report of the entire area to which the Planning Proposal applies prepared in accordance with the "Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW" (Office of Environment and Heritage, April 2011) that includes Aboriginal community consultation and archaeological survey and reporting in accordance with the "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010" (DECCW, April 2010) and the "Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW" (DECCW September 2010).*

Navin Officer Heritage Consultants (NOHC) were subsequently engaged by Council to complete the above assessments. This work is being funded by the proponent in accordance with Council's Planning Proposal Guidelines but is being managed by Council staff.

In accordance with its resolution on 9 September 2020 (MIN20.612), Council also provided additional funding to enable the GPR survey to also cover Lot 9 as requested by its owner the Jerrinja LALC.

The resultant GPR field survey was undertaken on site by NOHC's subcontractor Hunter Geophysics in December 2020. NOHC received the report from Hunter Geophysics in early April 2021.

A report on the GPR survey findings was considered by Council on 11 May 2021 and on 25 May 2021 Council resolved as follows (MIN21.303):

1. *Receive the Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey update for information.*

2. *Proceed with the verification work (shallow scrapes to identify grave cuts) as recommended by Navin Officer Heritage Consultants on Lots 7 and 8 to verify the GPR survey results, to be funded by the proponent.*
3. *Consult with Jerrinja Local Aboriginal Land Council (LALC) on work on the adjoining Lot 9, and subject to their agreement allocate \$6,220 (excl GST) to fund the verification work on Jerrinja LALCs land (Lot 9).*
4. *Continue to liaise with key stakeholders including the Jerrinja LALC, Council's Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA).*

Jerrinja LALC subsequently advised that they did not want the proposed surface scraping done on their land (Lot 9) so an application was prepared as resolved to undertake the work over Lots 7 and 8 only – see below.

Section Application to Heritage NSW

NOHC were engaged (managed by Council staff, but at the proponent's expense) to prepare the necessary documentation required to support the Section 140 application to Heritage NSW. NOHC's supporting Heritage Assessment and Historical Archaeological Research Design (HAARD) was completed in November 2021, which Council subsequently submitted to Heritage NSW as part of an application. Further information from NOHC was supplied to Heritage NSW on 22 February 2022. Heritage NSW approved the application on 14 March 2022. Copies of the following documents are provided as attachments to this report:

- Attachment 1:** Huskisson Church Historical Heritage Assessment and Archaeological Research Design (NOHC, 2021) – under separate cover.
- Attachment 2:** NOHC supplementary information 24/2/22 s140 application.
- Attachment 3:** Dr Ian Moffat - Independent desktop peer review of GPR report.
- Attachment 4:** Heritage NSW s140 archaeological permit - Huskisson church site.

Heritage Assessment & Historical Archaeological Research Design, & Supplementary Information

A report titled 'Heritage Assessment and Historical Archaeological Research Design' (HAHARD) completed by NOHC in November 2021 to support the application, is provided as **Attachment 1**. In preparing the HAHARD, NOHC undertook the following:

1. Review of State records, previous heritage reports prepared for the Anglican Church and cemetery at Huskisson, and others in the Huskisson area
2. Preparation of the overlay of historical maps and plans on the current site plan to confirm the location and extent of areas of archaeological potential
3. Preparation of an Historical Archaeological Research Design (HARD) which includes a research framework, research questions and a methodology for further archaeological investigation to mitigate the impact of the works on potential archaeological relics.

The resulting HAHARD report provides a more comprehensive understanding of the site's history than was previously available, but as already noted, some key questions remain. The most pertinent information from the HAHARD is covered below, but anyone with a strong interest in the matter should read the full report and supplementary information (**Attachments 1 and 2** respectively).

Background – Key dates and facts

1868: Subject land set aside for a church in a Town Plan.

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- 1870: Unknown sailor burial – believed to be on Lot 9 (not part of the PP)
- 1875: Lot 9 labelled as a burial ground on a Crown Plan, but burial ground was crossed out as a recommendation to the Surveyor General and it was never submitted to the Minister for Lands for approval.
- Letter from surveyor (Mr Dale) to the Surveyor General noted a pre-existing grave on Lot 9 (which was possibly that of the unknown sailor) and that he ‘...ought to reserve that as a burial ground.’
 - However, a memo dated 6 October 1875 in the margin of Dale’s letter stated that the burial ground ‘...should be cancelled, it being objectionable to have a Cemetery in a Town.’
- 1887: Lots 7 and 8 were held in trust for the Anglican Church from 1877.
- 1884: New Town Plan made no reference to a burial ground.
- 1892: A mariner, Mr Robert Johnson drowned and was buried at Tapalla Point/Sailors Point, Huskisson (notable because he was not interred at Lot 9 or the subject land).
- 1903: Fund raising began to construct a church.
- 1905: Jimmy Golding aka King Budd Billy II passed away late May/early June 1905. Conflicting evidence whether he was buried in proximity to the church, or at a burial ground near ‘Bilong’ adjacent to Currumbene Creek. See section 4.5.2 in **Attachment 1** for more detail.
- 1905: 1st record referring to a church (often referred to as the “Union Church” in newspaper articles) (4/9/1905)
- 1912: Carl Niclasson (whaler) burial. Likely to be in one of two locations on the subject land.
- 1928: Mary Golding (Jimmy Golding’s wife) – local newspaper article referring to burial ‘by her royal consort’ ‘far up Currumbene Creek’. Death certificate lists her burial place as “Aborigines Burying Ground Currumbene Creek near Huskisson”, i.e. near Bilong. (See pages 38-39 in **Attachment 1**)
- 1931: New church designed by Cyril Blacket constructed.
- 1935: Rebecca Golding (Jimmy Golding’s daughter) passed away 4/2/1935. Death certificate lists burial place as “Huskisson Cemetery”. NOHC concluded that this could be either Huskisson church or the burial ground near Bilong.
- 1979: Original church building relocated further south on Lot 7.
- 1980: Construction of single storey, brick rectory completed in September 1980

Burials at Huskisson

While the reservation of the Section 3 site for a church had notionally been in place since at least 1868, by 1876, when the land was dedicated for use as a Church of England Church and parsonage, the southwestern corner (Lot 9) had been excluded from church use. Lot 9 had previously been marked by Surveyor Dale on the 1875 Crown Plan as being set aside for a burial ground despite his brief being to survey for a church and parsonage only, as he indicated that he found there was a grave already on that lot. However, his recommendation to allocate the area he notionally measured for a church burial ground was not supported by the authorities and was not submitted for approval as the Miscellaneous Branch of the Lands Department considered that it was objectionable to situate a cemetery inside a township. Instead, Lot 9 was left as a reserve for public buildings.

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There is not now, nor was there ever a cemetery designated in Huskisson. By and large, locals were buried in at Nowra Cemetery. Other cemeteries such as Yalwal, Jerry Bailey (Shoalhaven Heads), Cambewarra, Worrigee, Sussex Inlet and “Burrier Private Cemetery” were also found variously noted against entries in the Anglican Parish Register of burials for the area. A burial ground for Aboriginals from the Huskisson area was already in place at the time of European settlement near the camp at Bilong and continued to be used into the historic period.

It is of note that George Dent Jnr and James Dent, both of whom were trustees for the Church of England land in Huskisson, are not buried at the church site but rather at Nowra.

This indicates that even though a pre-1875 burial had been undertaken at Lot 9, that the Huskisson community did not ordinarily use it in an unofficial capacity for burials; given the regular pattern of the town’s most prominent and abundant extended family making arrangements to be interred at the Church of England section of Nowra Cemetery.

Another indication that the grounds of the Union Church / Holy Trinity Church was not a standard well known if unofficial burial place in the community, is the lone grave of Robert Johnson at Tapalla Point/Sailors Point Huskisson; approximately 600m to the southeast of the subject area. HMS Orlando sailor Robert Johnson (19 years) was first buried in the sand above the high-tide line of now-Sailors Grave Beach, following his death by accidental drowning in 1892. In 1900 his body was exhumed from the beach and re-interred at the top of the point, “which overlooks the anchorage of the man-o-war” and a headstone erected there in his memory.

Scant or vague records for people who died in the town during the 19th Century further obscure an understanding of the customary procedure/arrangements made for their burial in the absence of a traditional cemetery closer than the town of Nowra.

Graves known to be on the subject land

NOHC’s supplementary information provided to Heritage NSW (**Attachment 2**) states:

Of all the people who have been anecdotally claimed to have been buried on the subject land only Mr Carl Niclasson can be said with any degree of certainty to be buried there. The burial place of most others has been identified as the Aboriginal cemetery at Bilong/ Currumbene Creek, Nowra and Forbes.

Possible graves on the subject land

NOHC’s supplementary information provided to Heritage NSW (Attachment 2) states:

Mr Jimmy Golding: Unfortunately, there is no death certificate for Jimmy Golding who died in 1905. There is some uncertainty about where he is buried due to conflicting reports of where he was buried. It is tempting to prioritise the more contemporaneous of the two newspaper reports, however there is no evidence that the author of the article ever visited Huskisson and she was known to write regional ‘interest pieces’ from anecdotal accounts. It is possible that hearing that a minister officiated the author assumed the burial was in a church yard. The Union Church is likely to have existed in its original location at this time, although there was no cemetery associated with it. It should be noted that there are several accounts of ministers officiating at burials at the Currumbene Creek burial ground.

See section 4.5.2 in **Attachment 1** for more detail.

Ms Rebecca Golding: The only information regarding Rebecca Goldings final resting place is her death certificate from 1935 which simply states she was buried at Huskisson cemetery. However, while the Blacket church existed, at this time Huskisson

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had no official cemetery and one would have thought that the death certificate would have mentioned the churchyard if she had been buried on the subject land. There was no coroner's report relating to her death and it was noted that she was living at Currumbene Creek at the time of her demise. Given the latter it seems unlikely that she would not have been buried at Bilong where she lived and where there was a well-known Aboriginal burial ground, and where her mother and siblings were buried. We note that the Currumbene Creek is sometimes also noted as 'Huskisson'.

See section 4.5.5 in **Attachment 1** for more detail.

Master William Dent: William was a newborn baby, 1 day old, and his death certificate from 1899 merely gives the place of burial as Huskisson NSW. At that time the only known burial ground in the area was the well-known Aboriginal burial ground at Currumbene Creek. There was not yet a church at Huskisson and there was no land set aside for a burial ground. It was not uncommon for infants to be buried on their family property in circumstances where cemeteries were a long way from the place of death and/or travel to such cemeteries was not feasible due to lack of transport and /or unfavourable weather conditions. The reference to Huskisson is ambiguous and may or may not relate to the subject land but could also be on the family's property.

Likelihood of traditional Aboriginal burial grounds on the subject land

NOHC's supplementary information provided to Heritage NSW (**Attachment 2**) states:

Past excavations of anomalies on the subject land reveal a shallow loam topsoil over clay deposits.

Generally, in this area Aboriginal ancestral remains were interred in beach dunes and along water ways and there is a known Aboriginal burial ground on Currumbene Creek at Bilong which was established prior to European occupation, and which continued to be used by the local Aboriginal community long after that time.

NOHC's assessment of the graves' heritage significance

NOHC's assessment of any graves, if found, is provided in **Attachment 2**.

The key criteria and NOHC's assessment are reproduced below.

Criteria	Assessment
<p>Criterion (a)</p> <p>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)</p>	<p>None of the possible graves located on the subject land provides evidence of activities or processes that are of important in the course, or pattern, of NSW's cultural or natural history. The threshold for State significance under this criterion is not met.</p> <p>The question of whether or not the site (or individual graves) meet the threshold for local significance requires further consideration following the testing program. It is possible that further research may demonstrate that the lone graves of sailors collectively (i.e. Niclasson's grave - possibly on the subject land, the unknown sailor - likely on Jerrinja LALC land and the grave Johnson-at Tapalla Point) add depth to the history of shipbuilding, fishing and seamanship which were important factors in the early development of Huskisson and the south coast region. To this story one might add the grave of William Dent given that the Dent family's role in shipbuilding.</p>
<p>Criterion (b)</p> <p>An item has strong or special</p>	<p>The potential graves and/or associated relics are not associated with the</p>

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association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	life or works of a person, or group of persons, of importance in NSW's cultural or natural history.
<p>Criterion (c)</p> <p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)</p>	The potential graves and /or relics associated with them do not meet the thresholds for inclusion under this criterion.
<p>Criterion (d)</p> <p>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons</p>	<p>Jimmy Golding whose grave may exist on the property is a well-known and respected historical Aboriginal person associated with the early history of Huskisson. His grave <u>would meet the threshold for local significance</u>. [emphasis added]</p> <p>The graves of both Jimmy and Rebecca Golding would have strong association with the local Aboriginal community</p>
<p>Criterion (e)</p> <p>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)</p>	The graves and associated relics, should they exist, have limited potential to yield new or substantial archaeological information, however there is some potential that any associated relics could add depth to popular local histories
<p>Criterion (f)</p> <p>An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)</p>	The site is unlikely to meet this threshold however should Jimmy Goldsmiths grave be located on this site then this criterion would require reassessment as a comparative review of identified Christian burials of early Aboriginal historical figures is likely to show that such known and documented burial locations are comparatively rare.
<p>Criterion (g)</p> <p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. (or a class of the local area's cultural or natural places; or • cultural or natural environments.) 	The graves and any associated relics should that be shown to exist on the subject land are not a remarkable representative of a type of place.

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Independent Desktop Peer Review

As part of ongoing consideration, in mid-2021, Council staff obtained a copy of a journal paper titled 'Ground Penetrating Radar Investigations at the Lake Condah Cemetery: Locating Unmarked Graves in Areas with Extensive Subsurface Disturbance'¹.

At that time, questions had emerged in relation to the Hunter Geophysics GPR Report. Given the relevance of above article and the lead author's experience in this highly specialised field, as a matter of prudence, Dr Moffat was engaged to do an independent peer review of the Hunter Geophysics Report.

Dr Moffat's Independent Peer Review of the Hunter Geophysics report was completed on 29 November 2021 and is provided as **Attachment 3**. Only the Hunter Geophysics Report was peer reviewed; the geophysical or geospatial data derived from the other GPR surveys was not peer reviewed as these are not being relied on in regard to the PP. The findings are discussed below.

Notably, Dr Moffat's statement of experience in **Attachment 3** includes:

I regularly perform surveys to locate burials for local councils, Aboriginal communities, archaeological projects and law enforcement agencies and work with History Flight Inc to locate missing WWII servicemen in the Pacific.

I have published more than 65 academic articles or chapters and am editorial board member of academic journals Exploration Geophysics, Geoarchaeology, PeerJ and Science and Technology of Archaeological Research. I teach the only specialist course in archaeological geophysics in Australia at Flinders University.

GPR survey methodology

- The geophysical survey was undertaken using appropriate equipment and a suitable data collection and processing methodology. That is, the GPR survey was robust.

Interpretation of results

- The report does not provide any information on the criteria used to identify the location of unmarked graves or to classify the features of interest as "high-confidence" or "low-confidence" making it impossible to evaluate the interpretation methodology.

Note: Hunter Geophysics clarified this later in an email to NOHC but declined to amend the report to include this pertinent information. All of this information was provided to Dr Moffat.

- *The reported located unmarked graves have a variety of dimensions and orientations which would be very unusual within a Christian cemetery. In my opinion, many of the seventy-three areas of disturbed soil located with GPR are unlikely to be "unmarked graves shafts and/or funerary urn burials"...*
- *While identifying all areas of soil disturbance that may represent unmarked graves is appropriate from a risk management point of view I believe that Hunter Geophysics has **not exercised sufficient professional judgement in their classification of anomalies** [emphasis added] as "likely to be unmarked graves"/"high-confidence graves". For example, the cluster of features immediately north of the former location of the flagpole described in pages 23-24 are described in the following terms "anomalies in the area may be unmarked graves, but may also be foundations of the structure previously in this location". These features have irregular orientations, sizes*

¹ Moffat, I., Garnaut, J., Jordan, C., Vella, A., Bailey, M and Gunditj Mirring Traditional Owners Corporation, 2016, *Ground Penetrating Radar Investigations at the Lake Condah Cemetery: Locating Unmarked Graves in Areas with Extensive Subsurface Disturbance*, The Artefact, 39: 8-14.

(some have lengths of ~1m) and identified in the report as being associated with a former feature in this area and yet are identified as being “high-confidence” graves.

- Finally, the “Summary of results” on page 25 states that “The survey has located seventy three areas of disturbed soil most like to be associated with unmarked graves shafts and/or funerary urn burials.” This conflation of high and low confidence into one unambiguous statement does not reflect the level of confidence expressed in these features in the remainder of the report.

Dr Moffat’s recommendations

... this is a technically competent work however suffers from some overly optimistic phrasing and a lack of integration with site survey, historical and archaeological information. I suggest the following to ground truth the geophysical results:

- 1) The anomalies identified using geophysical survey should be re-classified in a more pragmatic way. This should be a two-stage process where, firstly, the basis for identifying graves as “high-confidence” and “low-confidence” from the geophysical data is made explicit. Secondly, graves identified as “high-confidence” on the basis of geophysical survey results could be reclassified as “low-confidence” based on non-geophysical criteria such as size, orientation and the history of the site by Navin Officer Heritage Consultants in collaboration with Hunter Geophysics.

Comment: this is addressed in NOHC’s Archaeological Research Design (**Attachment 1**).

- 2) The proposal by Navin Officer Heritage Consultants to undertake shallow scrapes of high-confidence anomalies is an excellent and non-destructive means to evaluate these features that I fully support. I suggest doing this after enacting my recommendation 1 to reduce the impact on the site and cost to the minimum possible.

Comment: Dr Moffat was also provided with information on the proposal shallow surface scraping when he was engaged.

A copy of the Peer Review was included in the Section 140 application.

Proposed methodology

The purpose of the proposed excavation is not to excavate graves but rather to potentially help reveal their presence and accurately record them. The general approach is to expose the natural soil below the active humic soil layer (top layer that supports plants/grassland), and this will reveal any cut and fill evidence relating to graves. If located, graves will be accurately mapped so that they can be considered in any future land management or planning decisions relating to the subject land.

A map provided in **Attachment 1** is reproduced in Figure 2 below. It shows the five main clusters of anomalies reported as possible graves from the various GPR surveys where shallow scraping is proposed.

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Figure 2 – Map from the Archaeological Design Report within Attachment 1 (Figure 8-1) showing location of proposed shallow surface scrapes (refer to description below)

Summary of surface scraping

Equipment: 5.5 tonne excavator with a 1200mm mud bucket with a flat blade and a 300 mm gummy bucket (designed for general use in work areas that require a smooth finish) also with a flat blade for use in areas physically restricted such as near trees etc.

A minimum of 2 machine scrapes is proposed in each cluster at right angles and in most cases where space allows extending outside the cluster.

An experienced machine operator will be used, preferably with experience in archaeological excavation.

The precise location and length of the scrapes 1 to 7 will vary subject to field conditions (e.g. trees / tree roots). Each scrape will be made with a machine with a flat blade bucket approximately 1.5 m wide (1200 mm plus potential edge wear) and the length of each will be as indicated in **Figure 2** above.

The depth of the soil removed will vary depending on disturbance conditions encountered but will not exceed 300 mm. In areas with imported fill or where building demolition has previously occurred deeper/ repeated scrapes may be required to reach a natural surface.

Should suspected grave cuts be revealed additional scrapes may then be used to identify the size and orientation of the grave so that it can be mapped. Surfaces and sections will be hand cleaned by trowel as necessary to provide a clear surface.

A test pit will be excavated in an area where no anomalies have been reported by any of the GPR studies (see Figure 2). The purpose of this is to characterise, describe and record the natural soil profile so that it can inform the implementation of the controlled excavation, the context of any findings and future management of the site, should grave cuts be revealed.

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Mapping

The excavations and any graves will be mapped by a qualified surveyor to inform future management.

Conditions of the Section 140 permit

The permit (including covering letter) is provided in **Attachment 4**. Note – Council is the applicant. Notable conditions include:

- All works shall be in accordance with the approved research design and methodology outlined in 'Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW: Heritage Assessment and Historical Archaeological Research Design (November 2021)
- Only excavation of humic topsoil to a max depth of 300 mm. No relics of State or Local significance are affected/ allowed to be removed below this layer.
- The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW: Heritage Assessment and Historical Archaeological Research Design (November 2021) prepared by Susan McIntyre-Tamwoy, Ngaire Richards, Liz Gorman, Meg Walker (Navin Officer, Pty Ltd), are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified.
- Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and Heritage NSW (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (NPW Act).
- The Heritage Council of NSW must approve any substantial deviations from the approved research design.
- The Applicant must ensure that the approved Primary Excavation Director nominated in the section 140 application HMS 713, Ngaire Richards, and/or Secondary Excavation Director Susan McIntyre – Tamwoy is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
- The Applicant must ensure that adequate steps are taken to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice and the relevant Heritage Council guidelines.
- The Applicant must ensure that the nominated Excavation Directors brief all personnel involved in the project about the requirements of the NSW Heritage Act, 1977 in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
- The Applicant must ensure that the nominated Excavation Directors and the excavation team are given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.
- Final Reporting: Reporting is required in accordance with Section 146(b) of the Heritage Act, 1977. The Applicant must ensure that a final excavation report is written to publication standard, within one (1) year of the completion of the field based archaeological activity.
- A Heritage Interpretation Plan is to be prepared in accordance with Heritage Council of NSW Guidelines. It must contain specific information on the display and housing of significant artefacts; the conservation of the artefacts; and details of a maintenance strategy for the interpretation including any digital displays. On site interpretation is to be implemented within a publicly accessible space where available within the redevelopment. The Heritage Interpretation Plan must be prepared and lodged for

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approval by the Heritage Council of NSW or its Delegate within 6 months of the completion of the excavation program.

- A public Open Day shall be held by the Applicant on a weekend to facilitate public attendance and should be advertised at least one week ahead to ensure that the greatest number of people are aware of the activity. Details of the proposed public Open Day during the excavation program must be sent to Heritage NSW prior to the event.

Conclusion

Regardless of whether the PP is ultimately progressed in its current form, modified or terminated, the proposed archaeological investigation involving a series of shallow surface scrapes on Lots 7 and 8, will or could greatly improve the understanding of the number and location of graves on the land.

The NSW Heritage Council under the delegation of Heritage NSW has approved the proposed archaeological investigation under Section 140 of the Heritage Act, with conditions. The proposal has also been reviewed by a leading Australian practitioner in grave detection with extensive experience in the use of GPR and other geophysical techniques.

Community Engagement

Council has maintained a 'Get Involved' project page since the PP request was received. Subscribers to it receive newsfeed updates when they are posted. An update was posted in advance of this meeting. The Jerrinja LALC and HHA were notified directly that this report would be presented.

As per Condition 20 in the Section 140 permit, a public open day would be held during the excavation program and the community must be given at least one week's notice. Given the tensions associated with this site in recent years, this could be a difficult and costly event to run in an appropriate and safe manner. This task falls to Council to coordinate and manage as the applicant and should the activity proceed, it will require careful consideration and planning. Discussions with HNSW and NOHC on arrangements for the open day are ongoing.

It may also be important in due course to provide appropriate interpretive information (either on site or in close vicinity) regarding the site and its history, both Aboriginal and European. This could include information about Jimmy Golding and his possible resting place.

Financial Implications

Costs associated with the archaeological investigation, if done, would be met by the proponent in accordance with Council's fees and charges.

Risk Implications

While the excavation work would be undertaken under the supervision of NOHC's Excavation Director(s), Council is the applicant for the Section 140 Permit, would be responsible for ensuring the work is completed in accordance with the permit conditions.

While the probability of uncovering any significant relics may ultimately be low, there are legal requirements and protocols to ensure the work is done appropriately.

The public open day (Condition 20) poses a number of safety risks that will need to be carefully managed should the work proceed.

If Council decides not to undertake the archaeological investigation and treat the GPR anomalies as if they are all graves, the proponent might consider pursuing legal recourse. Any potential legal avenues have not been evaluated for the purpose of preparing this report.

A high-profile case in Canada, concerning a Kamloops residential school, highlights the risk online articles are available [here](#) and [here](#).

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24/02/2022

Heritage NSW

Attn Mr Brad Duncan



**Navin
Officer**

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Dear Mr Duncan

Re: Additional information Huskisson test excavation- Ngaire Richards experience re burials

I refer to your request for information on the likely significance of any relics discovered during test excavation at Huskisson and to the request for more information relating to the experience of Ngaire Richards in relation to working on burial sites and projects.

