



# AGENDA

## Ordinary Meeting of Council

**26 August 2025**

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Eurobodalla Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement. The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.



**ORDINARY MEETING OF COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, MORUYA**

**ON TUESDAY 26 AUGUST 2025**

**COMMENCING AT 12:30 PM**

**AGENDA**

(Proceedings of this meeting will be recorded as per Eurobodalla Shire Council's Code of Meeting Practice)

**1. WELCOME**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

4.1 Ordinary Meeting held on 22 July 2025

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

(Declarations also to be made prior to discussions on each item)

**6. PUBLIC FORUM**

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**8. NOTICES OF MOTION**

Nil

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

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|---|------------|
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**MARK FERGUSON**  
**GENERAL MANAGER**



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MR25/005    ADVOCACY FOR MAINTAINING EMERGENCY SERVICES IN BATEMANS BAY

File Ref: S006-T00016

Attachments:        Nil

### **EXECUTIVE SUMMARY**

The NSW Government has proposed the closure of Batemans Bay Hospital once the new Eurobodalla Regional Hospital is open. The community of Batemans Bay and surrounds have gathered over 18,000 signatures in an attempt to keep the Batemans Bay Emergency Department operational. With planned growth in Batemans Bay, population doubling in peak holiday season, as well as a delay in the delivery of the Moruya bypass, they believe it could lead to worse health outcomes for those in the north of the shire.

Batemans Bay and the Eurobodalla Shire are experiencing significant population growth, with current master planning underway for increased residential density in the Batemans Bay CBD. The region's health needs are growing, and the absence of a Moruya bypass will mean continued reliance on Batemans Bay's local hospital for timely emergency and acute care.

While we welcome the addition of a new Level 4 Regional Hospital in Moruya, we must not go backwards on services to our community. The loss of local emergency services would result in reduced access to critical, life-saving treatment and increased travel times, creating inequities in health outcomes for our community. Regional NSW cannot afford to lose services, particularly as demand is increasing.

### **RECOMMENDATION**

THAT Council:

1.    Advocates to the NSW Government to maintain an operational Hospital Emergency Department in Batemans Bay 24/7 after the Eurobodalla Hospital opens in Moruya
2.    Advocates to the NSW Premier and Minister for Health to ensure health equity for regional communities.

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MR25/004    ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S RECRUITMENT  
PROCESS AND THE SELECTION PANEL COMPOSITION

File Ref: S012-T00025

Attachments:        Nil

### EXECUTIVE SUMMARY

The purpose of this report is to outline the recruitment process and composition of the selection panel required for recruitment of the new general manager.

In 2022, the Office of Local Government released the '*Guidelines for the Appointment and Oversight of General Managers*' outlining the recruitment process and selection requirements for a general manager. The process for the selection of a new general manager will be in accordance with these guidelines. These guidelines state that the selection panel should also include a suitably qualified person independent of the Council.

At the Ordinary Meeting of Council 25 March 2025, Council resolved to appoint Mr. Mark Ferguson as Interim General Manager, pursuant to sections 336 and 351 of the *Local Government Act 1993*. Mr. Mark Ferguson commenced in this role on Monday 7 April 2025.

Following expressions of interest, at the Ordinary Meeting of Council 22 July 2025, Council resolved to appoint McArthur as the preferred consultant to facilitate the recruitment and selection of Council's general manager.

A further confidential report will be presented back to Council with the outcome of the recruitment process of the general manager.

### RECOMMENDATION

THAT Council:

1. Receive and note the recruitment process as outlined in this report.
2. Delegate to the mayor the task of ensuring:
  - (a) The selection panel is established
  - (b) The general manager position description is current and evaluated in terms of salary to reflect the responsibility of the position
  - (c) The proposed salary range reflects the responsibilities and duties of the position
  - (d) The position is advertised according to the requirements of the *Local Government Act 1993*
  - (e) Information packages are prepared
  - (f) Applicants selected for interview are notified.
3. Receive a further confidential report regarding the outcome of the recruitment process and the appointment of a new general manager.

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**MR25/004    ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S  
RECRUITMENT PROCESS AND THE SELECTION PANEL  
COMPOSITION**

**S012-T00025**

**REPORT**

The Council's governing body is responsible for recruiting the general manager.

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

From the expression of interest process in April 2025, councillors appointed McArthur as the independent recruitment consultants to undertake the recruitment for the general manager.

At the Ordinary Meeting of Council 22 July 2025, Council resolved to receive a further report regarding the recruitment process and selection panel composition. This report outlines these aspects.

**Recruitment process**

The following key dates for the recruitment of the general manager have been determined as follows:

- 29 August 2025 – Advertising of position commences
- 19 September 2025 – Advertising of position closes
- 23 September 2025 – The selection panel determine suitable applicants for first round of interviews
- 15 October 2025 – Interviews with selection panel
- 28 October 2025 – Report to Council with a recommendation of the successful candidate and the expected commencement date.

The recruitment process will be undertaken in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (the guidelines), issued by the Office of Local Government, pursuant to section 23A of the *Local Government Act 1993*. The Guidelines advise that the governing body delegate to one person (generally the mayor) the task of ensuring:

- The selection panel is established.
- The general manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position.
- The proposed salary range reflects the responsibilities and duties of the position.
- The position is advertised according to the requirements of the Act.
- Information packages are prepared.
- Applications selected for interview are notified.

**Selection panel**

The selection panel for the recruitment of the general manager is intended to comprise of the following individuals:

- Mayor Mathew Hatcher

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**MR25/004    ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S  
RECRUITMENT PROCESS AND THE SELECTION PANEL  
COMPOSITION**

**S012-T00025**

- Deputy Mayor Anthony Mayne
- Councillor Amber Schutz
- Councillor Laurence Babington
- Councillor Phil Constable
- Councillor Rob Pollock OAM
- Councillor Mick Johnson
- Councillor Sharon Winslade
- Councillor Colleen Turner
- Susan Lyall, General Manager - Executive and HR Consulting, McArthur

The guidelines also advise that “The Mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants”.

The selection panel is responsible for preparing a report to Council that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applications.

The report should be confidential and reported to a closed meeting of Council.

Council’s governing body must by resolution approve the position of the general manager being offered to the successful candidate before that position is actually offered to that candidate.

Selection panel members will be subject to the signing of a confidentiality agreement.

