

Ordinary Meeting

Meeting Date: Monday, 12 February, 2024

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

Attachments (Under Separate Cover)

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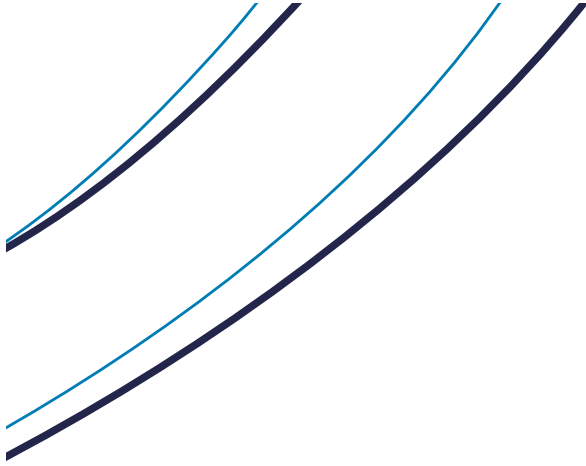


Audit, Risk & Improvement Committee Annual Report

January 2023 – December 2023



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Acknowledgment of country



We acknowledge the traditional owners and custodians of this country and their continuing connection to the land through culture and community. We pay our respects to Elders past, present and future.

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Introduction

On behalf of the Audit, Risk and Improvement Committee (ARIC or Committee), I would like to present the ARIC report for Shoalhaven City Council covering the period of activity from January 2023 to December 2023.

It is a pleasure for me to report that the ARIC continues to make progress in discharging its responsibilities as set out in the Committee's Charter.

The Committee has during the year provided independent advice of the adequacy of Council's risk management framework and associated control environment (including internal audit) and has provided robust scrutiny of Council's financial performance.

Key achievements in this reporting period include:

- Effectively contributing to the governance of the organisation through contribution and consideration of matters presented to the Committee such as internal audit reports, the external audit management letter, quarterly budget reviews, enterprise risk management, cybersecurity risks, and other reports presented to the ARIC.
- Obtaining a better understanding of major projects of Council through standing reports on projects over \$10 million as they reach significant milestones.
- Focussing on the improvement of Infrastructure Property Plant and Equipment (IPPE) business cycle which was identified as a high risk audit finding in the Final Management letter. ARIC provided input into the scope development for work undertaken to improve the process. The progress updates were reported to ARIC.
- Receiving updates on the natural disaster remedial works and also the impact on Council's financials as a result of funds spent in advance on projects for the remedial works under the natural disaster grants.
- Networking with ARIC members in other councils and the wider government sector to enable continuous improvement.

The ARIC includes a balance of professional skills, knowledge and technical experience through the appointment of two Councillors (with two additional alternate Councillor members) and three independent members. The Committee members bring significant experience from across the local government which has been very valuable in the effective functioning of the ARIC.

I would like to express my appreciation to the other members of the Committee, Donna Rygate, John Gordon, Clr Patricia White, Clr Evan Christen, Clr Liza Butler, Clr Matthew Norris and Clr Gillian Boyd for their contributions and support of the Committee during the year. Clr Liza Butler became a member of the NSW Legislative Assembly in 2023 and resigned from her Councillor position in June 2023. Clr Gillian Boyd took the alternate Councillor member position on the committee from September 2023 as a result of the vacancy.

Thank you to the Council staff in the Executive and Governance areas for the work they perform in servicing the Committee and providing input into the Committee's deliberations.

Finally, thank you to the Chief Executive Officer and the Chief Internal Auditor for their support and input into the Committee's work. Their contributions, transparency and commitment to continuously improve is highly valued by the members of the Committee.

The Committee looks forward to actively contributing to the governance and risk processes of Council into the future.

Peter McLean

*Chair, Shoalhaven City Council Audit,
Risk and Improvement Committee*



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Council's Audit, Risk and Improvement Committee

Shoalhaven City Council (SCC) has established an Audit, Risk and Improvement Committee ("the Committee" or "ARIC") in accordance with the current Local Government Act requirements. The ARIC's objective is to provide independent assurance and assistance to SCC on risk management, control, governance and external accountability responsibilities.

The ARIC is governed by its Charter.

The Committee appreciates the full cooperation of the Chief Executive Officer and his staff to ensure it can, and will into the future, fully meet its mandate.

Membership

The Committee membership consists of two Councillors and three appointed independent members with business and/or governance experience.

Independent Members

Mr Peter McLean (independent Chairperson) – was appointed for the period of February 2017 to December 2020. In October 2020, Peter was reappointed by Council for a further term of January 2021 to December 2024. Peter is a not-for-profit specialist having led six Australian Charities in four sectors, currently CEO at Bicycle NSW, he previously worked in State and Local Government. Leading charities he has successfully strengthened organisation profiles, community engagement, financial sustainability, social impact and capabilities to reach more people with better services and experiences. He holds a degree in Environmental Management, a Master's in Business Administration (sub-majoring in Business Law and Public Relations) and Certificates in Bush Regeneration and Business Governance. Peter is passionate about assisting organisations to better support the communities they serve. He has experience on six (6) Council Audit, Risk and Improvement Committees and worked with councils on many issues in his not-for-profit roles and more recently as a Councillor in Greater Sydney.

Donna Rygate (independent member) – was initially appointed for the period from January 2019 to December 2022. Her term on the Committee has been further extended to December 2026. Donna is an experienced Chief Executive, independent Chair, non-executive director, business leader and skilled problem solver with a solid track record of positive transformation of organisations. In addition to being a member of Shoalhaven, Donna is chair of five (5) local government audit committees and a member of one (1) Commonwealth Government audit committee, two (2) State Government audit committees, and one (1) statutory authority audit committee. She is also chair or member of various boards, statutory bodies and planning panels.

John Gordon (independent member) – was appointed for the period of May 2020 to April 2024. John is a Chartered Accountant and corporate governance specialist. He has served as an Audit Assurance Partner with PwC (PricewaterhouseCoopers) for 22 years in the Resources, Services and Government (RSG) Industry Group covering a broad range of audit clients in the private and public sectors. Since retiring from PwC in 2009, John has served as a Chair or Independent Member on over 25 State, Territory and Local Government Audit & Risk Committees. John currently holds appointments as Chair or Independent Member of six (6) Audit & Risk Committees in NSW, including two (2) NSW Councils and four (4) State Government agencies - NSW Audit Office; NSW Healthcare Complaints Commission; NSW Department of Education; and NSW Education Standards Authority (NESA).

Councillor Members

Councillor Patricia White -

Councillor White was elected in September 2016 as a representative of Ward 3. She was appointed as an alternate member of the committee on 4 October 2016. She was appointed as a member to the committee from September 2017. She was reappointed as a member of the Committee in September 2018, September 2019, September 2021, January 2022, October 2022 and then in September 2023.

Councillor Evan Christen -

Councillor Evan Christen was elected in December 2021 as a representative of Ward 2. He was appointed as alternate councillor member on the ARIC in January 2022. He was appointed as a member of the Committee in October 2022 and then in September 2023.

Councillor Liza Butler -

Councillor Liza Butler was elected in December 2021 as representative of Ward 3. She was appointed as alternate councillor member on the ARIC in January 2022 and then reappointed in October 2022. She became Member of Parliament in March 2023 and resigned from Council in June 2023.

Councillor Matthew Norris -

Councillor Matthew Norris was elected in December 2021 as a representative of Ward 1. He was initially appointed as an alternate councillor representative on the ARIC in October 2022 and then reappointed in September 2023.

Councillor Gillian Boyd -










Councillor Boyd was elected on 4 July 2023 via countback election as a representative of Ward 3. She was appointed as an alternate councillor representative on the ARIC from September 2023.

The Chief Executive Officer, Director City Performance, Director City Services, Director City Development, Director City Lifestyles, Director City Futures, Executive Manager – Shoalhaven Water, Chief Financial Officer, Manager Business Assurance & Risk, Lead – Enterprise Risk Management, Chief Internal Auditor and Audit & Assurance Officer attend the ARIC meetings as non-voting members.

Audit, Risk And Improvement Committee Report Card

Progress Key

 On Track	 On Hold	 Needs Attention
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Aric Charter	Compliance	Status
Composition of ARIC	3 independents 2 councillors with an alternative available	
Committee Meetings	4 formal meetings 2 meetings with the external auditor	
Meeting Quorum	Quorum of 2 independents and 1 Councillor member maintained at each committee meeting.	
Enterprise Risk Management (ERM)	Update on ERM framework and strategic risks were presented at the ARIC meeting.	
Control Framework	Review of controls through the internal audit reports received. Significant governance related matters were reported to ARIC. Updates were received on major projects over \$10m at significant milestones at each meeting. External audit management letter considered in the ARIC meetings.	
External Accountability	External auditor has been a regular attendee of the ARIC meeting. Financial statements and resulting management letter was discussed at the ARIC meetings.	
Legislative Compliance	Legislative updates provided by CEO through his report.	
Internal Audit	Internal audit plan updates and audit reports presented. Progress on IA recommendations communicated quarterly.	
External Audit	Received external audit plan, met the external auditor and considered management letter.	

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Audit, Risk And Improvement Committee Participation

January 2023 till December 2023 ARIC Participation		ARIC Committee Meetings		Meeting with External Auditor	
Name	Role	Eligible	Attended	Eligible	Attended
Peter McLean	Independent Community Representative (Chair)	4	4	2	*1
Donna Rygate	Independent Community Representative	4	4	2	2
John Gordon	Independent Community Representative	4	4	2	2
Clr Patricia White	Councillor Representative	4	4	2	2
Clr Evan Christen	Councillor Representative	4	*2	2	*1
**Clr Liza Butler	Alternate Councillor representative	2	0	1	0
**Clr Matthew Norris	Alternate Councillor representative	4	2	2	1
**Clr Gillian Boyd	Alternate Councillor representative	1	0	1	1

* Apology received

** Alternate member, not required to attend all meetings.

In addition to the planned meetings (as above), the committee met four additional times this year for:

- Scope development of the IPPE Business Cycle Review
- Independent discussions with the Mayor on the IPPE Business Cycle Review
- Financial audit discussions with the CFO
- AEC presentation on the Financial Sustainability Review



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Key recommendations

to the Mayor, Chief Executive Officer and Councillors

The ARIC made the following key recommendations to the Chief Executive Officer in 2023:

ARIC Recommendation	SCC Response
Perform a volunteer risk management and safety assessment in light of the incident at Camden Council.	The risk assessment was performed and the volunteer management controls at Council were reported at the ARIC.
A report on the medium to long term plan to address the operating result before capital grants and contributions ratio be added to the action listing and be discussed at the next meeting.	Quarterly budget update report was provided. In addition, the ARIC received updates on the Financial Sustainability review undertaken by AEC Group.
The ARIC requested a 'Financial audit plan' timeline with actions including responsibilities for their review as a commitment to providing feedback on how the end of year audit is tracking.	Update on the progress of the audit was provided through the Finance Update paper. The CFO also separately met the ARIC to provide progress on the external audit status.
Requested a briefing on the project management methodology that Council uses.	A briefing on the draft project management framework was provided.
The ARIC requested an executive project summary of 1-2 pages that includes the costs, budget, tracking etc.	The capital project management reporting framework for the 2023/34 financial year was reported.
Update on the progress of the Legislative Compliance Register.	The progress and development of the Legislative Compliance Register was reported to the ARIC. The Legislative Compliance Policy was provided for feedback.

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Key Issues

ARIC was updated on the following key issues during the reporting period:

6.1 Development of Service Review Program

The progress on the development of a service review program for Council was reported at each ARIC meeting. Works are still continuing.

6.2 IPPE Business Cycle Review

In addressing the high risk audit finding on the IPPE Business Cycle identified in the 2021/22 External Audit Management Letter, work was undertaken to review the process and provide improvement opportunities. The ARIC was engaged during the scope development of this work and continually updated on the progress.

6.3 Cyber Security

Council is progressively working towards strengthening its cyber security arrangements as part of the Illawarra Shoalhaven Joint Organisation initiative. Work to implement the Essential 8 framework is still on track to achieve Essential 8 Level 1 maturity by 31 December 2023. The annual cyber security attestation was provided to the ARIC for feedback prior to submission to Cyber NSW. The ARIC has received progress updates at each meeting.

6.4 Disaster Recovery

Updates have been provided to the ARIC on the progress of the disaster reconstruction work undertaken by Council as a result of natural disasters declared by the NSW Government in 2022. These disasters had significant impact on public infrastructure with substantial repair costs.

6.5 Grants Spent in Advance

The ARIC received updates on Council's cash flow position as a result of money spent in advance of grant funded projects and the conversations happening with the grant funding authorities for prepayments.

6.6 Financial Sustainability Review

The ARIC was presented the results of the Financial Sustainability Review work undertaken by AEC. The ARIC has requested regular updates on the actions arising from the review findings following final Council deliberations.

6.7 Enterprise risk management (ERM)

Update on the enterprise risk register was provided at each meeting. The risk appetite statement was provided for endorsement.

6.8 Capital Projects at significant milestones

The ARIC received updates on the following key capital projects:

- West Nowra Resource Recovery Facility (Bioelektra) Project – Contractual and other matters.
- Materials Recovery Facility
- Far North Collector Road D&C
- Boongaree (Berry) Stages 1-7
- Shoalhaven Community and Recreation Precinct
- Bomaderry Basketball Stadium
- New Sanctuary Point Regional Library
- Shoalhaven Water Depot Extension project
- Moss Vale Road (MVR) Urban Release Area (URA) Water and Wastewater Infrastructure project

6.9 Miscellaneous

The ARIC was provided with updates on issues that were considered as key risks to Council's operations:

- Project Q updates including the Project Q completion report.
- Council's self-assessment against the recommendations from the compliance audit of open access requirements under the Government Information (Public Access) Act 2009 (GIPA Act).
- Safety and Volunteer Management assessments undertaken.
- Update on the monitoring of purchase orders raised after the invoice dates.
- Shoalhaven Water's involvement with the development of a new Regulatory and Assurance Framework for the Local Water Utilities.
- Impact of voluntary administration of Lloyd Group (Shoalhaven Water contractor).
- Way forward to address the issues in 4 properties identified through the Construction Certificates Review.
- Legal advice received on forms of security in construction contracts.
- Update on the infrastructure contributions resourcing framework undertaken.
- Update on Nowra Riverfront Precinct Project.
- Update on the DA on the proposed service station at 75 Queen Street, Berry.
- Governance arrangements on family day care operations.

6.10 Internal Audits 2023

The ARIC considered the following internal audit reports in 2023:

- Procurement Panel Purchases Audit.
- Integrated Planning & Reporting Audit.
- Drives Compliance 24.
- Credit Card Review.
- Cybersecurity Gap Analysis Audit.
- Personal & Private Information Audit.
- Quarterly compliance reports (areas audited: Blanket Orders, Review of Construction Certificates, Bank Guarantees, Grants Spent in Advance projects and spot checks on cash floats and banking).
- Internal Assessment – Auditor General's report on Development Applications: assessment and determination stages.
- Internal Assessment – ICAC investigation into three Councillors of former Hurstville City Council, now part of Georges River Council and others.
- Internal Assessment – Auditor General's Report on Internal Controls and Governance 2022.
- Internal Assessment – ICAC's Report on Assessing Corruption Control Maturity February 2023.
- Quarterly progress updates on audit recommendation tasks. The timely actioning of the audit tasks has remained a continual focus of senior management, with a number of recommendation tasks now being actioned.

6.11 ARIC Self-Assessment

The committee conducted a self-assessment of its activities in November 2023 as per its Charter requirements. The self-assessment was extended to the regular attendees of the ARIC meeting to gauge feedback for continual improvement. An average result of 4.5 out of a total of 5 was achieved and an action plan has been formulated to address the feedback received.

Conclusion

The Audit, Risk and Improvement Committee has been successful in delivering its role in the period January 2023 to December 2023 and looks forward to the year ahead to contribute more effectively through gaining better understanding of Council's risks and improving the performance of Council through an effective audit program in partnership with management.



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Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au     

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	SF11002
Applicant	Jervis Bay Town Planning
Description of development	Two (2) Lot Torrens Title Subdivision
Property	Pine Forest Rd, TOMERONG - Lot 23 DP 1117746 12 Connolly Street, TOMERONG – Lot 22 DP1117746
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- the objects of the Environmental Planning and Assessment Act, 1979.
- the aims, objectives and provisions of the applicable environmental planning instruments,
- the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the Environmental Planning and Assessment Regulation 2021 and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on DA Tracking

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

Name

Position

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS					
CONDITIONS					REASON
1.	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				To ensure the development is undertaken in accordance with the approved suite of plans and documents..
Plans					
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	
JB005	-	Subdivision Sketch Plans	Jervis Bay Town Planning	29/6/2023	
DN220274, DA01	A	Cover Sheet	MI Engineers	26/6/2022	
DN220274, DA02	A	General Arrangement Plan	MI Engineers	26/6/2022	
DN220274, DA03	A	Concept Water Servicing Plan	MI Engineers	26/6/2022	
Documents					
Document title	Version number	Prepared by	Date of document		
Waste Management Plan	-	Jervis Bay Town Planning	26/5/2023		
Bushfire Risk Assessment Report	-	Mackay Bushfire Risk Assessment	21/12/2021		

	Report on Effluent Disposal	EF693	Cowman Stoddart Pty Ltd	25/5/2022																													
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.																																
2.	Concurrence and Referral – NSW Rural Fire Service The advice issued by the NSW Rural Fire Service Reference No: CNR-5857, dated 2/8/2023 are included as conditions of this consent and must be complied with.				To ensure the development is undertaken in accordance with the RFS' requirements to ensure that adequate fire safety is achieved..																												
3.	Concurrence and Referral – Endeavour Energy The advice issued by the Endeavour Energy, Reference No: CNR-35971, dated 28/3/2022 are included as conditions of this consent and must be complied with.				To ensure compliance with the energy provider's requirements..																												
4.	Existing Infrastructure Any required alterations or damage to infrastructure will be at the developer's expense. See condition(s) later in this approval. <i>Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i>				To ensure that any damage to infrastructure is rectified..																												
5.	Local Infrastructure Contribution This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s): <table><tr><th>Project</th><th>Description</th><th>Rate</th><th>Qty</th><th>Total</th><th>GST</th><th>GST Incl</th></tr><tr><td>03 AREC 0005</td><td>Planning Area 3 - Recreation facilities upgrade various locations</td><td>\$316.70</td><td>1</td><td>\$316.70</td><td>\$0.00</td><td>\$316.70</td></tr><tr><td>03 AREC 3003</td><td>Bay and Basin Leisure Centre</td><td>\$474.73</td><td>1</td><td>\$474.73</td><td>\$0.00</td><td>\$474.73</td></tr><tr><td>03 CFAC 0007</td><td>Bay & Basin Branch Library</td><td>\$629.79</td><td>1</td><td>\$629.79</td><td>\$0.00</td><td>\$629.79</td></tr></table>				Project	Description	Rate	Qty	Total	GST	GST Incl	03 AREC 0005	Planning Area 3 - Recreation facilities upgrade various locations	\$316.70	1	\$316.70	\$0.00	\$316.70	03 AREC 3003	Bay and Basin Leisure Centre	\$474.73	1	\$474.73	\$0.00	\$474.73	03 CFAC 0007	Bay & Basin Branch Library	\$629.79	1	\$629.79	\$0.00	\$629.79	To ensure compliance with policy and provision of community services and facilities.
Project	Description	Rate	Qty	Total	GST	GST Incl																											
03 AREC 0005	Planning Area 3 - Recreation facilities upgrade various locations	\$316.70	1	\$316.70	\$0.00	\$316.70																											
03 AREC 3003	Bay and Basin Leisure Centre	\$474.73	1	\$474.73	\$0.00	\$474.73																											
03 CFAC 0007	Bay & Basin Branch Library	\$629.79	1	\$629.79	\$0.00	\$629.79																											