In relation to the significance assessment please find an addendum to our report attached. In relation to the experience that Ngaire and myself have in relation to archaeological burial sites, I present the following information.

Ngaire Richards

Archaeological Surveys

Archaeological survey and test excavations: Myola, Central and Oro Province, Papua New Guinea (archaeologist) for the Papua New Guinea Conservation and Environment Protection Authority (CEPA) as part of the Kokoda Initiative (2017)

- This project included a survey and test excavations at the Myola Lakes in the highlands of Papua New Guinea. During the survey, a number of graves were identified at Myola 2, in an area referred to locally as the 'old hospital site' and reported to be the location of a World War II field hospital.

Richards, N. (2007) Prehistoric and early historic settlement around Banteay Chmar, north-west Cambodia. Unpublished BA(Hons) thesis, University of Sydney, Sydney.

- This project involved an analysis of stereoscopic historical aerial photographs and satellite imagery to identify evidence of prehistoric (Iron Age) and early historic (Angkorean) settlement around the Banteay Chmar temple complex in north-west Cambodia. Targeted landscape survey was undertaken to verify preliminary mapping and included the identification of a number of Iron Age mound sites containing burials.

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Archaeological Excavations

396 Booker Bay Road, Booker Bay, NSW (archaeologist) for UrbanGrowth NSW (2017)

- Salvage excavations of a disturbed pre-contact Aboriginal midden site with burials on the central coast of NSW. Excavation Directors - Dr. Alan Williams and Fenella Atkinson.

Archaeological Management Plans (including burial sites and cemeteries)

Kingston and Arthur's Vale Historic Area (KAVHA): Archaeological Zoning and Management Plan (contributing author) for Department of Infrastructure, Transport, Cities and Regional Development (2019)

- The Kingston and Arthur's Vale Historic Area on Norfolk Island includes the historic Kingston Cemetery (c.1800-present)

Charles Sturt's Expedition Sites on Office of Environment and Heritage Managed Estates & Sturt National Park: Archaeological Management Plan (contributing author) for National Parks and Wildlife Service (2012)

- The project area in far northwest NSW includes a one-acre reserve containing the grave of James Poole, second-in-command of Sturt's Central Australian Expedition, and 3 other marked graves of people associated with Mount Poole Station.

Susan McIntyre-Tamwoy

Further to the above, our original paperwork as submitted proposed that I would be a co-Director and to that end I intend to be on site for the duration of the testing, especially given the community sensitivity of the project. Therefore, my experience may be relevant. I have had a range of experience locating burials over many years including the identification and recording of Aboriginal pre contact burials, European – Christian style burials and other neolithic burials. Examples of these (excluding pre-contact -Aboriginal burials) are:

- Identifying additional graves at Somerset Cape York Peninsula that are located outside of the recognised Jardine family burial plot
- Working with Indigenous rangers to locate map and then fence and protect remote graves of lone sailors (e.g., Capt'n., MacAusland)
- Locating, mapping and protecting unmarked graves at the former Mona Mona Mission in the Qld Wet Tropics (there are some similarities with the current situation in that the graves were unmarked (Seventh Day Adventist protocols) – had been marked only with wooden crosses that had long since burnt away.
- Myola Lakes, PNG- this is the same project mentioned by Ngaire and as Project Leader on that project I can attest that she correctly identified the historical graves that she mentioned. Given that our pre-excavation research had not suggested that the presence of multiple European graves was likely – her identification of these, points to her competency in recognizing such burials.
- I am currently providing archaeological advice on the re-activation of St Bartholomew's Cemetery Prospect (a NSW State heritage listed item).
- I have provided advice through ICOMOS to UNESCO on several International World Heritage sites that included burials and as such I inspected archaeological excavations of burial sites at Halin in Myanmar (Part of the Pyu Ancient Cities World Heritage Site). I also inspected and reported on the burial site of Gua Gunung Runtuh Malaysia as part of my assessment of the Lengongng Valley World Heritage site.

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I stress that the current test excavation proposal does not involve the excavation of burials but rather the identifications of grave cuts (should they exist) in order to identify any specific graves so that their position can be accurately surveyed and mapped. I am confident of the ability of both myself and Ngaire to identify grave cuts should they exist.

Yours Sincerely



Dr Susan McIntyre-Tamwoy, Associate Director.

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Preliminary Archaeological Significance Assessment

Possible graves located on Lot 7 and Lot 8, Sec. 3

DP758530 Huskisson NSW

Navin Officer Heritage Consultants Pty Ltd

February 2022

Addendum Report to

Lot 7 and Lot 8, Sec. 3 DP758530 Huskisson NSW Heritage Assessment and Historical Archaeological Research Design, Report prepared for Shoalhaven City Council. Final November 2021

Prepared in support of an Excavation Permit Application (s140 Heritage Act NSW)

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General

It is important to note that the subject land is not now nor ever was a cemetery. This has been conclusively demonstrated through documentary research (see NOHC 2021: section 4.3). There are various guidelines to assessing the significance of cemeteries, and graves within cemeteries (e.g. National Trust NSW 2008).

These guidelines point out that cemeteries as a cultural landscape provide significant information about past and current society and specific cultural groups within society through decorative and landscape elements such as the monuments, layout, orientation of graves and the historical plantings that are often contained in them. They are also sources of genealogical historical information.

Should any burials occur on the property they should be regarded as isolated occurrences most likely due to the need for a quick burial in an area that was remote from official sites. There is less guidance on the assessment of significance of isolated graves. Most lone graves in the State are located on freehold land and related to early settlers, travellers or sailors who died far away from official cemeteries. Several other examples occur in the Shoalhaven area National Trust of NSW 1986). There are often scarce or no records of such graves unless there is monument erected on them or a death certificate was lodged.

In discussing the likely significance of the potential graves and any relics associated with them it should be noted that the location of any graves has not yet been confirmed and the evidence that they are even located on the subject land is ambiguous (hence the proposed testing program to confirm locations).

Graves known to be buried on the subject land

Of all the people who have been anecdotally claimed to have been buried on the subject land, only Mr Carl Niclasson can be said with any degree of certainty to be buried there; Although it remains possible that if the newspaper report contemporaneous with Niclasson's death is accurate that he was buried on Lot 9 outside the subject land on Land now owned by Jerrinja LALC. The burial places of most have been identified as the Aboriginal cemetery at Bilong/ Currumbene Creek, Nowra and Forbes.

The grave of the unknown sailor is almost certainly that noted by Surveyor Dale on 1875 within what is now Lot 9, outside the subject land in land now owned by Jerrinja LALC.

Possible graves on the subject land

Mr Jimmy Golding: Unfortunately, there is no death certificate for Jimmy Golding who died in 1905. There is uncertainty about where he is buried due to conflicting reports of where he was buried. It is tempting to prioritise the more contemporaneous of the two newspaper reports, however there is no evidence that the author of the article ever visited Huskisson and she was known to write regional 'interest pieces' from anecdotal accounts. It is possible that hearing that a minister officiated the author assumed the burial was in a church yard. The Union Church is likely to have existed in its original location at this time, although there was no cemetery associated with it. It should be noted that there are several accounts of ministers officiating at burials at the Currumbene Creek burial ground.

Ms Rebecca Golding: The only information regarding Rebecca Goldings final resting place is her death certificate from 1935 which simply states she was buried at Huskisson cemetery. However, while the Blacket church existed, at this time Huskisson had no official cemetery and one would have thought that the death certificate would have mentioned the churchyard if she had been buried on the subject land. There was no coroner's report relating to her death and it was noted that she was living at Currumbene Creek at the time of her demise. Given the latter it seems unlikely that she would not have been buried at Bilong where she lived and where there was a well-known Aboriginal burial ground, and where her mother and siblings were buried. We note that the Currumbene Creek is sometimes also noted as 'Huskisson'.

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Master William Dent: William was a newborn baby, 1 day old, and his death certificate from 1899 merely gives the place of burial as Huskisson NSW. At that time the only known burial ground in the area was the well-known Aboriginal burial ground at Currumbene Creek. There was not yet a church at Huskisson and there was no land set aside for a burial ground. It was not uncommon for infants to be buried on their family property in circumstances where cemeteries were a long way from the place of death and/or travel to such cemeteries was not feasible due to lack of transport and/or unfavourable weather conditions. The reference to Huskisson is ambiguous and may or may not relate to the subject land but could also be on the family's property.

Significance of possible finds

The predominant criterion relevant to the assessment of relics and archaeological deposits under the *Heritage Act of NSW 1977* is criterion (e): An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area). Heritage NSW (2001:20) provides guidelines for inclusion and exclusion relating to this criterion.

Inclusion:

- has the potential to yield new or further substantial scientific and/or archaeological information
- is an important benchmark or reference site or type
- provides evidence of past human cultures that is unavailable elsewhere

Exclusion:

- the knowledge gained would be irrelevant to research on science, human history or culture
- has little archaeological or research potential
- only contains information that is readily available from other resources or archaeological sites.

Further guidance on assessing archaeological significance is provided in (Heritage Branch Dept of Planning 2009:8).

While archaeological significance (criterion e) is the primary issue considered in relation to archaeological testing, the current proposal is not to carry out a full archaeological investigation to examine and retrieve the burial remains but rather to confirm the presence or absence of the graves. Furthermore, given the strong local community interest in this project and the importance of Mr Jimmy Golding to the local Aboriginal community a consideration of the significance of any finds in relation to Criterion (d) is also warranted.

It seems certain that Niclasson's grave is located within one of the Lots in Section 3 DP758530 Huskisson, although the exact location is unknown, our research has identified two possible general locations. His burial is typical of the isolated burial of seaman who died in the coastal waters of Australia in the 19th and early 20th century. There are no grave markers marking the location of the grave. There are other examples of isolated burials of seamen along the NSW coast; one such burial occurs on a headland in the same region e.g., the lone grave of Robert Johnson at Tapalla Point/Sailors Point Huskisson (see NOHC 2021:36).

Unlike many lone graves, the existence of a contemporaneous newspaper report (see NOHC 2021: section 4.5.3) provides some historical and social context against which backdrop any associated relics, should they occur, can be interpreted. This story of Niclasson's burial has in recent years been widely promulgated in the local community and while there is no connection to any living residents this suggests that the grave itself, if it can be located (which will only be possible through the proposed test excavation through surface scrapes) would have local historical significance. Any relics associated with the burial would have local significance under Criterion e given their ability to add depth to this popular and poignant story of a man buried in a foreign land such a long way from his home and family.

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Mr Golding was a prominent and respected Aboriginal figure in the early years of the settlement of Huskisson. His grave, if located, would have local significance under criterion D. It is not expected that any relics would be uncovered in the test excavation since the methodology is intended only to locate the grave (if it exists on the subject land). However, any relics associated with the burial, should they be discovered would also be of high significance to the local Aboriginal community (criterion d) and have significance also under Criterion (e), providing a rare insight into the burial ceremony associated with an historic Aboriginal figure.

Little is known of the life and death of Rebecca Golding while the archaeological potential for relics is considered 'low'. However, given the ambiguity about where Ms Golding was buried and her relationship with Mr Jimmy Golding her grave should it be located would certainly hold significance under Criterion D for the local Aboriginal community.

It is likely that William Dent is not buried on the property, but the vagueness of the records means the possibility cannot be eliminated. The Dent family has been prominent in the history of Huskisson and while the potential of relics associated with the burial of a newborn baby to provide significant information (Criterion E), the location of such a grave would have strong association for the local descendants of the Dent family.

Significance assessment detail

<p>Criterion (a)</p> <p>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p>None of the possible graves located on the subject land provides evidence of activities or processes that are of important in the course, or pattern, of NSW's cultural or natural history. The threshold for State significance under this criterion is not met.</p> <p>The question of whether or not the site (or individual graves) meet the threshold for local significance requires further consideration following the testing programme. It is possible that further research may demonstrate that the lone graves of sailors collectively (i.e Niclasson's grave - possibly on the subject land, the unknown sailor -likely on Jerrinja LALC land and the grave Johnson-at Tapalla Point) add depth to the history of shipbuilding, fishing and seamanship which were important factors in the early development of Huskisson and the south coast region. To this story one might add the grave of William Dent given that the Dent family's role in shipbuilding.</p>
<p>Criterion (b)</p> <p>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p>The potential graves and/or associated relics are not associated with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history.</p>
<p>Criterion (c)</p> <p>An item is important in demonstrating aesthetic</p>	<p>The potential graves and /or relics associated with them do not meet the thresholds for inclusion under this criterion.</p>



characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);	
Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;	Jimmy Golding whose grave may exist on the property is a well-known and respected historical Aboriginal person associated with the early history of Huskisson. His grave would meet the threshold for local significance. The graves of both Jimmy and Rebecca Golding would have strong association with the local Aboriginal community
Criterion (e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);	The graves and associated relics, should they exist, have limited potential to yield new or substantial archaeological information, however there is some potential that any associated relics could add depth to popular local histories
Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);	The site is unlikely to meet this threshold however should Jimmy Goldsmiths grave be located on this site then this criterion would require reassessment as a comparative review of identified Christian burials of early Aboriginal historical figures is likely to show that such known and documented burial locations are comparatively rare.
Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. (or a class of the local area's • cultural or natural places; or • cultural or natural environments.)	The graves and any associated relics should that be shown to exist on the subject land are not a remarkable representative of a type of place.

Reference list

Australian Council of National Trusts. (1996). National Guidelines for the Conservation of Cemeteries. Canberra: Australian Council of National Trusts.

Department of Planning (NSW). (1992). Guidelines to the Care and Conservation of Cemeteries. Sydney: NSW Department of Planning. State of New South Wales.

Heritage Branch, Department of Planning 2009 Assessing Significance for Historical Archaeological Sites and 'Relics'.

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National Trust NSW 1986 The National Trust of Australia (New South Wales) Survey of Burial Grounds in The Illawarra Region

National Trust NSW 2008 *National Trust Guidelines for Cemetery Conservation*, CEMS\Policy Paper Review & model letters, 2nd Edition Dec 08

NSW Heritage Office 2001 *Assessing Heritage Significance, NSW Heritage Manual update 2*. NSW Government.

CL22.174 - Attachment 2



Eric Hollinger
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29/11/2021

Dr Ian Moffat
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RE: Independent Peer Review of Geophysical Survey Report "Former Anglican Church site in Huskisson" by Hunter Geophysics

Dear Eric,

I write to provide an independent peer review of the Geophysical Survey Report entitled "Former Anglican Church site in Huskisson" submitted to Navin Officer Heritage Consultants by Hunter Geophysics on 31 March 2021. I note that my peer review was undertaken using the Hunter Geophysics report only and did not include any direct review of the geophysical or geospatial data upon which this report was based.

Executive Summary:

Overall, this report is based on a robust geophysical survey undertaken using appropriate equipment and a suitable data collection and processing methodology. Unfortunately this report does not provide any information on the criteria used to identify the location of unmarked graves or to classify the features of interest as "high-confidence" or "low-confidence" making it impossible to evaluate the interpretation methodology. The reported located unmarked graves have a variety of dimensions and orientations which would be very unusual within a Christian cemetery. In my opinion, many of the seventy-three areas of disturbed soil located with GPR are unlikely to be "unmarked graves shafts and/or funerary urn burials", although identifying all of these features as potential graves from the geophysical data is appropriate from a risk management point of view. To resolve this I suggest a combination of reinterpreting the geophysical data in combination with historic information about the site to more rigorously discriminate between high confidence and low confidence graves and shallow surface scraping to ground truth the geophysical survey data.

Data Collection and Processing Methodology

The report "Former Anglican Church site in Huskisson" provides a comprehensive background about site conditions relevant to geophysical data collection including site location, site geology and site weather conditions on pages 6-9. No details about the history of the site are provided. The report provides a very comprehensive summary of how ground penetrating radar work and the limitations of the techniques on pages 3-4 and 10-13. No statement of

professional experience is provided so it is impossible to determine if the operators have appropriate qualification and experience to undertake this project.

The use of a Sensors and Software Noggin GPR with a 250Mhz antenna with a 25cm line and a 5cm station spacing is appropriate for data collection for this survey. The use of a GPR time window of 96.4 ns and 241 samples is appropriate. Positioning is listed as being provided by a Lecia GS18I GNSS receiver and/or Leica TS16 robotic total station, either of which would be appropriate for this project as long as they some form of position correction from survey marks or a base station.

The GPR data were processed using an appropriate series of filters using GPR Slice software.

Data Interpretation Methodology

No information is provided in the report as to the methodology for data interpretation. The report identifies 58 areas “likely to be unmarked graves”, 15 areas “that may also be unmarked graves but are irregularly shaped” and 7 “areas of unknown soil disturbance”. Presumably the areas “likely to be unmarked graves” are the same as “high-confidence” unmarked graves and the areas “that may also be unmarked graves but are irregularly shaped” are the same as the “low-confidence” unmarked graves discussed on page 22 and shown on Figures 13-17 on pages 26-30. All identified graves are rectangular but have a variety of sizes and orientations which is very unusual within a Christian cemetery.

While identifying all areas of soil disturbance that may represent unmarked graves is appropriate from a risk management point of view I believe that Hunter Geophysics has not exercised sufficient professional judgement in their classification of anomalies as “likely to be unmarked graves”/“high-confidence graves”. For example, the cluster of features immediately north of the former location of the flagpole described in pages 23-24 are described in the following terms “anomalies in the area may be unmarked graves, but may also be foundations of the structure previously in this location”. These features have irregular orientations, sizes (some have lengths of ~1m) and identified in the report as being associated with a former feature in this area and yet are identified as being “high-confidence” graves.

Finally, the “Summary of results” on page 25 states that “The survey has located seventy-three areas of disturbed soil most like to be associated with unmarked graves shafts and/or funerary urn burials.” This conflation of high and low confidence into one unambiguous statement does not reflect the level of confidence expressed in these features in the remainder of the report.

Recommendations

As discussed in detail above, this is a technically competent work however suffers from some overly optimistic phrasing and a lack of integration with site survey, historical and archaeological information. I suggest the following to groundtruth the geophysical results:

- 1) The anomalies identified using geophysical survey should be re-classified in a more pragmatic way. This should be a two-stage process where, firstly, the basis for identifying graves as “high-confidence” and “low-confidence” from the geophysical data is made explicit. Secondly, graves identified as “high-confidence” on the basis of geophysical survey results could be reclassified as “low-confidence” based on non-

geophysical criteria such as size, orientation and the history of the site by Navin Officer Heritage Consultants in collaboration with Hunter Geophysics.

- 2) The proposal by Navin Officer Heritage Consultants to undertake shallow scrapes of high-confidence anomalies is an excellent and non-destructive means to evaluate these features that I fully support. I suggest doing this after enacting my recommendation 1 to reduce the impact on the site and cost to the minimum possible.

Statement of my Professional Experience:

I am appropriately qualified to review this report as I have significant experience in high resolution geophysics for the environmental, engineering, archaeological and agricultural industries and am the leading Australian practitioner in the location of unmarked graves. I regularly perform surveys to locate burials for local councils, Aboriginal communities, archaeological projects and law enforcement agencies and work with History Flight Inc to locate missing WWII servicemen in the Pacific. I am currently a Senior Lecturer in Archaeological Science at Flinders University, and previously been a Commonwealth Rutherford Fellow at the University of Cambridge, a Research Associate of Homerton College, a George Chaloupka Fellow at the Museum and Art Gallery of the Northern Territory, a Postdoctoral Researcher at the Laboratory of Geophysical-Satellite Remote Sensing and Archaeoenvironment at the Institute of Mediterranean Studies in Crete. I hold a PhD from the Research School of Earth Sciences at the Australian National University and a Bachelor of Arts and a Bachelor of Science (with honours) for the University of Queensland. I have published more than 65 academic articles or chapters and am editorial board member of academic journals Exploration Geophysics, Geoarchaeology, PeerJ and Science and Technology of Archaeological Research. I teach the only specialist course in archaeological geophysics in Australia at Flinders University.

Relevant Publications:

Moffat, I., Linsell, J., Vella, A., Duke, B., Kowlessar, J., Griffith, J.G. and Down, A., 2020, *Mapping unmarked graves with Ground Penetrating Radar at the Walkerville Wesleyan Cemetery, Adelaide*, Australian Archaeology

Moffat, I., Garnaut, J., Jordan, C., Vella, A, Bailey, M and Gunditj Mirring Traditional Owners Corporation, 2016, *Ground Penetrating Radar Investigations at the Lake Condah Cemetery: Locating Unmarked Graves in Areas with Extensive Subsurface Disturbance*, The Artefact, 39: 8-14.

Moffat, I. 2015, *Locating Graves with Geophysics*, in Sarris, A., (ed) Best Practices of Geoinformatic Technologies for the Mapping of Archaeolandscapes, Archaeopress, Oxford, 45-54.

McKinnon, J.F., Wesley, D., Raupp, J.T. and **Moffat, I.**, 2013, *Geophysical Investigations at the Anuru Bay Trepang Site: A New Approach to Locating Macassan Archaeological Sites in Northern Australia*, Bulletin of the Australasian Institute of Maritime Archaeology, 37: 106-112.

Marshallsay, J., **Moffat, I.** and Beale, A., 2012, *Geophysical Investigations of the Tabernacle (Yilke) Cemetery, Encounter Bay, South Australia*, Journal of the Anthropological Society of South Australia, 35: 91-103.

Bladon, P., **Moffat, I.**, Guilfoyle, D., Beale, A. and Milani, J., 2011, *Mapping Anthropogenic Fill with GPR for Unmarked Grave Detection: A Case Study from an Alleged Location of Mokare's Grave, Albany, Western Australia*, Exploration Geophysics, 42(4): 249-257.

Moffat, I., David, B., Barker, B., Kuaso, A., Skelly, R. and Araho, N., 2011, *Magnetometer Surveys as an Aid to Archaeological Research in Papua New Guinea: a Case Study from Keveoki I, Gulf Province*, Archaeology in Oceania, 46(1): 17-22.

Moffat, I., Wallis, L.A., Hounslow, M., Niland, K., Domett, K. and Trevorrow, G., 2010, *Geophysical prospection for Late Holocene burials in coastal environments: Possibilities and problems from a pilot study in South Australia*, Geoarchaeology: An International Journal, 25(5): 645-665.

Many thanks for the opportunity to review this report and please don't hesitate to contact me if I can provide any further information.

Best regards,



Dr Ian Moffat
Consultant
Archaeometry Pty Ltd



Heritage NSW

HMS Application ID: 713

Mr Eric Hollinger
Shoalhaven City Council
42 BRIDGE RD
NOWRA NSW 2541

Dear Mr Hollinger

Re: s140 Excavation Permit – ID 713 for Huskisson Church Graveyard scrape excavation at Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW (Shoalhaven)

Reference is made to your application under Section 140 of the *Heritage Act 1977* (the Act), to undertake archaeological work at the above property.

Under delegated authority, approval is given for the S140 application for an archaeological excavation permit. Please note this permit is subject to the conditions attached. Acceptance of these statutory conditions by the Applicant and Excavation Director is a requirement of this permit. It should be noted that as the Applicant, this Approval (and the fulfilment of all subsequent conditions) rests with you and not the Land which is the subject of the works.

You are reminded that it is a condition of this permit that the Applicant is responsible for the safe keeping of 'relics' (including artefacts) recovered from this site. You are required to nominate a repository for archaeologically excavated material, as well as referencing the final location in the excavation report as per section 146(b) of the Act. This is to enable a record to be kept of the location of all archaeologically excavated material.

It should be noted that an approval for an archaeological permit under the Act covers only those archaeological works described in the application. Any additional archaeological investigations will require a further approval. It should also be noted that an approval for an archaeological permit under the Act is additional to those which may be required from other local, State or Commonwealth Government authorities. Inquiries about any other approvals needed should, in the first instance, be directed to the local council, State and Commonwealth Government where appropriate.

This permit, issued by the Heritage Council of NSW, does not give approval to harm Aboriginal objects. Aboriginal objects and Aboriginal places in NSW are protected under the *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to do any of the following without an exemption or defence (penalties apply):

- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

The NPW Act provides a number of exemptions and defences to these offences and also excludes certain acts and omissions from the definition of harm. For more information about the regulation of Aboriginal cultural heritage, go to the Heritage NSW website:
<https://www.heritage.nsw.gov.au/permits-and-assessments/aboriginal-heritage-impact-permits/>

Heritage NSW

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CL22.174 - Attachment 4



Heritage NSW

This permit is issued to the applicant on the condition that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. Permits are not transferable without the written consent of the Heritage Council of New South Wales. Your attention is drawn to the right of appeal against these conditions in accordance with section 142 of the *Heritage Act, 1977*.