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**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 

1. Attachment 1 - Conditions of Consent[↓](#)
2. Attachment 2 - Apartment Design Guideline Assessment[↓](#)
3. Attachment 3 - DCP Assessment[↓](#)
4. Attachment 4 - Clause 4.6 Variation (Building Height)[↓](#)
5. Attachment 5 - Clause 4.6 Variation (Landscaped Area)[↓](#)
6. Under Separate Cover - Attachment 6 - Consolidated Plans

Community Goal: 3 We sustain our shire by balancing growth and protecting our natural environment

Community Strategy: 3.3 Balanced development between the needs of people, place and productivity.

Delivery Program Link: 3.3.3 Provide receptive and responsive development assessment services

Operational Plan Link: 3.3.3.1 Assess and determine development applications

Applicant: 82 Princes Hwy Narooma Pty Ltd

Land: 82 Princes Highway Narooma – Lot 2 DP 1189328

Area: 943.8m<sup>2</sup>

Setbacks: Nil to boundaries

Height: 11.5m ELEP + 30% 'Bonus Height' SEPP (Housing) 2021

Zone: E1 Local Centre

Current Use: Vacant (Formally a Service Station)

Proposed Use: Shop Top Housing

Description: Shop top housing comprising of 20 Units (four affordable), two shops and 29 parking spaces

Permitted in Zone: Yes – Permitted with consent

DA Registered: 19 September 2024

Reason to F&S: Clause 4.6 Variation Request >10%

Recommendation: Approval, subject to conditions

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's Determination of DA0127/25 for Shop Top Housing at 82 Princes Highway, Narooma (the site). The application seeks consent for the construction of Shop Top Housing comprising of 20 residential apartments (four (4) of which are designated as affordable housing), two ground floor shops and parking for 29 vehicles. The total cost of the development is \$9,431,936.



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**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

The application has been submitted pursuant to the State Environmental Planning Policy (Housing) 2021 (SEPP Housing) and seeks to enact the allowable 30% bonus height provisions given the proposal includes 15% of the total floor area dedicated as affordable housing (as defined under the SEPP Housing). As required by the SEPP Housing, the affordable housing (comprising of 3 x 2 bedroom and 1 x 3 bedroom units) must be managed by a community housing provider for at least 15 years.

The majority of the proposal fits within the permitted height limit (being 14.95m inclusive of the 30% bonus height) with the exception of a roof top pergola, lift overrun, fire stair and amenities area which service the roof-top communal open space. These structures are up to a maximum height of 18.45m or a 23.4% exceedance of the development standard under the SEPP Housing. A written request under Clause 4.6 of the Eurobodalla LEP 2012 (ELEP) has been submitted with the application outlining the reasons compliance is 'unreasonable or unnecessary' and that there are 'sufficient environmental planning grounds' to warrant departure from the standard. Given the variation exceeds 10% of the standard, Council is required to determine the application.

The application also seeks to vary a 'non-discretionary development standard' under the SEPP Housing which requires 30% of the site to be landscaped area under the SEPP Housing. Given the site is located within a commercial zone and does not include any existing ground level landscaping, the proposal does not include any ground level landscaping which results in a variation to the control of 100%. Alternate landscape planting is provided through planter boxes and street tree planting to complement the development and this is a suitable outcome given the commercial zoning of the land and the surrounding context.

The application was publicly notified and advertised between 3 October and 4 November 2024 for 28 days, including placement of a sign at the property frontage. Three submissions were received, one in full support, one in objection and one in partial support (however concerned about parking impacts). The submissions are addressed within the body of this report.

The proposed development is a high-quality mixed-use development that will be a contemporary addition to the locality and provides a mixture of affordable and market housing in high amenity location of Narooma. The development is not considered to result in any unreasonable impacts on the residential land to the south or the adjoining commercial properties to the north-west (which will have the same development potential should they be developed into the future). The architectural response is considered to address the Narooma Style Guide and is a contemporary example of coastal architecture that responds to the existing and desired future character of the 'Narooma Flats' locality.

**RECOMMENDATION**

THAT Development Application DA0127/25 for shop top housing at Lot 2 DP 1189328. 82 Princes Highway, Narooma be approved, subject to the conditions of consent outlined in Attachment 1.

**BACKGROUND**

On 13 September 2024, the development application was lodged.

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**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

Between 3 October and 4 November 2024, the application was publicly notified and advertised for 28 days, including placement of a sign at the property frontage. Three submissions were received and varied between support for the proposal and objection to the proposal.

On 16 January 2025, Council wrote to the applicant requesting additional information and amendments to the application. The key matters included the treatment of groundwater due to excavation, carparking layout, architectural treatment of the south-western façade (facing the R3 Medium Density Residential Zone), information to address the 'Narooma Style Guide' and amendments to improve the amenity of some of the apartments.

In March and April 2025, the applicant provided a response to Council's request which included an amended set of plans and additional information. Of note, the amended plans increased the upper-level setback to the south-western boundary and introduced architectural treatment to compliment the remainder of the building design, amendments to the parking layout, improved apartment amenity, deletion of one unit and further information to address groundwater and geotechnical matters.

On 5 May 2025 Council again wrote to the applicant seeking further resolution of the parking and vehicular access arrangement to ensure safety and functionality of the development. The applicant submitted amendments on 2 June 2025 which addressed Council's concerns.

**Proposed Development**



*Figure 1 – Photomontage of development as viewed from Princes Highway.*

The proposal is for 'Shop top housing' and consists of the following:

**Basement Level**

Basement carparking with access of a public lane containing 21 Car spaces (including four accessible), OSD, tank room, plant room and residential storage areas.

**Ground Level**

Two retail shops, residential lobby, plant and substation rooms, eight car spaces, loading area, waste storage area and residential storage. Hours of operation for the for the shops -  
Monday to Saturday: 7:00am to 10:00pm and Sunday: 7:00am to 9:00pm.

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**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

First Floor

Seven (7) apartments comprising of 4 x 3 bedroom and 3 x 2 bedroom.

Second Floor

Seven (7) apartments comprising of 4 x 3 bedroom and 3 x 2 bedroom.

Third Floor

Six (6) apartments comprising of 1 x 2 bedroom and 5 x 3 bedroom.

Roof

Communal open space area, landscape planting, accessible toilet, lift access, fire stair, pergola, play area and mechanical plant.

The affordable housing comprises of Units U201, U207, U301 and U302 (3 x 2 bedroom and 1 x 3 bedroom apartments).

**The Site**

The site is commonly known as No 82 Princes Highway, Narooma and is legally described as Lot 2 Deposited Plan 1189328. The site is regular in shape, has an area of 943.75m<sup>2</sup> and has frontages to Princes Highway of 30.21m, McMillan Road of 29.975m and an unnamed laneway of 27.13m.