	03 CFAC 4001	Bay & Basin Community Hub	\$3,063.90	1	\$3,063.90	\$0.00	\$3,063.90
	03 OREC 0009	Tomerong	\$2,578.93	1	\$2,578.93	\$0.00	\$2,578.93
	CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,833.12	1	\$2,833.12	\$0.00	\$2,833.12
	CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$2,141.23	1	\$2,141.23	\$0.00	\$2,141.23
	CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,447.37	1	\$1,447.37	\$0.00	\$1,447.37
	CW CFAC 5007	Shoalhaven Regional Gallery	\$79.46	1	\$79.46	\$0.00	\$79.46
	CW FIRE 2001	Citywide Fire & Emergency services	\$156.12	1	\$156.12	\$0.00	\$156.12
	CW FIRE 2002	Shoalhaven Fire Control Centre	\$228.40	1	\$228.40	\$0.00	\$228.40
	CW MGMT 3001	Contributions Management & Administration	\$649.23	1	\$649.23	\$0.00	\$649.23
	Sub Total:						\$14,598.98
	GST Total:						\$0.00
	Estimate Total:						\$14,598.98
	<p>The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of a Subdivision/Strata Certificate. Evidence of payment must be provided to the Certifying Authority.</p> <p>The Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.</p> <p>Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)</p>						
6.	Prescribed Conditions The development must comply with Part 4, Division 2, Subdivision 1, of the Environmental Planning and Assessment Regulation 2021, as applicable.						To ensure compliance with relevant prescribed conditions of consent..
7.	Scope of Approval This approval does not extinguish easement (M) for transmission line variable width Book 3009 No. 271 from Lot 23 DP 1117746. The extinguishment of easement (M) must be discussed and resolved with the authority empowered to release, vary or modify the						To establish the scope of the approval.

	restriction. Evidence of the consultation must be provided to the Certifier prior to issue of the Construction Certificate.	
8.	Shoalhaven Water – Compliance with Conditions All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.	To ensure Shoalhaven Water compliance is met.
SUBDIVISION WORK Before Issue of a Subdivision Works Certificate		
CONDITIONS		REASON
9.	Access Driveway Design Standards - Urban Before the issue of a subdivision works certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The access driveway design must comply with the following: a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width, maximum 6 metres width and minimum 100mm depth. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.	To ensure that the driveway is properly designed and constructed to ensure adequate vehicular access.
10.	Council Approvals – Evidence A Construction Certificate / Subdivision Works Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Before the Commencement of Works.	To ensure that any relevant approvals required in advance of work is obtained and in place.
11.	Design Standards – Works Within Road Reserve Before issue of a Subdivision Works Certificate, all subdivision works proposed within road reserves must be approved by Council.	To ensure approval is obtained under s138 of the

<p>12.</p>	<p>Erosion and Sediment Controls - Erosion and Sediment Control Plan</p> <p>Before issue of a Construction Certificate/ Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All plans must include:</p> <ul style="list-style-type: none"> a) Site access location and stabilisation details and restrictions; b) Erosion control locations and types; c) Sediment control locations and types; d) Soil, water and drainage management plans; e) Site rehabilitation details; f) Inspection and maintenance details; g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; h) Existing and final contours (clearly distinguished and adequately annotated); i) Standard construction drawings for proposed soil, water and drainage management measures. j) All implemented measures must ensure that a <i>pollution incident</i> must not occur as defined by the Protection of the Environment Operations Act (POEO). <p>All implemented measures must:</p> <ul style="list-style-type: none"> a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). b) be maintained at all times. c) not be decommissioned until at least 70% revegetation cover has been established. 	<p>Roads Act 1993..</p> <p>To ensure adequate site management with respect to erosion and sediment controls..</p>
<p>13.</p>	<p>Footpath - Design Standards</p> <p>Before the issue of a subdivision works certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor</p>	<p>To ensure appropriate design is undertaken in accordance with</p>

	<p>and approved by the Certifier. The revised footpath design impacted by the proposed driveway must comply with the following:</p> <ul style="list-style-type: none"> a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design. b) A 1.5 metre-wide concrete footpath designed for the frontage of the development impacted by the proposed driveway with: <ul style="list-style-type: none"> i) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. ii) 3% cross fall from the boundary to top of kerb or match the existing cross fall. iii) a longitudinal section must be designed to ensure a smooth transition with the existing driveway. 	Council's specifications.
14.	<p>On-Site Detention – Development</p> <p>Before the issue of a Subdivision Works Certificate, details of on-site detention must be provided on the Subdivision Works Certificate plans and approved by the Certifier.</p> <p>On-site detention must be provided in accordance with the concept stormwater drainage plan (Plan No: DN220274 – Rev. A) prepared by MI Engineers on the 26th August 2022.</p> <p>The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.</p> <p><i>Note: The OSD design is to inform the 88b instrument only. It is not intended to be constructed at the subdivision stage.</i></p>	To ensure adequate stormwater management is undertaken in accordance with the approved plan.
15.	<p>Right of Way / Access Handle - Design Standards (Urban)</p> <p>Before the issue of a subdivision works certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The right of way / access handle design must comply with the following:</p> <ul style="list-style-type: none"> a) Council's Engineering Design Standard Drawings. b) Centrally placed and constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with minimum: c) 3 metre width for access to 1-2 lots, 	To ensure construction of the driveway is in accordance with Council's requirements.

	<ul style="list-style-type: none"> d) Installation of conduits for services for the full length of the driveway. e) Ensure stormwater runoff is not concentrated on to adjoining lots. f) Provision of a turning facility suitable for manoeuvring of the Australian Standard 99% design vehicle located at the furthest end of the driveway from the public road. 	
16.	<p>Stormwater Drainage Design Standards (Urban)</p> <p>Before the issue of a subdivision works certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The stormwater drainage design must comply with the following:</p> <ul style="list-style-type: none"> a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines. b) The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. c) Generally, in accordance with concept stormwater drainage plan (Plan No: DN220274 – Rev. A) prepared by MI Engineers on the 26th August 2022, with the following modifications: d) Remove the two 100mm diameter PVC pipes used for drainage onto Pine Forest Road leading from the proposed surcharge pit and stormwater pit respectively, and replace them with a single, resized pipe. e) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked. f) The existing stormwater drainage system is to be adjusted to suit the new works. g) existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04. h) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. i) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site. 	To ensure appropriate design is undertaken.

SUBDIVISION WORK		
Before subdivision work commences		
CONDITIONS		REASON
17.	Appointment of Principal Certifier Before building work commences a Principal Certifier must be appointed.	To ensure ongoing compliance and site / construction supervision.
18.	Construction Traffic Management Plan Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to: <ul style="list-style-type: none"> a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and access locations g) Name of the person responsible for such maintenance h) Loading / unloading areas i) Requirements for construction or work zones j) Pedestrian and cyclist safety k) Speed zone restrictions. 	To ensure adequate construction traffic management.
19.	Dilapidation Report (Minor) Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways	To ensure the condition of the site environs is identified so that repairs can be made to any

	<p>(formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.</p> <p>The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary.</p> <p>Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.</p> <p>Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.</p> <p>However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	damaged infrastructure..
20.	<p>Erosion and Sediment Controls – Implementation</p> <p>Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).</p>	To ensure adequate site management.
21.	<p>Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.</p>	To ensure compliance with legislation.
22.	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>Before commencement of any works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.</p>	To ensure compliance with Shoalhaven Water's requirements.

	<p>Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met.</p> <p>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</p>	
23.	<p>Subdivision Works Certificate</p> <p>A Subdivision Works Certificate must be obtained from either Council or a certifier before any subdivision work can commence.</p>	To ensure approval for physical subdivision works is in place prior to commencement.
24.	<p>Toilet Facilities – Temporary</p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:</p> <ul style="list-style-type: none"> a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the Local Government Act 1993, or c) be a temporary chemical closet approved under the Local Government Act 1993. 	To ensure site amenity for workers.
25.	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.</p>	To ensure ongoing compliance.
26.	<p>Works within the Road Reserve – Submissions to Council</p>	To ensure ongoing compliance.

	<p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the Roads Act, 1993.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority. 	
SUBDIVISION WORK During Subdivision Work		
CONDITIONS		REASON
27.	Acid Sulfate Soils - Unexpected Finds <p>If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.</p>	To appropriately manage acid sulphate soils which when disturbed or exposed to air can release acid, damaging built structures and harming or killing animals and plants.
28.	Discovery of relics and Aboriginal objects <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately. b) the following must be notified for a relic – the Heritage Council; or 	To ensure management of any objects and relics, if identified.

	<p>c) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</p>	
29.	<p>Earthworks - Cut, Fill and Grading</p> <p>The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction.</p>	To ensure ongoing compliance and earthworks management.
30.	<p>Potentially Contaminated Land - Unexpected Finds</p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <p>a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</p> <p>b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</p> <p>If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p> <p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i></p>	To ensure appropriate site management in the event of unexpected finds.

31.	Site Management - Hours for Construction Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.	To ensure amenity of the surrounding neighbourhood.
32.	Site Management - Maintenance of Site and Surrounds During works, the following maintenance requirements must be complied with: <ul style="list-style-type: none"> a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: <ul style="list-style-type: none"> i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) At the completion of the works, the work site must be left clear of waste and debris. 	To ensure adequate site management.
33.	Site Management - Noise The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.	To ensure adequate site management and neighbourhood amenity.
34.	Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater	To ensure adequate site management.

	<p>All excavation, backfilling and landscaping works must not result in:</p> <ul style="list-style-type: none"> a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties. 	
35.	<p>Stormwater - Connections in Road Reserve</p> <p>Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.</p> <p>Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.</p>	To ensure ongoing compliance.
36.	<p>Soil Management</p> <p>While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier b) All fill material imported to the site must be: <ul style="list-style-type: none"> i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. 	To ensure ongoing compliance.
<p>SUBDIVISION WORK Before the Issue of a Subdivision Certificate</p>		
CONDITIONS		REASON

37.	Completion of Public Utility Services Before the issue of the relevant Occupation Certificate / Subdivision Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.	To ensure provision of utility services.
38.	Dilapidation Report (Minor) – Evidence of Completion Before the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	To identify any damage to adjoining properties resulting from site work on the development site.
39.	Electricity Power Poles within Access Handle Prior to the issue of the Subdivision Works Certificate, the applicant, or person having the benefit of this development consent, is to contact and have approved by Endeavour Energy the following: a) The pole mounted substation no. 51362 and the extended low voltage overhead service conductor providing the customer connection point for the existing dwelling on adjoining 28 Pine Forest Road (Lot 3 DP 1018372) is to be relocated outside of the driveway access and/or sited underground within the driveway access as per the approved plan titled Driveway & Building Area Details prepared by Jervis Bay Town Planning, dated 29/06/2023.	To ensure the minimum required safety clearances and controls for driveways to low voltage pillars is achieved.
40.	Shoalhaven Water – Certificate of Compliance Before the issue of any Subdivision Certificate, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice. If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.	To ensure compliance with Shoalhaven Water's requirements and satisfactory completion.
41.	Subdivision - Maintenance Bond for Civil Works Before the issue of the Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the	To ensure the developer repairs

	cost of the civil works (excluding water supply and sewerage) to Council to provide security and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained, for a period of 12 months.	any defective works.
42. Street Numbering	<p>Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy.</p> <p>Street numbering for the development must be as follows:</p> <p>Proposed Lot 1 – 24 Pine Forest Rd Tomerong</p> <p>Proposed Lot 2 – 26 Pine Forest Rd Tomerong</p> <p>The allocated numbers must be shown on the engineering/construction plans. Where plans and details are provided to service suppliers, numbers must be in accordance with the above.</p>	To ensure street numbering is in accordance with policy to enable correct identification for place finding.
43. Subdivision / Strata Certificate	<p>A Subdivision / Strata Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.</p>	To ensure satisfactory completion of the subdivision to enable land registration to occur.
44. Subdivision - Schedule of Compliance	<p>The Subdivision / Strata Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision / Strata Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.</p>	To validate completion of the works in accordance with the consent.
45. Subdivision – Provision of Utility Services	<p>Before the issue of a Subdivision / Strata Certificate, utility services must be provided in accordance with the following:</p> <ul style="list-style-type: none"> a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met. b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications 	To ensure required changes to public utility services are completed in accordance with the relevant agency requirements

	<p>carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.</p> <p>c) A Certificate of Compliance under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Water Development Notice and before the issue of a Subdivision Certificate, as the case may be.</p> <p>d) If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.</p> <p>Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.</p>	before occupation.
46.	<p>Subdivision - Works as Executed</p> <p>Before the issue of the Subdivision / Strata Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to council and the Certifier demonstrating compliance with the approved design plans.</p> <p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:</p> <ul style="list-style-type: none"> a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works. c) Certify that all storm water pipes, and other services are wholly within an appropriate easement. d) Show the extent, depth and final levels of filling. e) Show any retaining walls including footings and agricultural drainage lines. f) Show the location of all underground service conduits. g) Include all deviations from the approved Civil Engineering Plans. 	To ensure compliance with the approval.

<p>47.</p>	<p>Restrictions - Existing Easements and Restrictions on Use of Land</p> <p>Before the issue of the Subdivision / Strata Certificate</p> <ul style="list-style-type: none"> a) all existing easements must be acknowledged on the final subdivision plan. b) all existing restriction on the use of land must be acknowledged on the final subdivision plan. 	<p>To ensure required items are completed in accordance with the relevant agency.</p>
<p>48.</p>	<p>Restrictions – Easements and Restrictions on Use of Land</p> <p>An Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following Restrictions on the land when the subdivision is registered:</p> <ul style="list-style-type: none"> a) No dwelling is permitted on the lot unless an on-site detention design for the dwelling is completed in accordance with the approved stormwater and detention plans. b) Alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements, including raingardens are not permitted except without the prior consent in writing of Shoalhaven City Council. c) No dwelling is permitted to be erected on the lots unless the lot is connected to reticulated sewer or other satisfactory arrangement agreed to and permitted in writing by Shoalhaven City Council. <p>The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.</p> <p>The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.</p> <p>A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.</p>	<p>To ensure any restrictions are recognised on title.</p>
<p>49.</p>	<p>Verification of Works</p> <p>Before the issue of the Subdivision / Strata Certificate, the developer is to provide the following documentation to the Certifier for approval:</p> <ul style="list-style-type: none"> a) Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications. b) Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans. 	<p>To ensure compliance with the approval.</p>

	<p>c) Completion of Works within the Road Reserve notification letter from Council.</p> <p>d) Certification from Council or an accredited certifier to verify that all inspections required by the Certifier have been completed in accordance with the approved plans and construction specifications.</p>	
50.	<p>Works in the Road Reserve - Evidence of Completion</p> <p>Before the issue of a Subdivision Certificate, the developer must provide the Certifier with a construction inspection ticket / completion of works in road reserve letter provided by Council, confirming compliance with the requirements of section 138 of the Roads Act 1993.</p>	To validate completion of the works.
<p>SUBDIVISION WORK</p> <p>Ongoing Use</p>		
CONDITIONS		REASON
51.	<p>Maintenance of wastewater and stormwater treatment device</p> <p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p>	To protect sewerage and stormwater systems

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.


Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Section 4.15 Assessment Report - SF11002

		Section 4.15 Assessment Report <i>Environmental Planning & Assessment Act 1979</i>	
<p><u>Conflict of interest declaration</u></p> <p>I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.</p> <p><i>Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.</i></p>			
Assessing Officer	Assessing Officer		8/01/2024
Affiliations and Pecuniary Interests	<p>Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?</p> <p><i>Note: Where a pecuniary interest is identified ensure appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i></p> <p><i>Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.</i></p>		No
Councillor Representations	Councillor	Date	TRIM Reference
Delegation Level Required	<p>Resolution of Elected Council Required</p> <p>As per section 6.3 of Chapter G8 of Shoalhaven DCP 2014, reliance on effluent pumpout systems for new subdivisions in areas identified for future reticulation services may only be provided by resolution of Council.</p> <p>Application called in by Council. MIN23.571.</p>		
Report Recommendation	Conditional Approval		
Development Description	Two (2) lot Torrens Title subdivision		
Variations Proposed	<input checked="" type="checkbox"/> DCP departure		
	<input type="checkbox"/> Clause 4.6 exception		
	Clause number		
	Percentage variation		

Section 4.15 Assessment Report - SF11002

	Brief justification for the variation	
	Concurring authority for the approved variation	
	Determination date	
<p><i>Note: Where a clause 4.6 exception has been approved the assessing officer must ensure this is recorded in the quarterly variation report (see quarterly variation reports in TRIM Reference 41544E)</i></p>		
DA Number	SF11002	
PAN	PAN-336053	
Property Address	Pine Forest Rd, TOMERONG - Lot 23 DP1117746 12 Connolly Street TOMERONG – Lot 22 DP1117746	
Applicant(s)	Jervis Bay Town Planning	
Owner(s)	Lot 23 DP1117746	Matthew John Malone Tonya Louise Malone
	Lot 22 DP1117746	Glenn Lionel Smith
Owner's consent provided?	Yes	
Date Lodged	06-Jul-2023	
Date of site inspection	9/01/2024	
Date clock stopped	-	
Date clock started	-	
Related Application in NSW Planning Portal?	<input checked="" type="checkbox"/> Concurrence and/or external agency referral <input type="checkbox"/> Section 68 <input type="checkbox"/> Section 138 <input type="checkbox"/> Construction Certificate <p><i>Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.</i></p>	
Number of submissions	<p>0</p> <p><i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i></p>	

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1. Detailed Proposal

The proposal includes:

- Two (2) lot Torrens Title subdivision of Lot 23 DP1117746
 - Construction of battle-axe driveway
 - Connection to inter-allotment drainage infrastructure on 12 Connolly Street TOMERONG Lot 22 DP 1117746
 - Relocation of electricity power poles and overhead electrical cables

The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
JB005	-	Subdivision Sketch Plans	Jervis Bay Town Planning	29/6/2023
DN220274, DA01	A	Cover Sheet	MI Engineers	26/6/2022
DN220274, DA02	A	General Arrangement Plan	MI Engineers	26/6/2022
DN220274, DA03	A	Concept Water Servicing Plan	MI Engineers	26/6/2022

Documents			
Document title	Version number	Prepared by	Date of document
Waste Management Plan	-	Jervis Bay Town Planning	26/5/2023
Bushfire Risk Assessment Report	-	Mackay Bushfire Risk Assessment	21/12/2021
Report on Effluent Disposal	EF693	Cowman Stoddart Pty Ltd	25/5/2022

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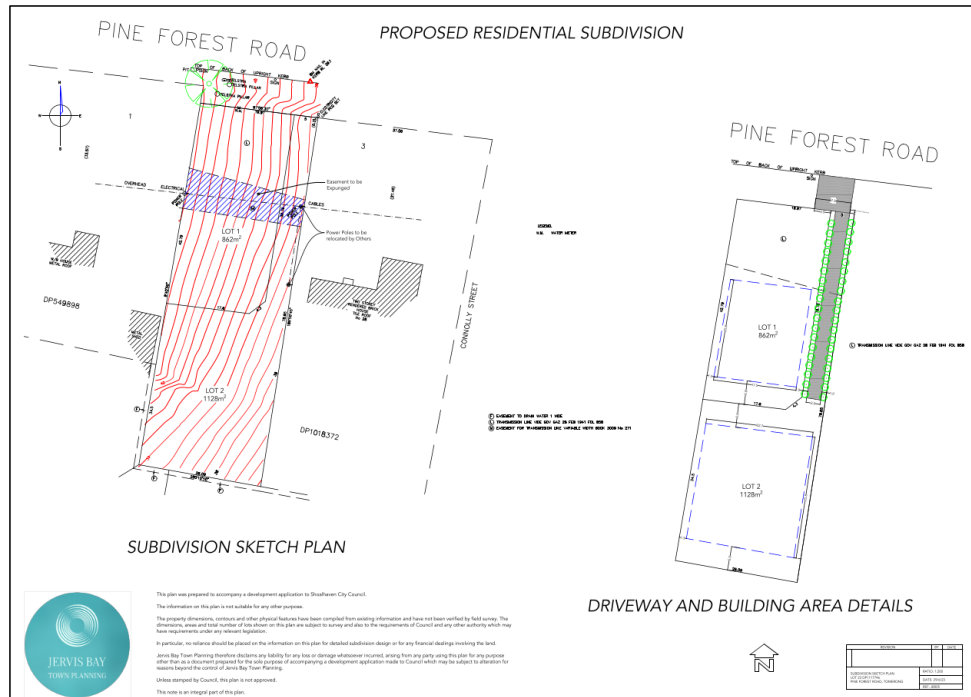


Figure 1: Proposed Subdivision Plan

2. Subject Site and Surrounds

Site Description



Figure 2: Aerial imagery of subject site

The subject site has a frontage to Pine Forest Road. The site is currently vacant.