NOTIFICATION OF START AND END OF ARCHEOLOGICAL PROGRAM

The Approved Excavation Director/s shall write to advise HNSW 5 days before start of the archaeological program and 5 days following the end of the archaeological program. Communication should be made to: HERITAGEMailbox@environment.nsw.gov.au With a reference to the relevant Application No. HMS Id 713. The Heritage Council and staff of Heritage NSW, Department of Premier & Cabinet authorised under section 148(1) of the Heritage Act, 1977, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.

ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the Heritage Act 1977 for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage NSW (Department of Premier & Cabinet) staff who are acting in a supporting role to the authorised persons, to enter their property for the purpose of inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

It is requested that Heritage NSW be advised of the date of test scrapes at least two weeks before they take place on site, to allow Heritage NSW to send a representative if considered necessary.

Inquiries on this matter may be directed to Dr Brad Duncan on 9873 8500 or via email at Brad.G.Duncan@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini

Rajeev Maini
Manager, Assessments Team
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
14 March 2022

Enclosure: Approval Conditions for S140 Permit

CC: [Shoalhaven City Council]
[Ngair Richards, Primary Excavation Director]
[Dr Susan McIntyre – Tamwoy, Secondary Excavation Director]



Heritage NSW

Huskisson Church Graveyard Scrape Excavation
Lot 7 and Lot 8, Sec. 3
DP758530 Huskisson NSW

Conditions of Approval: HMS ID 713

Standard Conditions for S140 Application

Approved Archaeological Works

1. All works shall be in accordance with the approved research design and methodology outlined in 'Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW: Heritage Assessment and Historical Archaeological Research Design (November 2021)' prepared by Susan McIntyre-Tamwoy, Ngaire Richards, Liz Gorman, Meg Walker (Navin Officer, Pty Ltd).

except as amended by the following conditions:

2. This permit covers excavation of humic topsoil (to a depth of c 30cm) only to expose the tops of potential grave cuts only. No relics of State or Local significance are affected/ allowed to be removed below this layer.
3. This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions beyond this time must be made in writing prior to expiry of the permit and should be lodged as a S144 variation.

Fieldwork

4. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW: Heritage Assessment and Historical Archaeological Research Design (November 2021)' prepared by Susan McIntyre-Tamwoy, Ngaire Richards, Liz Gorman, Meg Walker (Navin Officer, Pty Ltd), are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. To address this discovery, you need to lodge a s146 notification to the Heritage Council of NSW. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Advice would be provided in response to the lodged s146 notification.
5. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and Heritage NSW (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW
6. The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in 'Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW: Heritage Assessment and Historical Archaeological Research Design (November 2021)' prepared by Susan McIntyre-Tamwoy, Ngaire Richards, Liz Gorman, Meg Walker (Navin Officer, Pty Ltd), including extent and techniques of excavations, as an application for the variation or revocation of a permit under section 144 of the *Heritage Act, 1977*.
7. The Applicant must ensure that the approved Primary Excavation Director nominated in the section 140 application HMS 713, Ngaire Richards, and/or Secondary Excavation Director Susan McIntyre – Tamwoy is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. If the approved Primary Excavation Director, Ngaire

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Heritage NSW

Richards, will be absent from the site for more than 50% of the duration of the archaeological activity, the Applicant must forward for the written approval of the Heritage Council or its delegate the details of a Secondary Excavation Director or Site Director in charge for this period.

8. The Applicant must ensure that the approved Primary Excavation Director nominated in the section 140 application HMS 713, Ngaire Richards, and Secondary Excavation Director Susan McIntyre - Tamwoy take adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
9. The Applicant must ensure that the nominated Excavation Directors brief all personnel involved in the project about the requirements of the NSW *Heritage Act, 1977* in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
10. The Applicant must ensure that the nominated Excavation Directors and the excavation team are given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.
11. The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
12. The Applicant is responsible for the safe-keeping of all relics recovered from the site.
13. **Archaeological site recording to include:**
The Applicant must ensure that the Excavation Director(s) oversee the taking and recording of survey levels on site, which will be reduced to Australian Height Datum (AHD), for all archaeological and topographical strata encountered as well as relevant modern ground levels (i.e. next to trenches, open area limits etc).

Analysis and Reporting

14. The Applicant must ensure that the approved Primary Excavation Director, Secondary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
15. **Final Reporting:** Reporting is required in accordance with section 146(b) of the Heritage Act, 1977. The Applicant must ensure that a final excavation report is written to publication standard, within one (1) year of the completion of the field based archaeological activity. It must be prepared in accordance with any Heritage Council of NSW Guidance or advice on the Heritage NSW website as issued from time to time. Any application to extend the due date for the final excavation report must be made before it is due and lodged under s144 of the Act.
16. All digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

17. Compliance

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Heritage NSW

If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

BUSINESS RULES APPLY (Report Summary):

- State significance archaeology
- Staged works programs (archaeology or project)
- A hiatus on the archaeology
- For a staged research permit.

Site Specific Conditions:

18. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, is prepared by the approved Primary Excavation Director, Ngaire Richards, and submitted to the Heritage Council of NSW within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the Heritage Act, 1977.

BUSINESS RULES APPLY (Interpretation)

- State significant archaeology
- If there is a DA with interpretation, it may be appropriate to include archaeological interpretation to be added into this program.

19. Interpretation

A Heritage Interpretation Plan is to be prepared in accordance with Heritage Council of NSW guidelines. It must contain specific information on the display and housing of significant artefacts; the conservation of the artefacts; and details of a maintenance strategy for the interpretation including any digital displays. On site interpretation is to be implemented within a publicly accessible space where available within the redevelopment. The Heritage Interpretation Plan must be prepared and lodged for approval by the Heritage Council of NSW or its Delegate within 6 months of the completion of the excavation program.

BUSINESS RULE APPLY (open Area excavation)

- For State significant archaeological sites involving full excavation to improve and support public outcomes.

20. Open Area Excavation

It is essential that the opportunity for interpretation, public education and public access to the results of the archaeological investigation is allowed for in the work program. A public Open Day shall be held by the Applicant. It must be conducted on a weekend to facilitate public attendance and should be advertised at least one week ahead to ensure that the greatest number of people are aware of the activity. Details of the proposed public Open Day during the excavation program must be sent to Heritage NSW prior to the event.

Heritage NSW

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Heritage NSW

CL22.174 - Attachment 4

CL22.175 Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach)

HPERM Ref: D22/112906

Department: Strategic Planning

Approver: Gordon Clark, Interim Director - City Futures

Attachments: 1. Summary of Submissions - Coastal Hazards Review (revised approach)
PP026 (under separate cover) [↗](#)

Reason for Report

- Report the outcomes of the public exhibition of Planning Proposal (PP) PP026 – Coastal Hazards Review (revised approach).
- Enable the resultant amendments to Shoalhaven Local Environmental Plan (LEP) 2014 to proceed to finalisation.

Recommendation

That Council:

1. Adopt the Planning Proposal (PP026) as per Option 1 in this report and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.

Options

1. Adopt PP026 largely as exhibited, with further minor administrative amendments to the Coastal Risk Planning (CRP) Map legend to ensure consistency with existing clause 7.4 of SLEP 2014 and accurately reflect risk associated with the wave runup line.

Implications: This is the preferred option as it will ensure the amendments to Shoalhaven LEP 2014 proceed to finalisation with appropriate changes to the mapping legend. Amendments to the CRP Map legend will ensure consistency between the wording in Clause 7.4 of the LEP and the CRP Maps. Adopting PP026 will implement the intention of Council's earlier resolution (MIN20.715), remove uncertainty between the CRP Maps and Council's adopted coastal hazard mapping, and ensure a consistent application of the CRP Map across Shoalhaven.

2. Adopt PP026 with further amendments to the CRP Map legend and LEP Clause 7.4 to ensure consistent wording used between LEP Clause 7.4 and the CRP Maps and accurately reflect risk associated with wave runup line.

Implications: As per Option 1, however the slight amendment to the LEP instrument (Clause 7.4) will also require the involvement of the NSW Parliamentary Counsel's Office (PCO) and may delay finalisation of amendment, whereas the map-only LEP

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amendment in Option 1 could be drafted by the NSW Department of Planning and Environment (DPE). The additional Instrument change is not critical to the proposal.

3. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could delay the progress of the LEP Amendment. It is noted that the Gateway determination will expire on 26 May 2022.

4. Not adopt the recommendation.

Implications: This option is not recommended as the CRP Maps will remain outdated and inconsistent with Council's latest adopted coastal hazards data.

Background

Through ongoing work, some public and private properties along the coast in Shoalhaven have been identified as being at risk from coastal hazards. Council's planning instruments (LEP and DCP) assist to help manage this identified risk into the future.

The Coastal Risk Planning (CRP) Map in the LEP currently identify land to which LEP Clause 7.4 (Coastal Risk Planning) applies. The current CRP Map is based on the coastal hazards data available at the time the LEP initially commenced (22 April 2014), however, new studies have since been completed, and as such, the CRP Map has become outdated as a result. This is the key reason the LEP needs to be updated.

Council substantially progressed an earlier version of PP026 in 2018, which sought to remove the CRP Maps and rely instead on the more detailed [Shoalhaven Coastal Hazard Mapping](#) that is publicly available on Council's website. An amendment to LEP Clause 7.4 was also intended as well as an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) to remove eleven (11) maps sheets in Schedule 5 'Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code', which are based on Council's superseded coastal hazard data.

The original PP026 received endorsement from Council, followed by a favourable Gateway determination from the Department of Planning and Environment (DPE), the PP was publicly exhibited from 6 February to 8 March 2019 and a well-attended Community Information Session was held on 26 August 2019. Council then resolved on 5 November 2019 (MIN19.818), to adopt the PP as exhibited and seek to finalise the LEP amendment.

However, frustratingly and disappointingly, Council received new advice from DPE on 30 June 2020, that PP026 (original version) could not proceed, as the proposed removal of the CRP Maps from the LEP (for which DPE had issued a Gateway determination for) was inconsistent with DPE's policy position.

Council then considered its options for moving forward, and on 6 October 2020, it was resolved (MIN20.715) that Council:

1. *Amend the Coastal Hazards Review Planning Proposal (PP026) as per Option D in the body of this report.*
2. *Submit the revised PP026 to the NSW Department of Planning, Industry and Environment for a revised Gateway determination (if required) and, if favourable, proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements.*

3. *Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the resolution and public exhibition arrangements.*
4. *Receive a further report on PP026 following the conclusion of the public exhibition period.*

Coastal Hazards Review (revised approach) (PP026)

As a result, the revised approach to PP026 seeks to retain the CRP maps in the LEP, but amend the content to better reflect the latest technical data separately prepared and adopted by Council and specify the category of coastal hazard that is currently associated with the land.

These changes will ensure the LEP reflects the most up to date and accurate coastal hazard data that Council holds and aligns with terminology used in Shoalhaven Development Control Plan (DCP) 2014 and eventual Section 10.7 Planning Certificates. The SEPP maps are intended to be removed as originally proposed.

Council received a favourable Gateway determination for the revised approach on 26 May 2021.

Mapping

The CRP Maps ensure coastal risk is a consideration in the assessment of development on the land. PP026 proposes that all properties affected by coastal hazards, as per the most up to date data, or that are seaward of identified coastal hazards, will have the CRP overlay applied to the entire lot.

The reasons for this particular mapping approach are as follows:

- **For regulatory clarity:** if any part of a property is affected by any of the coastal hazard lines or coastal hazard areas then Clause 7.4 will apply and coastal risk will be a consideration in assessing any proposed development. This does not mean that development controls or coastal hazards as such apply to the entirety of the lot, it is essentially a trigger. Finer details are presented (and are publicly available) in the Shoalhaven Coastal Hazard Mapping and the relevant controls are found in SDCP 2014 [Chapter G6: Coastal Management Areas](#). The amended CRP Maps are applied to both private and publicly owned land.
- **For consistency:** there is some variation in how the current CRP Maps are applied across different parts of Shoalhaven. For the most part, the existing CRP Map applies to the entirety of affected residential lots as discussed above. Council is required to retain a CRP Map in its LEP. The approach proposed in PP026 is simplified and consistent across the LGA – this ensures consistency.

The intention behind identifying the category of coastal hazard (currently proposed in the PP to be Beach Erosion Hazard, Cliff Slope/Instability Hazard, Coastal Hazards Areas) is to improve consistency between the LEP CRP Maps, DCP and eventual 10.7 Planning Certificate terminology.

- **To reduce administrative burden:** if the coastal hazard lines are updated and change in future as a result of new information being adopted by Council, the CRP Maps in the LEP may also need to be updated. If the coastal hazard lines shift within an affected lot, the requirement to update the CRP Map for that property is minimised under the proposed approach as the maps simply flag that coastal risk needs to be considered. There is no need for the CRP Maps to attempt to delineate the coastal hazard/s precisely as those details are already publicly available elsewhere.

PP026 does not introduce new coastal hazards information or development controls that apply to any given property by amending the CRP Maps. The PP seeks to reflect coastal hazards data that has **already been adopted by Council**. The development pathway (development application assessed by Council) remains the same for the majority of properties. Only those properties proposed to be removed from the CRP Maps, being those properties showing no coastal hazards affectation in the most up to date coastal hazards data, will notice a meaningful change due to lifting the requirement to consider LEP Clause 7.4 or restrictions under Codes SEPP (at least in relation to coastal hazards) for these properties – a small number of lots are in this position. For these reasons, the amendments to the CRP Maps are for the most part considered to be administrative in nature.

Council staff have liaised with internal and external (DPE) stakeholders in the development of the amended CRP Maps.

Government Agency Feedback

As required by the Gateway determination, the PP was referred to the following NSW Government agencies prior to public exhibition:

- NSW Department of Planning, Industry and Environment - Energy, Environment and Science Division - Estuaries, Coast and Floodplain Team.
- NSW Rural Fire Service.

No objections, concerns or issues in relation to the PP were raised by either agency.

Public Exhibition

The Gateway determination required the PP to be exhibited for a minimum of 28 days, which is also consistent with Environmental Planning and Assessment Regulation 2000. Accordingly, the PP and supporting documents were publicly exhibited for a period of 30 days from 17 November to 17 December 2021 (inclusive) on [Council's website](#).

PP026 was exhibited concurrently with the Coastal DCP Amendment. The exhibition outcomes of the Coastal DCP Amendment are detailed in a separate report to this Council meeting.

The PP exhibition documentation included the following:

- [Exhibition Notification](#)
- [Explanatory Statement](#)
- [FAQs](#)
- [Planning Proposal](#)
- [Gateway Determination](#)

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

Various landowners in Callala Beach advised that their notification letters were received late and requested further time to consider the proposed amendments. An extension to 24 January 2022 was extended to these landowners in Callala Beach to provide further submissions, and this was later extended to 7 February 2022.

Outside of the Callala Beach area, two other extension requests were made within the exhibition period and extensions for each were granted until 24 January 2022. Each landowner sought advice from consultants. One ultimately decided not to provide a submission, the other provided a submission but did not comment on any particular aspect of

PP026 (comments related to Coastal Amendment to the DCP and other existing provisions in the DCP).

During the PP exhibition period approximately sixteen (16) phone enquiries were received plus a small number of email enquiries. Some further phone enquiries were received after the exhibition period.

Forty five (45) formal submissions were received in total, including:

- Forty two (42) from Callala Beach (including 12 form letters and a handful of additional variations), a few just requesting extensions.
- One (1) submission from Culburra – submission did not relate to the PP, only the Coastal Amendment to the DCP.
- Two (2) from Mollymook:
 - Submission 1 - Request for an extension to comment, but no submission was received.
 - Submission 2 – Commented on minor hazard line encroachment and existing approach to CRP Map.

Twenty five (25) of the total submissions were received within the exhibition period. Forty four (44) submissions were from individual landowners with one (1) submission from the Callala Foreshore Alliance.

Table 1 below provides a summary of the key or recurring themes raised in the written submissions, as well as Council staff comments. Many of these themes reflect the particular concerns of respondents from Callala Beach.

Attachment 1 provides a summary of each submission received. Copies of the submissions can be provided to Councillors prior to the meeting if required.

Table 1: Summary - key submission themes - Coastal Hazards Review (revised approach).

Submission Theme	Staff Comment
Did not get the letter or received letter late.	Council mail merge indicates the notification letter was sent to all affected landowners prior to exhibition. Extensions of time to comment granted for all landowners who requested one.
Concern about “rezoning entire lot as Beach Erosion Hazard”.	The PP does not rezone land. It identifies land where Clause 7.4 applies and coastal risk to be considered in development. Most properties are already largely captured by the existing mapping that supports the clause. The proposed CRP Maps also identify the existing coastal hazard category (e.g., beach erosion hazard). There is no change to development potential or development stream (DA required in both current and proposed scenario). Coastal hazard affectation remains the same.
Concern about impact on property values, insurance, finance.	The PP does not change the existing coastal hazards affectation or ability to develop.
Concern that the amendments are significant and are being snuck through without proper consultation.	The PP is contended to be largely administrative in nature. It mainly seeks to make the mapping methodology consistent across the LGA and reflect Council’s most current adopted coastal hazard study data. The PP has been exhibited in accordance with legislative/ Gateway requirements. It is also noted that the earlier version of the PP was also separately exhibited.

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Information provided insufficient / too onerous.	Noted, however Explanatory Document and detailed FAQs were prepared for the public exhibition to communicate the intent of the PP more succinctly. There was general appreciation across City for the thoroughness of the information provided. Not all submitters called Council for clarification.
Comments regarding historical trends and veracity of adopted coastal hazards data.	Not relevant to scope of PP026. The underlying data has already been separately prepared and adopted by Council; the PP simply uses and reflects this data in a consistent approach.
Applying the CRP Map to entire lot will mean additional onerous development controls in order to satisfy clause 7.4.	LEP Clause 7.4 needs to be considered regardless of a part or whole lot mapping approach; however, development controls are set out in DCP 2014 Chapter G6 and are applied depending on detail of coastal hazard/s as per Shoalhaven Coastal Hazard Mapping. PP026 proposes no change to existing development controls or coastal hazards data. No change to current development pathway (DA assessment).

Councillors were briefed on the background to the PP and the outcomes of the most recent exhibition on 3 March 2022.

Post-Exhibition Amendments

Following the exhibition, it is considered appropriate to make a minor adjustment to the labelling of the CRP category in the legend of the CRP Maps. This amendment does not change the intent of the PP but seek to maintain consistency between LEP Clause 7.4 and the CRP Maps.

Wording in LEP Clause 7.4 currently refers to land identified as ‘coastal risk planning area’ in the CRP Maps. The proposed CRP Maps identify three categories of existing coastal hazard affectation:

- Beach Erosion Hazard
- Cliff/Slope Instability Hazard
- Coastal Hazard Area

The wording in the LEP clause needs to correspond with the wording used in the CRP Map. Therefore, an amendment should be made to the wording in the proposed CRP Map legend (preferred option), or LEP Clause 7.4, or both (option 2).

Essentially, it is recommended that ‘Coastal Risk Planning Area:’ be inserted before the labels of the three categories of coastal hazard, as outlined in the following table. There is also an opportunity to improve the wording in the three categories to account for the wave runup line which identifies a risk more accurately described as ‘oceanic inundation’ rather than ‘beach erosion’. This change will better reflect current wording in the relevant section of DCP Chapter G6. Amending the wording for some categories may also help to alleviate concerns raised in submissions about applying the word ‘hazard’ to lots.

CRP Category in Legend	Coastal Hazards Data Covered
Beach Erosion Hazard	<ul style="list-style-type: none"> • Coastal hazard line 2030 • Coastal hazard line 2050
Coastal Risk Planning Area: Beach	<ul style="list-style-type: none"> • Coastal hazard line 2100

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Erosion/Oceanic Inundation	<ul style="list-style-type: none"> Wave runup
Cliff/Slope Instability Hazard Coastal Risk Planning Area: Cliff/Slope Instability	<ul style="list-style-type: none"> 50yr 50% cliff recession line 50yr 5% cliff recession line Estimated cliff line
Coastal Hazards Area Coastal Risk Planning Area: Coastal Hazards Area	<ul style="list-style-type: none"> Additional lots subject to potential cliff recession hazard. DA's to require detailed Geotech assessment Geotech Assessment Required 2016

Alternatively, an amendment to LEP Clause 7.4 could also be considered (in addition to the CRP Map legend minor amendment), to specifically identify the proposed three categories of coastal hazards, however, it is considered that the current LEP Clause 7.4 is adequate to communicate Council's intent.

DPE have advised that amending either the CRP Map or clause 7.4 is acceptable (re-exhibition would not be required), but amendments to the clause will require input from the NSW Parliamentary Counsel's Office whereas an amendment only to the CRP Map legend would be the simplest approach as it can be done by DPE.

It is noted that the Gateway determination will expire on 26 May 2022.

Upon consideration of the submissions received, no further changes to the exhibited amendments are considered necessary.

Conclusion

Other than the minor post exhibition amendments to the CRP Map legend labels, discussed above, it is recommended that PP026 be progressed to finalisation largely as exhibited.

Policy and Risk Implications

The CRP Maps identify land to which LEP Clause 7.4 applies, and it is important that these maps clearly identify relevant properties and follow a consistent approach to ensure that proper consideration of coastal risk given where required.

PP026 proposes an amendment to the CRP Map in the LEP to ensure it is consistent with Council's separately prepared and adopted coastal hazards data. PP026 does not propose a change in Council's existing policy settings, however some land will be removed from the CRP Maps and other land will be added to reflect adopted data.

Generally, complying development cannot be undertaken on land affected by the CRP Maps/coastal hazards. As such, the intent of PP (including removing the SEPP maps), will not result in any change to development approval streams. Land proposed to be removed from the SEPP maps and CRP Maps may no longer have any restrictions on the ability to undertake complying development (depending on other land based restrictions that may or may not apply).

Ensuring a consistent mapping approach (whole lot mapping) across the LGA will assist in managing risk to Council associated with identifying and managing coastal hazards.

Financial Implications

The finalisation of PP026 and any future amendments to the CRP Maps that may be required will continue to be resourced from the Strategic Planning budget.

Due to the proposed removal of the SEPP maps, Council does not have delegated authority to finalise PP026 – this will be done by DPE.

CL22.176 Shoalhaven Inclusion - Six Cities Region and Greater Cities Commission

HPERM Ref: D22/118853

Approver: Gordon Clark, Interim Director - City Futures

Reason for Report

Advise of the passage of the Greater Cities Commission Bill 2022 through the NSW Parliament and provide relevant background information, including the inclusion of Shoalhaven in the new Six Cities Region.

Recommendation

That Council

1. Receive the report on the Greater Cities Commission and the intended inclusion of Shoalhaven in the proposed Six Cities Region for information
2. Consider future reports, as needed, when the detail in this regard emerges.

Options

1. As recommended.

Implications: The report will be received for information and further updates will be provided to the Council as this matter progress and things are clarified and become clearer.

2. Alternative approach as determined, for example raising concerns or objecting to the intended inclusion of Shoalhaven in the proposed Six Cities Region.

Implications: This will depend on the nature of any decision and how it is received by the NSW Government.

Background

In late 2021, the new NSW Premier, Dominic Perrottet MP announced a new Minister for Cities and the creation of the Greater Cities Commission (GCC) from the existing Greater Sydney Commission (GSC), with a new expanded region covering six cities.

The expanded region combines the three existing cities within Sydney (Eastern Harbour CBD, Parramatta Central River City and Western Parkland City), with the Hunter, Central Coast and Illawarra-Shoalhaven regions.

As part of the NSW Government's Cabinet reshuffle that also occurred in late 2021, Rob Stokes MP was appointed as the Minister for Cities to deliver the government's vision for the six cities.

Initial dialogue between Council staff and representatives from the GSC occurred in early 2022, where clarification was sought on what was intended and the implications for Shoalhaven, noting that the City is part of the current Illawarra-Shoalhaven Regional Plan. It was advised that more would become clearer when the associated Bill entered Parliament.

Greater Cities Commission Bill

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The [Greater Cities Commission Bill](#) (the Bill) was introduced into the NSW Parliament by the Minister for Cities, Rob Stokes MP on 22nd March 2022, was subsequently passed by Parliament on 29 March 2022 and is awaiting assent.