The site is situated adjacent to a roundabout that comprises the intersection of Princes Highway, McMillan Road and Bluewater Drive.

The subject site is clear of vegetation and the only improvements include sections of concrete remnant of the previous land use. The prior land use on the subject site was a Caltex Service Station which was decommissioned in around 2013. Following the decommissioning of the service station infrastructure the site was initially declared as contaminated but following successful remediation works the contamination listing was lifted by the Environmental Protection Authority on 14 December 2014.

To the northwest of the site is a medical centre on the ground floor with residential apartments on the first floor with car parking at the rear accessed from the unnamed laneway. To the north immediately across the Princes Highway is the Council-owned Narooma Visitor Information Centre, and further north is the Council-owned Narooma Swimming Centre. To the northeast across the roundabout on the Princes Highway is the Council-owned Narooma Sport and Leisure Centre. To the southeast across McMillan Road is the Narooma Ambulance Station and behind the Station is Club Narooma. To the south further along the eastern side of McMillan Road is the Bill Smyth Memorial Oval outdoor recreation complex. To the southwest on the western side of McMillan Road is low density residential development comprising single storey dwelling houses constructed of weatherboard and fibro with metal roofing.

The site forms part of the Narooma Township and as identified as being in the Flat Main Street by the Narooma Township Development Control Plan. The Flat Main Street part of the Narooma Township is the main tourist area and land uses in the locality include a good mix of retail, services, permanent and tourist accommodation.

**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

The site is approximately 1.5km by road from Narooma Plaza the main shopping centre. The site enjoys access to public transport being in close proximity to bus stops on the Princes Highway used by Symons Bus and Coach Service to provide a public bus service. The site is zoned E1 Local Centre Zone.



*Figure 2 – Aerial image of site – Nearmap.*



*Figure 3 – Drone image of site – Applicant's Statement of Environmental Effects*

**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

**POLICY**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

**Chapter 2 Affordable Housing**

*Division 1 – In-Fill Affordable Housing*

| Section 15C – Development to which Division applies  |  |
|--|--|
| Standard   | Compliance/Comment   |
| (1) This division applies to development that includes residential development if:   |  |
| (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and   | <b>Yes</b> – ‘Shop top housing’ is permitted with consent in the E1 Zone under the ELEP.   |
| (b) the affordable housing component is at least 10%, and  | <b>Yes</b> – The affordable housing component of the development is 15% of the gross floor area of the building.<br><u>Building GFA</u><br>Ground – 164.7m <sup>2</sup><br>First/second/third = 1992m <sup>2</sup><br>Roof terrace – 21.9m <sup>2</sup><br>Total GFA = 2178.6m <sup>2</sup><br>4 x units affordable = 326.8m <sup>2</sup><br>326.8m <sup>2</sup> /2178.6m <sup>2</sup> = 15% GFA affordable. |
| (c) all or part of the development is carried out—<br>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or<br>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.<br><b>relevant zone means the following—</b><br>(a) Zone E1 Local Centre,<br>(b) Zone MU1 Mixed Use,<br>(c) Zone B1 Neighbourhood Centre,<br>(d) Zone B2 Local Centre,<br>(e) Zone B4 Mixed Use. | <b>Yes</b> – The proposal is located on E1 Zoned land and therefore, the SEPP applies.   |



**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

| <b>Section 15C – Development to which Division applies</b>   |  |
|--|--|
| <b>Standard</b>  | <b>Compliance/Comment</b>  |
| (2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division. | <b>Yes</b> – There are no other EPI's which require affordable housing for this development. |

| <b>Section 18 – Affordable housing requirements for additional building height</b>  |   |
|---|---|
| <b>Standard</b>   | <b>Compliance/Comment</b>   |
| (1) This section applies to development that includes residential development to which this division applies if the development—  |   |
| (a) includes residential flat buildings or shop top housing, and<br>(b) does not use the additional floor space ratio permitted under section 16.   | <b>Yes</b> – Proposal is for the purpose of shop top housing.   |
| (2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3). | <b>The applicant seeks to use this provision, see the calculations below.</b>   |
| (3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—<br><br>$\text{affordable housing component} = \frac{\text{additional building height (as a percentage)}}{2}$  | The building height under the EEP is 11.5m. The proposal seeks to include 15% of the GFA as affordable housing.<br><br>This permits an additional building height of 30%, resulting in a maximum building height of 14.95m. The upper-level apartments are contained within the 14.95m building height. However, the lift overrun, pergola, fire stair and amenities on the roof top proposal have a maximum building height of 18.4m and is subject to a written required under Clause 4.6 (addressed elsewhere within this report). |

**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

| <b>Section 19 – Non-discretionary development standards – the Act s 4.15</b>   |  |
|--|--|
| <b>Standard</b>  | <b>Compliance/Comment</b>  |
| <p>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p> |  |
| (a) A minimum site area of 450m <sup>2</sup> .   | <b>Yes</b> – The site area is 934.75m <sup>2</sup>   |
| <p>(b) a minimum landscaped area that is the lesser of —</p> <p>(i) 35m<sup>2</sup> per dwelling, or</p> <p>(ii) 30% of the site area,</p>   | <b>No</b> – No ground level landscaping is provided. The applicant has lodged a request to vary this standard pursuant to Clause 4.6. See detailed discussion later within this report.  |
| <p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>   | <b>N/A</b> - Pursuant to clause 19(3) this clause does not apply, as Chapter 4 Residential Apartment Development applies to the development.   |
| (d) Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.   | <b>N/A</b> - Pursuant to clause 19(3) this clause does not apply, as Chapter 4 Residential Apartment Development applies to the development. See assessment against apartment design guidelines.   |
| <p>(e) the following number of parking spaces for dwellings used for affordable housing:</p> <p>(i) for each dwelling containing 1 bedroom— at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p>   | <b>Yes</b> – The proposal consists of 3 x 2 bedroom and 1 x 3 bedroom apartments as affordable housing. This requires 2.5 parking spaces. At least 3 parking spaces are available to the affordable component.   |
| <p>(f) the following number of parking spaces for dwellings not used for affordable housing:</p> <p>(i) for each dwelling containing 1 bedroom— at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>  | <p><b>Yes</b> – The proposal consists of 16 units that are not used as affordable housing. This consists of 6 x 2 bedroom and 10 x 3 bedroom. This requires <b>21 parking spaces</b>. The combined affordable housing (2.5 spaces) and non-affordable housing (21 spaces) results in a parking demand of 23.5 residential parking spaces (rounded to 24 spaces). <b>25 parking spaces are provided</b> which can dedicated for residential use are provided.</p> |