The surrounding area is residential in character and the site is adjoined by low density residential development to the east, west and south and rural land to the north.

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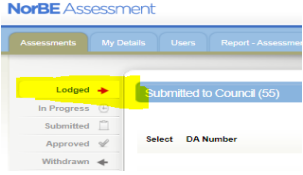
Summary of Site and Constraints

GIS Map Layer		
	<i>Lot Area</i>	1990m ²
	<i>Zone</i>	RU5 Village
	<i>Does the land have a dwelling entitlement?</i> <i>Note: for rural land refer to clause 4.2D of Shoalhaven LEP 2014.</i>	Yes
Topographic Layer	<i>Fall direction of land</i>	Other – crossfall east to west
	<i>Slope of land >20%?</i>	No
Site Inspection	<i>Works within proximity to electricity infrastructure?</i>	Yes - Referral to Endeavour Energy required. <ul style="list-style-type: none">Development within 5m of an exposed overhead electricity power line
	<i>Is the development adjacent to a classified road?</i>	No
	<i>Is the development adjacent to a rail corridor?</i>	No
Utility Network	<i>Access to reticulated sewer?</i>	No – the application is proposing to service the subdivision via effluent pump-out. <i>Note: as per Council MIN21.464, the Council resolved to include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year</i>
	<i>On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?</i> <i>Note: Ensure you have adequate information about the location of existing OSSM systems</i>	N/A

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	<p><i>Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?</i></p> <p><input checked="" type="checkbox"/>  Sewer Pressure Mains ></p> <p><input type="checkbox"/> Rising Main</p> <p><input type="checkbox"/> Surcharge Main</p> <p><input type="checkbox"/> Low Pressure Sewer Main</p> <p><input type="checkbox"/> Under Construction</p>	No
	<p><i>Building over sewer policy applicable?</i></p> <p><i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i></p>	No
	<p><i>Access to reticulated water?</i></p>	Yes
	<p><i>Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?</i></p>	No
	<p><i>Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?</i></p>	Yes - Referral to Shoalhaven Water required.
Environmental Layers	<p><i>Aboriginal Cultural Heritage</i></p>	No
	<p><i>Bush Fire</i></p>	Yes
	<p><i>Coastal Hazard Lines (applies to location of proposed development)</i></p>	No
	<p><i>Coastal Hazard Area</i></p>	No
	<p><i>Potentially Contaminated Land</i></p>	No
	<p><i>Flood</i></p> <p><i>Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of Chapter G9 of Shoalhaven DCP 2014.</i></p> <p><input checked="" type="checkbox"/> Flood Data</p> <p><input checked="" type="checkbox"/>  Flood Studies</p>	No
	<p><i>Development within 40m of a watercourse</i></p>	No
Planning Layers	<p><i>Development Control Plan - Area Specific Chapters</i></p>	No
	<p><i>Draft Exhibited Planning Proposal</i></p>	No
	<p><i>Shoalhaven LEP (Jerberra Estate) 2014</i></p>	No

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	Acid Sulfate Soils	Class 5
	Buffers	No
	Terrestrial Biodiversity	No
	Local Clauses	Yes <ul style="list-style-type: none"> Clause 7.20 – Development in the Jervis Bay region
	Coastal Risk Planning	No
	Heritage	No
	Scenic Protection	No
	<p>Sydney Drinking Water Catchment area (e.g. NorBE)</p> <p>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</p> 	No
BV Map	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No
	Marine Park Estate	No
	Biodiversity Values Map	No

Site Inspection Observations

Refer to site inspection report.


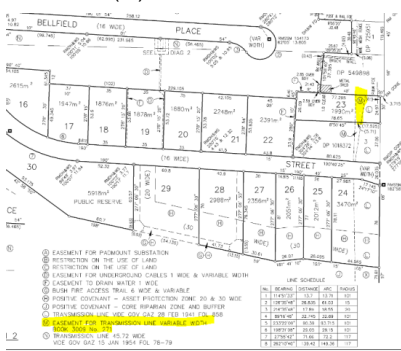
Deposited Plan and 88B Instrument

Restriction on use of land	Comment
<p>8. <u>Terms of restriction numbered 9 in the plan:</u></p> <p>(a) No building shall be erected on any lot burdened unless of darker external colours or materials to blend with the landscape. Metal cladding, roofing or water tanks are to be precoloured at manufacturing stage.</p> <p>(b) No lot hereby burdened may be further subdivided unless reticulated sewerage is available.</p>	<p>a) N/A – The application is for subdivision only.</p> <p>b) Does not comply - The proposal is not consistent with this restriction or the approved effluent management for the site.</p>

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	The application proposes to service both lots via pump-out systems.
<p>9. Terms of restriction numbered 10 in the plan:</p> <p>a) No effluent shall be disposed onto any lot burdened unless:</p> <p>(i) Within the designated effluent disposal areas shown on the approved plan by Watkinson Apperley "Concept Plan of Proposed Onsite Effluent Disposal" reference No. 101691 dated 9 November 2005 and in accordance with effluent disposal report by Southern Geotechnics held by Shoalhaven City Council File SF 9585, or</p> <p>(ii) Such disposal is approved by Shoalhaven City Council in accordance with an effluent disposal report prepared by a suitably qualified professional.</p> <p>b) No buildings or driveways are to be constructed on any lot burdened within an effluent disposal area approved by Shoalhaven City Council.</p> <p>c) No soil from any decommissioned effluent disposal soil mounds on any lot burdened shall be disposed of or reused without soil testing being undertaken and the results submitted to Shoalhaven City Council and the method of disposal approved.</p> <p>d) No dwelling shall be erected on a lot burdened unless any effluent disposal area constructed on sloping ground is protected from surface water from upslope stormwater runoff by the construction of an interceptor drain as approved by Shoalhaven City Council.</p> <p>e) No dwelling shall be erected on a lot burdened unless any effluent disposal area constructed on sloping ground is protected from underground seepage which would unduly affect the absorption of effluent by the construction of a subsoil drain as approved by Shoalhaven City Council.</p>	<p><i>Note: Although the terms of the restriction numbered 10 generally relate to the construction of a dwelling and disposal of effluent, the current application for subdivision should consider the appropriateness of a future dwelling in relation to these restrictions.</i></p> <p>1) Does not comply - The proposal is not consistent with this restriction or the approved effluent management for the site. The application proposes to service both lots via pump-out systems.</p> <p>2) The proposed driveways are located away from proposed septic and pump-out system infrastructure.</p> <p>3) The application does not propose the reuse of any soil from decommissioned effluent disposal soil mounds.</p> <p>4) The proposed pump-out system is located away from other stormwater infrastructure.</p> <p>5) The proposed pump-out system would not be affected by underground seepage</p>
<p>10. Terms of restriction numbered 11 in the plan:</p> <p>a) No building shall be erected or permitted to remain on a lot burdened where the roof of such building is constructed of tiles whether ceramic, terracotta, slate or concrete. Metal roofing shall be permitted provided the same has been, prior to the erection of the building, pre-coated with durable baked enamel, vinyl or polyester film.</p> <p>b) No building including, but not limited to, any main building, dwelling, any garage, shed, workshop, horse stable, cattle yard, coop or pen for animals shall be erected on a lot burdened unless constructed of new materials.</p> <p>c) No advertisement, hoarding, or sign, unless required by law in conjunction with building, shall be erected or displayed on a lot burdened prior to 31 December 2008 without the prior written consent of WARREN CHARLES WATT and WARREN CHARLES WATT shall have the right to remove any contravening advertisement.</p> <p>d) No pre-existing dwelling or other pre-existing structure shall be partly or wholly placed upon, re-erected on or permitted to remain on a lot burdened.</p> <p>e) No structure of a temporary character including but not confined to, tent, shack, garage, trailer, camper, caravan shall be used at any time as a dwelling on a lot burdened.</p> <p>f) No fuel storage tanks, except for oil heating purposes, shall be placed upon or permitted to remain on a lot burdened.</p>	<p>N/A – As noted in the highlighted section of the restriction, restriction numbered 11 lapsed on 31/12/2015 and does not apply.</p>

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<p>g) No noxious, noisome or offensive occupation, trade, business, or manufacture shall be conducted or carried out on a lot burdened.</p> <p>h) No flat fibro or product of similar appearance shall be used in the construction of any building except as infill material.</p> <p>i) No fence shall be erected of "colorbond" type sheet metal, corrugated iron, concrete block, flat fibro, sheet asbestos, or material of similar appearance.</p> <p>j) No dwelling may be erected or permitted to remain on a lot burdened if such dwelling has a roof pitch of less than 25° from the horizontal.</p> <p>k) That for the benefit of any adjoining land of WARREN CHARLES WATT but only during the ownership thereof by WARREN CHARLES WATT or his assigns other than purchasers on sale, no fence shall be erected on the land hereby burdened to divide it from such adjoining land without the consent of WARREN CHARLES WATT or his assigns as aforesaid and in favour of any persons dealing with WARREN CHARLES WATT such consent shall be deemed to have been given in respect of every fence for the time being erected and such consent shall be granted in respect of each fence complying with these restrictions built without expense to Warren Charles Watt</p> <p>Name of persons empowered to release, vary or modify restriction numbered 11 in the abovementioned plan</p> <p>For so long as WARREN CHARLES WATT remains the registered proprietor of any lot or part of any lot in this subdivision or any adjoining land, the foregoing restrictions on use of land may only be released, varied or modified by and with the consent of the said WARREN CHARLES WATT and thereafter, the said restrictions on use of land may only be released, varied or modified by the proprietor of all the lots in whose favour this restriction on use of land is created, provided further that the restriction on use of land shall remain in force and effect only until 31 December, 2015 and thereafter shall lapse.</p>	
<p>Easement (L) for transmission lines</p>  <p>1. EASEMENT FOR TRANSMISSION LINES 2. EASEMENT FOR TRANSMISSION LINES 3. EASEMENT FOR TRANSMISSION LINES 4. EASEMENT FOR TRANSMISSION LINES 5. EASEMENT FOR TRANSMISSION LINES 6. EASEMENT FOR TRANSMISSION LINES 7. EASEMENT FOR TRANSMISSION LINES 8. EASEMENT FOR TRANSMISSION LINES 9. EASEMENT FOR TRANSMISSION LINES 10. EASEMENT FOR TRANSMISSION LINES 11. EASEMENT FOR TRANSMISSION LINES 12. EASEMENT FOR TRANSMISSION LINES 13. EASEMENT FOR TRANSMISSION LINES 14. EASEMENT FOR TRANSMISSION LINES 15. EASEMENT FOR TRANSMISSION LINES 16. EASEMENT FOR TRANSMISSION LINES 17. EASEMENT FOR TRANSMISSION LINES 18. EASEMENT FOR TRANSMISSION LINES 19. EASEMENT FOR TRANSMISSION LINES 20. EASEMENT FOR TRANSMISSION LINES 21. EASEMENT FOR TRANSMISSION LINES 22. EASEMENT FOR TRANSMISSION LINES 23. EASEMENT FOR TRANSMISSION LINES 24. EASEMENT FOR TRANSMISSION LINES 25. EASEMENT FOR TRANSMISSION LINES 26. EASEMENT FOR TRANSMISSION LINES 27. EASEMENT FOR TRANSMISSION LINES 28. EASEMENT FOR TRANSMISSION LINES 29. EASEMENT FOR TRANSMISSION LINES 30. EASEMENT FOR TRANSMISSION LINES</p>	<p>The subdivision provides adequate building area available for a future dwelling on Lot 1. No objection has been raised by Endeavor Energy subject to relocation of the overhead powerlines from within the driveway access; conditions of consent will be imposed accordingly. The proposal is not limited by easement (L).</p>
<p>Easement (M) for transmission lines</p>  <p>1. EASEMENT FOR TRANSMISSION LINES 2. EASEMENT FOR TRANSMISSION LINES 3. EASEMENT FOR TRANSMISSION LINES 4. EASEMENT FOR TRANSMISSION LINES 5. EASEMENT FOR TRANSMISSION LINES 6. EASEMENT FOR TRANSMISSION LINES 7. EASEMENT FOR TRANSMISSION LINES 8. EASEMENT FOR TRANSMISSION LINES 9. EASEMENT FOR TRANSMISSION LINES 10. EASEMENT FOR TRANSMISSION LINES 11. EASEMENT FOR TRANSMISSION LINES 12. EASEMENT FOR TRANSMISSION LINES 13. EASEMENT FOR TRANSMISSION LINES 14. EASEMENT FOR TRANSMISSION LINES 15. EASEMENT FOR TRANSMISSION LINES 16. EASEMENT FOR TRANSMISSION LINES 17. EASEMENT FOR TRANSMISSION LINES 18. EASEMENT FOR TRANSMISSION LINES 19. EASEMENT FOR TRANSMISSION LINES 20. EASEMENT FOR TRANSMISSION LINES 21. EASEMENT FOR TRANSMISSION LINES 22. EASEMENT FOR TRANSMISSION LINES 23. EASEMENT FOR TRANSMISSION LINES 24. EASEMENT FOR TRANSMISSION LINES 25. EASEMENT FOR TRANSMISSION LINES 26. EASEMENT FOR TRANSMISSION LINES 27. EASEMENT FOR TRANSMISSION LINES 28. EASEMENT FOR TRANSMISSION LINES 29. EASEMENT FOR TRANSMISSION LINES 30. EASEMENT FOR TRANSMISSION LINES</p>	<p>The subdivision provides adequate building area available for a future dwelling on Lot 1. No objection has been raised by Endeavor Energy subject to relocation of the overhead powerlines from within the driveway access; conditions of consent will be imposed accordingly. The proposal is not limited by easement (L).</p> <p>The submitted plans show easement (M) for transmission lines to be expunged and the following commentary has been provided in the Applicant's Statement of Environmental Effects.</p>

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	<p>5) Commentary was also provided in relation to the electrical easement. The problem identified here was that no information was supplied which gave an indication as to the design and placement of any new electrical infrastructure.</p> <p>The development application does not propose any work to the electrical easement. In the event that this development application is approved, the owners of the land will continue their consultations with Endeavour energy. This element of the work does not require the consent of Council.</p> <p>Furthermore, and for the purposes of this development application, the affected allotment remains suitable for residential use even with the electrical easement in place. It is not necessary for the easement to be expunged to facilitate the subdivision of the land. There remains adequate space within the proposed allotment for the erection of a dwelling house without alteration to existing electrical infrastructure.</p> <p>In any event, the easement will be expunged. If the Council views this act as completely necessary to facilitate the subdivision, it can approve the same conditionally to require the easement be expunged.</p> <p>Council is satisfied that the subdivision provides adequate building area available for a future dwelling on Lot 1 without the extinguishment of easement (M). As such, the extinguishment of easement (M) is not included as part of this DA assessment, rather should be dealt with separately by the landowner in direct discussions with the authority empowered to release, vary or modify the restriction. The extinguishment of the easement is not a matter for this DA assessment.</p>
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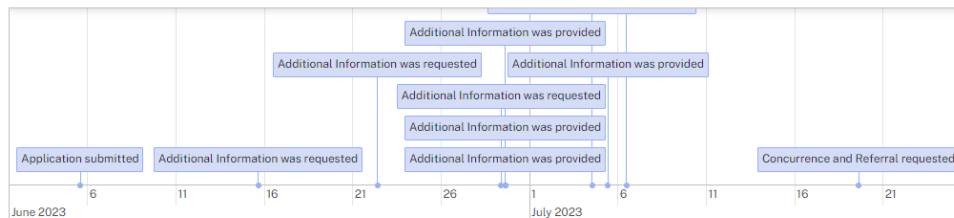
3. Background

Pre-Lodgement Information

N/A

Post-Lodgement Information

Timeline



Site History and Previous Approvals

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed	
SF11002	06/07/2023	Subdivision Application	Proposed 2 lot subdivision	Incomplete		Show Properties
RD22/1000	10/11/2022	Review of Decision S82A	Two Lot Subdivision - Review	Refused	24/02/2023	Show Properties
SF10926	18/02/2022	Subdivision Application	Two Lot Subdivision	Refused	29/08/2022	Show Properties

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	
BA73/1476	Machinery Shed	Approved	Watt CC	Show Properties

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SF10926 and RD22/1000 (Section 8.2 Review of Decision) were for a two (2) lot Torrens Title subdivision similar to that proposed by this application (SF11002). SF10926 and RD22/1000 were both refused.