The Bill repeals and re-enacts the Greater Sydney Commission Act 2015, in substantially the same form, for the following purposes:

- (a) Reconstitute the Greater Sydney Commission as the Greater Cities Commission
- (b) Replace the Greater Sydney Region with the Six Cities Region (the Six Cities Region) and define its boundaries and the boundaries of the 6 cities within it, being the following:
 - (i) the Eastern Harbour City,
 - (ii) the Central River City,
 - (iii) the Central Coast City,
 - (iv) the Lower Hunter and Greater Newcastle City,
 - (v) the Western Parkland City,
 - (vi) the Illawarra-Shoalhaven City.

New objectives include encouraging development that is resilient to climate change and providing for greater involvement and participation of First Nations people.

The Bill amends the Environmental Planning and Assessment Act 1979 to provide that each district strategic plan for a city within the Six Cities Region must, and each other district strategic plan may, include targets (5, 10 and 20 years) for net additional dwellings in local government areas within the district. The implication of this for Shoalhaven needs to be clarified.

The Bill also makes savings and transitional amendments and consequential amendments to other legislation.

The six cities are further described in Schedule 1 (Six Cities Regions and its cities) of the Bill by reference to local government areas. The relevant extract follows:

The Illawarra-Shoalhaven City is comprised of the land within the following local government areas –

- (a) Kiama,*
- (b) City of Shellharbour,*
- (c) City of Shoalhaven,*
- (d) City of Wollongong.*

As such the Bill confirms that Shoalhaven will be part of the new Six Cities Region when finally created and the new GCC will play a role in leading planning and related outcomes for the region.

The detailed Objectives and Functions of the GCC are set out in the Sections 9 and 10 of [the Bill](#). More information on the Bill and its passage can be found on the NSW Parliament [webpage](#).

Commentary

The current GSC has now operated in the Greater Sydney Region for some time and leads metropolitan planning to make Greater Sydney more productive, sustainable and liveable. Its focus is on:

Thought leadership - *City-shaping thought leadership is a key pillar of the Greater Sydney Commission's work. It involves taking ideas and research to drive the strategic planning for our city.*

Strategic planning - *City-shaping thought leadership is a key pillar of the Greater Sydney Commission's work. It involves taking ideas and research to drive the strategic planning for our city.*

Accelerating delivery of key precincts - *collaborative "one government" approach to Key Precincts and Collaboration Areas unlocks the high productivity potential of a place, by bringing together multiple stakeholders to address complex urban issues.*

The GSC is an independent body that was established by an Act of Parliament with specific roles and responsibilities for planning for Greater Sydney, with a direct reporting line to the NSW Government. The Commission is made up of the following:

- Chief Commissioner
- Three Commissioners – Social, Environment and Economic
- Three District Commissioners - Eastern City and North District; Central City and South District; and Western City

It is understood that the District Commissioners will be renamed City Commissioners and three additional Commissioners will be appointed to cover the three new areas ('cities') of Lower Hunter/Greater Newcastle, Central Coast and Illawarra-Shoalhaven.

The GSC operates alongside existing NSW Government Agencies like the NSW Department of Planning & Environment (DPE). For example, in regard to planning, the GSC undertakes the region or sub region planning and DPE are involved in the resultant Planning Proposals (rezoning) or similar.

Historically in terms of regional land use planning undertaken and administered by the NSW Government, Shoalhaven has featured as follows:

- Illawarra Regional Environmental Plan (1986) – the planning region was established initially in 1973 and included the Local Government Areas (LGA's) of Wollongong, Shellharbour, Kiama, Shoalhaven and Wingecarribee. The Regional Environmental Plan was gazetted in 1986.
- South Coast Regional Strategy (2007) – The Regional Strategy was released in 2007 and included the LGA's of Shoalhaven, Eurobodalla and Bega Valley.
- Illawarra- Shoalhaven Regional Plan (2015) – The Regional Plan was released in 2015 and included the LGA's of Wollongong, Shellharbour, Kiama and Shoalhaven
- Illawarra-Shoalhaven Regional Plan 2041 (2021) - The refreshed Regional Plan was released in 2015 and included the LGA's of Wollongong, Shellharbour, Kiama and Shoalhaven

Council advocated strongly, with the support of local MP's, in the lead up to the Illawarra-Shoalhaven Regional Plan (2015) to be part of the new plan for the Illawarra Region. This ultimately led to Shoalhaven being included in the new Regional Plan and the region being named 'Illawarra-Shoalhaven'. The most recent Regional Plan (2021) covers the same region. This Regional Plan will most likely continue for the foreseeable future.

The logic behind Council's advocacy was that it was preferable to be part of a larger and growing region, acknowledging the strong and growing connections that particularly the northern part of Shoalhaven has to Wollongong and also Sydney. These connections have only strengthened since 2015, with continued infrastructure upgrades (e.g. Princes Highway) and the development of strong partnerships/relationships (e.g. Illawarra-Shoalhaven Joint Organisation, Illawarra-Shoalhaven City Deal Collaborative etc).

The finer details associated with the GCC and the new 6 Cities Region have not yet been finalised and will continue to emerge now that the Bill has passed Parliament.

Conclusion

On balance there are likely to be broader benefits in Shoalhaven being part of the new Six Cities Region. It will mean that the GCC play a key role in the regional and sub regional planning for Shoalhaven, which was previously undertaken by DPE.

As the details associated with the GCC and the new 6 Cities Region emerge, future reports will be provided to Council to enable consideration of matters that emerge or need detailed input.

Community Engagement

This matter is being pursued by the NSW Government and there has not been any specific community engagement on it.

As things advance and become clearer there will be community engagement as part of resultant outcomes or processes e.g., adjustments to the existing Regional Plan or a new District/City Plan.

Policy Implications

These will become clearer as the details associated with the GCC and the new 6 Cities Region emerge.

The GCC will play a key role in the regional and sub regional planning for Shoalhaven, which was previously undertaken by DPE

The GCC will prepare an overall plan for the 6 Cities Region (by end 2023) and the Illawarra-Shoalhaven Regional Plan will remain in place until a replacement plan (a District/City Plan) is prepared.

Council will essentially retain its existing planning powers in regard to Planning Proposals, development applications and similar.

Greater clarification is needed in regard to the possible application of future housing supply or dwelling targets to Shoalhaven and the implications of this.

Financial Implications

None at this point.

CL22.177 Shoalhaven Hospital Masterplan - Associated Pre-school Land Matters

HPERM Ref: D22/118858

Department: Strategic Planning

Approver: Gordon Clark, Strategic Planning Manager

Reason for Report

Detail the likely impact of the Shoalhaven Hospital Masterplan on Lot 7034 DP1031852, including the existing Shoalhaven Community Pre-school lease, and provide a recommended response to the Proposed Acquisition Notice (PAN) from NSW Health Administration Corporation related to the subject land.

Recommendation

That Council

1. Receive the report on the Shoalhaven Hospital Masterplan and the associated Pre-school land matters for information.
2. Negotiate with Health Administration Corporation (HAC) and NSW Crown Lands for documentation to be finalised which provides for:
 - a. Council to be the Crown Land Manager for the proposed relocation of the Shoalhaven Community Pre-school Incorporated (Pre-school) to the intended site off North Street, Nowra.
 - b. A Lease to the Pre-School in the current premises from 1 January 2023 to the completion of the new facility.
 - c. An agreement to lease, for a period of ten (10) years, the proposed new location with the Shoalhaven Community Pre-school Inc. at a statutory minimum rental which will require Crown Lands approval.
 - d. Document the new facility being provided by HAC off North Street, Nowra and the financial implications, including no relocation cost to the Pre-school or Council.
3. In relation to the Potential Acquisition Notice, regarding the acquisition of Lot 7034 DP1031852, not pursue compensation under Section 2.24 of the Crown Land Management Act provided that no costs are incurred by Council (legal, stamp duty etc), on the basis that the new facility (approximate cost of \$4.5M) will provide an improved facility to the community and the Pre-school and the reduce costs required to repair and maintain an existing older structure.
4. Note that Council's claim for compensation for the compulsorily acquisition of Lot 104 (Nowra Park) is still being pursued with the NSW Government

Options

1. As recommended

Implications: This is the preferred way forward as it will confirm that Council is willing to maintain largely the current arrangement and be the Crown Land Manager for the Pre-school in its new proposed location and ensure the best outcome to the Pre-school. It is

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also recommended that Council not pursue compensation in this instance given the circumstances of the case and the resultant important community infrastructure that will ultimately result.

2. Alternate recommendation that provides for Council pursuing freehold tenure of the new Pre-School lot and/or compensation in regard to the loss of the existing Pre-school building.

Implications: Initial discussions have occurred with both NSW Health Infrastructure (NSW HI) and Crown Lands in relation to the possible freehold tenure of the new Pre-school lot. Crown Lands has advised that this may be possible, however significant work has already occurred to negotiate an agreement between themselves and NSW HI. As such the preference is that the land ultimately be vested back into the Crown Land Estate. In addition, Crown Lands have indicated that the current ownership of the existing building needs to be confirmed and also that any compensation would most likely be minimal.

Background

Shoalhaven Community Pre-School Incorporated

The existing long established Shoalhaven Community Pre-school Incorporated (Pre-school) is currently located immediately adjacent to the existing Shoalhaven Hospital at 39 Shoalhaven Street Nowra on Lot 7034 DP 1031852, Shoalhaven Street, Nowra.

The Pre-school have a Lease by Reserve Trust registered AN245457G expiring 31 December 2022 with a five-year option (no exercise of option date however generally three or six months prior). Council is currently the Crown Land Manager (CLM) and the lease provides for the Pre-school to repair and maintain and for Council to replace and maintain the structural integrity.

Council is currently showing as owning the existing building with an asset value of \$756,593, however Crown Lands have indicated that the ownership needs to be confirmed.

Hospital Masterplan Overview

The NSW Government has been planning the expansion and upgrade of the existing Hospital for some time. Throughout ongoing discussions with the NSW Government regarding the expansion, Council staff have advised of the need to accommodate the Pre-school in whatever outcome is pursued.

In August 2021, the NSW Government released its initial masterplan for the hospital expansion. This indicated that the new expansion would be build adjacent to the existing hospital and off Shoalhaven Street on what is currently Lot 7034 (existing Pre-school) and Lot 104 DP 1165533 (formerly Nowra Park).

Council was briefed on the Master Plan by representatives from the Illawarra-Shoalhaven Local Health District (ISLHD) in September 2021.

The NSW Government has recently commenced community consultation on the Shoalhaven District Memorial Hospital Redevelopment, that includes the latest artists impressions of the intended new hospital. This material is available at:

<https://www.shoalhavenredevelopment.health.nsw.gov.au/>

This latest material notes the commitment to a *\$438 million in the redevelopment of Shoalhaven District Memorial Hospital. It will be the health hub for the region, providing the majority of emergency, critical care, acute and sub-acute and non-admitted services locally,*

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reducing the need to transfer patients to Wollongong and Sydney. It also indicates that the new hospital building will be seven storeys (stepping down in height to the retained open space), including a rooftop helipad with direct access to intensive care unit (ICU) and the emergency department (ED).

The following images are taken from the website and show the proposed redevelopment site and intended location of the new Pre-School.

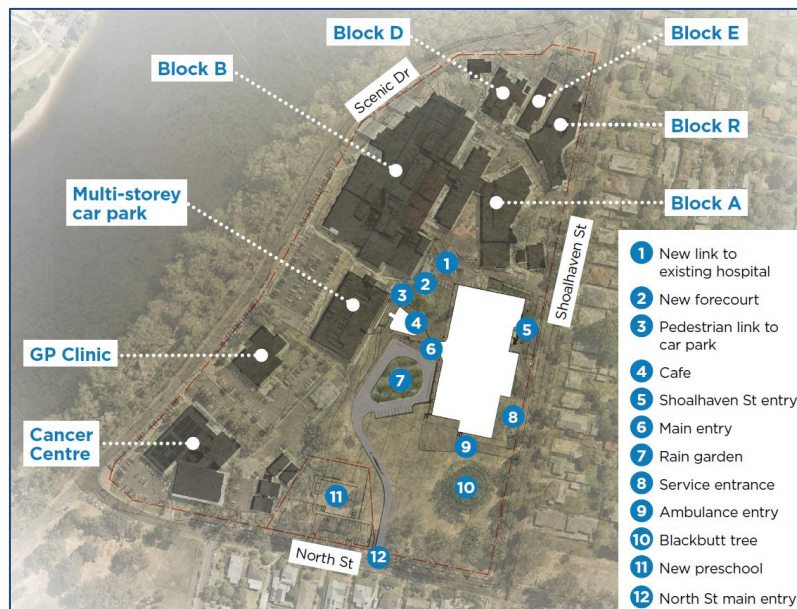


Figure 1 – Extract: Hospital Redevelopment Project Engagement Material (March 2022)

The images show a new location for the Pre-school off North Street, adjacent to the new main entrance to the hospital, also off North Street.

Other information advises that the hospital redevelopment *is being designed to directly connect to the existing hospital which will undergo varying levels of refurbishment. Access to the hospital will be improved with alternate entry and drop off areas and there will be a new dedicated entrance for ambulances.*

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The southern end of Nowra Park will be retained as greenspace for the local community to enjoy and landscaped areas will be established on the hospital's ground to create a welcoming space for patients, staff and visitors.

The recent material includes the following commentary on the Pre-school:

What is happening with the childcare centre?

To accommodate the new hospital building the preschool will be relocated to the southern end of the Hospital campus. This follows extensive consultation with the preschool operators and Shoalhaven City Council. The project team is continuing to consult with the preschool on the design and requirements of the new facility.

The new building will include a dedicated parking zone for carers and staff, including a drop-off zone. In addition to the new preschool, the southern end of the campus will also be retained as greenspace – enhancing the area's family-friendly atmosphere.

Construction is scheduled to commence this year and the current preschool will remain open until the new preschool is completed

It is indicated that the State Significant Development Application (SSDA) for the hospital redevelopment will be lodged and early works, including on the Pre-school are intended to start in mid-2022, subject to relevant approvals being obtained. The main construction work is expected to start in early 2023, with construction to be completed in 2026.

Early Actions/Outcomes (chronological Order)

The following early actions/outcomes have already occurred or started as the NSW Government moves to realise the hospital redevelopment.

- Compulsory acquisition - Lot 104 (Nowra Park)

In April 2021 Council, as the Crown Land Trust Manager, was advised of the NSW Health Administration Corporation's (NSW HAC) intention to compulsorily acquire Lot 104 via a Potential Acquisition Notice (PAN). Council responded to this advice re potential compensation.

The compulsory acquisition proceeded and the 2.64 ha lot transferred to the NSW HAC in November 2021 and is now in their ownership.

Council's claim for compensation regarding the subject land is still being pursued with the NSW Government.

- Pre-school Development Application Lodged

Given the need for the early relocation of the existing Pre-school to enable site work to commence on the main component of the hospital redevelopment, planning for the new Pre-school to be located off North Street is underway.

NSW Health Infrastructure lodged a development application (DA21/2575) with Council in December 2021 that is currently under assessment.

The Pre-school has made a submission on the DA noting that they have been involved in the design of the new facility and the 'the viability and continuity of our service is a priority'. The submission from the Centre Director concludes with the following: 'On behalf of the staff and management committee of Shoalhaven Community Pre-school, I thank Shoalhaven City

Council for recognising the significance of our contribution to the wider community and your ongoing support of our service’.

- **SSDA Status**

The major redevelopment works will be pursued by the NSW Government via a SSDA. The Secretary’s Environmental Assessment Requirements (SEAR’s) for the application were issued on 23 February 2022. The Environmental Impact Statement (EIS) is currently being prepared.

More information on the SSDA, including the SEARs, is available on the NSW Planning Portal at this [link](#)

- **Compulsory Acquisition – Lot 7034 (Existing Pre-school)**

The subject land is Crown Land for which Council is the Crown Land Manage (CLM). The existing Pre-school is currently located on the land and has been there for a considerable period of time (late 1950’s onwards) and currently have a lease expiring 31 December 2022, with a five-year option.

The PAN for this lot was received by Council on 15 March 2022. The compulsory acquisition of this lot will ensure the land is acquired in time to allow construction of the project to start in accordance with its envisaged timeframes.

Council now has sixty (60) days until mid-May 2022 to formally respond to the PAN and advise whether it will pursue a claim for compensation. This option is open to Council but is not recommended, as based on initial advice from Crown Lands, minimal compensation would be provided and the ownership of the existing structure would need to be confirmed. Additionally, the proposed new facility provides a superior facility and outcome to the Pre-school. Consideration of the information in this report will assist in this regard.

- **Temporary helipad**

The existing ground level hospital helipad is located in the northern part of Lot 104, adjacent to the existing hospital buildings (between current Pre-school and multi-level car park). This will be removed as part of the hospital redevelopment that will include a new roof top helipad on the main new building.

Given this, there will be a need to identify a temporary location that can be used as a helipad to support the continued operation of the hospital during the construction phase (possibly late 2022 through till approximately 2026).

Council staff have been involved in discussions with NSW Health Infrastructure (NSW HI) regarding suitable locations for a temporary helipad close to the hospital and this is currently focussing on the possible use of the West Street Oval area.

This aspect will be the subject of a separate report to Council shortly. It is also noted that the temporary (4-5 years) helipad will require a development approval.

Discussion – Impacts on Shoalhaven Community Pre-school inc.

Council staff have been consistent in early feedback to NSW HI noting that it is essential that the Pre-school are not disadvantaged through the hospital redevelopment and that they need to be relocated with no financial or operational impacts

CL22.177

As a result, as noted above, NSW HI are currently pursuing a new location for the Pre-school off North Street on part of what is currently Lot 104 (see Figure 2). Following the issuing of a development approval, NSW HI will commence the construction of the new Pre-school and a new lot will also ultimately be established for the facility. The tenure of the future lot is under discussion.

The material for DA21/2575 includes the following proposed plan of subdivision that shows the existing Pre-school Lot 1034 and the proposed new Pre-school Lot (3974 m²) of North Street.



Figure 2 - Proposed Plan of Subdivision

The Pre-school wrote to Council in February 2022, noting that they have had a positive relationship with Council over the years as their current CLM, and are seeking surety that the arrangement will continue in the new location. They see the move to a new facility as an opportunity for their service to grow and meet community needs as they will be able to increase their number of places. They have requested that Council document its commitment to the role as CLM for the new site, to help protect the continuity and operations of their service into the future. They have also asked that Council support the continued viability of the Pre-school through a long-term lease and a peppercorn rental.

Through the hospital redevelopment, NSW HI are committed to delivering the Pre-school essentially a 'like for like' facility. Working more broadly with the Government, the Pre-school are also looking to provide an expanded service to enable them to increase their number of places from 40 (existing) to 60 (proposed). To enable this the Pre-school is pursuing grant funding through the NSW Department of Education's 'Start Strong' Capital Program and Council recently provided a general letter of support to assist in this regard.

CL22.177

In recent discussion with NSW HI it was noted that they intend to deliver a new 'fit for purpose' building to the Pre-school, including furniture and relocation costs. They do not anticipate that the Pre-school or Council will incur any costs and are ultimately looking to provide a good outcome for the Pre-school as part of their project deliverables.

Both Local Members have expressed support for the Pre-school and the outcome that is being pursued. In October 2021, the Member for South Coast, Hon Shelley Hancock MP noted in a media release that the Pre-school will remain operational at its current location until the new one is completed.

Tenure Options

There are essentially two key considerations at this point for Council:

- Tenure of the new lot

The new Lot to be created for the Pre-school is currently owned by NSW HAC. The current intention is that it will ultimately revert back to the Crown Land Estate. At this point there are two potential tenure options that could possibly be considered for the future:

Option 1 - Council as Crown Land Manager (CLM) for the new Lot and Pre-school.

This is the currently the option that has been envisaged by the relevant NSW Government Agencies involved in this matter as it essentially maintains the 'status quo' with the current situation.

Option 2 - Council is given freehold ownership of the new Lot and Pre-school.

This would appear to be a more straightforward option for the longer term, but from recent discussions with the NSW Government Agencies, this was not envisaged and any transfer of land to Council is not favoured at this point.

In real terms, there are limited differences (pros/cons) between both options, perhaps the main one being the freehold ownership of the site and process for leasing to a tenant and future works. With Option 1, there is a need to involve both Crown Lands and Council and as such the documentation process is likely to be more involved and lengthier, whereas Option 2 would only involve Council.

On the basis that that Option 2 seems to be more problematic (and time consuming to resolve) at this point to the NSW Government, in the interests of certainty it is recommended that Council agree to be the CLM for the new Lot that is eventually created and the Pre-school, noting that this essentially maintains the current arrangement that exists and is seen to be more straightforward.

The Pre-school currently has an existing five-year lease, with a five year option where they currently are, but they are keen to ultimately get a longer lease (10 years) on the new Pre-school when constructed to give them certainty and given their pursuit of the 'Start Strong' Capital Program grant to assist with the building. Given their long terms stable nature it is also recommended that Council agree to the negotiation of a 10-year lease with the Pre-school, at an appropriate 'peppercorn' rental.

- Compensation entitlement

As the current CLM for the existing Lot 1034 (current Pre-school), Council is likely to be entitled to some compensation in accordance with Section 2.24 of the Crown Land Management Act. The amount payable, if any, is assessed on:

- Value of any improvements installed by the CLM
- Value of loss arising from a loss of public open space arising from the acquisition
- Reduction in the value of any improvements
- Cost to the manager of acquiring additional comparable land
- Any loss attributable to disturbance

Thus, Council may be entitled to some compensation. However, the current building has carrying asset value of just over \$750,000, a new land parcel will be created, and Pre-school constructed on it with a value of around \$4 million and NSW HI will cover legal costs, stamp duty costs, valuation fees etc. so as to minimise any loss attributable to the disturbance incurred by Council as CLM. As such, if Council is the CLM for the new Pre-school any compensation is likely to be minimal.

On this basis, and because of the overall community good outcome that will eventuate, it is recommended that Council not pursue compensation, subject to confirmation that HI will meet any costs (legal, stamp duty, valuation etc.) that may be incurred by Council in this regard. Clarification should also be sought on who will own the actual building once constructed.

Conclusion

Given its currently location the existing Shoalhaven Community Pre-school needs to be relocated to make way for the planned hospital redevelopment.

This report details the outcome that is being pursued to assist in this regard and how Council can assist and help provide future certainty for the Pre-school that provides a valuable community service.

Community Engagement

Council has not undertaken any formally community engagement in regard to this matter.

It is however noted, that the NSW Government recently undertook community engagement in regard to the overall hospital expansion project. More information on this is available on the project website (referenced earlier in the report).

Council staff have also had recent discussions with the Shoalhaven Community Pre-school regarding the proposed new facility, continuity of their operation, future tenure of both sites and financial impacts.

Financial Implications

Discussed in the body of the report.

Approval of the lease for the new premises will form part of a future report, including financial implications to Council.

The recommendation provides largely for a 'status quo' outcome and will not change Council's responsibilities, however as this will be a new construction any financial impacts would be reduced.

CL22.178 Grant of Easement - Overhead Power Lines - Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) - 375 Matron Porter Drive Milton

HPERM Ref: D21/479827

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

Attachments: 1. Plan of Easement for Overhead Powerlines - Lot 1 DP 625058 [↓](#)
2. Aerial Photo - Easement - Lot 1 DP 625058 [↓](#)

Reason for Report

This report provides Council with the opportunity to consider granting an Easement for overhead power lines variable width in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) over Council owned property known as 375 Matron Porter Drive, Milton as shown highlighted yellow in Attachment 1.

Recommendation

That Council:

1. Grant an Easement in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) for overhead powerlines variable width over 375 Matron Porter Drive, Milton;
2. Fund all costs associated with the creation of the Easement from Finance Project number 103680.
3. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Director City Services) be authorised to sign any documents necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: The easement is required to provide Endeavour Energy with legal access for the operation and maintenance of its essential public infrastructure and will allow the grant funded Safer Roads Project to commence construction in the 2021-22 financial year.

2. Not resolve as recommended.

Implications: Endeavour Energy will not have legal access to repair and maintain their infrastructure such as electricity power poles / lines and public lighting. This may cause delays in responding to local electrical outages and jeopardise the future maintenance of those critical assets. The grant funded Safer Roads Project will not commence construction in the 2021-22 financial year

CL22.178

Background

The portion of road located south of 375 Matron Porter Drive is subject to a grant under the TfNSW Safer Roads Program to upgrade the road. This project is ready for delivery in 2021-22 and includes wide painted audio tactile line markings, improved sealed shoulders and semi rigid barriers. As a result of the upgrades, a number of power poles will have to be relocated on to the adjoining Council owned land known as 375 Matron Porter Drive, Milton.