**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

| <b>Section 19 – Non-discretionary development standards – the Act s 4.15</b>  |  |
|---|--|
| (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,   | <b>Yes</b> - Affordable units comply with ADG internal area. |
| (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces): the minimum floor area specified in the Low Rise Housing Diversity Design Guide,   | N/A  |
| (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas: (i) for each dwelling containing 1 bedroom— 65m <sup>2</sup> , (ii) for each dwelling containing 2 bedrooms— 90m <sup>2</sup> , (iii) for each dwelling containing at least 3 bedrooms—115m <sup>2</sup> plus 12m <sup>2</sup> for each bedroom in addition to 3 bedrooms. | N/A  |

| <b>Section 20 – Design Requirements</b>  |  |
|--|--|
| <b>Standard</b>  | <b>Compliance/Comment</b>  |
| (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.                   | N/A  |
| (2) Subsection (1) does not apply to development to which Chapter 4 applies  | Chapter 4 applies (residential apartment development)  |
| (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with: (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct. | The application is accompanied by a Design Verification Statement prepared by an architect which addresses the character of the locality and how the proposal incorporates the desirable traits of the seaside locality. Council is satisfied the proposal has addressed this through material selection, light colours and a contemporary coastal architecture which is responsive to the coastal locality. |



**PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY  
NAROOMA**

| <b>Section 21 – Must be used for Affordable Housing for at least 15 years</b>  |   |
|--|---|
| <b>Standard</b>  | <b>Compliance/Comment</b>   |
| (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development: (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. | <b>Yes</b> - Development consent conditions have been imposed as required by Clause 82 of the EP&A Regulations 2021 which requires an 88E instrument to contain the requirements of Clause 82 and for an agreement with a registered community housing provider for the management of the affordable housing component be given to the Registrar of Community Housing prior to an Occupation Certificate. |

**Chapter 4 – Design of Residential Apartment Development**

Comment: The proposed development contains at least 4 dwelling and is at least 3 stories. The chapter is therefore applicable.

Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Statement from the qualified designer at lodgement of the development application. This documentation has been submitted with the development application.

**Determination of development applications and modification applications for residential apartment development**

Comment: Attachment 2 to this report makes an assessment against the design quality principles contained within Schedule 9 (a) and an assessment is carried out against the Apartment Design Guidelines. Overall, the proposal meets the design quality principles of Schedule 9 for the reasons outlined in the attachment. The proposal appropriately responds to the design guidelines within the ADG and where strict compliance is not achieved with the numerical requirements, reasonable alternative solutions are provided to meet the objectives of the ADG. Eurobodalla Shire Council does not have an appointed Design Review Panel and therefore part (c) is not applicable.

**Non-discretionary development standards for residential apartment development**

Comment: As noted in the ADG Assessment, the proposal meets the minimum requirements of the ADG in relation to Part 3J, 4D and 4C. This assessment has not required more onerous standards and does not recommend refusal for any of these reasons.

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State Environmental Planning Policy (Resilience and Hazards) 2021 (Sepp)

*Chapter 2 – Coastal Management*

The SEPP aims to manage development in the coastal zone, protect environmental assets of the coast, establish a framework and guide land use planning decision making and provide mapping for the coastal management areas.

The land is identified as being within the coastal environment area and coastal use area and therefore Clauses 2.10 and 2.11 apply. These matters have been sufficiently addressed in the submitted Statement of Environmental Effects and are satisfactory, subject to conditions of consent which include erosion and sediment control measures. Development consent can be granted as the proposed development will not result in any detrimental impact to the coastal environment area or coastal use area.

*Chapter 4 – Remediation of Land*

The subject site was previously occupied by a Caltex Service Station which was decommissioned in around 2013. Following the decommissioning of the service station infrastructure the site was initially declared as contaminated but following successful remediation works the contamination listing was lifted by the Environmental Protection authority on 14 December 2014.

To deal with any residual contaminants and to consider if the site is suitable for the proposed development, the application is accompanied by a Preliminary Site Investigation prepared by Neo Consulting Pt Ltd, which included further soil testing. The report concluded the following:

The recommendations of the report will form conditions of consent, which include an unexpected finds protocol.

As such, the development satisfies the requirements of Clause 4.6 of the SEPP and the land is suitable for the intended use without need for further remediation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site has a frontage to a classified road (Princes Highway) and therefore Clause 2.119 applies.

The development satisfies Clause 2.119 as access is provided from a public laneway off McMillan Road (local Road, not the Princes Highway). Council is satisfied the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. The application was referred to TfNSW for comment and they have not raised issue with the application. A Traffic Report was submitted with the application which concluded the trip generation would not impact upon the operation of the Princes Highway.

An acoustic report has been submitted with the application which addresses the impact of road traffic noise upon the development and the recommendations of the report are to be followed as required by the consent conditions.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 -BASIX of the SEPP applies as the proposal consists of residential development. The application is accompanied by a BASIX Certificate which demonstrates the proposal will meet

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the sustainability requirements of the SEPP. A condition is recommended that all BASIX requirements are implemented as part of the development.

Eurobodalla Local Environmental Plan 2012 (ELEP)

*Clause 2.3 - Zone objectives and Land Use table*

The site is zoned E1 Local Centre. Development for the purpose of 'Shop Top Housing' is permitted with consent in the E1 Zone.

The definition of shop top housing is as follows:

***"shop top housing"*** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities."

The ground floor of the building contains retail floor area and as such, the proposal meets the definition of 'Shop top housing'.

*Clause 4.3 – Height of Buildings*

Clause 4.3 Height of Buildings sets a maximum height of 11.5m, measured from existing ground level. The dedication of 15% of the floor area for the purpose of affordable housing allows a 30% 'height bonus' to be achieved across the site under SEPP Housing. Essentially, the bonus height allows an additional level of apartments to be achieved for the site by raising the height limit from 11.5m to 14.95m.