The Applicant has provided the following comments in their Statement of Environmental Effects addressing the previous reasons for refusal:

Extract from submitted Statement of Environmental Effects prepared by Jervis Bay Town Planning (D23/270628) responding to previous reasons for refusal for SF10926 and RD22/1000	
Reason	Response
<i>The application is not furnished with sufficient information that, adequately demonstrates that the restrictions as to user on the title information for Lot 23 DP 1117746 should be suspended pursuant to cl. 1.9A of the Shoalhaven Local Environmental Plan (SLEP) 2014.</i>	<p>Restriction 9 indicates no lot burdened may be subdivided unless reticulated sewerage is available.</p> <p><i>This restriction is proposed to be varied. This submission sets out reasons as to why it is reasonable to vary the restriction in this instance.</i></p> <p>Restriction 10 is complied with. Reason for this is that it is not proposed to dispose of any effluent on the lot. Pump out is proposed. Effluent will be held on each lot, then delivered to an approved facility for disposal.</p> <p>Restriction 11 does not impact on the development and its terms can be readily complied with.</p>
<i>The consent authority is not satisfied the application is furnished with sufficient information that demonstrates there are adequate arrangements for the disposal and management of sewage pursuant to cl. 7.11 (c) of the SLEP 2014.</i>	<p>Development Control Plan Chapter G8</p> <p><i>It is noted that Chapter G8 sets out the following performance criteria:</i></p> <p>P15.1 New subdivisions do not propose (or install) new pump-out systems.</p> <p><i>It is acknowledged that the proposal is inconsistent with P15.1. Despite this, it is our contention it is our position that it remains consistent with the objectives of the DCP.</i></p> <p><i>Reasons for this are as follows:</i></p> <ul style="list-style-type: none"> <i>With effluent proposed to be pumped out, rather than disposed of on site, this minimises potential impacts on human health.</i> <i>With pump out being proposed, this will ensure that</i>

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	<p>deterioration of land does not occur.</p> <ul style="list-style-type: none"> • Surface water and ground contamination risks are minimised by not disposing of effluent on site. • It has been demonstrated that even the current allotment of land in its unsubdivided state isn't of sufficient size to dispose of effluent on site. If the place were developed by way of a 4 bedroom dwelling, effluent pump out services would need to be utilised. <p>In determining an application for development consent, Council must have regard to section 4.15 of the EPA Act.</p> <p>In this instance the reasonable alternatives proposed to onsite effluent disposal are:</p> <p>(1) Installation of a pump-out system.</p> <p>(2) Burdening the new lots by way of s88b restriction such that no dwelling may be erected unless fitted with a grey water treatment system installed in compliance with NSW guidelines for grey water reuse. Greywater treatment systems collect, store and treat greywater (which may include kitchen wastewater) to a standard acceptable for re-use. Treated greywater can be used for watering gardens, flushing toilets, and clothes washing. The benefits of this are twofold;</p> <p>a. The quantity of waste for pump-out will be reduced significantly. Wastewater that would otherwise be conveyed directly to the pump-out collection tank would be treated and reused. In this regard, the only blackwater would be conveyed directly to the pump-out collection tanks (i.e. typically wastewater from kitchen sinks, dishwashers, and toilets). Other wastewater (i.e.</p>
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	<p>grey water) from baths, showers, basin taps, laundry taps and washing machines will be treated and re-used. This will have a significant cost saving benefit for home owners as the quantity and frequency of pump-out collections will be reduced.</p> <p>b. The incorporation of a grey water treatment system into the design of each dwelling will have a substantial impact on the water efficiency of each home. The NSW BASIX system recognises greywater treatment systems as a water saving tool.</p> <p>The alternatives proposed are reasonable because:</p> <p>1) Site conditions are such that on-site disposal of effluent is not viable. This is the case even for the subject land before subdivision with its 1990m² of available area. Taking into account site constraints including the required 40 overland flow buffer distance from the drainage line at the rear of the site, the location of the electrical easement, footprint of a future house and a driveway, there would likely be in the order of 250m² of land (max) available for onsite effluent disposal. This is substantially less than the approx. 1000m² required. The point to be made here is that even if the subdivision were not proposed, the Council couldn't reasonably refuse an application for a pump out service on the lot even for the construction of 1 dwelling.</p> <p>2) Effluent pump-out services are currently available to the village of Tomerong. The 1 additional lot proposed should not present any inconveniences to local contractors for the servicing of the additional lots. If anything, the proposal is likely to increase the</p>
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	<p><i>viability of continuing effluent pump-out services to the village. With respect to the ability for these trucks to safely service the property, this can occur utilising the proposed driveway. Due to the design of Pine Forest Road at the frontage of the site, trucks can either service the development from the street (as is the case for seemingly every other property in Tomerong that gets serviced by pump-out) or, a safe reverse manoeuvre into the site is possible.</i></p> <p>3) <i>The presence of the bus stop at the front of the site shouldn't reasonably impact on the proposed servicing arrangements in this regard. Our research indicates that the bus stop is not used by local bus companies. At best, the bus stop is only used infrequently.</i></p> <p>4) <i>Sewerage Contributions (1ET) will be paid to the Council for each lot created for sewerage services. This is to cover the future costs associated with the treatment of collected effluent;</i></p> <p>5) <i>Should the village of Tomerong be connected to Council's sewerage network in the future, the connection of each site to any future system should be a relatively straight forward matter. Further, with pump-out services proposed, lot owners are not required to invest in expensive on site effluent disposal systems, which, for the subject land will need to be somewhat sophisticated to deal with site constraints, and only to have these made redundant in the future in the event of sewer becoming available.</i></p> <p>6) <i>With an additional lot proposed for the village of Tomerong as part of this proposal, the provision of reticulated sewer services into the future becomes more viable. This is considered to be an optimal outcome as the on-site disposal of effluent for the majority of lots</i></p>
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	<i>within the village is not likely to be representative of best practice into the long term given the environmental attributes of the area.</i>
<i>The application is not furnished with a stormwater plan.</i>	<i>A stormwater concept and driveway design plan is supplied.</i>
<i>No detail on the access design for the battle-axe handle arrangement for the subdivision has been provided.</i>	<i>This information is supplied.</i>

The reasons for refusal for SF10926 and RD22/1000 are considered below by Council:

Reasons for Refusal for SF10926 & RD22/1000	Assessment Commentary
(1) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(a)(i), the development is unacceptable and must be refused because the application is not furnished with sufficient information that, adequately demonstrates that the restrictions as to user on the title information for Lot 23 DP 1117746 should be suspended pursuant to cl. 1.9A of the <i>Shoalhaven Local Environmental Plan (SLEP) 2014</i> .	SF11002 is being reported to Council for decision of whether the pump-out system is supported. If the pump-out system is supported by Council, the restriction numbered 9 (b) in DP1117746 as it relates to Lot 23 can be modified to specify <i>"No lot hereby burdened may be further subdivided unless reticulated sewerage is available <u>except where approved by SF11002</u>"</i>
(2) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(a)(i), the development is unacceptable and must be refused because Council as the consent authority are not satisfied the application is furnished with sufficient information that demonstrates there are adequate arrangements for the disposal and management of sewage pursuant to cl. 7.11 (c) of the SLEP 2014.	SF11002 is being reported to Council for decision of whether the pump-out system is supported. If the pump-out system and variation to Chapter G8 is adequately resolved in the view of Council, the proposal would comply with clause 7.11 (c) of Shoalhaven LEP 2014
(3) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act</i> contained in	SF11002 is being reported to Council for decision of whether the pump-out system and a variation to performance criteria 15.1 in

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<p>section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposed method of effluent disposal for the development does not comply with:</p> <p>a) the Shoalhaven Development Control Plan (SDCP) 2014 Chapter 8 – On Site Sewage Management, performance criteria 15.1 that requires new subdivisions do not propose (or install) new pump out systems</p>	<p>Chapter G8 of Shoalhaven DCP 2014 is supported.</p>
<p>(4) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because application is not furnished with sufficient information that addresses:</p> <p>a) The Shoalhaven Development Control Plan (SDCP) 2014 Chapter 2 – Sustainable Stormwater Management and Erosion/Sediment Control – 5.10 Stormwater Drainage as the application is not furnished with a stormwater plan</p> <p>b) the Shoalhaven Development Control Plan (SDCP) 2014 Chapter 11 – Subdivision of Land – 5.8 Street and Common Driveway Construction as no detail on the access design for the battle-axe handle arrangement for the subdivision has been provided.</p>	<p>The plans and information submitted in SF11002 adequately demonstrate that stormwater from both lots can be effectively managed, with stormwater from Lot 1 being directed to the street and stormwater from Lot 2 being directed to inter-allotment drainage.</p> <p>The plans and information submitted in SF11002 provide adequate detail for the battle-axe driveway construction.</p>
<p>(5) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(b) the proposal is unacceptable and must be refused because the application is not furnished with sufficient information to consider the likely impacts of the proposed development.</p>	<p>SF11002 is being reported to Council for decision of whether the pump-out system and a variation to performance criteria 15.1 in Chapter G8 of Shoalhaven DCP 2014 is supported.</p> <p>If the pump-out system and variation to Chapter G8 is adequately resolved in the view of Council, the proposal would not be considered to have unacceptable impacts with regard to section 4.15(1)(b).</p>

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<p>(6) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(c) the proposal is unacceptable and must be refused because the site is not considered suitable for the proposed development.</p>	<p>SF11002 is being reported to Council for decision of whether the pump-out system and a variation to performance criteria 15.1 in Chapter G8 of Shoalhaven DCP 2014 is supported.</p> <p>If the pump-out system and variation to Chapter G8 is adequately resolved in the view of Council, the proposal would be considered suitable with regard to section 4.15(1)(c).</p>
<p>(7) Having regard to the matters for consideration in the <i>Environmental Planning and Assessment Act 1979</i> contained in section 4.15(1)(e) the proposed development is not in the public interest, because the proposed development is not adequately detailed and documented to allow the proposed two lot subdivision to be reasonably assessed to ensure that the future development of the site provides for sufficient dwellings that are reasonably designed, located and managed to ensure the design do not pose an unreasonable safety risk to the general public that may use the development once constructed.</p>	<p>SF11002 is being reported to Council for decision of whether the pump-out system and a variation to performance criteria 15.1 in Chapter G8 of Shoalhaven DCP 2014 is supported.</p> <p>If the pump-out system and variation to Chapter G8 is adequately resolved in the view of Council, the proposal would be considered to be in the public interest with regard to section 4.15(1)(e).</p>

Tomerong Sewage Scheme

As per MIN21.464, Council resolved that sewer would be provided to Tomerong village (as a pressure sewer scheme). The resolution included the Tomerong Sewage Scheme into the Sewer Capital Works Program, for completion of the works in 2028/29 financial year.

RESOLVED* (Clr Watson / Clr Wells)	MIN21.464
That Council include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year based on the following:	
<ol style="list-style-type: none"> 1. Design of the scheme to commence in 2026/27 and construction commence in 2027/28, 2. Noting that the scheme is not currently funded, review the sewer availability charge as part of the 2022/23 DPOP preparation to ensure the project is accommodated in the Long Term Financial Plan, 3. The scheme also encompass any zoned land which has not been developed at this stage. 4. Shoalhaven Water to seek grant funding to assist with the financing of the scheme. 	
CARRIED	

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The subject site Lot 23 DP 1117746 is located within the village area identified to be connected to the pressure sewer scheme.

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Development Engineer	No objection subject to recommended conditions.
Environmental Health Officer / SMF Unit	<p><u>EHO Comments</u></p> <p>Council's EHO has provided the following objection to the proposed development:</p> <p><i>Council's EHO has reviewed the onsite wastewater report prepared by Cowman and Stoddart May 2022 EF693 and the Statement of Environmental Effects prepared by Jervis Bay Town Planning 29 June 2023 and can make the following comments:</i></p> <ol style="list-style-type: none"> <i>1. The application proposes to subdivide a single lot in Tomerong into two smaller lots.</i> <i>2. The onsite wastewater report has demonstrated that onsite effluent disposal will not be possible on the subdivided lots and has proposed that wastewater be managed by installation of pumpout facilities. Shoalhaven DCP Chapter G8 provides the performance criteria and acceptable solutions for onsite sewage management. Performance criteria P15.1 requires that new subdivisions do not propose or install new pumpout systems.</i> <i>3. The onsite wastewater report acknowledges non-compliance with P15.1 and contends that as the existing lot is not of sufficient size to accommodate onsite wastewater disposal this subdivision application is not the trigger for reliance on pumpout. Regardless of whether the existing lot can be developed with or without pumpout, a subdivision proposal is not consistent with the performance criteria if it proposes pumpout.</i> <i>4. The SEE states that the installation of a pumpout system is consistent with the objectives of the DCP. Environmental Health is not satisfied that the object of the standard P15.1, which does not permit new subdivisions to propose or install new pumpout system has been met by a solution that proposes a new pumpout system.</i> <p>Conclusion</p>

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	<p><i>Environmental Health does not support the approval of this application as the proposal does not comply with the performance criteria of Shoalhaven DCP Chapter G8. The lots that would be created by this application would not be capable of accommodating onsite wastewater disposal.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The subject site proposes to service the lots via effluent pumpout system. Although servicing new subdivisions via effluent pumpout does not comply with Chapter G8 of Shoalhaven DCP 2014, the Tomerong Sewage Scheme (MIN21.464) identifies that Tomerong village and the subject site is to be connected to pressure sewer in the 2028/29 financial year.</p>
Waste Officer	No objection
GIS	No objection subject to recommended conditions.
Roads Asset Manager	<u>Asset Management Comments</u>
Asset Strategy	<p>Comments have been received from Council's Road Asset Team:</p> <p><u>Roads Assets</u></p> <p><i>Driveway placement appears acceptable in relation Bus Zone. However, it is unclear how effluent disposal can be carried out on the lots without encroaching into this restricted parking area based on the indicated disposal outlet locations (Fig 3, page 5, Report on Effluent Disposal D23/270631).</i></p> <p><i>Recently constructed council footpaths are not shown on plans, proposed driveway installation should not result in excessive cross-fall. Diversion of footpath should be considered if this is not possible. Note any re-instatement requirements will be established via Section 138 approval.</i></p> <p><u>Restricted Parking Area – Bus Stop</u></p> <p><i>The concern with the current application is the location of the effluent disposal locations for the proposed lots.</i></p> <p><i>It is unclear how effluent disposal can be carried out on the lots without encroaching into this restricted parking area based on the indicated disposal outlet locations.</i></p> <p><i>Due to the design of Pine Forest Road at the frontage of the site, trucks can either service the development from the street (as is the case for seemingly every other property in Tomerong that gets serviced by pump-out) or, a safe reverse manoeuvre into the site is possible.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The subject site proposes to service the lots via effluent pumpout system. Although servicing new subdivisions via effluent pumpout</p>

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	does not comply with Chapter G8 of Shoalhaven DCP 2014, the Tomerong Sewage Scheme (MIN21.464) identifies that Tomerong village and the subject site is to be connected to pressure sewer in the 2028/29 financial year.
Shoalhaven Water	No objection subject to recommended conditions.

External Referrals	
Referral	Comments
NSW Rural Fire Service	General Terms of Approval / Concurrence issued.
Endeavour Energy	<p><u>Power Poles within Access Handle</u></p> <p>Endeavour Energy do not have any concerns with the proposed building envelope on Lot 1, they are primarily concerned with the battle-axe driveway layout affecting the access / safety clearances to pole mounted substation no. 51362 and the extended low voltage overhead service conductor providing the customer connection point for the existing dwelling on adjoining 28 Pine Forest Road.</p> <p>This issue can be resolved by the imposition of conditions. If the Council determines the application favourably the following condition will need to be imposed:</p> <p>Power Poles in Access Handles</p> <p><i>Prior to the issue of the Subdivision Works Certificate, the applicant, or person having the benefit of this development consent, is to contact and have approved by Endeavour Energy the following:</i></p> <ul style="list-style-type: none"> <i>The pole mounted substation no. 51362 and the extended low voltage overhead service conductor providing the customer connection point for the existing dwelling on adjoining 28 Pine Forest Road (Lot 3 DP 1018372) is to be relocated outside of the driveway access and or sited underground within the driveway access as per the approved plan titled Driveway & Building Area Details prepared by Jervis Bay Town Planning, dated 29/06/2023.</i> <p><i>Reason: To ensure the minimum required safety clearances and controls for driveways to low voltage pillars is achieved.</i></p>

5. Other Approvals

Integrated Development	
Agency	Recommendation

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NSW Rural Fire Service	General Terms of Approval and a Bush Fire Safety Authority has been issued by NSW RFS (see D23/310161)
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6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land

Is the development site mapped as bush fire prone land?	Yes
Council is satisfied that the development conforms to the specifications and requirements of Planning for Bush Fire Protection 2019. General Terms of Approval and a Bush Fire Safety Authority have been issued by NSW RFS. Recommended conditions of consent will require compliance with the GTAs.	

Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the Biodiversity Values mapped area ?	No										
Does the application involve clearing of native vegetation above the area clearing threshold? <div data-bbox="319 1025 906 1444" data-label="Table"> <p>Area clearing threshold</p> <p>The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).</p> <table> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </table> <p>The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.</p> <p>If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.</p> </div>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	No
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')? <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	No										

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<i>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to any of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</i>	No
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Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

Local Government Act 1993

<i>Do the proposed works require approval under Section 68 of the Local Government Act 1993?</i>	Yes
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<i>Does the application include an application under Section 68 of the Local Government Act 1993 for water supply, sewerage and stormwater drainage work?</i> <i>Note: Section 68 applications are shown as a related case to the PAN in the NSW Planning Portal.</i>	Yes - S68 conditions to be imposed accordingly.
<i>Does the application include an application under Section 68 of the Local Government Act 1993 to operate a system of sewage management (i.e. on-site sewage management system)?</i>	No
<i>Does the application include an application under Section 68 of the Local Government Act 1993 to install a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?</i>	No

7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

i) Environmental Planning Instrument

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

Environmental Planning Instrument
Shoalhaven Local Environmental Plan 2014
State Environmental Planning Policy (Biodiversity and Conservation) 2021

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Environmental Planning Instrument
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020

Question	Yes	No
1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Assessment under SEPP not required.

Chapter 4 Koala habitat protection 2021

Question	Yes	No
1. Is there an approved koala plan of management for the subject land?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Proceed to Question 3
2. Is the proposed development consistent with the approved koala plan of management that applies to the land?	<input type="checkbox"/> Proposal satisfactory under SEPP.	<input type="checkbox"/> Application cannot be supported.
3. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: a) Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or b) Is not core koala habitat, or c) There are no trees with a diameter at breast height over bark of more than 10cm, or d) The land only includes horticultural or agricultural plantations	<input type="checkbox"/> Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	<input checked="" type="checkbox"/> Proceed to Question 4
4. Is the proposed development likely to have an impact on koalas or koala habitat?	<input type="checkbox"/> Proceed to Question 5	<input checked="" type="checkbox"/> Proposal satisfactory under SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

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Question	Yes		No	
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	<input type="checkbox"/>	Proceed to Question 2	<input checked="" type="checkbox"/>	Assessment under SEPP 55 and DCP not required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Considerations	Comments
Electricity transmission or distribution networks	
<i>Part 2.3 Division 5 Subdivision 2 – Development likely to affect an electricity transmission or distribution network</i>	The proposal involves work within proximity to electricity infrastructure. The application was referred to Endeavour Energy for comment with no objection being raised subject to advice. Referral comments have been taken into consideration.

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned RU5 Village under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as subdivision of land under the Environmental Planning and Assessment Act 1979. The proposal is permitted within the zone with the consent of Council.

Zone Objectives

Objective	Comment
To provide for a range of land uses, services and facilities that are associated with a rural village.	The proposal is consistent with the objectives of the zone.