375 Matron Porter Drive, Mollymook is known as “Frogs Holla Sporting Complex”. The ovals are open to the public for sporting activities. The relocation of the power poles will have a minor impact on the public land, see Attachment 2, showing the easement in yellow hatching.

Endeavour Energy now require an easement to allow for future access, repair and maintenance.

Community Engagement

This matter is a local area, low impact issue, as outlined in Council’s Community Engagement Policy and Handbook, and therefore no community engagement has taken place.

Policy Implications

Nil.

Financial Implications

All costs will be funded from Finance Project number 103680.

Risk Implications

Failure to secure the easement will leave electricity infrastructure over private land (currently Council owned) and may result in delays in responses to local electrical outages and jeopardise the future maintenance of those critical assets.

CL22.178





CL22.179 Fireworks Policy

HPERM Ref: D22/57311

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Attachments: 1. Fireworks Policy (under separate cover) [⇒](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to seeking Council's adoption of the Fireworks Policy (POL21/26).

Recommendation

That Council adopt the Fireworks Policy presented as **Attachment 1**

Options

1. As recommended

Implications: The Policy will be adopted

2. Council provide an alternative direction to staff

Implications: The Policy will be modified as directed by Council

Background

Council has received numerous complaints regarding fireworks in rural settings emanating from private functions such as weddings, birthdays, and funerals. Noise from fireworks can cause distress to the public and to animals. When frightened by fireworks, horses, livestock, and dogs may injure themselves or run away, potentially causing accidents and damage to people, property, or to themselves.

Animal owners, particularly rural landholders, need to be advised of fireworks, to ensure animals are safe and appropriate steps can be taken to protect their animals. Last year a horse was seriously injured when frightened by fireworks. The legislated neighbour notification occurred, however, the noise carried outside the notification zone to where the horse was located. The horse sustained a serious injury after escaping from a stable and had to be transported to Sydney, and the owner incurred significant costs to treat the injured horse. This circumstance was discussed with a Councillor at that time and was a precursor to the development of this Policy.

Due to ongoing complaints, it is proposed that this Policy will stipulate an objection to all fireworks displays, except for:

- Organised public displays such as, community events organised by Council, a community organisation or an individual on behalf of the community, such as New Year's Eve events, shows or festivals.

It is also proposed that the Policy will ensure that Pyrotechnicians give a minimum of 30 days notification to Council for assessment, and upon notification:

- Register the event with Council's Events Team.
- Confirm that they have notified nearby residents; and,
- Document environmental considerations specific to the firing location including any consultation with other Agencies such as NSW Roads and Maritime Service for display on navigable waters and NSW National Parks and Wildlife Service in relation to potential impacts on threatened species listed under the *Biodiversity Conservation Act 2016* (NSW).

It is important to acknowledge that Council is not the approval authority for fireworks displays. A fireworks licence is issued by SafeWork NSW under the *Explosives Regulation 2013*. The *Explosives Regulation 2013* requires that the licensee must notify SafeWork NSW, and local authorities, of any fireworks display, at least seven business days prior to the fireworks event.

Council may object to or recommend conditions on an applicant's use of fireworks to the approval authority being NSW SafeWork.

Community Engagement

Community engagement is not deemed to be required, as there are limited changes that community members can recommend due to SafeWork NSW being the approval authority for fireworks displays. Therefore, no community exhibition or submission period is recommended.

This Policy is, however, attempting to address community concern about the increasing frequency of private fireworks displays, and their impact on surrounding residents, sensitive receivers including farms and stables, as well as sensitive environments such as threatened shorebird nesting areas.

Consultation has occurred with the NSW National Parks and Wildlife Service, and internally with Council's Biodiversity Team and Tourism Events Team.

Policy Implications

This Policy aims to provide a consistent approach for any proposed fireworks displays across the Shoalhaven City Council Local Government Area. Council is committed to ensuring that all approved fireworks events are safe, well planned and minimise the potential impacts on the community, aboriginal cultural values, native fauna and flora, domestic animals, and the amenity of the surrounding area.

The Policy has introduced a timeframe and deadline for lodgement 30 days prior to the event, to allow adequate time for Council's officers to assess relevant impacts from a proposal.

Financial Implications

It is not expected that by adopting this Policy that future events will be managed in a manner that reduces the impact on the community, animals, and the amenity of the surrounding area, or it will not be permissible.

Risk Implications

This Policy aims to reduce not only the risk of disturbance and subsequent injury to animals, but also the nuisance potentially imposed on community, where it is deemed not to have a community benefit.

It also ensures that an appropriate level of due diligence is exercised by the licensed Pyrotechnician applicant to minimise environmental harm.

CL22.179

CL22.180 Development Application – DA20/1068 - 189-197 Princes Hwy & 2A Parson St, Ulladulla (Lots 1-5 DP 21356 & Lot 23 DP 1082957)

DA. No: DA20/1068/4

HPERM Ref: D22/71388

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Planning Report S4.15 Assessment - 189 Princes Highway Ulladulla - Bunnings (under separate cover) [⇒](#)
2. Draft Development Consent - Bunnings Ulladulla - 189 to 197 Princes Highway Ulladulla (under separate cover) [⇒](#)
3. Shoalhaven Water Notice - DA20-1068 - N1 (under separate cover) [⇒](#)
4. Planning Agreement - Exhibition Version - Bunnings - 189 - 197 Princes Hwy and Part of 2A Parsons St Ulladulla (under separate cover) [⇒](#)
5. Planning Agreement - Explanatory Note - Bunnings - 189 - 197 Princes Hwy and Part of 2A Parsons St Ulladulla (under separate cover) [⇒](#)
6. Bunnings Amended Traffic Report - 189 Princes Hwy, Ulladulla (under separate cover) [⇒](#)
7. Traffic Impact Assessment Report - 169 Princes Highway Ulladulla.docx (under separate cover) [⇒](#)

Description of Development: Bunnings Warehouse

Owner: ET & ME Oberg, Etmo Pty Ltd & Hogg Property Pty Ltd, Shoalhaven City Council

Applicant: Development Approvals Manager, Bunnings Group Ltd

Notification Dates: 26/02/2020 to 28/03/2020 and 11/03/2020 to 01/05/2020

No. of Submissions: 2 (one against by petition)

Purpose / Reason for consideration by Council

This report is being submitted to Council in response to Council's resolution of 21 February 2022. Council resolved as follows:

RESOLVED (Clr Butler / Clr Christen)

MIN22.125

That this item be deferred to further consider the cumulative traffic impact on Parson Street, Dowling Street and Princes Highway, Ulladulla and that the network modelling be presented to Council for consideration.

Recommendation

That Council:

1. Receive this report for information.
2. Confirm that it supports the clause 4.6 variation with respect to the height of the development exceeding the 10m height limitation by 16%.
3. Approve the Development Application, by way of deferred commencement, DA20/1068 for a Bunnings Warehouse incorporating subdivision of Lot 23 DP 1082957 2A Parson

CL22.180

- Street, Ulladulla and consolidation of the southern portion with Lots 1-5 in DP 21356 189 - 197 Princes Highway and construction of associated infrastructure that includes roadworks (new roundabout, median and entry/exit driveways) in the Princes Highway and partial extension of St Vincent Street, as detailed in the draft conditions of consent, at Attachment 2 to this report.
4. Approve the proposed Voluntary Planning Agreement (VPA) with Bunnings Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957, 189 - 197 Princes Highway and 2A Parson Street, Ulladulla for the construction of road infrastructure, as outlined in this report and referenced in Attachments 4 and 5 to this report.
 5. Delegate authority to Council's Chief Executive Officer, or their delegate, to enter into and register the Planning Agreement consistent with the detailed key terms.

Options

1. That Council approve the recommendation as printed.

Implications: A Deferred Commencement is being recommended. The deferred items require the execution of the VPA, and completion of stormwater works and registration of a new easement for the stormwater.

The proposed VPA will result in a positive public benefit through the construction of part of the road and drainage infrastructure earmarked in the Shoalhaven Contributions Plan (CP) 2019 for the Princes Highway and St Vincent Street.

This would permit the construction of a larger Bunnings Warehouse for Ulladulla, that would generate significant employment during and post construction.

2. That Council does not support the application.

Implications: This would impact on employment opportunities, delay the provision of civil infrastructure required under the Shoalhaven Contributions Plan 2019, and potentially result in a formal request to review the decision and / or appeal to the Land and Environment Court.

3. Adopt an alternative recommendation.

Implications: This is contingent on what is resolved.

Location Map



Figure 1 – Location

Background

Previous Meeting of Council

The application was previously considered by Council at its meeting of 21 February 2022. At that meeting Council resolved to defer the matter, pending receipt of an additional report addressing cumulative traffic impact on Parson Street, Dowling Street and Princes Highway, Ulladulla and network modelling be presented to Council for consideration. In addition, other matters raised in discussion not included in the resolution are included for advice. This report is in response to that decision of Council.

Proposed Development

The development includes the consolidation of several lots, the subdivision of those lots to create a parcel of land for the Bunnings site and a residue parcel containing “Project Lighting”. The proposal includes the demolition of several structures and the construction of a Bunnings store.

A Voluntary Planning Agreement is proposed to include a new roundabout (Princes Hwy and Dowling St) and median works on the Princes Hwy.

The short frontage of the development will face the Princes Hwy, which includes the garden centre and landscaping, which is in excess of Council’s minimum requirements.



Figure 2 – Photomontage of development as viewed from the Highway.

Subject Land

The site comprises six (6) allotments and is legally described as Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957 and is known as 189 - 197 Princes Highway, Ulladulla and 2A Parson Street, Ulladulla.

The site is irregular shaped and has a total area of 25,381 m². The lots which comprise 189-197 Princes Highway (Lots 1- 5 DP 21356) are rectangular in shape, each with an area of around 3,930 m² and the total site area of 189-197 Princes Highway is 19,657 m². 2A Parson Street (Lot 23 DP 1082957) is located on the southeast corner of the intersection of Parson Street and St Vincent Street and has an area of 5,724 m². Refer to Figure 1.

Site & Context

The subject site is located approximately 950m south of the Ulladulla Post Office adjacent to the western side of the Princes Highway.

- It is zoned B5 Business Development.
- Contains a riparian corridor is identified within the southern half of the site that follows the stormwater flow path through the site.
- Is part flood and bush fire affected with the 2 southern most lots potentially contaminated (service station use).
- The site has multiple existing access points to the Princes Highway.

Lot 23 DP 1082957 is known as 2A Parson Street, Ulladulla and it is occupied by a commercial building (Project Lighting) and at grade parking on the northern portion of the site. Land identified south of the red line is proposed to be consolidated with proposed Lot 1 (Bunnings Site) with the residue (proposed Lot 2) left for Project Lighting. This portion of the site is undeveloped and vegetated.

Lots 1-5 in DP 21356 contain structures, excepting lot 3 which is vacant. Lot 5 contains a service station.

Issues

1. Cumulative traffic impact of the proposed development on Parson Street, Dowling Street and Princes Highway, Ulladulla and that the network modelling be presented to Council for consideration.

Traffic modelling for DA20/1068 (Bunnings) and DA22/1075 (Mixed use DA for 169 Princes Highway Ulladulla) is contained within the Traffic reports submitted for each DA that are identified as Attachments 6 & 7 to this report.

Extracts and comment on traffic modelling for each application are provided below:

Traffic Modelling – Bunnings (DA20/1068)

Criteria for Interpreting Results of SIDRA Analysis

1. Level of Service (LOS)

LOS	Traffic Signals and Roundabouts	Give Way and Stop Signs
'A'	Good	Good
'B'	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
'C'	Satisfactory	Satisfactory but accident study required
'D'	Operating near capacity	Near capacity and Accident Study required
'E'	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode
'F'	Unsatisfactory and requires additional capacity	Unsatisfactory and requires other control mode

2. Average Vehicle Delay (AVD)

The AVD provides a measure of the operational performance of an intersection as indicated on the table below, which relates AVD to LOS. The AVD's listed in the table should be taken as a guide only as longer delays could be tolerated in some locations (ie inner city conditions) and on some roads (ie minor side street intersecting with a major arterial route).

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabouts	Give Way and Stop Signs
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory but accident study required
D	43 to 56	Operating near capacity	Near capacity and accident study required
E	57 to 70	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode

Figure 3 – Extract of T&TP Traffic and Parking Assessment – Proposed Bunnings

Traffic surveys have been undertaken at the Princes Highway and Parson Street intersection and at the existing Bunnings access during the weekday afternoon and Saturday midday periods. The results of that assessment are summarised in the following while the criteria for interpreting SIDRA results is reproduced overleaf.

PM		SAT	
LOS	AVD	LOS	AVD
B	15.1	A	10.7

Figure 4 – Extract of T&TP Report Existing Traffic - Parson Street Roundabout and Existing Bunnings

CL22.180

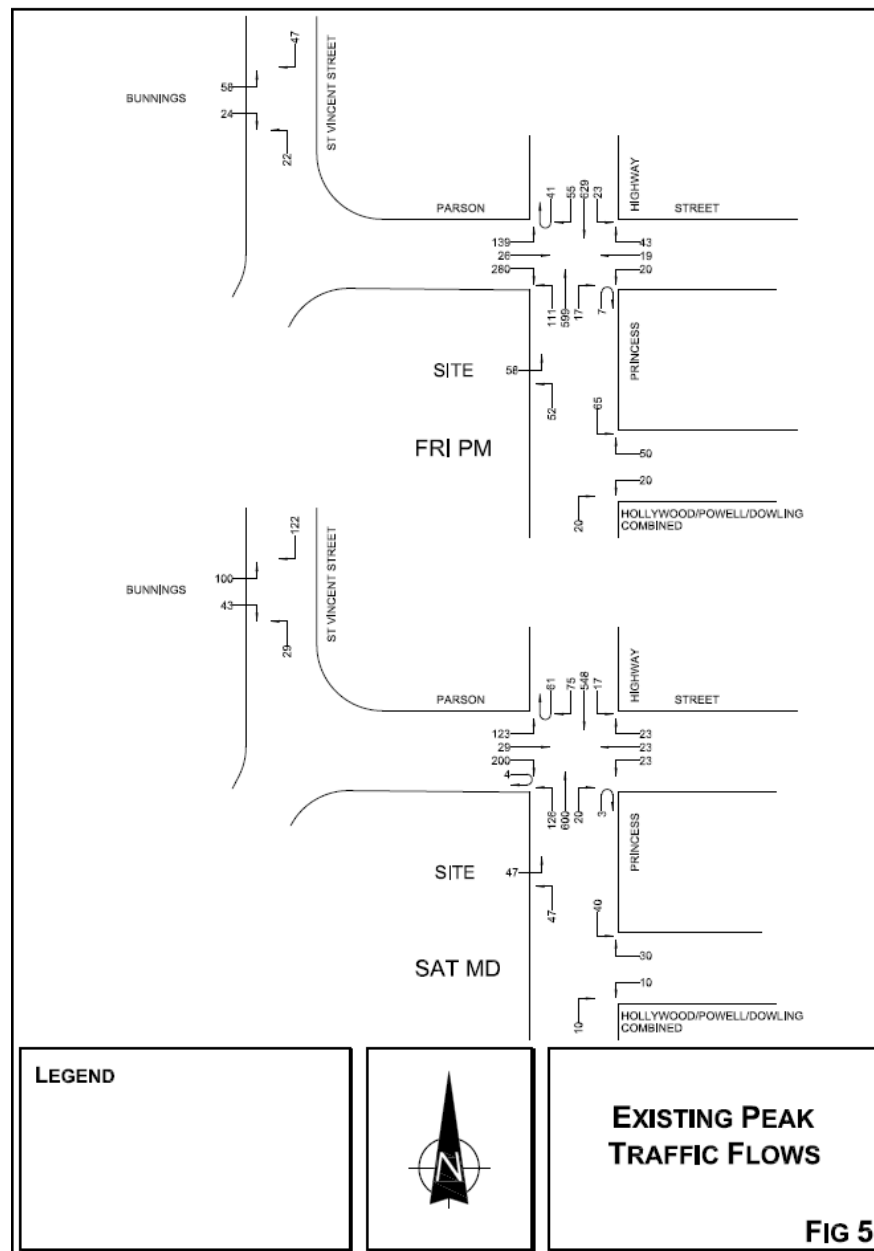


Figure 5 – Extract of T&TP Report - Existing Traffic - Parson Street Roundabout and Existing Bunnings

The results indicate that the intersection operates satisfactorily at the present time.

The NSW Government document *Princes Highway Corridor Strategy (Aug 2016)* provides an insight into the changes to traffic activity on numerous sections of the highway. The extract overleaf indicates an average AADT growth on the highway at a counting station south of Lake Burrill of 1.1% pa.

Council officers often take the view that seasonal / holiday variations in traffic flow need to be accounted for in regard to traffic assessment and quote an Austroads criteria in relation to a certain “highest hour”. However, the 2nd extract from the Princes Highway Corridor Study shows that while these variations are relatively significant in sections of the highway which have high concentrated flows (e.g., at Bombo), the variations at Burrill Lake / Ulladulla are far more muted and of limited frequency / duration whilst further to the south (e.g., Bega, Eden) they are almost imperceptible.

CL22.180

It is standard practice to identify and assess a “10-year design horizon” in relation to development assessment and for the purposes of establishing the 2029 design horizon, the volumes of the through movements were increased by 15% for the Friday PM, and Saturday midday peak periods, and the major right/left turn movements to/from the highway at the Parsons Street intersection increased by 10%. This is an increased ‘sensitivity’ provision over that specified by TfNSW (Andrew Lissenden email of 28.04.2020) of + 10% and the peak traffic outcome for the Friday PM and Saturday midday peaks are provided in Figure 6.

The operational performance of the roundabout controlled intersection was assessed using SIDRA and the results are summarised in Figure 6, below.

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
North	D	53.2	B	14.8
South	A	7.3	A	9.5
East	B	19.9	B	14.8
West	F	87.7	C	36.3
Total:	C		B	16.6

Figure 6 – Extract of T&TP Traffic and Parking Assessment – Proposed Bunnings

The operation of the intersection for this future circumstance is satisfactory with a potential limited upgrade of 50m lane 2 lane approaches on the highway arms. The results of a SIDRA assessment with this upgrade arrangement are summarised in Figure 7, below.

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
North	A	9.8	A	7.7
South	A	5.9	A	6.2
East	B	20.5	A	14.8
West	D	45.1	B	25.1
Total:	B	16.41	A	10.5

Figure 7 – Extract of T&TP Traffic and Parking Assessment – Proposed Bunnings

It is apparent from Figure 7 that the operation of the modified roundabout with the projected 2029 volumes will be satisfactory.

Proposed Traffic Demand of the New Bunnings

The process undertaken to assess the detailed projected peak traffic generation of the proposed Bunnings involved:

- identifying and subtracting the traffic movements of the existing Bunnings and site use
- generations having regard for the “passing trade” factor
- adding the traffic movements generated by the new Bunnings
- adding the traffic generation of a bulky goods use on the existing Bunnings site.

The resultant 2019, plus development traffic flows for the Friday PM and Saturday midday peaks, are shown on Figure 8 and the operational performance of the Princes Highway/Parson Street and Princes Highway/Dowling Street intersections has been assessed with SIDRA. The results of this assessment are summarised in the following:

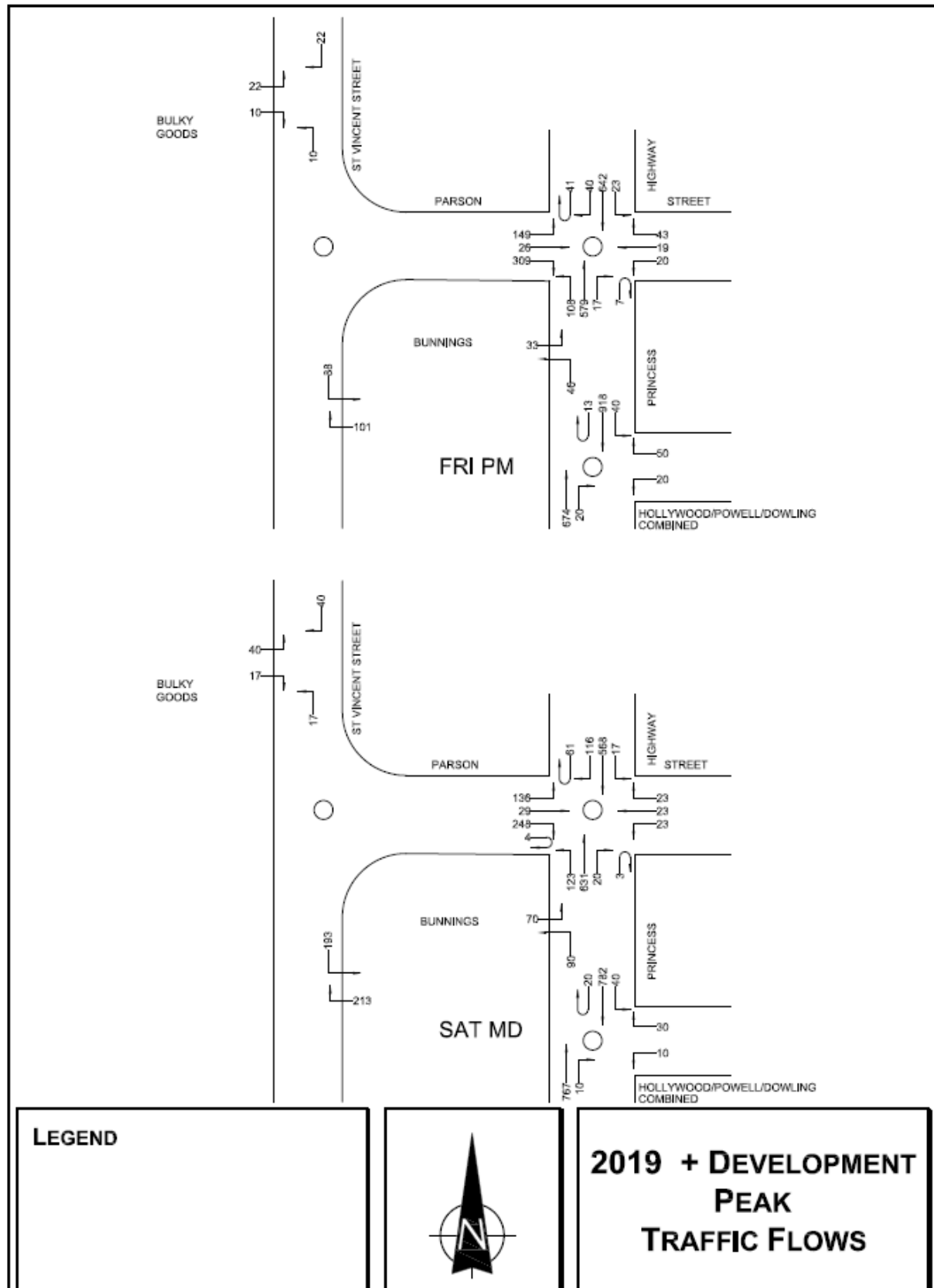


Figure 8 - Extract of T&TP Traffic and Parking Assessment – Proposed Bunnings

	Weekday PM		Saturday MD	
	LOS	AVD	LOS	AVD
Parson Street	B	17.3	B	16.5
Dowling Street	A	5.0	A	4.7

Figure 9 - Extract of T&TP Report SIDRA results for the Parson Street and Dowling Street Intersections

The results indicate that a satisfactory operational performance will be maintained while it is apparent that:

- the traffic movements on the Bunnings interim access will be very little different to that of the existing uses (but without the right turn movements)
- the operational performance of the Princes Highway/Powell Street and St Vincent Street/Parson Street intersections will be satisfactory given the relevant peak vehicle flows

As a final assessment process, the “post development” traffic flows were added to the 2029 design horizon traffic flows (Figure 10) with the future access road connection into the Dowling Street intersection. The SIDRA results for the circumstance are summarised in the following:

	Friday PM		Saturday MD	
	LOS	AVD	LOS	AVD
Parson Street	B	11.1	B	11.7
Dowling Street	A	8.7	A	6.3

Figure 10 - Extract of T&TP Report SIDRA Results For Post Development Traffic Flows 2029 Horizon Final Access Arrangement – Proposed Bunnings

It is apparent that the intersections will operate satisfactorily with the proposed Bunnings development for the circumstances of:

- 2019 with existing Parson Street roundabout and proposed Dowling Street roundabout
- 2029 with existing Parson Street roundabout and proposed Dowling Street roundabout with extension of St Vincent Street to form a 4th leg. This circumstance will have the added benefit of avoiding the need to upgrade the Parson Street roundabout capacity.