The majority of the proposal, including the upper-level residential apartments, sit within the permitted 14.95m building height. However, the proposal includes a lift overrun, amenities, fire stair and pergola which service a roof top communal open space which exceed the height limit. Given these elements breach the 14.95m height limit they are subject to a variation request under Clause 4.6 of the ELEP 2012 below.

| Structure                 | Height above ground | Height Exceedance | Percentage Exceedance |
|---------------------------|---------------------|-------------------|-----------------------|
| Roof of Apartments        | 14.05m              | Complies          | Complies              |
| Lift Overrun              | 18.45               | 3.5m              | 23.4%                 |
| Curved Pergola            | 16.65m to 17.65m    | 1.7m to 2.7m      | 11.4% to 18.0%        |
| Amenities and Fire Stairs | 17.05m              | 2.1m              | 14%                   |

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The figures below show the 14.95m height plane and the structures which sit above it.



Figure 4 – Height blanket of 14.95m, with lift overrun, amenities and pergola encroaching.

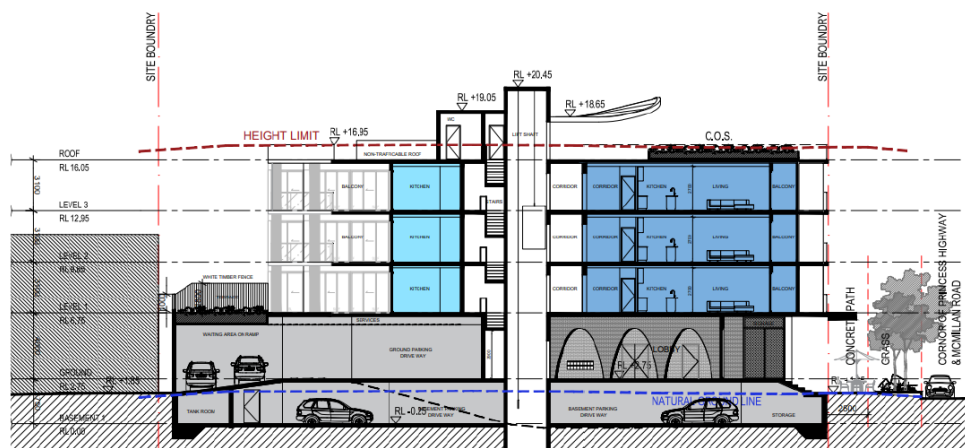


Figure 5 – Section Plan showing 14.95m height plane, with lift overrun, amenities and pergola encroaching.

**Clause 4.6 – Exceptions to Development Standards**

The objective of Clause 4.6 is to provide a degree of flexibility in applying certain development standards to particular development and to achieve a better outcome for development by allowing flexibility in particular circumstances. Clause 4.6 enables consent to be granted for development even though the development would contravene a development standard. In accordance with sub-clause (3) development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard. This assessment has been completed in accordance with the *Guide to Varying Development Standards*, prepared by the Department of

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Planning and Environment dated November 2023 (Guide). The Guide sets out key considerations in the assessment of variations which has been assessed below.

The application is accompanied by a written request to vary the development standard which sets out why compliance is ‘unreasonable and unnecessary’ in the circumstances and that there are ‘sufficient environmental planning grounds’ to warrant departure from the standards. The written request forms an attachment to this report.

*Clause 4.6(3)(a) - Compliance with the development standard is unreasonable or unnecessary in the circumstances*

The applicant’s written request has demonstrated that compliance is ‘unreasonable and unnecessary’ because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. This method has been established by the NSW Land and Environment Court decision by Preston CJ in *Wehbe vs Pittwater Council (2007) LEC 827*. The objectives of the standard are outlined below, along with the applicant’s response to them:

*(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality because:*

- *The encroaching elements are recessed from the building sides being centrally located on the roof, the building appears to be height-compliant from adjoining properties and surrounding public areas. The height exceedance is not discernible from the streetscape meaning the building presents as being compliant in terms of height in satisfaction of the objective.*
- *The existing character in the E1 zoning area comprises a mix of predominantly 1-3 storey commercial buildings of various ages and architectural styles, as illustrated in the character and streetscape analysis within the architectural plans. These buildings reflect past planning controls, and the locality is undergoing gradual renewal. The proposed development has been designed to align with the Narooma Township DCP and, as the newest addition to the streetscape replacing a vacant site, is considered compatible with the existing character of the area, meeting this objective.*

The second objective “(1) (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development” is met because:

*Visual Impact*

The proposed development has been thoughtfully designed in accordance with the Narooma Township DCP, Narooma Style Guide, and ADG controls. The architectural plans and Design Verification Statement present an attractive building that draws design cues from the NTDCP and reflects the coastal identity of Narooma. The design responds to the context and planning controls through a combination of articulation, architectural elements, and exterior finishes that reduce scale and bulk, integrating the building seamlessly into the locality and streetscape. The use of curved geometry, lightweight elements, and lighter tones in the colour palette enhances the visual appeal, achieving the objective of minimising visual impact.

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*Disruption of views*

The proposal is not expected to give rise an unacceptable level of view disruption but will still lead to some reduction in views/outlook from the adjoining properties to the south as the subject site is currently vacant. The view/outlook enjoyed across the site do not comprise any iconic buildings or well-established views.

*Loss of privacy*

The proposal generally will not lead to any privacy loss for surrounding development in the locality. The proposed building achieves ADG minimum building separations for habitable area to existing adjoining properties and any proposed building openings adjacent to adjoining neighbour boundaries that have potential for privacy loss have appropriate mitigation measures such as planter boxes and privacy screens to ensure visual privacy is achieved. The part of the proposed building that exceed the height limit are non-habitable structures that do not allow users to achieve views or outlooks that would impact privacy, achieving the objective of loss of privacy.

*Loss of solar access*

The architectural package includes a solar access analysis which demonstrates that the proposed development will not unreasonably overshadow development on adjacent and nearby sites. The shadow diagrams also show that the shadows cast by the development are very similar to that which was expected from a height complaint design as the height exceeding structures are centrally located on the roof, achieving the objective of minimizing the loss of solar access.

The reasons outlined in the written request are generally agreed with. In particular, the architectural response to the 'Narooma Style Guide' is considered adequate for the locality given the location on the 'Narooma Flats' as distinct from the Narooma Hill area, which has a more distinct architectural typology. The building uses lightweight materials, colours and responds to the coastal character through use of balconies, lightweight cladding and a curved façade. This contemporary take on coastal architecture is considered an appropriate response to the locality. In addition, it is a common urban design strategy to provide additional building height upon a corner site to accentuate the corner of the commercial zone.