Applicable Clauses

Clause	Comments	Complies/Consistent
Part 1 Preliminary		
1.9A	The proposal seeks to vary restriction numbered 9(b) in DP 1117746. Shoalhaven City Council are listed as the authority empowered to release, vary or modify the restriction.	Noted

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	<p><u>Name of authority empowered to release, vary or modify restriction numbered 9 in the abovementioned plan</u></p> <p>Shoalhaven City Council</p> <p>Clause 1.9A which allows for the suspension of certain covenants, agreements and instruments does not apply in this instance as the covenant/restriction has been imposed by the Council / has been required by the Council to be imposed.</p> <p>SF11002 is being reported to Council for decision of whether the pump-out system is supported. If the pump-out system is supported by Council, the restriction numbered 9 (b) in DP1117746 as it relates to Lot 23 can be modified to specify <i>"No lot hereby burdened may be further subdivided unless reticulated sewerage is available <u>except where approved by SF11002</u>"</i></p>					
Part 2 Permitted or prohibited development						
2.6	Subdivision is permitted but only with development consent.	Complies				
Part 4 Principal development standards						
4.1	<p>The proposal includes subdivision of land pursuant to clause 4.1. The minimum lot size set by the Lot Size Map for the land is 500 m².</p> <p>The proposed subdivision will create lots with the following sizes:</p> <ul style="list-style-type: none">• Lot 1 = 826m²• Lot 2 = 1128m² <p>All lots have a site area greater than the minimum lot size set by the Lot Size Map and therefore the proposal complies with the requirements of clause 4.1.</p>	Complies				
Part 7 Additional local provision						
7.1	<p>The subject land is mapped as acid sulfate soils:</p> <table><tr><th>Class</th><th>Commentary</th></tr><tr><td>Class 5</td><td>The proposal does not involve work within 400m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.</td></tr></table>	Class	Commentary	Class 5	The proposal does not involve work within 400m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.	Complies
Class	Commentary					
Class 5	The proposal does not involve work within 400m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.					
7.2	Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.	Complies				
7.11	<p>Reticulated electricity is available to the site.</p> <p>Potable water will be provided to the development via rainwater tanks. Recommended conditions of consent will be imposed accordingly.</p> <p>The subdivision proposes to rely on pump-out sewage system. SF11002 is being reported to Council for decision of whether the pump-out system is supported.</p>	Pending Council Decision				

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	If the pump-out system and variation to Chapter G8 is adequately resolved in the view of Council, the proposal would comply with clause 7.11 of Shoalhaven LEP 2014	
7.20	The proposal is considered satisfactory with regard to the considerations set out in clause 7.20.	Complies

ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [Draft Environmental Planning Instruments](#).

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Generic DCP Chapter	Relevant
G1: Site Analysis, Sustainable Design and Building Materials	
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.	
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
<i>Has the application been supported by appropriate erosion and sediment control details?</i>	No - Recommended conditions of consent will require erosion and sediment control measures be provided.
<i>Does the development require on site detention (OSD) to be provided?</i> <i>Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.</i>	OSD is required to be provided at dwelling construction stage, see engineering referral comments. Conditions to be imposed accordingly.
<i>Has the application been supported appropriate stormwater drainage details?</i>	Yes – Stormwater from a future dwelling Lot 1 and the driveway will be directed to the street. Stormwater from a future dwelling on Lot 2 will be directed to the existing inter-allotment drainage. The stormwater design has been reviewed by Council's Development Engineer with no objection being raised.
G3: Landscaping Design Guidelines	
Existing/proposed landscaping is appropriate.	
G4: Tree and Vegetation Management	
<i>Have any trees proposed to be removed been clearly shown on the site plan (where required)?</i>	N/A

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G5: Biodiversity Impact Assessment	
<i>Is the proposal biodiversity compliant development?</i>	Yes
G7: Waste Minimisation and Management Controls	
<i>Has the application been supported by an appropriate waste minimisation and management plan?</i>	Yes
G8: Onsite Sewage Management	
<p>The proposed two lot subdivision does not comply with performance criteria P15.1 which specifies that new subdivisions do not propose (install) new pumpout systems. However, section 6.3 of Chapter G8 identifies that where villages are identified for future reticulation services, pumpout services for new subdivisions may only be provided by resolution of Council:</p>	
<div style="border: 1px solid black; padding: 10px;"> <p>6.3 Effluent pumpout</p> <p>Pumpout services are made available in towns and villages in Shoalhaven where reticulated sewerage services are not available. Council may approve of pumpout services in other circumstances, for example for protection of the environment.</p> <p>Pumpout services are not cost effective or efficient compared to on-site sewage management or reticulated sewerage. Transportation of effluent by truck (tanker) creates traffic and pollution issues. In addition, the transport of tradewaste prevents Council from entering and implementing good management practices outlined in Council's Liquid Trade Waste Discharge to Sewerage System Policy.</p> <p>The following is required to ensure that the installation of pumpout systems is environmentally and economically efficient:</p> <ul style="list-style-type: none"> • New pumpout services must be generally allowed on existing lots within unsewered residential or commercially zoned land within Shoalhaven that was existing before the adoption of Council's former Effluent Pumpout Policy on 28 August 2007. • New pumpout services are not to be provided to new subdivisions or new rezonings. • Pumpout services are not to be provided to multi dwelling housing in villages not designated for future reticulation services. Future reticulation services are identified in Council's adopted 20 year financial and capital works forward plan. <p>For proposed multi dwelling housing and subdivisions in villages identified for future reticulation services, pumpout services may only be provided by resolution of Council. Where approved, the applicant is to meet all associated costs in relation to provision of the service including the reticulation services within and outside the land (to properly serve the land) and pay the full calculated developer charge for any newly created dwellings and/or lots.</p> <p>Further to the above, in regard to the provisions of new pumpout services, Council resolved on 19 December, 1995 that if Council resolves to allow a new effluent pumpout service for a particular circumstance which is not in accordance with policy, then the pumpout service be at the full cost of providing the pumpout service and this will be noted on the Section 10.7 Certificate and Title Deeds.</p> </div>	
<p>As per MIN21.464, Council resolved that sewer would be provided to Tomerong village (as a pressure sewer scheme). The resolution included the Tomerong Sewage Scheme into the Sewer Capital Works Program, for completion of the works in 2028/29 financial year.</p>	

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RESOLVED* (Clr Watson / Clr Wells) MIN21.464 That Council include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year based on the following: <ol style="list-style-type: none"> Design of the scheme to commence in 2026/27 and construction commence in 2027/28, Noting that the scheme is not currently funded, review the sewer availability charge as part of the 2022/23 DPOP preparation to ensure the project is accommodated in the Long Term Financial Plan, The scheme also encompass any zoned land which has not been developed at this stage. Shoalhaven Water to seek grant funding to assist with the financing of the scheme. CARRIED	
The subject site Lot 23 DP 1117746 is located within the village area identified to be connected to the pressure sewer scheme. As per section 6.3 of Chapter G8, the Council must resolve whether to support the proposed subdivision and reliance on effluent pumpout systems in this instance.	
G11: Subdivision of Land	
See Appendix A.	
G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	
<i>Is the development suitable with regard to acid sulfate soils?</i>	Yes
<i>Does the application involve the erection of any buildings or structures on land with a slope >20% or on land with stability problems?</i>	No

Area Specific DCP Chapter – N/A

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

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2000

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

Shoalhaven Contribution Plan 2019 & Section 64 Contributions

Is the development site an " old subdivision property " identified in Shoalhaven Contributions Plan 2019?	No
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Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 ?	Yes - s7.11 contributions are applicable.
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	Yes - See Shoalhaven Water Development Application Notice.

The development is most aptly characterised as a 'Subdivision' development for the purpose of calculating contributions under the Plan.

Calculation Type:
Subdivision

Subdivision

	Existing	Proposed
Lots	1	2
Total ET		1
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	\$316.70	1	\$316.70	\$0.00	\$316.70
03AREC3003	Bay and Basin Leisure Centre	\$474.73	1	\$474.73	\$0.00	\$474.73
03CFAC0007	Bay & Basin Branch Library	\$629.79	1	\$629.79	\$0.00	\$629.79
03CFAC4001	Bay & Basin Community Hub	\$3,063.90	1	\$3,063.90	\$0.00	\$3,063.90
03OREC0009	Tomerong	\$2,578.93	1	\$2,578.93	\$0.00	\$2,578.93
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,833.12	1	\$2,833.12	\$0.00	\$2,833.12
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$2,141.23	1	\$2,141.23	\$0.00	\$2,141.23
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,447.37	1	\$1,447.37	\$0.00	\$1,447.37
CWCFAC5007	Shoalhaven Regional Gallery	\$79.46	1	\$79.46	\$0.00	\$79.46
CWFIRE2001	Citywide Fire & Emergency services	\$156.12	1	\$156.12	\$0.00	\$156.12
CWFIRE2002	Shoalhaven Fire Control Centre	\$228.40	1	\$228.40	\$0.00	\$228.40
CWMGMT3001	Contributions Management & Administration	\$649.23	1	\$649.23	\$0.00	\$649.23

Sub Total: \$14,598.98
GST Total: \$0.00
Estimate Total: \$14,598.98

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

Head of Consideration	Comment
Natural Environment	The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	The proposed development will not have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

(c) Suitability of the site for the development

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses

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

The DA was notified In accordance with Council's Community Consultation Policy for Development Applications. No submissions were received by Council during the notification period.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

Delegations

Are any DCP performance-based solutions proposed?		Yes
Acceptable Solution	Numerical Extent of Departure	Percentage (%) Extent of Departure

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Chapter G8 – Provision of pumpout system for new subdivision	Resolution from Council required as per section 6.3 of Chapter G8 of Shoalhaven DCP 2014	Resolution from Council required as per section 6.3 of Chapter G8 of Shoalhaven DCP 2014
--	--	--

Guidelines for use of Delegated Authority

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

Given the proposed method of effluent disposal the application must be determined by resolution of the elected councillors.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

Reasons for Grant of Consent	
1)	The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979.
2)	The proposed development complies with the development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments.
3)	The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014.
4)	The proposed development is consistent with the aims, objectives and provisions of relevant Council policies.
5)	The likely impacts of the proposed development are considered acceptable.
6)	The site is suitable for the proposed development.
7)	Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
8)	The proposed development does not conflict with the public interest.

City Development
11/01/2024

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Appendix A – Assessment Checklist: Chapter G11: Subdivision

Objectives of Chapter G11	
<p>The objectives of are to:</p> <ul style="list-style-type: none"> i. Encourage high quality urban design and residential amenity. ii. Set appropriate environmental criteria for subdivision. iii. Provide a comprehensive design approach for residential, rural, industrial and commercial subdivision. iv. Provide for the ecologically sustainable subdivision of land. 	
5 Controls	
5.1 Road, Pedestrian and Cyclist Network	
<i>Is the proposed subdivision suitable with regard to the road network?</i>	Yes - The applicaiton is for a small scale subdivision and does not have significant impact on the road network
<i>Is the proposed subdivision suitable with regard to the pedestrian and cyclist network?</i>	Yes - The applicaiton is for a small scale subdivision and does not have significant impact on the pedestrian or cyclist network
<i>Is the proposed subdivision appropriate with regard to public transport access?</i>	Yes
5.2 Design and Construction: Road and Driveways/Access	
5.2.1 Roads	
<i>Are any proposed public roads and footpaths designed appropriately?</i>	N/A - The applicaiton does not include the construction of any public roads.
<i>Where proposed lots have a main frontage to a collector road or higher (as per Table 1 of Supporting Document 1), can vehicles enter and exit each lot in a forward direction?</i>	N/A

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<p><i>Where proposed lots front both a laneway and a higher order road, access must be from the laneway.</i></p> <p><i>Note: Depending on the locality and width of the laneway, intensification of existing laneways may not be supported. Refer to Development Adjoining Narrow Laneways – Interim Policy for more information</i></p>	N/A								
<p><i>Where access is from a cul-de-sac sufficient turning area must be provided for a waste collection vehicle to manoeuvre in a single movement.</i></p>	N/A								
<p><i>Is at least one on-street parking space provided for every two dwellings/allotments in accordance with the Table 1?</i></p> <p>Table 1: On-street Parking Requirements</p> <table border="1"> <thead> <tr> <th>Frontage</th><th>Location of parking bays</th></tr> </thead> <tbody> <tr> <td>Less than 12m</td><td>Special parking and vehicle access design is provided.</td></tr> <tr> <td>12m or greater</td><td>Within 60m of the lot and against the kerb or in parking bays constructed within the verge.</td></tr> <tr> <td>Any frontage width along a single lane carriageway</td><td>Within 25m of the lot and constructed within the verge.</td></tr> </tbody> </table>	Frontage	Location of parking bays	Less than 12m	Special parking and vehicle access design is provided.	12m or greater	Within 60m of the lot and against the kerb or in parking bays constructed within the verge.	Any frontage width along a single lane carriageway	Within 25m of the lot and constructed within the verge.	Yes
Frontage	Location of parking bays								
Less than 12m	Special parking and vehicle access design is provided.								
12m or greater	Within 60m of the lot and against the kerb or in parking bays constructed within the verge.								
Any frontage width along a single lane carriageway	Within 25m of the lot and constructed within the verge.								
<p><i>Is appropriate kerb and gutter infrastructure (including kerb ramps, pedestrian crossings where required) provided?</i></p>	Yes - Conditions to be imposed accordingly								
<p><i>For industrial subdivisions, are all roads and infrastructure appropriate to cater for the type of vehicles expected?</i></p>	N/A								
5.2.2 Residential Streetscape Design									
<p><i>Is streetscape landscaping appropriate?</i></p>	Yes								
<p><i>Are any existing street trees appropriately protected?</i></p>	N/A								

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5.2.3 Common Driveways and Accessways			
<i>Are any urban battleaxe access handles and ROW accesses suitable widths?</i>	Type of carriageway	Required width	Provided width
	Urban - 1-2 Lots	3m	5m
Table 7: Construction of battle axe/right of way driveways to the extent of the right of way or access handle			
For	Specifications		
1-2 Lots	Reinforced concrete pavement minimum 3m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.		
3-4 Lots	Reinforced concrete pavement minimum 5.5m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.		
<i>Are common driveways and accessways to be constructed of appropriate material?</i>	Yes		
5.2.4 Rural Roads, Driveways and Accessways – N/A			
5.3 Subdivision Layout and Design			
5.3.1 Layout and Design – Topography, Natural Landform/Environment and Vegetation			
<i>Does the subdivision design appropriately respond to the constraints of the site?</i>	Yes		
<i>Does the subdivision provide a suitable area for a future dwelling on each lot?</i> <i>Note: The subdivision should ensure that each lot has a level area that is capable of constructing a dwelling without further significant earthworks or retaining walls.</i>	Yes		
<i>Is the subdivision suitable with regard to flood constraints?</i>	Yes		
<i>Is the subdivision suitable with regard to bushfire constraints?</i>	Yes		
<i>Is the subdivision suitable with regard to geotechnical constraints?</i>	Yes		

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Does the subdivision avoid development on headlands or other prominent coastal features?	Yes							
Does the subdivision avoid development on dune systems or other unstable coastal areas?	Yes							
5.3.2 Residential Layout and Design – Aspect and Orientation								
Does the subdivision design provide adequate solar access to future dwellings?	Yes							
Do lots with an area between 350m ² - 450m ² have a slope less than 15% across the frontage?	N/A							
5.3.3 Residential Lot Size, Density and Design								
Are development densities in accordance with Council's Growth Management Strategy, other relevant Structure Plans and area specific chapters of the DCP?	Yes							
Are allotment dimensions as per Table 1?	Proposed Lot	Allotment Type	Width		Depth		Splay	
			Required	Proposed	Required	Proposed	Required	Proposed
	Lot 1	General Lot (500m2 - 1,999m2) - non-corner lot	15m	19.97m	30m	42.79m	-	-

Section 4.15 Assessment Report - SF11002

Table 2: Minimum residential lot shape and dimensions										
	Width	Depth	Splay							
Small Lot Subdivision (lots up to 499m²)										
300 - 399	>8m and <12m	n/a	2m, if a corner lot							
400 - 499	Equal to or >12m and <15m	n/a	2m, if a corner lot							
General Lot Subdivision (lots between 500m² – 1,999m²)										
Rectangular non-corner lots	Minimum of 15m	Minimum of 30m	n/a							
Rectangular corner lots	Minimum of 18m	Minimum of 30m	4m							
Irregular shaped lots Battle-axe lots	Minimum width at building line of 17m Minimum mean width of 18m	Minimum of 30m	4m if a corner lot							
Large Lot Subdivision (lots between 2,000m² – 3,999m²)										
Rectangular non-corner lots	Minimum of 30m	Minimum of 55m	n/a							
Rectangular corner lots	Minimum of 35m	Minimum of 55m	4m							
Irregular shaped lots Battle-axe lots	Minimum mean width of 30m	Minimum mean depth of 55m	4m if a corner lot							
Large Lot Subdivision (lots between 4,000m² – 10,000m²)										
Rectangular non-corner lots	Minimum of 35m	Minimum of 65m	n/a							
Rectangular corner lots	Minimum of 40m	Minimum of 65m	4m							
Irregular shaped lots Battle-axe lots	Minimum mean width of 40m	Minimum mean depth of 65m	4m if a corner lot							
				Lot 2	General Lot (500m ² - 1,999m ²) - non-corner lot	15m	26.09m	30m	34.5m	-
Are battle-axe access handles located on the southern side of the allotment to minimise any potential overshadowing to adjoining and future dwellings?				Access handles are appropriately located.						
Is a suitable building envelope area provided on each lot?				Yes - Suitable building envelopes have been identified						