3. Degree of Saturation (DS)

The DS is another measure of the operational performance of individual intersections.

For intersections controlled by **traffic signals**¹ both queue length and delay increase rapidly as DS approaches 1, and it is usual to attempt to keep DS to less than 0.9. Values of DS in the order of 0.7 generally represent satisfactory intersection operation. When DS exceeds 0.9 queues can be anticipated.

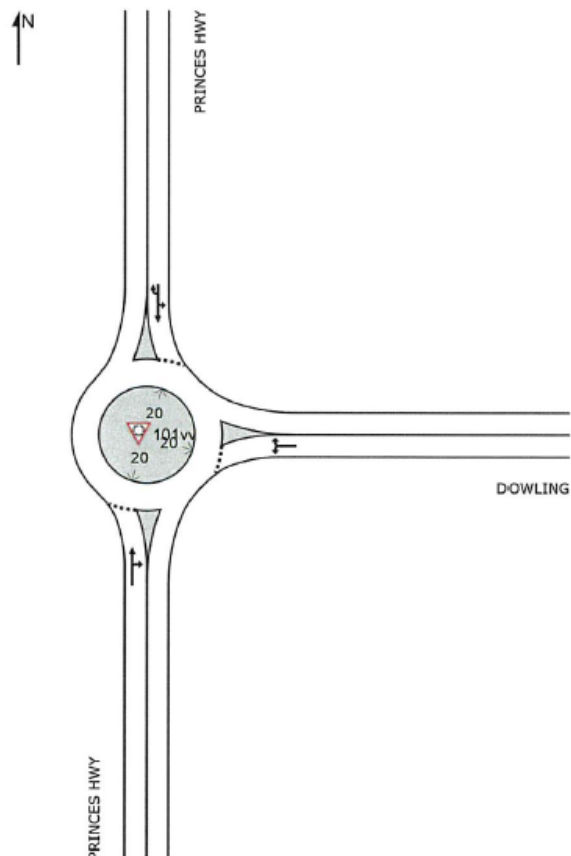
For intersections controlled by a **roundabout** or **GIVE WAY** or **STOP** signs, satisfactory intersection operation is indicated by a DS of 0.8 or less.

Figure 11 Extract of T&TP Report – Explanation of Degree of Saturation

SITE LAYOUT

 **Site: 101vv [EX + DEV DOWLING - PRINCES HWY]**

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Figure 12 Extract of T&TP Report – Proposed Dowling Street Roundabout

CL22.180

MOVEMENT SUMMARY

Site: 101vv [EX + DEV FRI PM DOWLING - PRINCES HWY] ## Network: N101 [2019 + DEV FRI PM]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand veh/h	Flows HV %	Arrival Flows HV %	Deg Satn w/c	Average Delay sec	Level of Service	Aver Back of Queue Vehicles	Distance m	Prop. Queued	Effective Stop Rate	Avar. No Cycles	Average Speed km/h
South: PRINCES HWY													
2	T1	709	8.0	709	8.0	0.517	4.7	LOS A	2.0	14.7	0.36	0.43	50.1
3	R2	21	2.0	21	2.0	0.517	9.2	LOS A	2.0	14.7	0.36	0.43	54.9
Approach		731	7.8	731	7.8	0.517	4.8	LOS A	2.0	14.7	0.36	0.43	50.3
East: DOWLING													
4	L2	21	2.0	21	2.0	0.127	10.9	LOS B	0.3	2.3	0.83	0.83	42.1
6	R2	53	2.0	53	2.0	0.127	15.4	LOS B	0.3	2.3	0.83	0.83	36.7
Approach		74	2.0	74	2.0	0.127	14.1	LOS B	0.3	2.3	0.83	0.83	38.9
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.642	4.1	LOS A	3.0	22.3	0.21	0.39	53.2
8	T1	966	8.0	966	8.0	0.642	4.4	LOS A	3.0	22.3	0.21	0.39	54.7
9u	U	14	2.0	14	2.0	0.642	11.0	LOS B	3.0	22.3	0.21	0.39	47.2
Approach		1022	7.7	1022	7.7	0.642	4.4	LOS A	3.0	22.3	0.21	0.39	54.5
All Vehicles		1826	7.5	1826	7.5	0.642	5.0	LOS A	3.0	22.3	0.30	0.42	52.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Apkelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Figure 13 Extract of T&TP Report - Degree of Saturation – Dowling Street Roundabout Interim Access
Friday PM

CL22.180

MOVEMENT SUMMARY

Site: 101vv [EX + DEV SAT MD DOWLING - PRINCES HWY] ## Network: N101 [2019 + DEV SAT MD]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand	Flows	Arrival	Flows	Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	vic	sec		veh	Distance m			km/h
South: PRINCES HWY													
2	T1	807	8.0	807	8.0	0.558	4.6	LOS A	2.2	16.3	0.32	0.41	50.5
3	R2	11	2.0	11	2.0	0.558	9.1	LOS A	2.2	16.3	0.32	0.41	55.2
Approach		818	7.9	818	7.9	0.558	4.6	LOS A	2.2	16.3	0.32	0.41	50.6
East: DOWLING													
4	L2	11	2.0	11	2.0	0.060	8.6	LOS A	0.1	1.0	0.73	0.74	43.2
6	R2	32	2.0	32	2.0	0.060	13.0	LOS B	0.1	1.0	0.73	0.74	38.3
Approach		42	2.0	42	2.0	0.060	11.9	LOS B	0.1	1.0	0.73	0.74	40.1
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.542	4.0	LOS A	2.1	15.4	0.12	0.40	53.7
8	T1	823	8.0	823	8.0	0.542	4.2	LOS A	2.1	15.4	0.12	0.40	55.2
9u	U	21	2.0	21	2.0	0.542	10.9	LOS B	2.1	15.4	0.12	0.40	48.2
Approach		886	7.6	886	7.6	0.542	4.4	LOS A	2.1	15.4	0.12	0.40	55.0
All Vehicles		1746	7.6	1746	7.6	0.558	4.7	LOS A	2.2	16.3	0.22	0.41	52.8

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
Roundabout LOS Method: SIDRA Roundabout LOS.
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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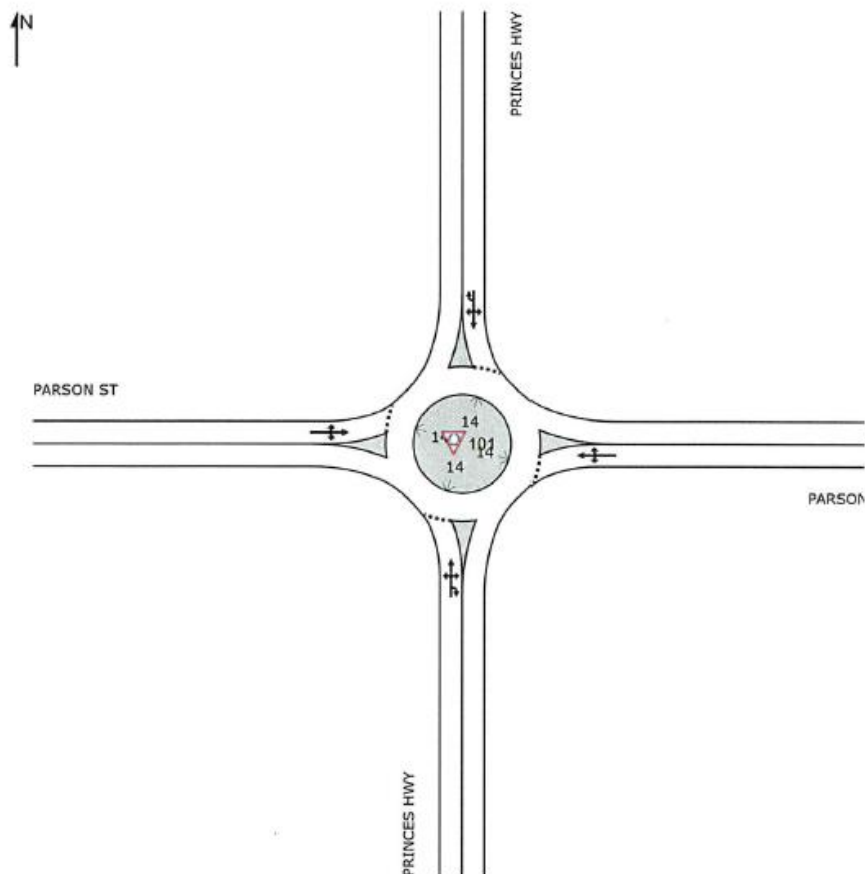
Figure 14 Extract of T&TP Report Degree of Saturation – Dowling Street Roundabout Interim Access
Saturday PM

CL22.180

SITE LAYOUT

Site: 101 [2029 BACKGROUND + DEV TRAFFIC PARSON ST - PRINCES HWY]

Bunnings Ulladulla
Site Category: (None)
Roundabout



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Figure 15 Extract of T&TP – Parson Street Roundabout

CL22.180

MOVEMENT SUMMARY

Site: 101vv [2029 BACKGROUND + DEV FRI PM DOWLING - Network: N101 [2029 + DEV PRINCES HWY] FRI PM (NO BYPASS)]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles														
Mov ID	Turn	Demand	Flows	Arrival	Flows	Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Quoted	Effective Stop Rate	Aver. No. Cycles	Average Speed	
		veh/h	Total	HV %	Total	HV %	sec		veh	Distance m			km/h	
South: PRINCES HWY														
1	L2	112	6.0	112	6.0	0.601	4.5	LOS A	2.7	20.1	0.42	0.44	0.42	50.0
2	T1	723	8.0	723	8.0	0.601	4.7	LOS A	2.7	20.1	0.42	0.44	0.42	49.8
3	R2	21	2.0	21	2.0	0.601	9.3	LOS A	2.7	20.1	0.42	0.44	0.42	54.8
Approach		856	7.6	856	7.6	0.601	4.8	LOS A	2.7	20.1	0.42	0.44	0.42	50.0
East: DOWLING														
4	L2	21	2.0	21	2.0	0.177	11.9	LOS B	0.5	3.7	0.96	0.90	0.96	42.9
5	T1	21	2.0	21	2.0	0.177	13.2	LOS B	0.5	3.7	0.96	0.90	0.96	34.6
6	R2	32	2.0	32	2.0	0.177	16.4	LOS B	0.5	3.7	0.96	0.90	0.96	37.9
Approach		74	2.0	74	2.0	0.177	14.2	LOS B	0.5	3.7	0.96	0.90	0.96	38.8
North: PRINCES HWY														
7	L2	66	2.0	66	2.0	0.808	9.8	LOS A	5.4	40.0	0.95	0.86	1.14	49.1
8	T1	799	8.0	799	8.0	0.808	10.2	LOS B	5.4	40.0	0.95	0.86	1.14	50.3
9	R2	14	2.0	14	2.0	0.808	14.6	LOS B	5.4	40.0	0.95	0.86	1.14	30.1
Approach		881	7.4	881	7.4	0.808	10.2	LOS B	5.4	40.0	0.95	0.86	1.14	49.9
West: SITE ACCESS														
10	L2	35	2.0	35	2.0	0.410	10.4	LOS B	1.2	8.7	0.86	0.93	0.91	22.6
11	T1	21	2.0	21	2.0	0.410	10.6	LOS B	1.2	8.7	0.86	0.93	0.91	44.3
12	R2	217	6.0	217	6.0	0.410	15.4	LOS B	1.2	8.7	0.86	0.93	0.91	44.1
Approach		273	5.2	273	5.2	0.410	14.4	LOS B	1.2	8.7	0.86	0.93	0.91	42.8
All Vehicles		2083	7.0	2083	7.0	0.808	8.7	LOS A	5.4	40.0	0.72	0.70	0.81	48.5

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).

Roundabout LOS Method: SIDRA Roundabout LOS.

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Figure 16 Extract of T&TP Report Degree of Saturation – Parson Street Roundabout Friday PM

CL22.180

MOVEMENT SUMMARY

Site: 101vv [2029 BACKGROUND + DEV SAT MD DOWLING - PRINCES HWY] Network: N101 [2029 + DEV SAT MD (NO BYPASS)]

Bunnings Ulladulla
Site Category: (None)
Roundabout

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows		Arrival Flows		Deg. Satn	Average Delay	Level of Service	Aver. Back of Queue	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %	Total veh/h	HV %	v/c	sec		veh	Distance m			km/h
South: PRINCES HWY													
1	L2	126	8.0	126	8.0	0.613	4.4	LOS A	2.7	20.1	0.35	0.42	50.4
2	T1	765	8.0	765	8.0	0.613	4.6	LOS A	2.7	20.1	0.35	0.42	50.3
3	R2	11	2.0	11	2.0	0.613	9.2	LOS A	2.7	20.1	0.35	0.42	55.1
Approach		902	7.6	902	7.6	0.613	4.7	LOS A	2.7	20.1	0.35	0.42	50.4
East: DOWLING													
4	L2	11	2.0	11	2.0	0.080	9.7	LOS A	0.2	1.5	0.66	0.79	43.8
5	T1	11	2.0	11	2.0	0.080	11.0	LOS B	0.2	1.5	0.66	0.79	35.6
6	R2	21	2.0	21	2.0	0.080	4.2	LOS B	0.2	1.5	0.66	0.79	39.2
Approach		42	2.0	42	2.0	0.080	2.3	LOS B	0.2	1.5	0.66	0.79	39.8
North: PRINCES HWY													
7	L2	42	2.0	42	2.0	0.677	5.5	LOS A	3.0	22.3	0.70	0.58	50.7
8	T1	758	8.0	758	8.0	0.677	5.8	LOS A	3.0	22.3	0.70	0.58	52.0
9	R2	21	2.0	21	2.0	0.677	10.3	LOS B	3.0	22.3	0.70	0.58	31.3
Approach		821	7.5	821	7.5	0.677	5.9	LOS A	3.0	22.3	0.70	0.58	51.4
West: SITE ACCESS													
10	L2	74	2.0	74	2.0	0.349	10.0	LOS B	0.9	6.9	0.84	0.89	23.2
11	T1	11	2.0	11	2.0	0.349	10.3	LOS B	0.9	6.9	0.84	0.89	45.3
12	R2	147	6.0	147	6.0	0.349	15.1	LOS B	0.9	6.9	0.84	0.89	45.0
Approach		232	4.5	232	4.5	0.349	13.3	LOS B	0.9	6.9	0.84	0.89	41.4
All Vehicles		1997	7.1	1997	7.1	0.677	6.3	LOS A	3.0	22.3	0.58	0.55	49.7

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Network Data dialog (Network tab).
 Roundabout LOS Method: SIDRA Roundabout LOS.
 Vehicle movement LOS values are based on average delay per movement.
 Intersection and Approach LOS values are based on average delay for all vehicle movements.
 Roundabout Capacity Model: SIDRA Standard.
 SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
 Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Figure 17 Extract of T&TP Report Degree of Saturation – Parson Street Roundabout Saturday MD

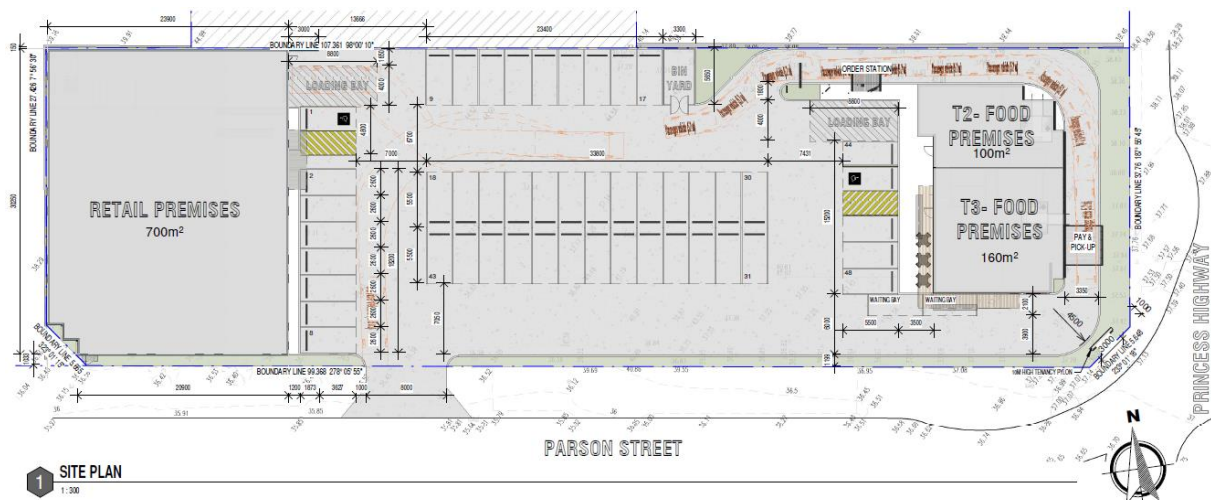
Comment: The Degree of Saturation results provided in Figures 13-14 & 16-17 indicate that both the Parson Street and Dowling Street roundabout intersections will perform to an acceptable level, up to the 2029 horizon for the proposed Bunnings development without the intervention of the Milton Ulladulla Bypass.

CL22.180

Traffic Modelling - Mixed use DA for 169 Princes Highway Ulladulla (DA22/1075)



Figure 18 – Extract Of Bitzios TIA Report - Site Locality Plan For 169 Princes Highway Ulladulla



1 SITE PLAN
1:300

Figure 19 – Extract Of Bitzios Traffic Impact Assessment Report – Site Plan For Proposed Zambreo (Restaurant) – T2 Food Premises – 100 M2, Oporto (Restaurant) – T3 Food Premises – 160 M2 And BCF Store (Bulky Goods) – Retail Premises – 700 M2.

CL22.180

Table 5.1: Development Traffic Generation

Land Use	Supply (m ²)	Traffic Generation Rate (per 100m ² GFA)				Traffic (veh/h)			
		Peak Weekday Hour	Weekday Daily	Peak Weekend Hour	Weekend Daily	WD Hour	WD Daily	WE Hour	WE Daily
Car Sales (Existing)	3316	0.7	7	-	-	23	232	-	-
Retail Premises	595	2.7	17	3.9	19	17	102	24	114
T2 Food	100	5	60	-	-	5	60	5	60
T3 Food	160	5	60	-	-	8	96	8	96
Total (Proposed Development)						30	258	37	270
Net (Proposed – Existing)						7	21	-	-

Figure 20 – Extract of Bitzios TIA Report – Development Traffic Generation – 169 Princes Highway Ulladulla

Staff comment: Figure 20 indicates existing site (former Holden Car Dealership) is expected to generate 23 peak trips per hour. The RMS Guide only stipulates peak evening rate, so an assumption of PM daily trips of PM hourly peak x 10 is used. This results in an estimated 232 existing daily vehicle trips. It is expected that peak trips of 30 per hour on a weekday and 258 daily trips per weekday are expected to be generated from the (mixed use) proposal. The net estimation of the traffic impacts are 7 peak hourly trips, and 21 daily trips. As this is a minor increase of traffic volumes, further impact analysis was not deemed necessary.

TfNSW have raised an issue with the right-turning of vehicles entering the development from Parson Street requesting design plans demonstrating that a BAR treatment (compliant with Figure 7.6 of Austroads Guide to Road Design Part 4A: Intersections and Crossings) can be provided within the road reserve in the vicinity of the development. A proposed design (Figure 21) below addressing the BAR treatment has been provided.

CL22.180

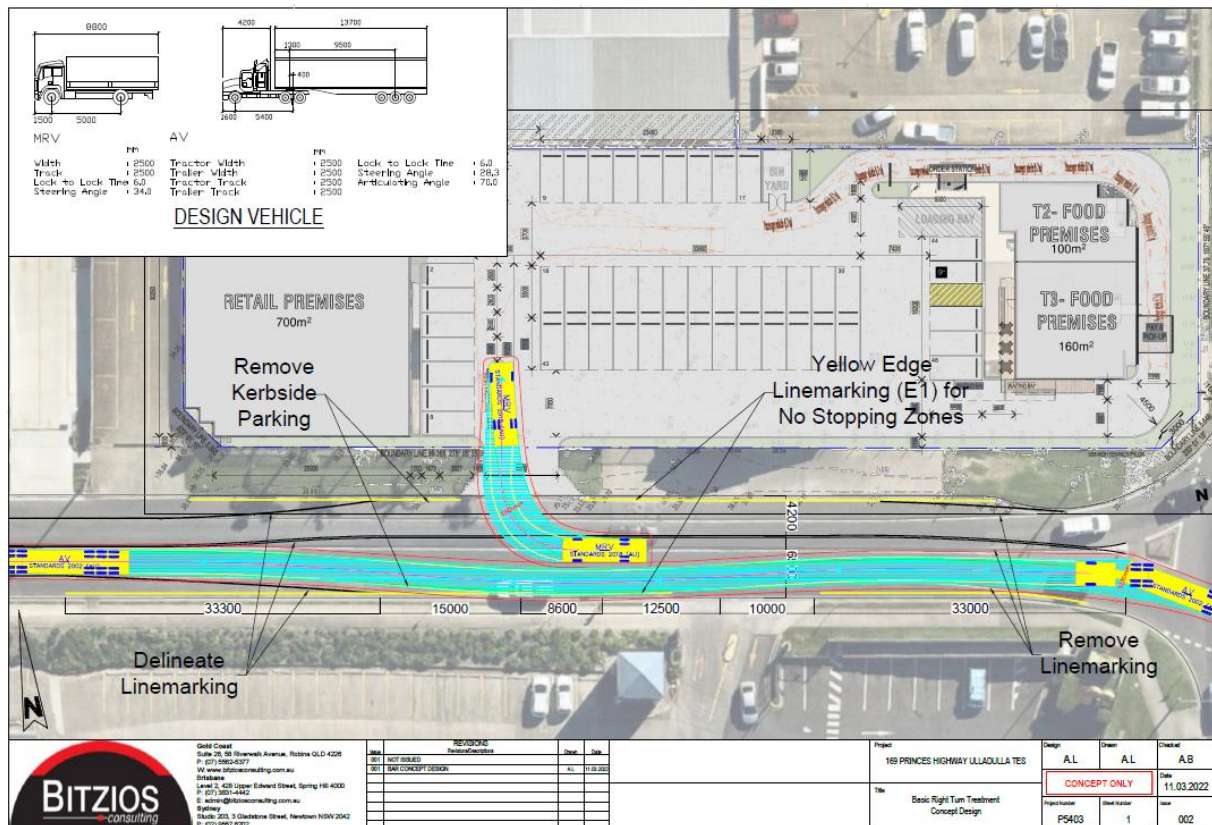


Figure 21 – Bitzios – Concept Basic Right Turn Treatment into 169 Princes Highway Ulladulla

Staff comment: The above concept plan is under consideration by Council engineers and TfNSW, and would require the no standing zone along the southern side of Parson Street to be extended further west than the current location. This is a sensible option given that there has been a long-standing issue with the ability of vehicles to pass one another when vehicles were parked on south side of Parson Street while the car dealership was in operation. In the event that this concept is accepted by TfNSW and our engineers, there will still be adequate long vehicle parking along the southern side of Parson Street for caravans and trailers to the west.

Referral to Transport for NSW

Response from TfNSW provided by email dated 11 March 2022 in regard to DA20/1068 (Bunnings) and DA22/1075 (Mixed use DA for 169 Princes Highway Ulladulla):

TfNSW has reviewed the Traffic Impact Statements and associated information submitted for both projects and is satisfied that the developments will not have an adverse impact on the safety and efficiency of the Princes Highway.

The information that was reviewed did indicate that the intersection of the Princes Highway and Parsons Street is currently performing poorly during existing peak periods. With reference to development application (DA) 20/1068 for a Bunnings warehouse, TfNSW notes that this development is providing a deceleration lane at its Princes Highway access point to enable the free movement of through vehicles, it is providing an alternative entry and exit point from the local road network via St Vincent Street which will distribute traffic coming to and leaving the site via both the classified road and local road network and is providing a roundabout at Dowling Street which is in accordance with the Shoalhaven Development Control Plan 2014 Chapter S10: South Ulladulla and will ultimately be the Princes Highway access to the Bunnings warehouse.

CL22.180

With reference to DA22/1075 for a retail premises and takeaway food and drink premises (x2) one with a drive-through, TfNSW is satisfied that the access arrangements as discussed with the applicant during a pre DA consultation (e.g. single entry/exit point being located as far west as possible and provision of sufficient space within the Parson Street road reserve to enable a car or a 19 m semitrailer to pass vehicles waiting to turn right into the site). As per the requirements in Austroads Guide to Road Design the traffic volumes that will be generated by the development as detailed in the Traffic Impact Statement do not warrant a higher-order treatment at the access of the development.