Clause 4.6(3)(b) - There are sufficient environmental planning grounds to justify the contravention of the development standard

The written request identifies a number of 'environmental planning grounds', with the following considered the most relevant:

- *The height exceedance is a result of the Communal Open Space (COS) being located on the roof, which is a positive outcome as it provides residents with a high degree of solar amenity and a sense of outlook. The height variation is necessary due to the lift overruns required for accessible rooftop access, fire safety measures including fire stairs, and the COS amenities and maintenance.*
- *Alternatively, to avoid the need for a height variation, the COS could theoretically be removed from the rooftop altogether. This approach would necessitate a variation from*

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*the Apartment Design Guide (ADG) COS provisions, potentially justifying the removal by arguing that the surrounding area offers extensive open spaces for residents. However, this would significantly reduce the amenity for future occupants. In this context, the height variation provides a superior planning outcome compared to seeking relief from the COS provisions. The rooftop COS enhances the amenity for future occupants by maximizing openness and views without negatively impacting neighbouring properties.*

- *As discussed above the building presents as 4 storeys and the elements that exceed the height control are recessed from the building sides being centrally located on the roof so that the building appears to be height-compliant from adjoining properties and surrounding public areas. The height exceedance is not discernible from the streetscape meaning the building presents as being compliant in terms of height.*
- *The site is flood affected and the ground floor of the building has been elevated 1m which contributes to the overall building height. Any future redevelopment of adjoining properties in the area will likely also need to be elevated due to similar flood risks.*

The above point in relation to the roof-top COS is agreed with. There is no material benefit in deleting the roof-top elements which provide additional amenity for the occupants of the building as these elements do not result in any material visual, overshadowing, privacy or view impacts given their central position on the roof. As such, the retention of these elements is a superior outcome notwithstanding the numerical height breach.

The height breach is also exacerbated by the requirement to meet the flood planning level which requires the ground level to be raised approximately 750mm.

Concluding Comments of Height

Council is satisfied as to the matters set out in Clause 4.6 of the ELP. It is considered on balance, that having regard to the particular circumstances in relation centralised location of the breaching elements, the benefits the rooftop communal open space will have for residents and the lack of environmental or amenity impact on the surrounding properties, the proposed departure from the development standard is acceptable and it is reasonable that flexibility to the standard be applied.

Landscape Area SEPP (Housing) 2021 – Clause 19(1)(b)(iii)

The SEPP Housing contains a ‘non-discretionary development standard’ which means Council cannot refuse consent on the basis of landscaping, should at least 30% of the site comprise of landscaped area. The standard may be varied subject to written request under Clause 4.6. The proposal does not provide any ground level landscaping given the location of the site in the town centre and the controls within the DCP encourage nil setbacks to the front and side boundaries. This therefore represents a numerical variation of 100%. The development standard is equally applicable in a residential zone and as such, has less relevance in the E1 Local Centre Zone. In lieu of ground level landscaping, the proposal is complimented by landscape planting upon the roof to enhance the amenity of the communal open space and new street tree planting is proposed to enhance the public domain. Central landscaping is also provided within planter boxes on the L1 Plan in the eastern corner of the site.

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There is currently no landscaping on the site and there is limited landscaping on the surrounding sites which have been developed for a commercial purpose. The application has submitted a written request under Clause 4.6 which outlines why strict compliance with the standard is 'unreasonable or unnecessary' and that there are 'sufficient environmental planning grounds' to depart from the standard. The reasons outlined within the written request (which is attached to this report) are generally agreed with and the variation is supported given the commercial context of the site.

Clause 5.10 Heritage conservation

There is a locally listed heritage item located across the road to the north-west of the site being 1256 '*Light from Montague Island*'. Given that the proposed development has a physical separation of over 50m to the item which is located across the Princes Highway, there will be no direct impacts. The proposed development is considered consistent with the coastal style of architecture promoted by the DCP and therefore will not have an unreasonable visual impact on the nearby heritage item. Sight lines to the item will be maintained from the surround public roads.

The clause requires Council to consider aboriginal heritage prior to granting consent. The site is not located in an area of known Aboriginal items or places and the site has been previously disturbed. A condition is recommended to deal with any unexpected finds during construction.

The proposal is considered to satisfy Clause 5.10.

Clause 5.21 Flood Planning

The site is mapped as flood prone land and as such Clause 5.21 must be considered. The flood planning level (FPL) for the development is 2.75m AHD, based on the Wagonga Inlet Kianga and Dalmeny Flood Study report (February 2016). The building has been designed with the habitable floor levels and the basement entry to the FPL, to avoid inundation by flood waters.

A flood risk management plan was provided with the application to deal with flood evacuation and management, in a flood event. The proposal has incorporated sufficient measures to mitigate the risks to life and property in a flood event and satisfies Clause 5.21, subject to the recommended conditions.

Clause 6.3 Acid sulfate soils

The site is located within Class 3 Acid Sulfate Soils mapping under the LEP and as such, an assessment has been carried out to test for the presence of ASS on the site. An Acid Sulfate Soils management plan has been provided with the application and compliance with the plan will be a condition of consent.

Clause 6.4 Earthworks

The proposal involves earthworks to construct a basement carparking level and as such, the clause is considered. The application is accompanied by a geotechnical report which recommends mitigation strategies for the proposed earthworks to mitigate impacts on adjoining properties. The stormwater management plan deals with stormwater management for the basement excavated areas and a groundwater management report has been submitted with the application. An integrated development referral has been sent to Water NSW (WMSW)



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as a de-watering permit under Section 90(2) of the Water Management Act 2000 is required. WNSW have provided their 'General Terms of Approval' for the de-watering permit and the requirements of WNSW will form conditions of consent.

The disruption of any Aboriginal relics has been considered as part of the assessment and there are no known items within the site. A condition has been recommended to deal with any unknown or unexpected finds. The proposal satisfies Clause 6.4, earthworks.

Clause 6.9 Stormwater Management

Clause 6.9 requires consideration of stormwater management for the development. The application is accompanied by stormwater management plans which demonstrate stormwater being disposed to the street network and measures to mitigate the impact of stormwater, including on-site detention to minimise run-off. Subject to conditions of consent, the proposal has addressed stormwater in a satisfactory way.

Clause 6.11 Active Street Frontages

Clause 6.11 requires that buildings in the E1 Zone provide an active street frontage (i.e. business or retail premises), to the satisfaction of Council. The building provides two retail premises facing the Princes Highway which appropriately activates the town centre. The secondary frontage of McMillan accommodates an essential plant room, fire stairs and a substation which will be appropriately screened and integrated design of the building. The proposal meets the intent of the control by activating the retail precinct along the Princes Highway and the essential infrastructure located on the secondary frontage with appropriate screening.