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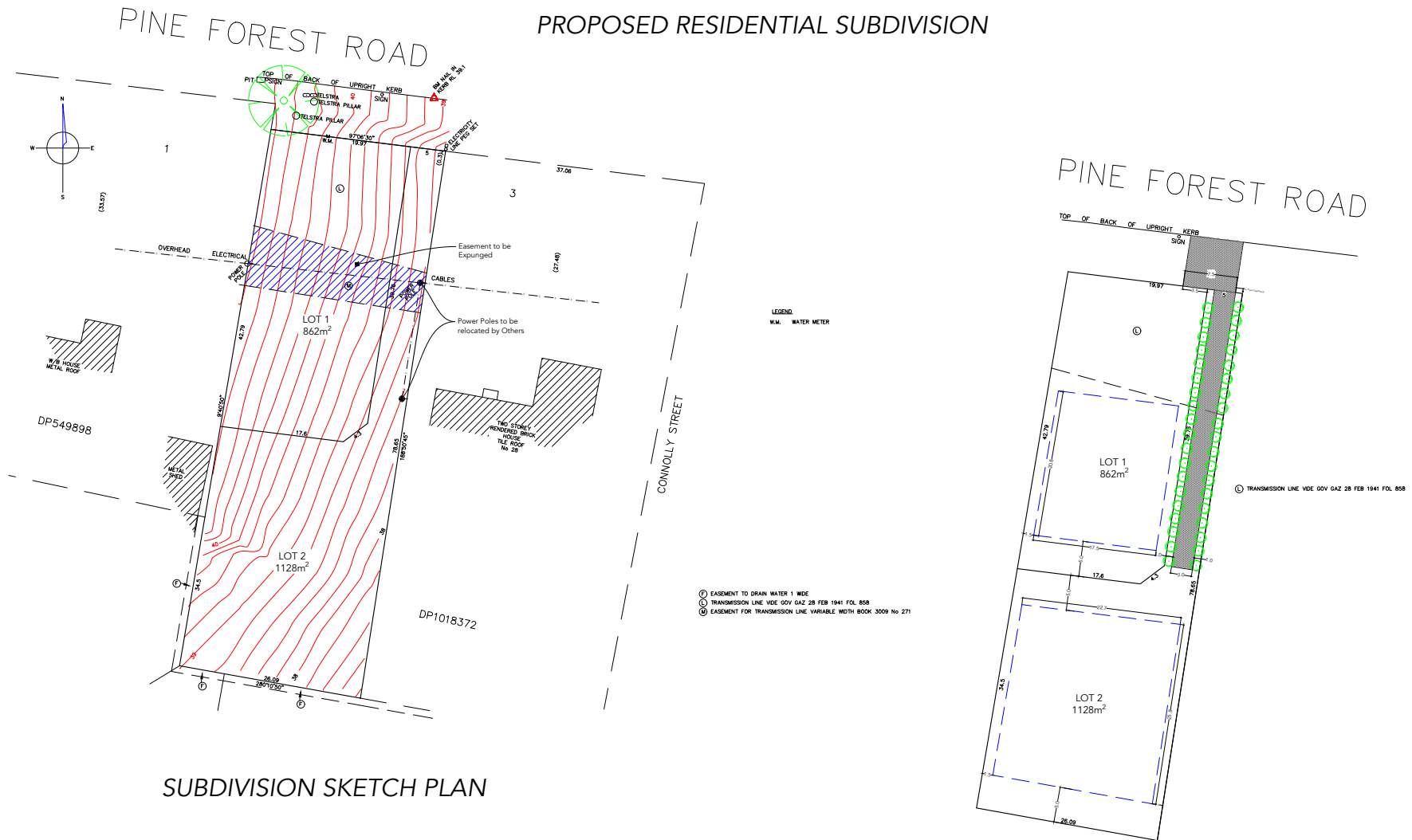
<ul style="list-style-type: none"> • Lots up to 499m²: A rectangular building envelope of a size able to accommodate a suitably sized dwelling house. • Lots greater than 500m²: 10m x 15m. • Battle-axe lots: 15m x 15m. • Small infill subdivisions on flood prone land: approximately 15m wide x 21m deep, sited in accordance with the requirements of Chapter G9: Development on Flood Prone Land of this Development Control Plan. <p><i>Note: The building envelope area should be level and minimise any need for further earthworks or retaining walls as part of a future dwelling construction.</i></p> <p><i>Note: The building envelope is to be located behind the building line.</i></p> <p><i>Note: The building envelope is to be located adopting relevant building setbacks.</i></p> <p><i>Note: The building envelope should be positioned to allow for effective vehicle manoeuvring.</i></p> <p><i>Note: Although a building envelope or building area should be demonstrated in the subdivision application, a building envelope restriction imposed under s88B may not be necessary.</i></p>	
<p><i>Have appropriate indicative details been provided where proposed lots are ≤499m² (e.g. building setbacks, building and wall heights, indicative vehicle manoeuvring and parking layouts, critical window locations and treatments, indicative private open space and landscaping)?</i></p>	N/A
<p><i>Is there adequate kerbside frontage to allow for waste collection?</i></p> <p><i>Note: For each allotment kerbside collection space for 2 waste bins must be provided. Each bin requires 1m frontage with a 0.5m separation between the bins and 1m behind each bin.</i></p>	Yes
5.3.4 Torrens Title Subdivision of Certain Medium Density Development – N/A	
5.3.5 Rural Subdivision – N/A	

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5.3.6 Commercial Subdivision – N/A					
5.3.7 Industrial Subdivision – N/A					
5.3.8 Subdivision of Tourist and Visitor Accommodation – N/A					
5.3.9 Strata and Community Title Subdivision – N/A					
5.3.10 Access					
Do all lots have coincidental legal and practical access?			Yes		
Are any battle-axe handles appropriate widths?			Access width		Pavement width
Number of Lots or Potential Future Dwellings (1)	Access Minimum	Pavement Width	Number of lots or potential future dwellings	Required	Proposed
1 to 2	4m	3m	N/A	-	-
3 to 4	6m	5m			
Note (1): Where lots are of a minimum lot size capable of supporting dual occupancy development (500m ²), each lot will be assumed to support two dwellings.					
Are all accessways and ROWs designed and constructed appropriately?			Yes		
5.4 Utilities and Servicing					
Is adequate water available for domestic and fire fighting purposes to all lots?			Yes - Reticulated water is available to the lots		

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<i>Can all lots appropriately dispose of / manage effluent?</i>	No – The proposed subdivision relies on a pump-out system to dispose of sewage.
<i>Is electricity available to all lots?</i>	Yes - Reticulated electricity is available to the lots
<i>Are compatible infrastructure, services and conduit co-located (where appropriate)?</i>	Yes
<i>Are appropriate buffers and separation distances provided between utility services and dwellings?</i>	Yes
5.5 Stormwater, Flooding and Water Sensitive Urban Design	
<i>Does the proposed subdivision provide flood free access to all lots?</i>	Yes
<i>Are future dwellings capable of providing habitable floor levels above the flood planning level?</i>	Yes
<i>Does the proposed subdivision provide suitable stormwater infrastructure (e.g. drainage systems, detention systems, WSUD)</i>	Yes
<i>Is any inter-allotment drainage system covered by appropriate easements?</i>	Yes
5.6 Community Infrastructure – Public Open Space, Recreation and Community Buildings – N/A	
5.7 Public Natural Areas - N/A	



This plan was prepared to accompany a development application to Shoalhaven City Council.

The information on this plan is not suitable for any other purpose.

The property dimensions, contours and other physical features have been compiled from existing information and have not been verified by field survey. The dimensions, areas and total number of lots shown on this plan are subject to survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving the land.

Jervis Bay Town Planning therefore disclaims any liability for any loss or damage whatsoever incurred, arising from any party using this plan for any purpose other than as a document prepared for the sole purpose of accompanying a development application made to Council which may be subject to alteration for reasons beyond the control of Jervis Bay Town Planning.

Unless stamped by Council, this plan is not approved.

This note is an integral part of this plan.



Towards Net-Zero Emissions

Annual Energy Review 2022-23



A 100-kW solar PV system installed on the Ulladulla Civic Centre roof in 2023

*Report prepared by Darren O'Connell, Andrew Truran & Pip Hildebrand
November 2023
HPERM Ref.– D23/473455*

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1 Purpose

At the Shoalhaven City Council Strategy & Assets Committee meeting on 12 November 2019, it was resolved that Council “Endorse the preparation of Annual Energy Review reports to track Council’s performance against energy and emission reduction targets established in Council’s Sustainable Energy Policy.” (MIN19.845).

The purpose of this report, which covers the 2022-23 financial year (FY2023), is to present an annual analysis of Council’s energy consumption, document energy savings measures recently implemented and identify potential cost-effective measures for future energy efficiency and renewable energy investment. This report will also track performance of Council towards achieving its energy and emissions reduction targets set out in Council’s adopted Sustainability and Climate Policy (POL22/177), which replaced the Sustainable Energy Policy in late 2022.

2 Introduction

Energy in the form of electricity, gas and vehicle fuel, is an essential resource for the effective operation of Shoalhaven City Council. Most of Council’s current energy is derived from fossil fuels which are a costly and finite resource which also emit harmful greenhouse gases. From an economical and environmental perspective, it is critical that Council address its future energy needs and commence a strategic transition towards improved energy efficiency and use of more renewable energy. To guide this transition,

an annual review of Council's energy usage, greenhouse gas emissions and energy efficiency measures was conducted (**this report**).

3 Electricity Consumption

The supply of electricity to Council is delivered through three (3) main agreements:

Supply Type	Site Consumption	Number of Sites	FY2023 Consumption (MWh)	FY2023 Total Electricity Spend
Small Sites	<100MWh per Year	~570	5,618	\$1.202M
Large Sites	>100MWh per year	55	27,476	\$5.481M
Street lighting	Unmetered	Aggregated	3,700	\$877k*
TOTAL			36,796	\$7.561M

*Not including Street Light Use of System (SLUOS) charges (approx. \$1.2M)

Figure 1 shows the typical bill breakdown for Shoalhaven Council's Electricity Accounts. Only the energy costs are negotiable (contestable) through retailer agreements as the network and other charges are fixed.

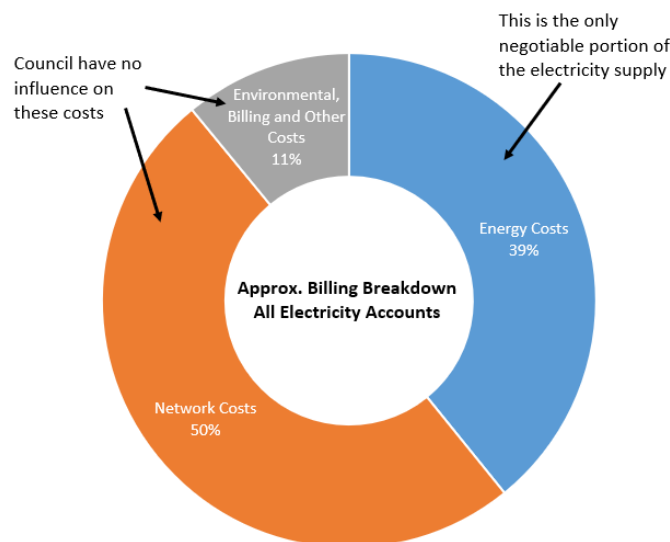


Figure 1. Shoalhaven City Council's typical electricity bill breakdown

In 2022-23, Shoalhaven City Council consumed 36,796MWh of electricity across its three supply types: Large Sites, Small Sites and Street Lighting, with a total electricity spend of \$7.561M (excluding approx. \$1.2M for the Street Light Use of System or SLUOS). Over half of Shoalhaven Council's electricity was consumed by Shoalhaven Water's wastewater (31%) and water supply (27%) operations (Figure 2). Wastewater processing (\$2.4M) was more costly than water supply (\$1.64M – Figure 3), with water

supply pumps typically able to operate during times of reduced electricity demand and hence lower costs i.e. solar peak and night time.

The majority of Shoalhaven's street lights are owned and operated by Endeavour Energy, and Council pays for the power that the lights consume (around \$886K/pa, Figure 3). A Street Light Use of System (SLUOS) charge of approx. \$1.2M per year is also paid by Council to Endeavour Energy, but this comprises costs mainly arising from the operation, maintenance and capital costs of the street lighting network, rather than electricity consumption. An accelerated LED street lighting replacement project commenced during 2020-21 which resulted in substantial energy savings to Council. The next stage, to upgrade public street lighting across the Shoalhaven LGA to 100% LEDs, has now commenced and is expected to be completed by Endeavour Energy by the end of 2023.

Council's Aquatic Centres and Holiday Haven tourist parks account for approximately 10% of Council's electricity costs with approximately \$831K and \$815K, respectively. Community facilities and Civic buildings and other small categories make up the balance of electricity costs (Figure 3).

2022-2023 Electricity Consumption %

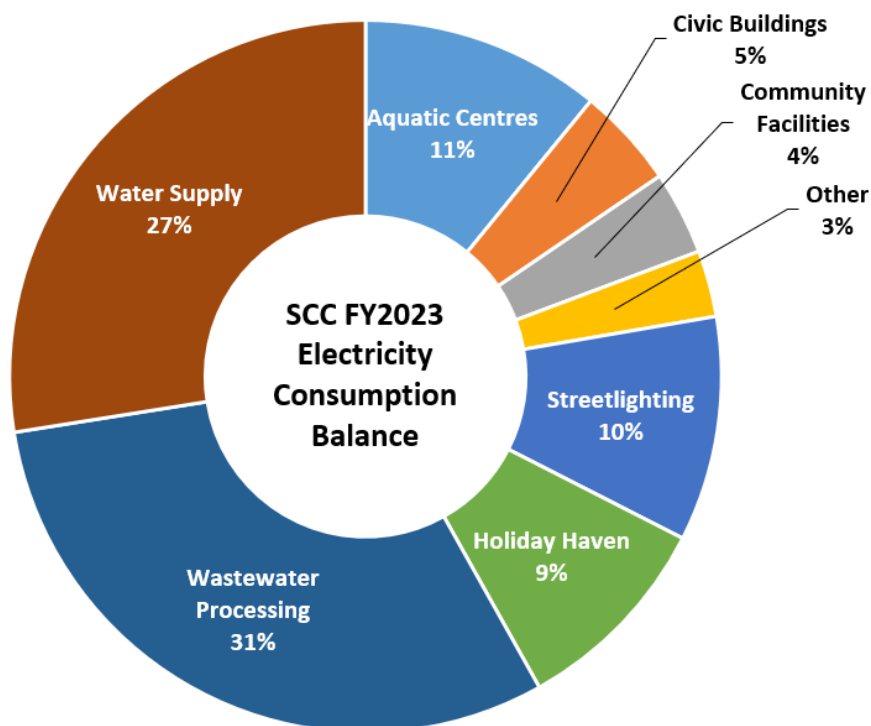


Figure 2. Shoalhaven City Council's 2022-2023 electricity consumption % by functional areas

2022-2023 Electricity Cost (\$)

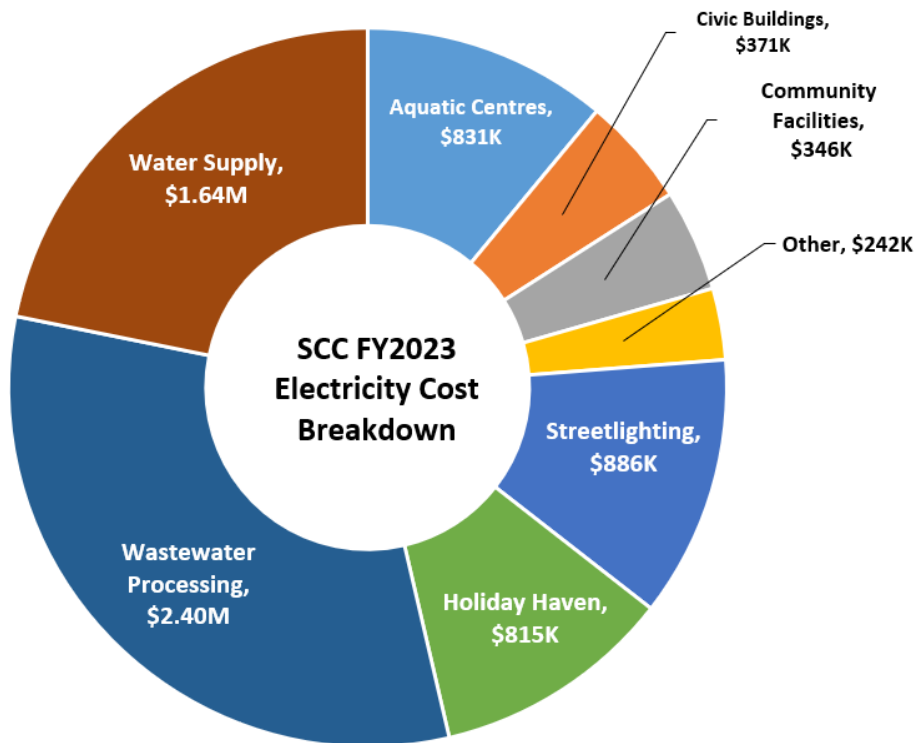


Figure 3. Shoalhaven City Council's 2022-2023 electricity costs by functional areas.

The annual electricity consumption breakdown into groups for all of Shoalhaven Council's assets for 2022-23, compared to previous years, is shown in Figure 4. Total electricity consumption has increased in 2022-2023 compared to the previous year, mostly due to Covid influences as operations returned to normal. Improved energy efficiency practices are encouraged at all sites to reduce electricity consumption, operating costs and corporate carbon emissions, potentially funded through Council's Revolving Energy Fund.

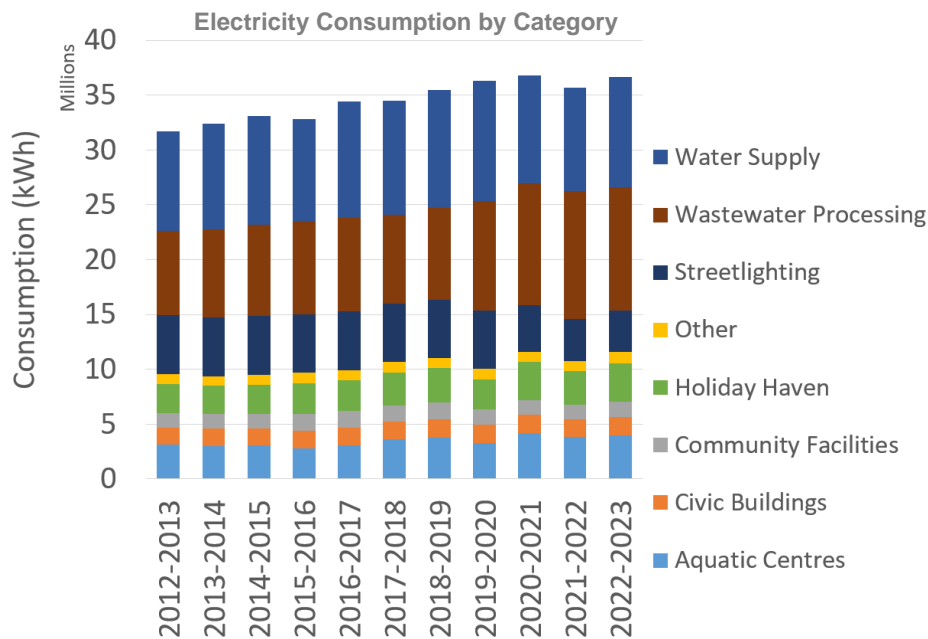


Figure 4. Shoalhaven City Council's annual trend in electricity consumption by group category

4 Fleet Fuel

Shoalhaven Council's fleet vehicle fuel consumption remained relatively stable over the past three financial years, with diesel transport fuel by far the most consumed resource (see Figure 5). Council had 2 BEV (Battery Electric Vehicle) fleet cars in 2022-23, both Hyundai Konas. Most small cars in Council's fleet are now hybrid vehicles, reducing fuel consumption compared to standard petrol cars. Most fleet cars and trucks are powered by diesel, as shown in the large volume of diesel purchased in 2022-23 (Figure 5).

Council is yet to own any publicly accessible EV chargers. Future work to attract third-party EV charging stations continues to take place with Charge Point Operators, whether these be fast DC chargers or 'destination' type AC chargers. Council has also been working with Endeavour Energy on a trial of power pole-mounted EV chargers to assist with EV street charging.