Timing for the Milton Ulladulla Bypass:

Planning for the Milton Ulladulla bypass is continuing. The preferred bypass corridor has been identified as it will:

- a) Remove more than double the amount of traffic from the Princes Highway as further western bypass options.*
- b) Be more effective at easing traffic congestion on the highway during peak periods, including holiday peaks.*
- c) Reduce traffic movements on the Princes Highway, including heavy vehicles, providing smoother and more reliable journeys to town centre locations accessed via the highway.*
- d) Improve safety for all transport customers using the highway by reducing the interaction between vehicles and other transport customers such as pedestrians.*

The number of lanes and the design and location of connection points to the bypass will be developed as the concept development phase continues. TfNSW will complete a traffic and transport impact assessment as part of the Environmental Assessment prepared for the project. TfNSW remains committed to continuing engagement with Shoalhaven City Council and the wider community to achieve a positive outcome that balances the needs of all transport customers. We will continue to update Council and the community as the Milton Ulladulla bypass project progresses. A timeframe for construction is yet to be confirmed.

Staff comment: TfNSW is the lead agency for approval of roadworks on a classified road (Princes Highway). TfNSW have reviewed the network modelling for Bunnings Ulladulla (DA20/1068) and the proposed mixed-use development at 169 Princes Highway (DA22/1075) for potential safety and efficiency impacts of both developments simultaneously and have not found any reason to modify or change their existing approval letter dated 22 September 2020. Refer to **Attachment 6 & 7** to this report for copies of the Traffic Modelling for DA20/1068 and DA22/1075.

2. When will the road in the CP be built?

Council's Economic Development Officer has advised that the potential timing for the link road is 4 to 5 years before completion. This is due to staging of works in the vicinity of the future link road which include:

- Temporary use of the former Ulladulla Sewer Treatment Plant (USTP) over 188 Camden Street Lot 1 DP1137716 under **DA21/1002** for Resource Recovery Facility to stockpile Sandstone extracted from Ulladulla Harbour (Part 5 Ulladulla Marina) project.

CL22.180



Figure 3 – Locality Sketch And Rock Haulage Route From Marina Project To Former USTP.

- During 2022 it is intended that a DA will be prepared and submitted to council to assess contamination and implement remediation works for the former USTP with remediation work anticipated for 2023/24.
- During 2023/24 it is intended that an industrial subdivision DA will be prepared for approval over the remediated former USTP land, which will include link roadworks to connect Princes Highway (at Dowling St roundabout), St Vincents St and Camden St.
- Council will apply to Transport for NSW (TfNSW) Fixing Country Roads Grant funding and the Federal Government Heavy Vehicle Safety and Productivity Program (HVSP) for grant funding seeking part of the cost of roadworks for the Contribution Plan (CP) program.
- 2024/25 Subject to development consent, the approved industrial subdivision and associated CP roads will be constructed.
- End 2025, if all goes well, roadworks and subdivision will be open, at worst end 2026

3. No stopping on highway – what’s proposed?

Bunnings Response - The proposed roadworks and Bunnings site layout does not presume nor rely upon vehicles stopping on the Highway. Requirements for “No Stopping” can be incorporated into the detail road design (signage and linemarking) approval by the relevant Traffic Committee.

Staff comment: TfNSW provide conditions in Attachment 2 to the recommended consent (1)(c) which requires a detailed pavement marking and sign posting plan.

4. Truck deliveries – trucks queuing in surrounding street system, times for deliveries and potential impact on existing street parking east side of Princes Highway.

Bunnings Response – “Delivery hours will align with store operating hours and will normally occur on weekdays only during store trading times (i.e., between 6am-10pm Monday to Friday). Any noisy activities associated with unloading have been confined

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to the far western end of the site away from the Princes Highway frontage. We consider that at this distance there will be no audible noise impacting nearby residents created by Bunnings' trucks (above existing traffic noise on the Highway), or from unloading activities associated with the proposed store.

The unloading area in the proposed Bunnings Warehouse is situated at the western end of the store. With 100 metres (approx.) of driveway between the front of store and unloading area, there is ample room on site to safely contain all trucks delivering to the store on site, even were they to arrive early.



Figure 4 – Calculation Of Queuing Area Distance Map

Staff comment: A heavy vehicle queuing issue for the current Bunnings site in St Vincent Street exists as there is insufficient room on that site for all heavy vehicles servicing the site to queue. This has led to vehicles queuing off site when busy and prior to opening. Referring to Figure 4 above, the proposed development includes a long heavy vehicle driveway (120m) east of the loading area (depicted by red arrows) along the northern boundary that provides for adequate queuing to occur safely for the equivalent of 5 x 19m semi-trailers or B-doubles within the development site. Typical length of semi-trailers & B-doubles is 19m as described in Figure 5 below. This would remove the need for trucks to stage/queue outside the site and the potential sleep disturbance from the limitations associated with the current development.

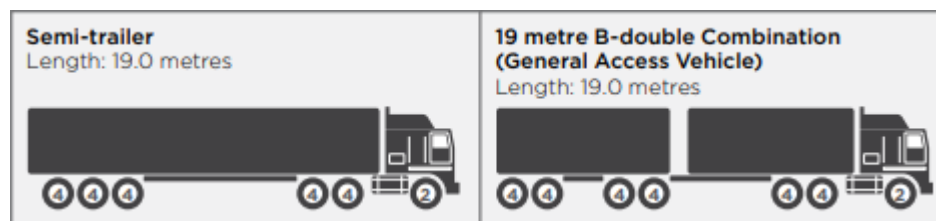


Figure 5 - Extract from NSW Heavy Vehicles Chart

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There is no proposal or requirement indicated in the plans approved by TfNSW to create a no stopping area on the east side of the Princes Highway south of Parson Street.

5. Footpath – signage required – maybe an additional condition.

Bunnings Response - Yes – happy to leave this to detailed road design approval phase.

Staff comment: The signs and lines plan requirements for the Princes Highway are addressed in point 1 (c) (v) of Attachment 2 to the TfNSW approval letter appended to the Recommended conditions of Consent.

Refer new draft condition 38(b)(vi) that addresses pedestrian safety signage.

6. Waste collection – not before 7am – probably can condition this. Maybe contact Bunnings to get some details about the waste arrangements if we don't have them.

Bunnings Response - Bunnings Waste Management relies on State-wide commercial contractors (currently Bingo in NSW). General waste is one of our smaller waste streams and simply contained in a sealed and impervious metal hopper (other waste streams of a Bunnings are compressed and baled cardboard, and compressed and baled plastics, as well as timber packing. Pallets are stored on-site pending their collection by local commercial operators, or transportation firms. All Waste handling is undertaken within the unloading area of the store, well removed from neighbours and the Highway frontage.

Staff comment: The waste handling area is located in excess of 210m from the nearest dwelling in a residential zone (east side of highway) and 135m away from the nearest dwelling in a commercial zone (B5 north) and 285m to the nearest dwelling in the industrial zone (IN2 south) which provides ample separation and shielding due to building location and design from potential amenity impact as a result of waste servicing.

7. Deep soil planting in the car park is desired. Note there was an issue with tree protection as well which needs to be addressed.

Bunnings Response - We acknowledge and expect that tree protection will need to be specified in the conditions of consent, to identify which trees, identify the means for protection and procedures to ensure this protection occurs throughout the development process. We will have no ongoing involvement with the current owners of the site, whom we understand were subject of some Council legal action in the past. There are opportunities for deep soil landscaping along the development frontage to the Highway and in islands throughout the car park. Car Park landscaping needs to be carefully considered however to not impede overland water flow that this site is anticipated to convey in flood events.

Staff comment: Due to the extent of building form, hard stand parking and circulation spaces, RFS bushfire requirements and subterranean infrastructure the potential for deep soil plantings for the development is highly constrained. The only viable opportunities for deep planting are located along the highway frontage and to some isolated islands throughout the carpark. Existing deep planting is currently located between the heavy vehicle queue/loading bay and Project Lighting business to the north. Tree requirements and protection measures are addressed under recommended conditions 14, 15, 31, 66, 70 & 86.

8. Sustainability.

Bunnings Response - Bunnings have a standard specification in all our developments (except far North Queensland) for roof water capture and reuse for toilets and to supply the watering of our plants in the nursery.

Bunnings Ulladulla will also feature solar electricity generation via solar panels mounted upon the roof (similar to Batemans Bay WH).

*LED lighting will be specified throughout inside and outside of the store
The store will be constructed of energy efficient insulated panel and floor slab construction, achieving full compliance with the recently updated Section J of the National Construction Code.*

Bunnings are committed to source 100% of its energy requirements from renewable sources by 2025.

Bunnings is committed to achieving 100 per cent sustainable packaging by 2025 and is a signatory to the Australian Packaging Covenant Organisation (APCO).

Bunnings holds paint drop off days at selected stores throughout the year. Hosted by Paintback, these events give household and trade customers the opportunity to drop off paint and paint packaging which is then treated in several ways including energy recovery and liquid/solid separation for water-based paint, significantly minimising landfill.

Staff comment: The application exceeds the minimum sustainability requirements for this type of development under relevant legislation. The application and proposal complies with Council's requirements.

Planning Assessment

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to **Attachment 1**. The planning assessment has concluded the development to be satisfactory and capable of support, subject to the imposition of conditions of consent, notably referencing the VPA.

Policy Implications

Nil

Consultation and Community Engagement:

Two (2) public submissions were received in relation to Council's notification of the development. One (1) was in objection to the development. One (1) was in support of the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent to every property surrounding the development site, and every property adjoining the Princes Highway between Parson Street and Pitman Ave, every property in Dowling Street and Petty Ave and the western end of Hollywood and Powell Ave.

Newspaper advertisements were placed in the Milton Ulladulla Times on 26/02/2020 and 11/03/2020. The notification was for the following periods 26 February to 28 March 2020 and 11 March 2020 to 1 May 2020. The DA was and remains uploaded on Council's tracking website.

Key issues are identified and discussed in the previous report to Council and the s4.15 assessment attached to this report.

Financial Implications:

The Draft Planning Agreement is prepared on the basis that:

1. No s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor.
2. If the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with.
3. Council is not required to make any payment to the Developer after 31 December 2039.

Legal Implications

If Council refused the development, the applicant would have the ability to seek a review under s8.2 and / or appeal the decision in the Land and Environment Court. There would be associated financial implications.

Summary and Conclusion

In response to the investigation into the matters raised by Council, no additional issues arise as a result. An additional condition has been included addressing:

Condition 38 Cycleway and Footpath Design Standards – addition of:

(b) (vi) - Warning linemarking and signage to be provided either side of driveway locations and any other identified pedestrian hazard location.

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the Environmental Planning and Assessment Act 1979.

Additionally, there is a material public benefit that would be realised from the ultimate construction of the road infrastructure under the VPA, it is in Council's interest to support the proposal as recommended and proceed to enter into and register the Planning Agreement consistent with the detailed key terms.

The clause 4.6 variation of the height is considered acceptable and as such, it is recommended that Development Application No. DA20/1068 be approved in accordance with the recommendation.

CL22.181 SF10656 – Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee – Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630**DA. No:** SF10656/4**HPERM Ref:** D22/104294**Department:** Development Services**Approver:** James Ruprai, Director - City Development

Attachments:

1. Planning Report - S4.15 Assessment (under separate cover) [⇒](#)
2. Option 1 - Draft Development Consent - Partial Approval (under separate cover) [⇒](#)
3. Option 2 - Draft Development Consent - Approval for subdivision in full (under separate cover) [⇒](#)
4. Subdivision Plans (under separate cover) [⇒](#)

Description of Development: Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works

Owner: John W Evison Pty Ltd, Shoalhaven City Council and Q & J Brown**Applicant:** Makereng Pty Ltd

Notification Dates: 20 June 2018 to 20 July 2018
10 March 2021 to 24 March 2021

No. of Submissions: Two (2) by way of objection**Purpose / Reason for consideration by Council**

Given Council's previous resolutions in relation to access from Taylors Lane (i.e., MIN20.419 and MIN21.245), it is considered that the application should be referred to the elected Council for determination.

Recommendation

That Council:

1. Grant partial approval (subject to the recommended conditions of consent) of Development Application SF10656 for "Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works" at Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630, Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee; and;
2. Defer consideration of proposed Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion

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of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

Options

1. Part approval of the development application (DA) subject to the recommended conditions at Attachment 2, in accordance with the recommendation of this report, and deferral of the approval of proposed Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve.

Implications: This would approve the development in part, excepting proposed Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve which would be deferred until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

2. Approve the development application (DA) as currently proposed, including construction of Taylors Lane and lots with frontage to Taylors Lane, subject to the recommended conditions of consent contained in Attachment 3 of this report.

Implications: This would allow the applicant to pursue construction of the development in entirety. This has the potential to undermine the review of Taylors Lane (per MIN20.419) as it would require any future design of Taylors Lane to be benchmarked from the alignment under this consent.

3. Refuse the application.

Implications: Council would need to determine the grounds on which the application is refused, having regard to section 4.15(1) considerations.

4. Alternative recommendation.

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

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Figure 1 – Location Map of affected lots

Background

Proposed Development

The DA seeks approval for residential subdivision to create 59 Torrens Title allotments, including:

- 57 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.

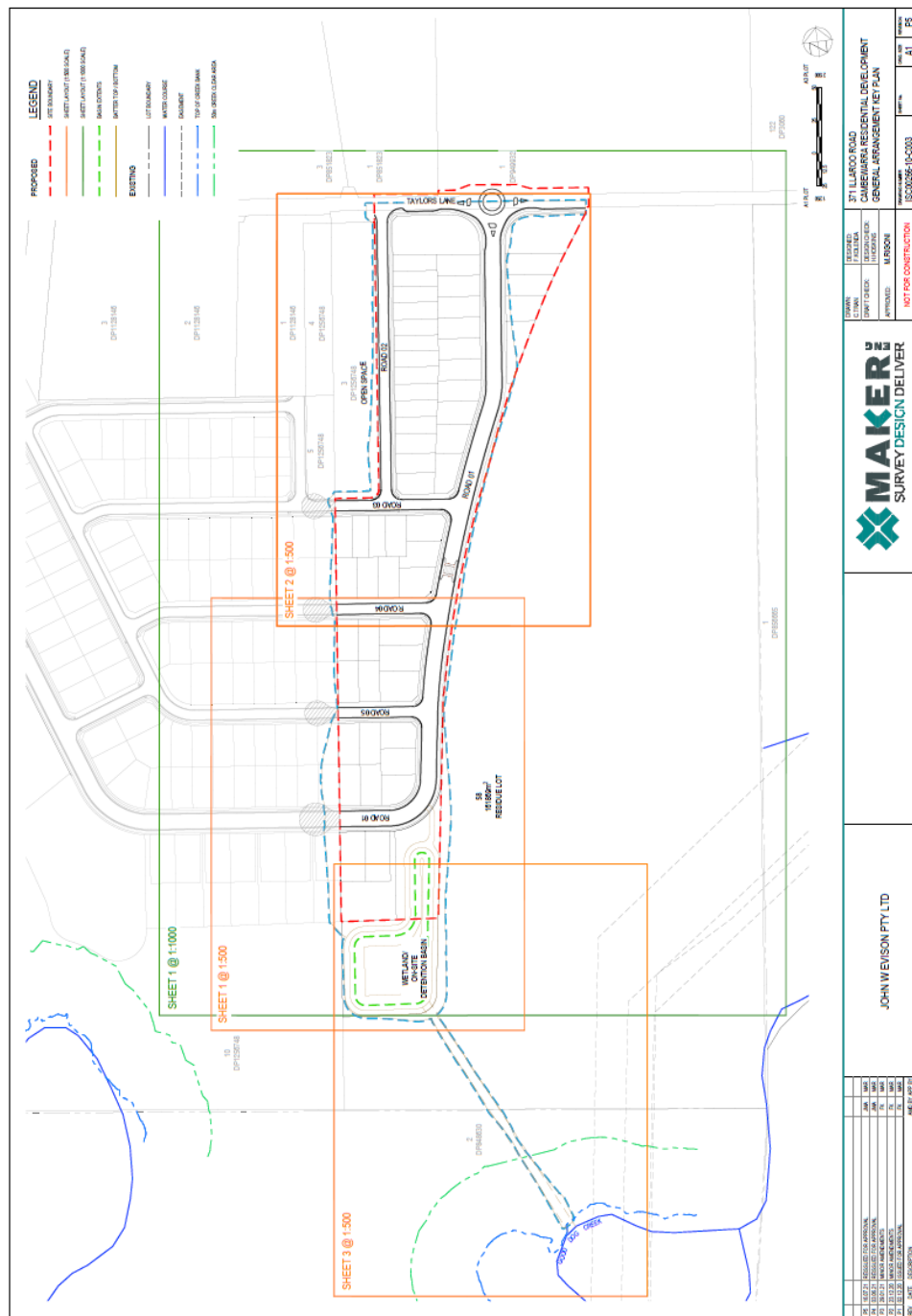


Figure 2 – General Arrangement Key Plan

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(Note: The subdivision to the west shown in light grey is currently under assessment (SF10633) to be reported to the Southern Regional Planning Panel for determination)

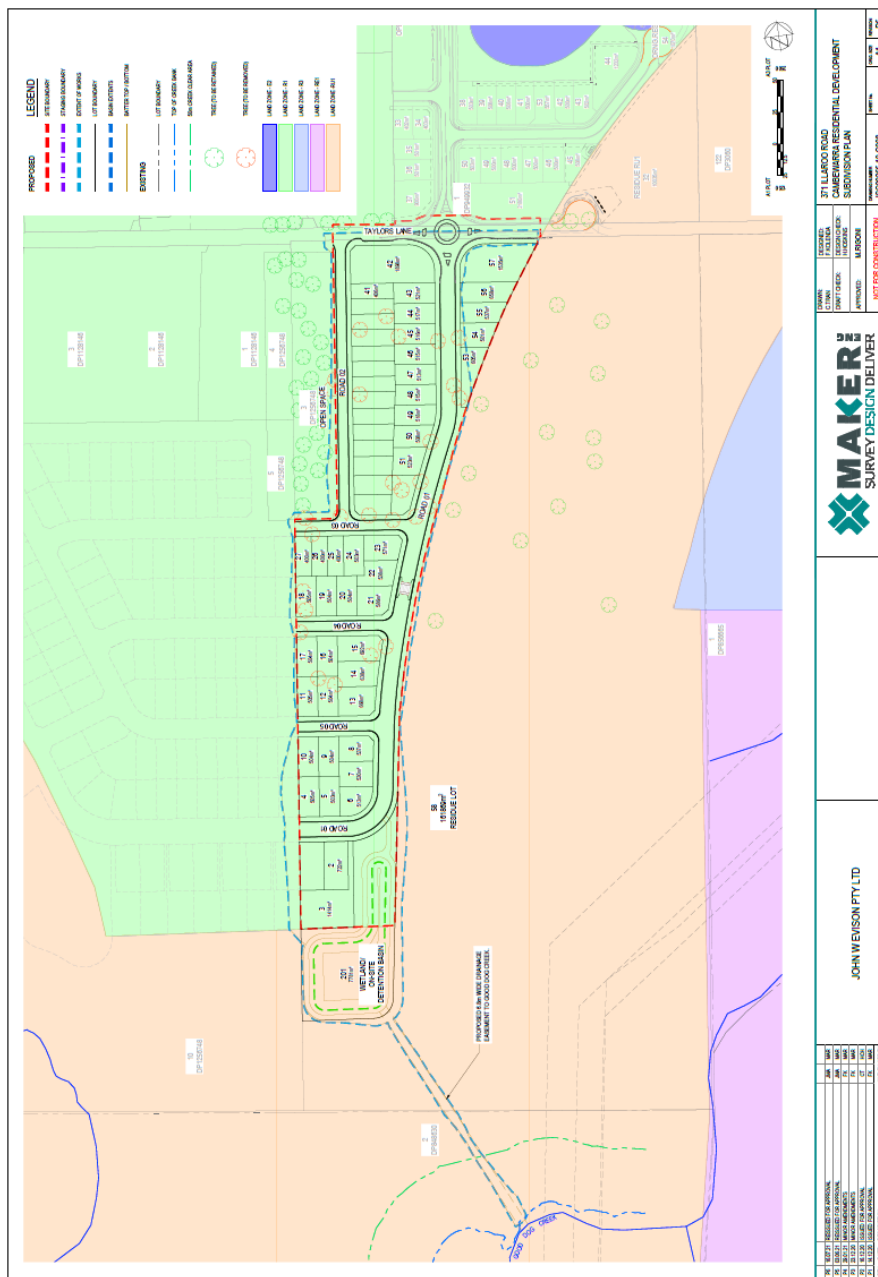


Figure 3 – Subdivision Plan (with zoning overlay)

Subject Land

The development site comprises Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630 (Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee). Refer to Figure 1.

Site & Context

The development site:

- Is within Stage 3 of the Moss Vale Road South Urban Release Area (URA) and contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.

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- Is zoned R1 General Residential and RU1 Primary Production (some of which being land in the vicinity of the proposed Western Bypass Corridor). Only the R1 zoned portion of the site is within the Urban Release Area.
- Is identified as bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.
- Is also identified as being flood prone land and of aboriginal cultural heritage significance.
- Has frontage to Taylors Lane.
- Adjoins land zoned R1 General Residential, R3 Medium Density Residential, RU1 Primary Production and RE1 Public Recreation.
- To the west of the site is a proposed subdivision Development Application SF10633 which is still under assessment and seeks approval for “*Staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments, one (1) drainage reserve, one (1) residue lot and provision of roads, drainage and utility infrastructure along with associated landscaping works*”. Access to this subdivision will be entirely through the roads sought for approval under this subject subdivision to Taylors Lane.

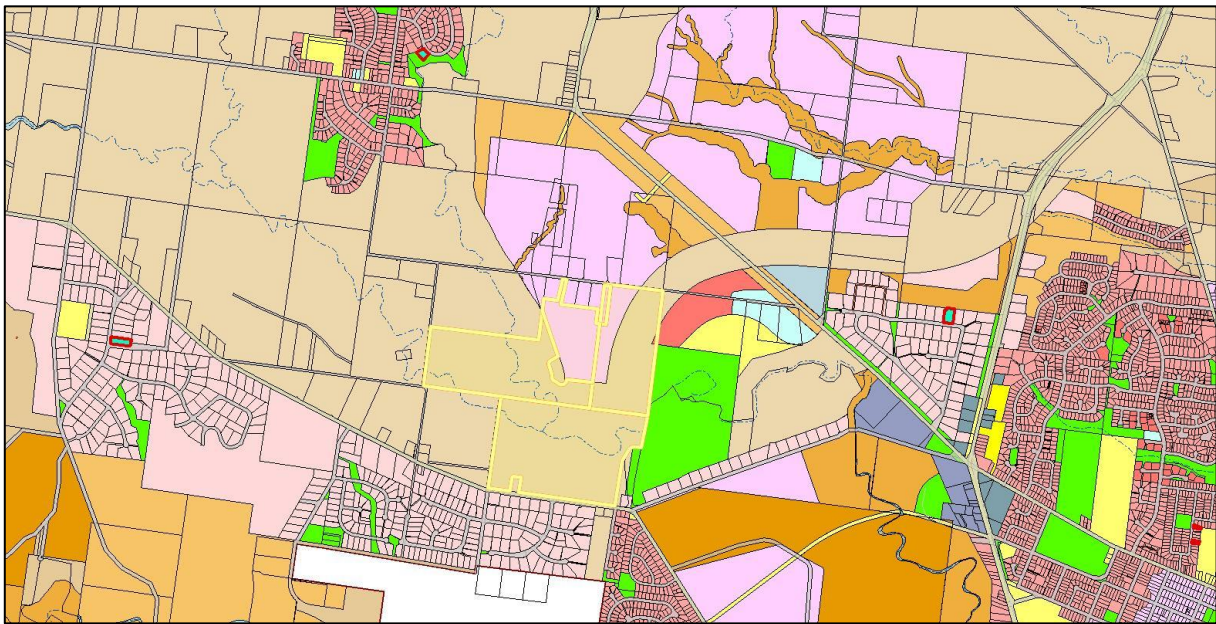


Figure 4 – Zoning Extract

History

The following provides details on post-lodgement actions for context:

- This application was lodged on 23 February 2018.