Development Control Plan

The application is subject to the 'Narooma Township DCP' which has been considered as part of the assessment of the application and a full assessment included as Attachment 3. It should be noted that the residential apartment component is subject to the controls contained within the Apartment Design Guidelines (ADG). As mentioned earlier within this report, the proposal performs well against the ADG and the built form outcome will be a high-quality development that is consistent with the intent of the Narooma Township DCP.

The DCP sets out the Desired Future Character for the E1 Local Centre within a 'Desired Future Character Statement' which is as follows:

*"The Flat Main Street is to become the main tourist area for the town with a good mix of retail, tourist and permanent accommodation. The Princes Hwy is to remain the commercial, retail and tourist focus for this area. This role will be reinforced with new specialty retail shops, and street and footpath improvements. The Princes Hwy will continue to have small-scale shopfronts, display windows and street access to shops. Parking is to be located centrally within sites behind shops which front the street."*

The proposal is a positive response to this character statement as it provides small-scale shops facing the Princes Highway, additional permanent accommodation and will complement the tourist focus for the area by providing a high-quality addition to the town centre.

The DCP also refers to the 'Narooma Style Guide' which guides the built form outcome and Clause 4.3 Style and Visual Amenity which outlines the desired architectural outcome for the

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area. The DCP requires that the buildings are:

- *Of lightweight construction form*
- *Use a mix of building materials including lightweight cladding and sections of rendered brickwork rather than traditional suburban face brick*
- *Use a mix of articulation, architectural elements and exterior finishes to reduce the scale and bulk of buildings*

Whilst it is acknowledged that the proposed building is taller than those surrounding it (by virtue of the height bonus provided by the SEPP Housing) and the architect has incorporated the desired materials, colours and style of the DCP which encourages a more lightweight, coastal style architecture. Whilst the proposal may not provide the traditional pitched roof encouraged by the 'Narooma Style Guide', given the location of the development on the 'Narooma Flats' the proposed roof is considered appropriate for the context and visual interest is offered by the curved forms, vertical lightweight cladding and numerous balconies which respond to the coastal style of architecture envisaged by the DCP and style guide.

Overall, the proposal meets the intent and performance criteria of the DCP and is an appropriate contemporary response to a coastal setting in a commercial zone.

## **ENVIRONMENTAL**

The application does not require the removal of any vegetation or trees. Groundwater will be managed in accordance with Water NSW requirements. The proposal is not considered to result in adverse environmental impacts.

## **CONSULTATION**

Between 3 October and 4 November 2024, the application was publicly notified and advertised for 28 days, including placement of a sign at the property frontage. Three submissions were received, one in full support, one in objection and one in partial support (however concerned about parking impacts). The submissions read:

### Objection

*Size of development. 4 stories with rooftop use is massively larger than any other building in the area, height should be at no more than surrounding buildings. This is a prominent intersection and this development at that size will impact traffic flow. It is too big for the site and would create a precedent for any future development that will erode the coastal village ascetic the council is fostering in its planning for the area.*

### Support

*This building looks fantastic, I strongly support it. We need more well-located housing, and more shop top housing like this should be fostered and encouraged by council with relaxes height and FSR in planning restrictions - it shouldn't need to seek variation. Particularly so where it's feasible like here near the ocean where people want to live. It's across from a park, some shops*

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*already exist - this is a great location for more housing.*

Support, however concerns with parking

*Support housing development but concerned about inadequate parking. We currently experience cars parking in our driveway at 74 Princes Hwy and this development will increase parking pressure causing more access problems to our family home.*

*Issue 1 - Parking*

In relation to carparking, the SEPP Housing outlines that consent must not be refused on the basis of parking, should the minimum parking requirements be met (addressed above in this report).

The proposal generates a parking requirement of 28 parking spaces (inclusive of 4 retail spaces) to account for the apartments and shops. A total of 29 parking spaces (plus a loading bay) are provided. As the minimum parking numbers has been complied with, Council cannot refuse consent due to lack of parking.

*Issue 2 – Height and visual aesthetic*

The issue in relation to building height and visual aesthetic are addressed in detail above in this report. Overall, the proposal is considered a high quality, contemporary response to the coastal architecture envisaged by the Narooma Township DCP.

**Internal and External Referrals**

The application was referred to the following internal officers and external agencies for comment.

| Referral                 | Comment   |
|--------------------------|---|
| <b>External Referral</b> |   |
| Water NSW                | <b>Nominated Integrated Referral -</b><br>General terms of approval issued for a de-watering permit under Section 90(2) of the Water Management Act 2000 has been issued.   |
| Transport for NSW        | <b>For comment under SEPP (Transport and Infrastructure) 2021</b><br>Supported, subject to conditions requiring applicant to obtain approval for any outdoor dining on the footpath.  |
| Essential Energy         | <b>For comment under SEPP (Transport and Infrastructure) 2021</b><br>Supported, subject to conditions relating to safety near overhead/underground powerlines.  |
| <b>Internal Referral</b> |   |
| Development Engineers    | Supported, subject to conditions of consent, in particular, the laneway which provides site access is to be upgraded to Council's standard. Furthermore, concerns are raised with the manoeuvring of a 'Short Rigid Vehicle' within the |

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| Referral                | Comment   |
|-------------------------|---|
|                         | carpark. Given the small size of the shops, Council considers a B99 Van sufficient for deliveries/servicing. As such, a condition is recommended for a B99 vehicle design vehicle enter the carpark only.   |
| Local Traffic Committee | Supported, subject to condition for outdoor dining  |
| Environment and Health  | Supported, no conditions required   |
| Liquid Trade Waste      | Supported, with condition for LTW application   |
| Heritage                | <p>Partly Supported. The application was referred to Council's heritage advisor who commented <i>"The proposed design of the new development has a coastal character and a mix of materials, with highly articulated facades. The primarily light-coloured detailing is also considered respectful in the context of the light tower. However, its overall bulk, height and scale represent a significant departure from the character and scale of the locality, and the development is likely to visually dominate the area."</i></p> <p>Whilst it is agreed that the development will be taller than the existing buildings in the locality, the SEPP Housing prevails in relation to allowing additional building height for the purpose of affordable housing. As there is no physical impact upon the heritage item and predominant sight lines towards the heritage item will be maintained along the road corridor, it would be unreasonable to refuse consent because of the building height given the allowances of the SEPP Housing.</p> |

Local Infrastructure Contributions

The proposal is subject to contributions under Section 7.11 of the EP&A Act being the Eurobodalla Local Infrastructure Contributions Plan 2022. The development is located in the Southern district. It is noted that in accordance with Clause 2.4 of the Contributions Plan, affordable housing development is excluded from the plan. As such, the four (4) affordable housing units are not levied.