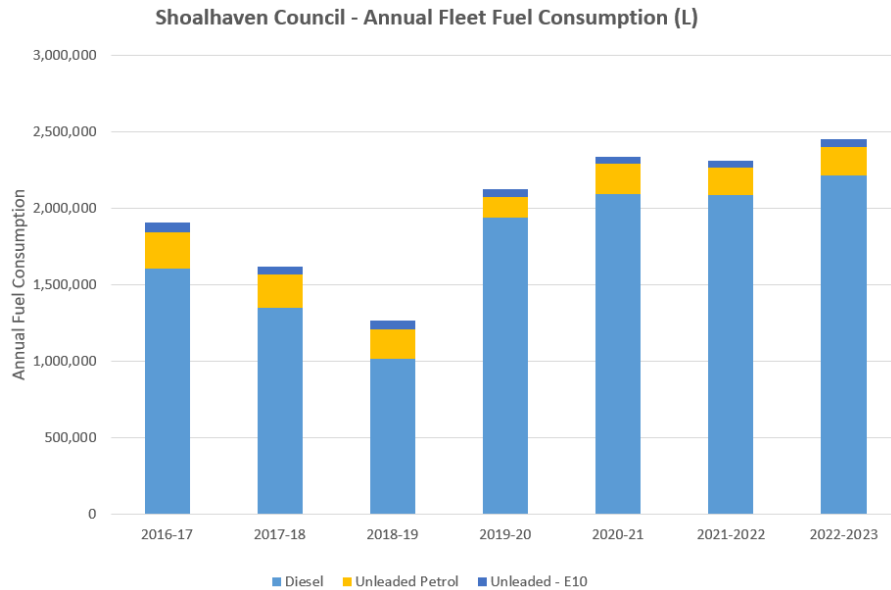


Figure 5. Shoalhaven City Council's annual fleet vehicle fuel consumption

5 Gas (Natural & Bottled LPG)

Natural gas is only supplied to Council assets in Nowra and north of the Shoalhaven River where the natural gas pipeline extends. Natural gas is supplied under a whole of NSW Government contract (Contract 4000 – Retail Supply of Natural Gas for Small Sites) by Origin. The contract extends through until 30 June 2025.

Council purchases LPG (bottled gas) under a whole of NSW Government supply contract (Contract 349 Liquefied Petroleum Gas (LPG) Non-Automotive) with Origin. The contract extends through until 1 June 2025. Under this contract, the pricing for LPG supply is part-based on an international gas market price indicator, so it can fluctuate with supply/demand and market influences.

Tota gas use is down from the previous financial year overall, with an increase in natural gas consumption offset by a larger decrease in LPG bottled gas consumption (see Figure 6). Much of the bottled gas is consumed at Council's Holiday Haven Parks and Leisure Centres. It is recommended that these assets consider a move away from gas and electrify their equipment at the end of its working life, where practicable. This 'fuel switch' allows these appliances to be powered by renewable electricity (via the Large Sites renewable Power Purchase Agreement) and therefore reduce emissions and running costs.

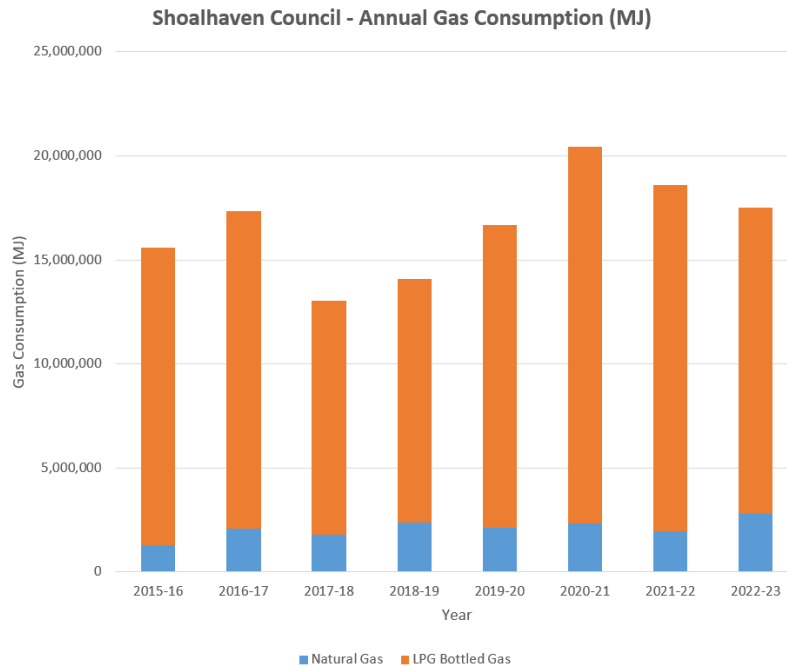


Figure 6. Shoalhaven City Council's annual natural gas and LPG bottled gas consumption

6 Emissions targets

Shoalhaven City Council adopted a Sustainability and Climate Policy (POL22/177) on 28 November 2022. The purpose of this Policy is to outline Council's commitment to protect and nurture our natural environment, address climate change, and enhance the quality of life for current and future generations.

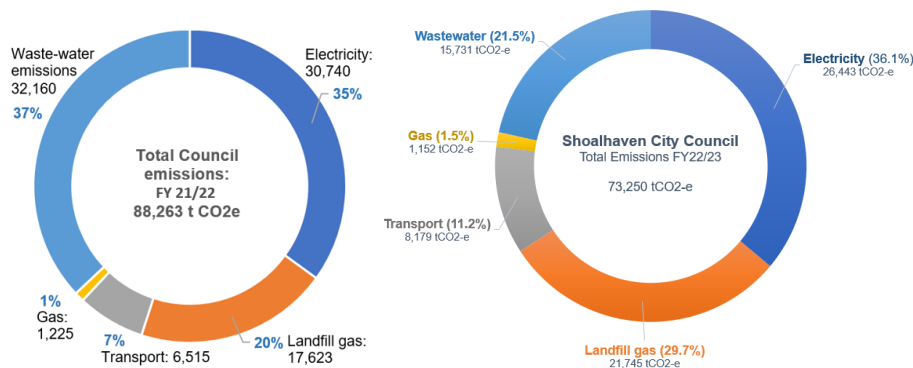
The new Policy established a key target for Council to achieve net zero greenhouse gas emissions across Council operations by 2035, with an interim target to reduce emissions by 50% by 2028, compared to 2020 levels.

As outlined in the Policy, Council has committed to monitor progress toward achieving this target through annual reports. The Policy also committed to the preparation and implementation of a responding Sustainability and Climate Action Plan to identify priority projects and assist in meeting the objectives of the Policy. The [Sustainability and Climate Action Plan](#) was approved by Council's Executive Management Team on the 7th November 2023.

This report primarily focuses on reporting progress towards Council's adopted emissions target. Moving ahead, annual reports on the delivery of Council's Sustainability and Climate Action Plan will be prepared, encompassing all aspects of the Action Plan and associated Policy objectives.

6.1 Progress in Reducing Emissions

Shoalhaven City Council's operations emitted a total of **73,250 tonnes** of greenhouse gases (carbon dioxide equivalents or CO₂-e) in 2022-23 (Scope 1, 2 & associated Scope 3 emissions). Between FY 21-22 and FY 22-23, Council's annual emissions **reduced by 17%** from 88,263 tCO₂-e, showing significant progress towards advancing Council's target – see charts below. This reduction can be attributed to a number of factors, including a reduction in electricity emissions as a result of renewable energy procurement through the new Power Purchase Agreement (PPA), as well as improvements in wastewater emissions calculations.



In 2022-23, Council's **purchased electricity** contributed the highest emissions with just over one-third (36%) of Council's total annual corporate greenhouse gas emissions (Figure 7). Despite having 1271 kW of installed solar panels across 58 Council owned and operated assets, generating around 1,675,000 kWh per year, this renewable energy supplies only a small portion of Council's total electricity needs. The remainder of Council's electricity used in 2022-23 is mostly generated from coal or gas-fired power stations which results in greenhouse gas emissions due to the combustion of these non-renewable fossil fuels.

Under new electricity contracts from Jan 2023, Shoalhaven Council is purchasing 25% renewable electricity in 2023 and 2024, increasing to 50% renewables from 2025 for its Large Sites and Street Lighting. Under the agreement, Shoalhaven Council will purchase renewable electricity from wind and solar farms in regional NSW to cover the operation of large facilities including pools, administration buildings, street lighting and treatment plants. The arrangements will see renewable energy added to the grid on behalf of Council, offsetting energy use through the purchase of Large-scale Generation Certificates.

Methane emissions from the Council-operated landfill at West Nowra generated the second largest amount of equivalent greenhouse gas emissions at 30%, despite some additional flaring of the gas for emissions reduction purposes. Methane and nitrous oxide emissions from wastewater and sludge at Council's 13 wastewater treatment plants were the third highest source of greenhouse gas emissions at 21% in 2022-23. Fleet transport fuels (i.e. diesel and petrol) and gas for stationary energy (both natural

gas and LPG) make up the remaining 13% of Council's corporate carbon emissions profile.

Note The large reduction in wastewater emissions recorded between 2021-22 and 2022-23 are the result of more accurate and improved greenhouse gas calculations. The calculator supplied to Council from the National Performance Reporting scheme to analyse emissions from wastewater treatment plants has incorporated more parameters, such as sludge transferred out of the facility, to produce a more accurate figure.

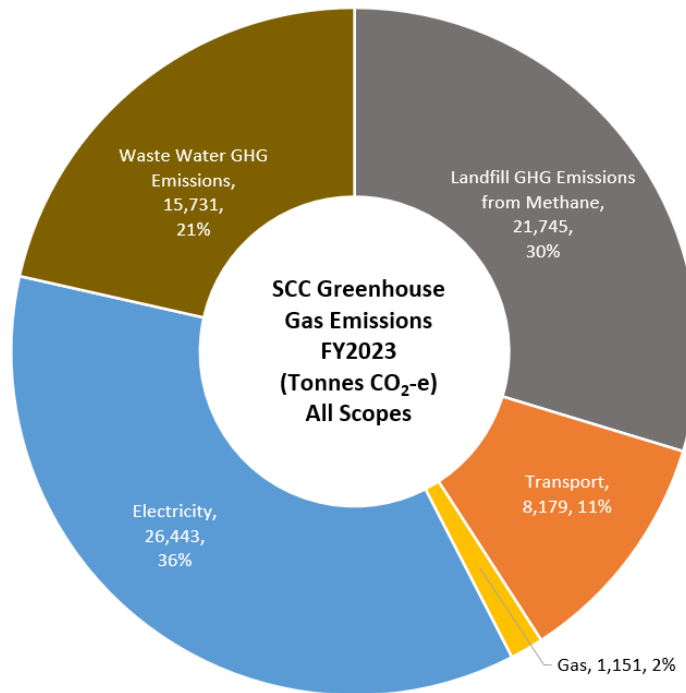


Figure 7. SCC corporate GHG emissions (from all scopes: 1,2 and 3) for 2023-2023

Figure 8 shows Council's corporate greenhouse gas emissions for the 2015 baseline year, most recent years and emissions targets for 2028 and 2035. Although on a steady decline since 2016-2017 for a few years, emissions then began climbing in more recent years before reducing for 2022-23. Much of the recent years increases was due to Scope 1 direct emissions from both wastewater treatment plants and landfill gases. Some of this was due to the calculation method/formula and not strictly an increase in carbon emissions from these sources. Notwithstanding this, it will take a great effort in all areas to actively reduce greenhouse gas emissions from Council's operations to achieve Council's net-zero emissions and interim carbon reduction targets.

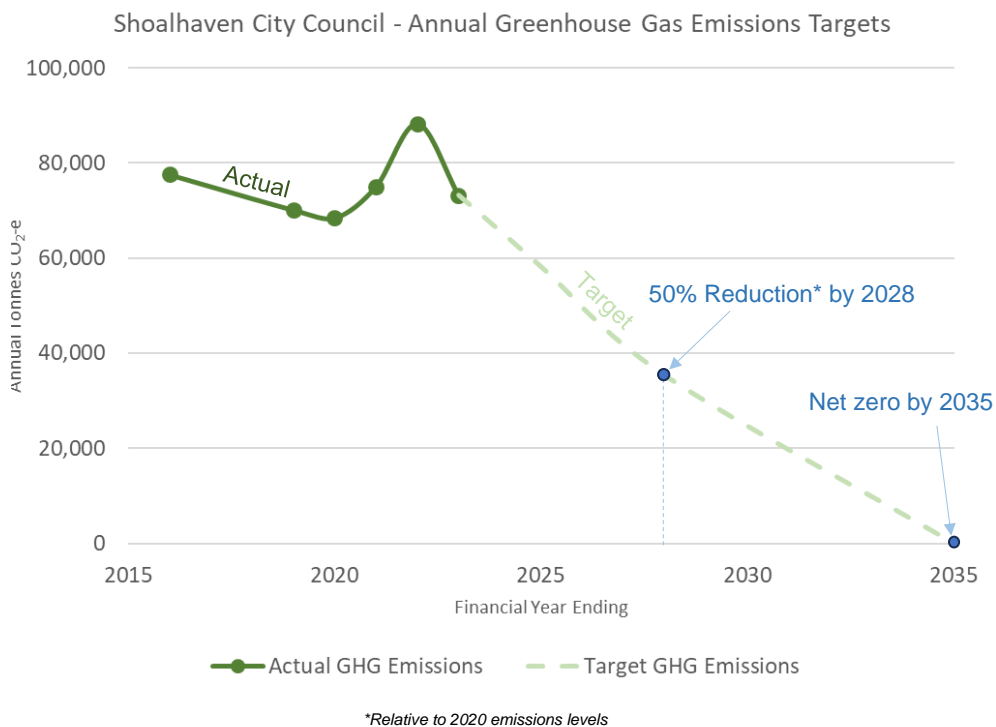


Figure 8. SCC's actual corporate greenhouse gas emissions to 2022-23 and projected targets

7 Cities Power Partnership

Shoalhaven Council is a member of the national Cities Power Partnership (CPP) program. Under the CPP, each member Council makes five action pledges in either renewable energy, energy efficiency, transport or working in partnership to tackle climate change. Progress on the pledges is reported back to the CPP every 6 months. Shoalhaven Council updated and refreshed its 5 pledges in mid-2020 and progress on these pledges has been outlined in Table 1.



Table 1: Progress update on Cities Power Partnership Pledges made by Shoalhaven Council

CPP Pledge	2022-23 Progress Update
1. Use council resources to support the uptake of renewable energy	There was one new 100 kW solar PV system installed at Ulladulla Civic Centre in 2022-23 (shown below). Eleven solar PV systems operated by Shoalhaven Water were maintained in 2023 by way of a deep clean of the solar panels and electrical check. This improved solar generation by 10% on average.
2. Facilitate large energy users' collectively tendering and purchasing renewable energy at a low cost	Shoalhaven Council lead a joint tendering activity with Kiama and Shellharbour Councils for the supply of renewable electricity for Large Sites and Street Lighting. The successful electricity retailer was Flow Power and all 3 Councils executed contracts with them for electricity supply under a Power Purchase Agreement from 2023-2030 inclusive. Shoalhaven will buy 25% renewables in 2023 and 2024, then increase to 50% renewables from 2025 onwards. Additional renewables (LGCs) are expected to be bought post-2025 depending on market pricing to eventually achieve 100% renewables.
3. Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures	Energy Ready analyses were completed on all Large Sites to identify energy savings opportunities. Under the Recovery into Resilience project, the 25 community assets that were fitted out in 2021-22 as Local Info Hubs with 10kW solar PV systems, a Tesla Powerwall battery and a generator connection point, operated well, including during grid outages.

4. Roll out energy efficient lighting across the municipality	Shoalhaven Council approved capital funding to engage Endeavour Energy to complete the 100% LED street lighting upgrade, expected to be completed by the end of 2023. It follows on from the large LED street lighting upgrade in 2020-21 in which 32% of Council's residential street lights were replaced with energy savings LEDs.
5. Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles	Council continued its trial of some fully electric vehicles (EVs) throughout 2022-23 and now exclusively offer hybrid cars in the small car fleet range. Some steps were taken to encourage investment in EV chargers in the region as part of NSW Government programs.

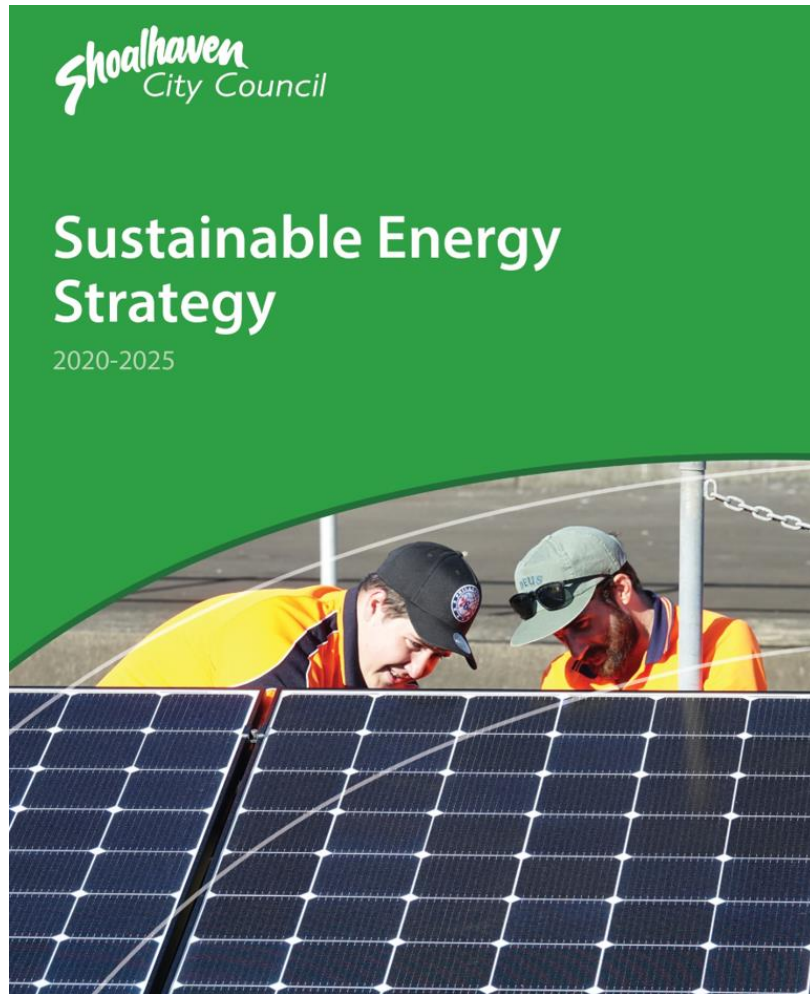
8 Sustainable Energy Strategy 2020-2025

Shoalhaven Council will support its Sustainability and Climate Policy and associated Action Plan by implementing its approved Sustainable Energy Strategy 2020-2025. The Sustainable Energy Strategy remains current through to 2025 and identifies priority initiatives to achieve the following objectives:

- **Cleaner Energy:** Transition to cleaner (lower emissions), more sustainable and more affordable energy sources.
- **Less Energy:** Reduce the energy requirement for Council by maximising energy efficiency in all aspects of Council's operations.
- **Measuring and Monitoring Energy:** Ensure systems, processes and expertise are in place to measure, monitor and manage energy consumption and renewable electricity generation effectively.
- **Demonstration of Leadership:** Council will 'lead by doing' to encourage the local community and businesses to also transition to a more resilient, reliable and renewable energy future.

The Sustainable Energy Strategy outlines a range of measures that Shoalhaven Council intends to implement to better manage its energy requirements over the next few years to 2025. The Strategy incorporates comprehensive baseline energy and emissions data, Council's current corporate commitments, and identifies funding opportunities, such as Council's internal Revolving Energy Fund.

Progress on the initiatives in the Strategy during 2022-23 is outlined in Table 2.