It is noted that the following plans were adopted by Council post-lodgement, on 28 August 2018 and commenced on 26 September 2018:

- Amendment No. 19 to Shoalhaven Development Control Plan 2014 (SDCP 2014) (*Chapter NB3: Moss Vale Road South Urban Release Area*)
- Amendment No. 9 to Shoalhaven Contributions Plan 2010 (SCP 2010)

The development proposed at lodgement was non-compliant with these plans.

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Accordingly, the below actions reflect Council's requests for general compliance with Chapter NB3, SDCP 2014 and SDCP 2010, and the reason for such a protracted assessment.

- Council amended the property description of this application on 15 June 2018 to include Lot 102 DP 1201921 (known as 169 Hockeys Lane, Cambewarra) as per the applicant's requests dated 7 June 2018. The description of the application at lodgement was as follows:

"Residential subdivision to create 82 Torrens Title allotments, including:

- *80 residential allotments;*
- *One (1) residue lot;*
- *One (1) open space lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works."*

The property description was Lot 116 DP 3060 (known as Taylors Lane Cambewarra).

- On 23 June 2020, Council resolved to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane (MIN20.419 as below). The review that is currently underway will consider options for how the existing trees along Taylors Lane could be retained and integrated into future urban development. It is acknowledged that the proposed layout plan has been prepared generally on the basis of the indicative layout plan for Moss Vale Road South URA and may or may not be consistent with the outcomes of the review.

"That Council:

- 1. Undertake the following reviews, with the assistance of consultants if required given current Council staff commitments, considering both the required road project and desire for retention of the trees:*
 - a. Review Shoalhaven Development Control Plan 2014 Chapter NB3: Moss Vale Road South Urban Release Area*
 - b. Review the existing zoning and potential planning controls for the area between Moss Vale Road and the edge of the Urban Release Area*
- 2. As part of the reviews consider all relevant options to retain the existing trees that are currently a feature of Taylors Lane and how they could be successfully retained and integrated into the future urban development enabled by the existing zones;*
- 3. Reconsider the current appropriateness of the existing R3 Medium Density, B1 Neighbourhood Centre and SP2 Infrastructure (educational establishment) zones at the eastern end of Taylors Lane as part of the review process.*
- 4. Receive a briefing, if appropriate/needed, and a subsequent report on the reviews and to enable decisions to be made regarding the interrelated Taylors Lane issues.*

5. *Defer the decision on the proposed upgrading of Taylors Lane, Cambewarra in association with the Far North Collector Road pending the reviews and further community consultation as part of them.” (MIN20.419)*

- Council amended the applicant for this application from Cardno Pty Ltd to Indesco Southcoast Pty Ltd on 12 August 2020, as per the applicant’s request dated 11 August 2020.

It was noted that Lot 116 DP 3060 (known as Taylors Lane Cambewarra) no longer existed and that since lodgement of this application, it had been subdivided to create Lots 3 and 8 of DP 1256748 (known as Taylors Lane Cambewarra).

Note: The applicant has provided confirmation (with official documentation) of a change in company name to Maker Eng Pty Ltd.

- Council amended the description of this application again on 4 March 2021, to the following as per the applicant’s request dated 26 February 2021.

“Residential subdivision to create 64 Torrens Title allotments, including:

- *63 residential allotments;*
- *One (1) residue lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works.”*

The property description of this application was also amended to include Lot 2 DP 848630 (known as 371 Illaroo Road, Bangalee) and Lot 10 DP 1256748 (known as 169 Hockeys Lane, Cambewarra).

- On 11 May 2021, Council resolved to approve Development Application SF10804 for residential subdivision and associated works at Lot 3 DP 851823 (known as 104 Taylors Lane, Cambewarra) within Stage 2 of the URA but that:

“No access is to be permitted to Taylors Lane at this time and that a suitable turning head is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate for all road termination points.” (MIN21.245)

- Council amended the description of this application again on 19 January 2022, to the following as per the applicant’s requests dated 20 July 2021 and 23 September 2021.

“Residential subdivision to create 59 Torrens Title allotments, including:

- *57 residential allotments;*
- *One (1) drainage reserve;*
- *One (1) residue lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works.”*

The property description of this application was also amended to include Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra).

- Draft conditions of consent were forwarded to the applicant for comment on 28 February 2022.
- The applicant provided comments on the draft conditions of consent by email dated 7 March 2022.

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- Council reviewed these comments and amended the draft conditions (where considered necessary) and description of this application again on 17 March 2022 to the following as per the applicant's request dated 9 March 2022.

“Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works”

The property description of this application was also amended to include Lot 8 DP 1256748 (known as Taylors Lane, Cambewarra), Lot 3 DP 1256748 (known as Taylors Lane, Cambewarra), Lot 2 DP 848630 (known as 371 Illaroo Rd, Bangalee), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra).

Issues

Proposed access from Taylors Lane

Council's previous resolutions in relation to access from Taylors Lane (i.e., MIN20.419 and MIN21.245) are noted and in need of consideration as part of the assessment and determination of this application.

The review that was requested in the June 2020 resolution (MIN20.419) is currently being undertaken by Council's Strategic Planning team.

In September 2021, Council considered the outcomes of an urban design report prepared by consultants (Studio GL), which put forward a range of possible options for the future of Taylors Lane. As a result, Council resolved to undertake further investigation into the indicative costs of the options (i.e., construction, land acquisition, habitat loss, environmental heritage and cultural heritage). At the current time, the indicative costings are being prepared and will be the subject of a future briefing to Councillors.

Accordingly, the review is not resolved at this time.

The below excerpt from the submitted lot layout plan confirms the extent of the subject site that has frontage to Taylors Lane, while the aerial image depicts existing Taylors Lane construction works approved within Stage 1 of the URA under Development Consent SF10632 (as modified).

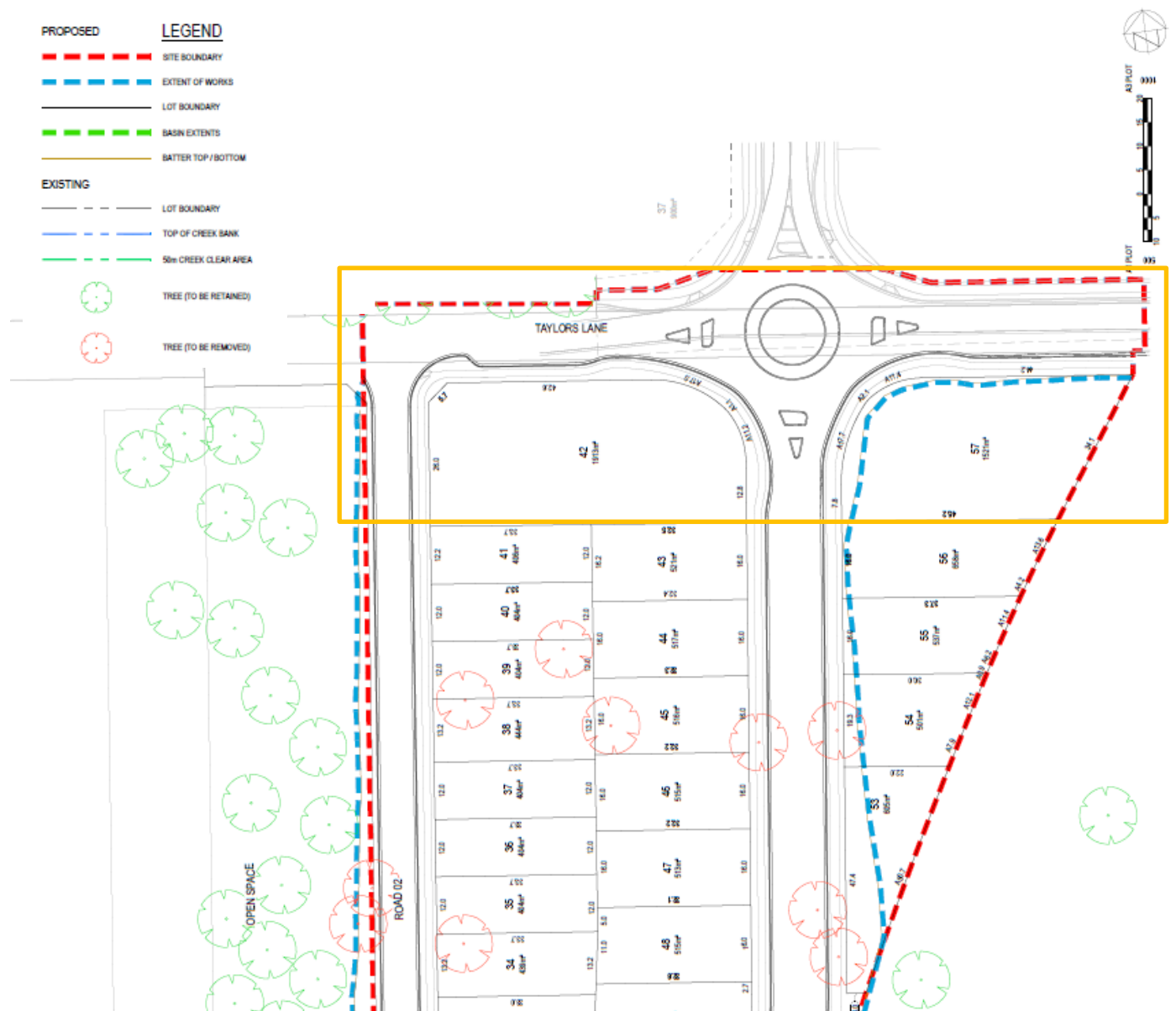


Figure 5 – Excerpt from Lot Layout Plan
(highlighting the proposed deferred lots and road in yellow)



Figure 6 – Aerial Image Of Taylors Lane Adjoining The Subject Site

As outlined earlier in this report, this report presents Council with two options, with Option 1 to approve the development as proposed, including the construction of Taylors Lane and lots with frontage to Taylors Lane; or approve the development *except for* Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve. While Option 2 is to approve the development in full as proposed (with appropriate conditions).

If Lots 42 and 57 and construction of the Taylors Lane road reserve were to be expected as per Option 1 of this report, this would be a “partial consent” and a condition would be included (if approved) to make this clear (refer Attachment 2). Road 01 would still be approved to be constructed as a through road (meaning no construction or impact on Taylors Lane beyond the Road 01 intersection which would not impact a review and final road design of Taylors Lane as required under MIN20.419). Any temporary construction access would also be limited to be via Road 01.

The following condition would also be recommended to be included on any consent (similar to that imposed with Development Consent SF10804 for Stage 2):

“No access is permitted to Taylors Lane, with the exception of access across Road 01, at this time given Council’s resolution to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane.”

It is noted that there would also need to be an amendment made to the current recommended engineering condition in relation to ‘road design standards for greenfield subdivision’ to require a temporary vehicle turning area to be provided at the end of Road 02.

It is acknowledged that this along with the requirement for temporary vehicle turning area may temporarily impact yield until through access is provided in the future. However, there is concern that if Council were to approve the development as currently proposed and per Option 2 of this report, this would set in place an outcome for Taylors Lane before the review has been completed.

Option 1 as recommended would facilitate the delivery of not only the subdivision under the subject development application, but also future access of the subdivision sought for approval under SF10633 which relies on access via the proposed road network to access the broader road network. Should the subject development application be refused, SF10633 will be unable to proceed to a determination by the Southern Regional Planning Panel until such time as the site is afforded legal and practical access in accordance with the road networks envisaged under the Moss Vale Road South URA DCP.

Option 1 of this report limits construction work in the Taylors Lane road reserve and the amount of any re-work needed to deliver any of the review options. The roundabout shown in Figure 5 (above) is a Contributions Plan project and could be delivered at a later date after completion of the review. The rest of the proposed access route through the development would be constructed by the developer.

Planning Assessment

The subject application is reported to Council for determination solely due to the site access to Taylors Lane. Notwithstanding this, the following minor variations to the DCP are noted and are considered to be capable of support on their merits, as outlined in the attached section 4.15 report at Attachment 1:

- Lot depths under A79.2 of Control 5.13 *Residential Allotment Layout*, Chapter G11, with 11 lots proposed with depths less than the minimum 30m required.
- Lot widths under Mandatory Control (2) of Control 7.3 *Subdivision Design*, Chapter NB3, with three (3) lots proposed with widths exceeding the maximum required.
- Design of street blocks under Mandatory Control (4) of Control 7.3 *Subdivision Design*, Chapter NB3, with the street block encompassing Lots 28-42 exceeding the maximum length required.

Planning Assessment

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

Consultation and Community Engagement:

Notification was undertaken twice (due to amendments being made to the proposed development during assessment) in accordance with Council's Community Consultation Policy with letters being sent within a 500m buffer of the site and advertised in the local paper, during the periods 20 June 2018 to 20 July 2018 and 10 March 2021 to 24 March 2021.

Two (2) public submissions were received in relation to Council's notification of the development. These were either objecting to or raising concerns with the proposal, and included the following:

- Concern that Council appears to be willing to allow departures from their own mandatory controls in Chapter NB3, SDCP 2014.
- Access should not be permitted off Taylors Lane in its present form but should be directed via the proposed roundabout on Moss Vale Road, through SF10632.

The assessment of the application considered the matters raised in the submissions and concluded that the application is capable of support with no reason warranting refusal.

Financial Implications:

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

Legal Implications

A section 8.2 review or an appeal with the Land and Environment Court are possible if the application is refused.

Summary and Conclusion

The proposed development is compliant with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the minor variations to minimum lot widths and design of street blocks outlined earlier in this report). These variations are addressed in detail in Attachment 1.

The issue of access to Taylors Lane is capable of resolution via the partial approval proposed under Option 1, which will enable the proposed subdivision to proceed with the exception of Lots 42 and 57, and furthermore enable the neighbouring subdivision at SF10633 for 124 residential allotments to utilise the proposed roads under this subdivision and proceed for determination by the Southern Regional Planning Panel.

This application has been subjected to detailed analysis and is considered capable of support as there are no substantive planning reasons to warrant refusal.

Accordingly, it is recommended it is approved subject to the recommended conditions of consent for Options 1 as per Attachment 2.

CL22.182 Review of Shoalhaven Water Group Policies - Round Three

HPERM Ref: D22/117102

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Provision of Water and Sewerage Infrastructure [↓](#)
2. Connection of Properties to Council's Sewerage System [↓](#)

Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of Council. This is the third group of policies proposed for reaffirmation with respect to Shoalhaven Water Group's responsibilities.

Recommendation

That Council reaffirm the following policies with no or minor changes

1. Provision of Water and Sewerage Infrastructure – Developments not included in Development Servicing Plans
2. Connection of Properties to Council's Sewerage System

Options

1. Adopt the recommendation as written.

Implications: Minor changes will be made to maintain currency. Specific details of changes are outlined further below.

2. Not adopt the recommendation.

Implications: Council can request further details, seek further community input or make other changes.

Background

Minor changes have been made to the following policies which are shown tracked in the attachments and summarised below.

- **Provision of Water and Sewerage infrastructure - Developments not included in Development Servicing Plans**
No changes
- **Connection of Properties to Council's Sewerage System**
Changes to title and minor changes for spelling and/or grammar

Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may choose to do so should they consider any changes of significance.

Policy Implications

All policies included in this report are proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the intent of the existing approved policy.

Financial Implications

Changes proposed to the Policies will have no financial implications to current approved budget.



Provision of Water and Sewerage Infrastructure - Developments not included in Development Servicing Plans

For more information contact
Shoalhaven Water

City Administration Centre

Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: (02) 4429 3214
F: (02) 4429 3170
water@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au

Policy Number: POL22/132

Adopted: 1/09/2003

Reaffirmed: 21/12/2004, 13/06/2017,

Amended: 21/09/2009, 24/09/2013

Minute Number: MIN03.1202, MIN04.1655, MIN09.1270, MIN13.974, MIN17.512

File: 12039E

Review Date: _____

1 PURPOSE

Provide direction to developers in regard to the provision of water and sewerage infrastructure for proposed developments not included in Council's Development Servicing Plans for Water and Sewerage (DSP's).

2 STATEMENT

This policy applies to all development within Shoalhaven proposing to connect to Council's water supply and/or sewerage schemes and have not been included in Council's DSP's.

It is recognised that any spare capacity in Council's existing water supply and sewerage systems has been allocated, in the first instance, to infill development, current zoned land and additional development areas identified in Council's DSP's. Any capacity beyond such allocation may be utilised by other development proposals.

3 PROVISIONS

The following principles are to be followed when considering the provision of water and sewerage infrastructure for development proposed under this policy:

- 3.1 A strategy report for provision of water and/or sewerage infrastructure will be required at the applicant's cost. The required content of such a report will be advised by Shoalhaven Water upon request. Note that information from Council's water supply and sewerage strategies, specific to the development proposal, can be provided to assist the developer with their strategy work.
- 3.2 Developments covered by this policy should not propose to utilise any existing spare capacity in the schemes without Council Approval to do so.
- 3.3 Any upgrade works proposed on Council's water supply and/or sewerage systems as a result of the proposal will be at the applicant's full cost.
- 3.4 Standard Section 64 contributions shall apply.
- 3.5 All land acquisition and easements required to facilitate the proposal will be the applicant's responsibility.

4 IMPLEMENTATION

Shoalhaven Water is responsible for the implementation of this policy.

5 REVIEW

This policy will be reviewed within one year of the election of every new Council.

Shoalhaven Water – Provision of Water and Sewerage Infrastructure -
Developments not included in Development Servicing Plans

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6 APPLICATION OF ESD PRINCIPLES

ESD issues specific to each proposed rezoning or development will be considered at LEP or DA stage in accordance with Council's guidelines.

CL22.182 - Attachment 1



Connection of Properties to Council's Sewerage System

For more information contact
Shoalhaven Water

City Administration Centre

Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: (02) 4429 3214
F: (02) 4429 3170
water@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au

Policy Number: POL22/137

Adopted: 15/08/1989

Reaffirmed: 21/12/2004, 13/06/2017

Amended: 28/04/2009, 3/09/2013

Minute Number: MIN89.2080, MIN04.1655, MIN09.482, MIN13.858, MIN17.512

File: 12039E

Review Date: _____

1 PURPOSE

- To provide direction to Council Officers for the management of connection to ~~Council's~~ Council's sewerage system
- To provide direction to the ~~land-owners~~ landowners as to the process and charges applicable when connecting to Council's sewerage systems.

2 STATEMENT

This policy statement is based on Council Minute 89.2080 of 15th August 1989. Council reaffirmed the policy in its revised format by Minute 09.482 on 28th April 2009.

3 PROVISIONS

- 3.1 Government subsidised Backlog Sewerage Schemes, e.g. the Safe & Secure Water Program or ~~the~~ former Country Towns Water ~~Supply & Sewerage Program (CTWS&S).~~
 - Council will generally be required to conform with terms and conditions in order to receive subsidy funding for projects under a subsidy Program. Those terms and conditions override the provisions within this policy where applicable, otherwise the provisions below apply.
- 3.2 Connection to Council Sewerage Systems.
 - Council will advise property owners in writing when the sewerage system is available to connect to.
 - Property owners will be advised that they have 12 months to connect their properties, from the time of being advised they can connect.
 - A shorter period than that above may apply in instances where existing on-site systems are assessed as a risk to public health. Relevant property owners will be advised in writing of special requirements.
 - The required period to connect may be extended upon written application to the Director ~~Planning Environment and Development Group~~ City Development. Approval is at the discretion of the Group Director.
- 3.3 Shoalhaven Water, in its response to an application, will outline any conditions and applicable charges to be complied with. Conditions may include (but not limited to):
 - Payment of a separate system connection fee.
 - Payment of final pumpout service and tank cleanout.
 - Internal drainage improvements.
 - Tradewaste applications and agreements.
 - Backflow surveys and approvals.
- 3.4 Shoalhaven Water will advise applicants as to when the sewerage availability charge will be applied to their property.

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4 IMPLEMENTATION

Shoalhaven Water is responsible for the implementation of this policy up to the time the property owner is advised they can connect to the sewer. [Planning & Development Group](#) [City Developments Group](#) is responsible for the connection process and timing of same.

5 REVIEW

This policy will be reviewed within one year of the election of every new Council.

6 APPLICATION OF ESD PRINCIPLES

To ensure connection at the earliest practicable time to Council's sewer systems in order to minimise the impact on the environment and public health.

CL22.183 Tenders – Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project

HPERM Ref: D22/117967

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

To inform Council of the tender process for the Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project.

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

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate Confidential Report on the matter

2. Council make a different resolution

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

Details

Project Description

Brundee & Burrier Water Pumping Stations (WPS) are critical assets within the Shoalhaven water supply system. These pumping stations are powered by high voltage equipment which was constructed in the 1980's and therefore most of the electrical equipment is now in excess of 40 years old. Shoalhaven Water has identified the need to plan and execute major upgrades to the Brundee and Burrier WPS HV Substations due to the age of these assets.

In 2015 Shoalhaven Water engaged a specialist electrical contractor to review the existing installations, undertake comprehensive condition assessments and proposed upgrade feasibility assessments. The report concluded that the existing substation equipment was still in acceptable electrical condition, however the age of the equipment is nearing industry accepted lifespans. This presented risks regarding accessibility of spares and manufacturer support. The report recommended to commence replacement works for both sites within five to eight years.

CL22.183

Accordingly in 2020, GHD Pty Ltd was engaged to undertake design development for the proposed renewal of these facilities.

The delivery of the renewal project is proposed to be executed as two distinct stages as detailed below:

- Stage 1: Burrier Water Pumping Station (WPS) – HV Substation Renewal – (separate procurement awarded 2021).
- **Stage 2: Brundee & Burrier Water Pumping Station (WPS) – Major Electrical Upgrades – being the subject of this Procurement.**

Tendering

Council called tenders for Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project on 1 February 2022 which closed at 10:00am on 1 March 2022. One (1) tender was received at the time of closing. Tenders were received from the following:

Tenderer	Location
ARA Electrical High Voltage Services Pty Ltd	34 Norfolk Avenue South Nowra NSW 2541

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

Community Engagement:

Extensive stakeholder consultation has been undertaken between Council and Endeavour Energy as the electrical utility provider for the facility.

Additional community and stakeholder engagement prior to and during construction is proposed, with a dedicated project webpage to be established under Council's 'Major Projects & Works' Portal.

Policy Implications

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

Financial Implications:

Sufficient funds have been allocated in the Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project budget for 2021/22 and 2022/23 financial years. Funding is available to cover the tender amount including other project costs.

CL22.184 Notice of Motion - Kerb and Guttering

HPERM Ref: D22/140506

Submitted by: Cllr Matthew Norris

Purpose / Summary

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

Recommendation

That a report be provided to Councillors on the following:

1. The current kerb and gutter plan for implementation.
2. The funding requirements to cover all suburban areas with kerb and gutter.
3. The range of road edging solutions available to residents, as outlined in the DCP, such as kerb and gutter or grass swale etc..

Background

Throughout the Shoalhaven we have a number of suburban areas where kerb and gutter is non-existent or in some cases existent and falling into disrepair. Residents have been asking where is the kerb and gutter? and why they have been ignored on this issue for years? Also in the Shoalhaven we have areas where kerb and gutter would look out of place and is not wanted by residents. So a whole city wide approach is not necessary, but I would value a report to be given to Councilors to make informed choices when dealing with this city wide problem.

CL22.184

CL22.185 Notice of Motion - Improving Green Waste Collection Across the Shoalhaven

HPERM Ref: D22/140561

Submitted by: Cllr Serena Copley
Cllr Paul Ell

Purpose / Summary

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

Recommendation

That Council

1. Recognise that households across the City of Shoalhaven struggle with the disposal of green waste, including the transportation of green waste to disposal facilities
2. Recognise the importance of the removal of green waste, particularly in bushfire prone areas across the City.
3. Notes the City provides green tipping vouchers to property owners, however, acknowledges vouchers are not readily available to a large proportion of residents, including renters
4. Notes opportunities exist to provide residents with enhanced collection of green waste, including expansion of existing waste collection and programs, or the addition of new waste collection facilities; and
5. Requests the CEO provide a report to Council investigating potential options, to expand green waste collection, including but not limited to, the provision of an additional green bin.

Background

The residents of the Shoalhaven have been denied a designated green waste bin to date. The City is now committed to the Bioelektra facility to be built at West Nowra which will treat mixed municipal waste. Many residents of the Shoalhaven generate more green and general waste than can be accommodated by weekly removal in one general waste bin. The construction of the Bioelektra facility does not address the ongoing issue for residents of how to transport green waste easily and economically to the facility.

The recent East Coast Low and more regular extreme weather events the Shoalhaven is experiencing due to climate change, will likely see the need for more disposal of green waste from residents' property over time.

CL22.185

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.