CL24.33 - Attachment 1

8.1 Energy efficiency and demand management

Table 2: Progress and performance against Shoalhaven Council's Sustainable Energy Strategy 2020-2025 initiatives

PERFORMANCE KEY - ✗ *Minimal or no progress* ▲ *Some progress but could do better* ✓ *On track to achieve* ? *Unknown*

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Upgrade aged Heating, Ventilation and Air-conditioning (HVAC) systems in Council's main administrative and community buildings for significant energy savings	Both the Shoalhaven Regional Gallery and Nowra Admin Centre have had their HVAC systems upgraded. Additional assets to be identified for energy savings opportunities.	▲
Work in collaboration with Endeavour Energy to further upgrade Shoalhaven LGA public street lighting to energy saving LED lights	Stage 2 to replace 100% of Council's public street lights to LEDs commenced in late June 2023. The \$2.65M capital funding enables Endeavour Energy to replace the remaining 4,435 non-LED street lights with energy efficient LEDs. The project will generate Energy Savings Certificates to the value of approx. \$750,000 (market variable) to offset the total cost of this project to Council. By early August 2023, around 1,000 of the 4,435 lights had already been replaced with LEDs. The project is expected to be completed by the end of Dec 2023.	✓
Upgrade of Council building, parks and sporting field/court lighting to energy saving LED lights and smart lighting controls	Energy savings LED flood lighting upgrades were commenced/completed in 2023 at several Council assets including: <ul style="list-style-type: none"> • South Nowra Soccer Fields 4 & 5 – completed August 2023. • Crookhaven Park Soccer Fields – to be completed by 21-12-2023. • Kangaroo Valley Showground – to be completed by 21-12-2023. 	✓
Installation and maintenance of Power Factor Correction (PFC) units to reduce maximum network demand charges	It is unclear whether routine maintenance and inspections of PFC units at Council's Large Sites is taking place. PFCs units must be checked by a licenced electrician on a regular basis to ensure they are fully operational. The unit capacitors have a finite life and may not give any apparent warning when they fail. This can result in a loss of savings and unnecessary damage to existing equipment.	▲
Load shifting of major electrical loads outside critical time slots to avoid excessive network demand charges	As demand charges can make up to one-third of the total electricity bill amount it is important that Large Sites avoid high electricity loads between 4pm and 8pm on working days. Burrier Water Pumping Station, with its energy efficient pumping schedule, has been particularly strict on avoiding these peak demand	✓

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
	periods throughout 2022-23 and therefore averting the \$15,000 maximum demand monthly charge. Avoiding the peak periods will also save costs on Council's retail electricity for Large Sites for which around 30% of the electricity price is based on the wholesale spot market.	
Energy efficiency measures for Council assets to reduce excessive base load electricity	Nowra Administration Centre continues to have a very high after-hours electricity baseload of around 35 kW. The building's daily electricity load also ramps up to around 150 kW at approx. 5am, presumably when the cleaners arrive and the central air-con system is set to switch on automatically. Further energy investigations are required on this asset to reduce overall power consumption and running costs. This is particularly important for cost savings from 2023 onwards when the cost of electricity for Large Sites increased dramatically compared to past power pricing.	X
Purchase energy efficient plant and equipment for new installations (use the Energy Rating Label, where applicable, the more stars the more energy efficient)	This initiative is difficult to track as it relies on all staff selecting energy efficient appliances in their procurement projects.	?
Consider 'load shedding' opportunities for suitable sites	Load shedding or 'powering down' high electricity consuming sites such as water pumping stations during times of peak demand for reimbursement is organised through an energy retailer such as Flow Power. Since Jan 2023, Shoalhaven Water has signed up to the Reliability and Emergency Reserve Trader (RERT) scheme for its water pumping assets. For Burrier WPS and some other water pumping stations that can be operated with some flexibility, they can be powered down or off if possible, when a RERT event is called. The asset owners are paid during the RERT event for helping stabilise the grid during critical power supply periods.	✓
Fuel efficiency to be one of the criteria in the tendering and selection of Council trucks, cars and heavy plant	Fleet services has been active in sourcing fuel efficient vehicles for leaseback and pool cars. There are currently 2 fully electric vehicles and 1 plug-in hybrid within Council, as well as many standard hybrids. The smaller cars on Council's leaseback list are now mostly hybrids.	▲
Council's Aquatic Centres to adjust pool heating settings for improved energy efficiency and to reduce maximum network demand charges	With pool heating (particularly for outdoor pools) being one of the highest electricity consuming processes for Council, avoiding high power loads during peak demand periods (from 4pm to 8pm on working days) is critical to lowering electricity bill charges. Further investigation is warranted particularly now that electricity pricing for Large Sites has increased dramatically. A recent Energy Ready audit by Flow Power found numerous Council pools could improve their demand profile by load shifting energy-intensive pumps/heating outside of peak spot market periods for substantial cost savings.	▲

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Investigate energy savings solutions for Burrier Pumping Station on the Shoalhaven River	Burrier Water Pumping Station (WPS) uses by far the most electricity of any Shoalhaven Council asset every year. Demand management has been well practiced by Shoalwater staff to avoid maximum demand charges which are costly (~\$15,000/month) for this Large Site. Additional energy efficiency and demand management opportunities were investigated for Burrier WTP as part of Flow Power's Energy Ready service. The timing of pumping will be further refined in 2023 to minimise the cost of pumping for this asset. The substation was upgraded at this site in mid-2023.	✓





8.2 Fuel Switching

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Transition Council's fleet vehicles to hybrid or fully electric vehicles (EVs) where fit for purpose, cost-effective and rechargeable from renewable energy sources.	Fleet services has been active in sourcing fuel efficient vehicles for leaseback and pool cars. There are currently 2 fully electric vehicles and a plug-in hybrid within Council, as well as many standard hybrids. The smaller cars on Council's leaseback list are now mostly hybrids.	▲
Installation of Council-owned electric vehicle (EV) charging stations in strategic locations across the Shoalhaven LGA.	As stated in Council's Electric Vehicle Charging on Public Land Policy, it is not considered Council's core business to own or manage EV charging infrastructure, however Council can support the installation of charging infrastructure on Council land through a leasing arrangement with a charge point operator. As such, no Council-owned electric vehicle (EV) charging stations exist in the Shoalhaven LGA. Council has been successful under a NSW Government scheme to attract an EV charger company to install a fast EV charger in Ulladulla. The proposed charging station received community support during public consultation, and licensing discussions are progressing with the CPO, with approval expected to be sought from Council to advance the license in early December. Type 2 EV chargers are also being considered for some Holiday Haven Parks as 'destination chargers', along with power pole-mounted chargers.	X
At the end of their working life, replace gas hot water systems on Council owned assets with heat pumps or solar hot water.	Gas (both natural mains gas and bottled LPG) is a very expensive fuel for heating and cooking and the carbon emissions from gas appliances cannot be easily negated. With the aim to 'electrify everything', no more gas appliances should be installed at Council	X

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
	assets. Electric appliances can be powered by renewables (either on-site or off-site through retail electricity contacts) and are therefore the best choice for new builds and renovations of Council facilities. Ulladulla Leisure Centre is being reviewed for replacement of gas appliances with more energy-efficient electric heat pumps, in anticipation of applying for a grant under the Australian Government's Community Energy Upgrade fund in 2024.	

8.3 On-site Renewable Energy

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Install solar PV systems on suitable Council-owned assets (rooftop or ground-mounted) where the business case is favourable to generate daytime electricity.	<p>There was one new 100 kW solar PV system installed at Ulladulla Civic Centre in 2022-23 (shown below). Eleven solar PV systems operated by Shoalhaven Water were maintained in 2023 by way of a deep clean of the solar panels and electrical check. This improved solar generation by 10% on average.</p> 	<p>✓</p>

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Battery storage to be incorporated with solar PV installations where an asset's energy and load profile suits and the business case is favourable.	Storage batteries remain relatively expensive and tend to be utilised where they offer numerous benefits such as backup electricity supply during grid outages. Several community halls throughout the Shoalhaven LGA have been fitted out with Tesla Powerwall batteries to supply secondary power during grid outages, as part of the Recovery into Resilience project. Further investigation into battery suitability for Large assets like Aquatic Centres is warranted to avoid high spot market pricing events.	
Council continues to implement landfill gas methane flaring at its primary landfill facility at West Nowra.	<p>Council's West Nowra Landfill site flared off the captured methane gas emanating from the waste cells during 2022-2023. Total biogas captured in the 2023 financial year was 7,631,695 m³ – approx. half of which is methane gas. Total carbon abatement from biogas captured in the 2023 financial year was 72,483 t CO₂-e. Operation of the landfill gas generation facility by LGI Ltd to turn the biogas into renewable energy to feed into the grid is under development.</p>  <p><i>The landfill biogas flare at West Nowra landfill.</i></p>	
Continue investigations into a mid-scale solar farm (<5 MW capacity) on the Callala Wastewater Treatment Plant site to generate renewable energy to meet some of Council's future electricity needs beyond 2025.	Flow Power commenced preliminary investigations into unused land at the Callala WWTP for potential use as a 3 MW solar farm. The site was found to be habitat of the threatened Green and Golden Bell Frog and would therefore require biodiversity offset credits to be paid for developing the land. Flow Power determined that this additional cost was unviable and therefore are not pursuing this site any further for their solar farm. The new electricity contracts between Flow Power and Shoalhaven Council from 2023 include the opportunity for the development of 2 new solar farms in the region by Flow Power. The disused North Nowra Tip Site was also identified but being Crown land has some additional administration requirements, including a Plan of Management to be	

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
	prepared and approved, before it can be used for a solar farm. Shoalhaven Council intend to buy renewable electricity from these new solar farms as part of its electricity contracts with Flow Power should they eventuate.	

8.4 Off-site Renewable Energy

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Develop and implement a corporate Power Purchase Agreement (PPA) to source renewable energy off-site (e.g. solar/wind farms) to achieve Council's adopted renewable energy targets.	Shoalhaven City Council partnered with Shellharbour and Kiama Councils (the Participating Councils) to lead a joint tendering activity for the long-term (8-years) supply of retail electricity for Large Sites and Street Lighting. The tender was awarded to Progressive Green Pty Ltd T/as Flow Power and commenced on 1 Jan 2023. The Power Purchase Agreement supplies 25% renewable power in 2023 and 2024, increasing to 50% renewable from 2025 until the end of the contract term. Additional Large-scale Generation Certificates (LGCs) are proposed from 2025 to achieve 100% renewable electricity for all Council assets.	✓
Encourage local community renewable energy uptake for rooftop solar PV and storage batteries for residents and businesses in the Shoalhaven via Council-run: <ul style="list-style-type: none"> - Education and information programs; - Renewable energy bulk-buy programs. 	Solar PV installations have risen to 31% of dwellings in the Shoalhaven LGA, compared to 18% in 2018. This is not far from achieving the original Sustainable Energy Policy target of 33% of dwellings by 2025. A Solar and Battery 101 public workshop was delivered to assist the community with this technology. Repower Shoalhaven delivered another community workshop on behalf of Council titled 'Electrify Everything' to encourage community uptake of EVs, heat pumps and 'getting off the gas'. Shoalhaven Council has subscribed to the Australian Photovoltaic Institute (APVI) SunSpot tool which allows Shoalhaven residents and businesses to check on the suitability of their rooftops for solar PV systems.	✓
Work with Shoalhaven community groups proposing large scale community energy projects in the region.	Council staff worked with Repower Shoalhaven and Flow Power on their large solar farm completed in Dec 2021 on Council's old sanitary depot site at South Nowra. Council has also been liaising with Innovating Energy on their proposal for	✓


ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
	a biogas plant that would generate renewable power from primarily dairy farm manure.	
Participate in emerging energy technologies, such as battery storage, microgrids, embedded networks and Virtual Power Plants (VPP), where opportunities arise and if they support Council or the community's economic, social or environmental outcomes.	Council has embraced the installation of several Tesla Powerwall batteries as part of its fit-out of 25 community halls with secondary power systems for Community Information Hubs. Work has also taken place with Endeavour Energy on their project to create a microgrid with a community battery for Kioloa and Bawley Point villages.	✓

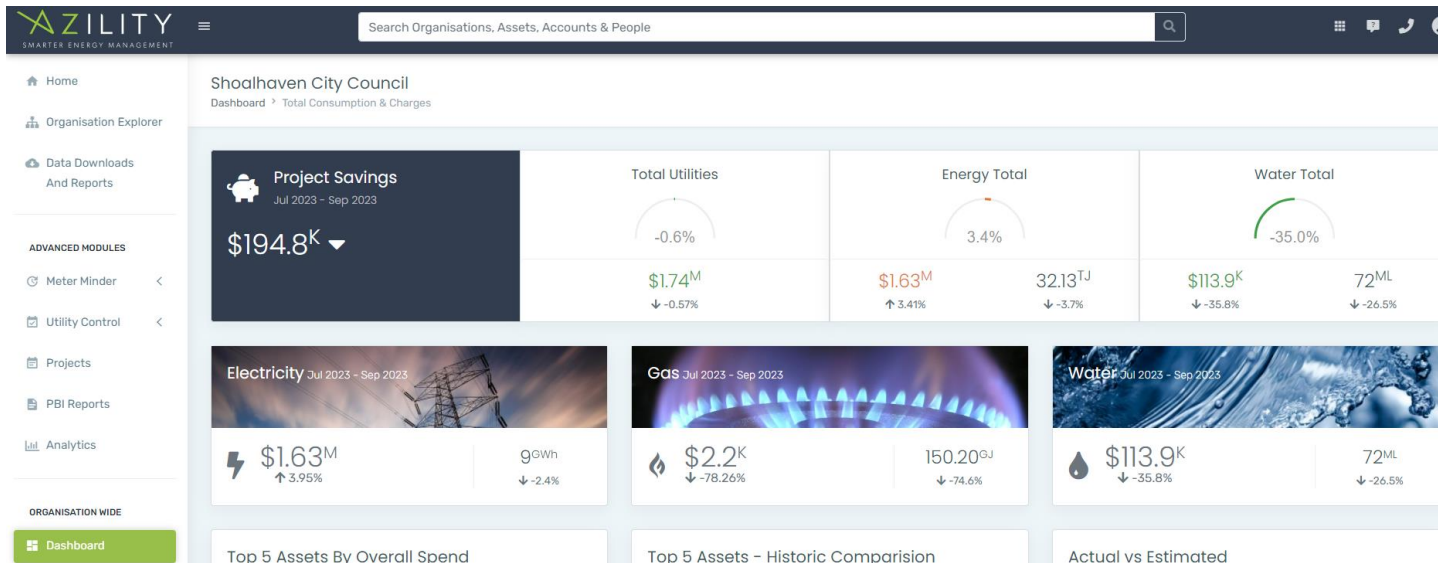
8.5 Carbon Offsets

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Afforestation projects – carbon sinks	Carbon offsets are not required at present to achieve Council's adopted emissions targets. There have been some preliminary discussions with Council's Enviro Services around 'blue carbon' and working with Greening Australia to explore council owned land that would be suitable for local offsetting.	N/A

8.6 Resourcing, Implementation & Expertise

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Employ an Energy Manager to coordinate, communicate and implement Council's sustainable energy policy, strategy and plans.	An Energy Management Coordinator contractor has been engaged by Council to implement its sustainable energy strategy, and to project manage and coordinate energy efficiency, renewable energy, energy accounts and electricity tendering projects.	✓
Maintain Council's Revolving Energy Fund (REFund) to provide future funds for high priority energy efficiency and renewable energy projects.	The REFund has continued and funded projects with the most recent being a 100kW solar PV system installation at the Ulladulla Civic Centre. Additional funds are available in the REFund for more energy efficiency or renewable energy projects.	✓

ENERGY INITIATIVE	PROGRESS in 2022-23	PERFORMANCE
Identify and seek funding and financing to implement priority energy savings projects with solid business cases.	Council will be accessing the NSW Energy Saver Scheme for claiming Energy Savings Certificates to reduce costs for the 100% LED street lighting upgrade.	✓
To track progress towards its energy and emissions targets, Council will prepare an Annual Energy Review in October every year to publish the previous financial year's energy consumption and greenhouse gas emissions data.	This 'Annual Energy Review' (this report) documents performance against both the Sustainability and Climate Policy targets and gauges implementation of the Sustainable Energy Strategy.	✓
Calculate and report on Council's greenhouse gas emissions using acceptable methodology and protocols.	Council uses the <i>National Greenhouse & Energy Reporting</i> (NGERS) scheme methodology to calculate and report on its annual carbon emissions sources.	✓
Maintain membership to the Climate Council's national Cities Power Partnership (CPP) program and continue implementing pledges under the program.	<p>Council continues to implement its revised pledges under the CPP (see Table 1 above). Shoalhaven Council entered and won the Battler Award at the 2023 National Climate Awards hosted by the CPP. This award recognised that Shoalhaven Council has demonstrated the true spirit of resilience and is battling hard to improve its resilience to climate impacts and to ensure its community is better prepared for the future.</p> 	✓
Maintain access to an online dashboard energy portal to access and monitor all energy and emissions data, monitoring, reporting and billing.	Azility continues to be well utilised by Council's energy and accounts staff for energy monitoring and billing (see Dashboard screen shot below). Any staff can access the Azility platform via a password, if required. Flow Power also offer a dashboard for monitoring Live Data through their kWatch controllers at all Large Sites.	✓



9 Recommendations

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

- Continue to work with energy partner Flow Power to manage energy efficiency at all Large Sites and identify and implement demand management opportunities to reduce electricity costs and charges. This will include interrogation of real time electricity data from the recently installed kWatch controllers and engagement of Asset Custodians in energy savings opportunities;
- Continue to identify and approve energy efficiency and renewable energy projects under the Revolving Energy Fund (REFund);
- Continue to explore opportunities to electrify council assets and transition facilities away from gas. Of particular note is the opportunity to secure matched funding under the [Community Energy Upgrade Fund](#). A feasibility study including costs and payback periods is in development to transition the pool heating system at the Ulladulla Leisure Centre to an energy efficient electric heat pump, so that this project is shovel-ready to take advantage of this grant funding. Council had previously approved budget to upgrade the facility in FY 23-24. This funding will need to be confirmed to ensure that Council has sufficient matched funds to apply for the grant. There is also potential for the REFund to support additional solar generation at the site as part of these works.
- Identify additional sites and funding opportunities for further solar PV installations at Council assets such as solar car shades, including solar farm development sites for Flow Power under Council's Power Purchase Agreement for Large Sites;
- Work with EV Charge Point Operators for the installation of EV Charging Stations at priority sites within the Shoalhaven LGA, along with smaller 'destination' Council EV chargers at Council assets;
- Continue to work with Endeavour Energy/Ironbark on the upgrade of the remaining residential street lights with energy savings LEDs;
- Continue to support Endeavour Energy on the roll-out stage of the new Bawley Point/Kioloa community microgrid;
- Develop an Emissions Reduction Plan to identify pathways to achieve Council's net zero target;
- Develop engaging and educational content for Council's webpage on sustainability, emissions, and climate change for improved community engagement on local sustainability and energy actions, including the benefits of installing residential and business solar PV and batteries;
- Deliver a range of community workshops and forums to reduce community emissions;
- Continue to work with ISJO on the Regional Energy Strategy and Net Zero Emissions Project Control Group.