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**Southern District**

| Facility                            | Per lot or 3+ bedroom dwelling | Per 2 bedroom dwelling | Total               |
|-------------------------------------|--------------------------------|------------------------|---------------------|
| Open Space and Recreation           | \$511.15                       | \$292.05               |                     |
| Community and Cultural              | \$441.25                       | \$252.15               |                     |
| Arterial Roads                      | \$5,326.35                     | \$3,043.65             |                     |
| Paths and Cycleways                 | \$661.55                       | \$378.05               |                     |
| Stormwater                          | \$525.00                       | \$300.00               |                     |
| Marine                              | \$117.70                       | \$67.25                |                     |
| Plan Preparation and Administration | \$113.75                       | \$65.00                |                     |
|                                     | <b>X 10 Units</b>              | <b>X 6 Units</b>       |                     |
| <b>Per Unit</b>                     | <b>\$7,882.95</b>              | <b>\$4,504.55</b>      |                     |
| <b>Total</b>                        | <b>\$78,829.50</b>             | <b>\$27,027.30</b>     | <b>\$105,856.80</b> |

**Section 7.12 - Section 7.12 Contributions Plan 2022**

The proposal is not subject to contributions under Section 7.12 of the EP&A Act, as contributions are being levied under S7.11

Water & Sewer Headworks

The proposal is subject to contributions under Section 64 Local Government Act. There are no existing credits applicable to the land given the land was used for the purpose of a service station, with no existing residential dwellings on it. Extract from the policy below:

**3**

**Multi-Residential Development (Units)**

The following equivalent tenements shall be used for multi-residential developments:

| Category   | Water ET | Sewer ET |
|------------|----------|----------|
| 1 bedroom  | 0.4      | 0.5      |
| 2 bedrooms | 0.6      | 0.75     |
| 3 bedrooms | 0.8      | 1.0      |

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| <b>Contributions</b>             | <b>ET applicable to this DA</b> | <b>Rate FY23/24 per ET</b> | <b>Total Amount</b> |
|----------------------------------|---------------------------------|----------------------------|---------------------|
| Water Headworks                  | <b>14.2 ET</b>                  | \$8,025.00                 | <b>\$113,955</b>    |
| Sewer Headworks (DSP 1 – TO, BD) | N/A                             | \$13,275.00                | -                   |
| Sewer Headworks (DSP2 – MO, BB)  | N/A                             | \$10,135.00                | -                   |
| Sewer Headworks (DSP3 – NA, TU)  | <b>17.75 ET</b>                 | \$5,135.00                 | <b>\$91,146.25</b>  |

**CONCLUSION**

This report seeks Council's determination of an application for Shop Top Housing at 82 Princes Highway, Narooma.

The application seeks to vary the building height by up to 18% and due to the requirements of the NSW Department of Planning and Environment, any variation greater than 10% must be determined by the elected Council. The application also seeks to vary the landscape area requirement under the SEPP Housing.

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* and found to be appropriate for the site. The assessment has concluded that building is a high-quality addition to the Narooma Flats locality and there will be no unacceptable impacts on adjoining properties or the locality.

The assessment has taken into consideration the three public submissions received and the proposal is overall considered to be within the public interest given the provision of additional affordable and market housing positioned in a high amenity location. The new shops will further activate the commercial precinct and contribute to the economic development of the area.

The application is put to the Council with a recommendation for approval, subject to the conditions outlined in Attachment 1.

Attachment 1 – Conditions of Consent

| GENERAL CONDITIONS |  |                        |                              |                 |                     |
|--------------------|--|------------------------|------------------------------|-----------------|---------------------|
| 1                  | <b><i>Approved plans and supporting documentation</i></b><br>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. |                        |                              |                 |                     |
|                    | <b>APPROVED PLANS</b>  |                        |                              |                 |                     |
|                    | <b>Plan number</b>   | <b>Revision Number</b> | <b>Plan title</b>            | <b>Drawn by</b> | <b>Date of plan</b> |
|                    | DA0127/25<br>Sheet 1 of 39   | D                      | Cover                        | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 2 of 39   | D                      | Bulk basement excavation     | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 3 of 39   | D                      | Basement Floor Plan          | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 4 of 39   | D                      | Ground floor plan            | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 5 of 39   | D                      | L1 floor plan                | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 6 of 39   | D                      | L2 floor plan                | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 7 of 39   | D                      | L3 floor plan                | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 8 of 39   | D                      | Roof terrace plan            | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 9 of 39   | D                      | Roof plan                    | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 10 of 39  | D                      | North elevation              | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 11 of 39  | D                      | East elevation               | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 12 of 39  | D                      | South elevation              | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 13 of 39  | D                      | West elevation               | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 14 of 39  | D                      | Section A-A                  | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 15 of 39  | D                      | Section B-B                  | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 16 of 39  | D                      | Ramp section                 | Tony Owens      | May 2025            |
|                    | DA0127/25<br>Sheet 17 of 39  | D                      | Accessible car space section | Tony Owens      | May 2025            |

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|  |                             |      |                                       |                        |            |
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|  | DA0127/25<br>Sheet 18 of 39 | D    | Basement detail                       | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 19 of 39 | D    | Adaptable Unit 1                      | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 20 of 39 | D    | Adaptable Unit 2                      | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 21 of 39 | D    | Silver level units                    | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 22 of 39 | D    | Affordable units                      | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 23 of 39 | D    | On-going waste<br>management plan     | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 24 of 39 | D    | Construction waste<br>management plan | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 25 of 39 | D    | External finishes<br>schedule         | Tony Owens             | May 2025   |
|  | DA0127/25<br>Sheet 26 of 39 | 3351 | Site Plan                             | Precinct<br>Landscapes | 21/08/2024 |
|  | DA0127/25<br>Sheet 27 of 39 | 3351 | Roof Plan                             | Precinct<br>Landscapes | 21/08/2024 |
|  | DA0127/25<br>Sheet 28 of 39 | 3351 | Detail and schedule                   | Precinct<br>Landscapes | 21/08/2024 |
|  | DA0127/25<br>Sheet 29 of 39 | 3351 | Specifications and<br>Schedules       | Precinct<br>Landscapes | 21/08/2024 |
|  | DA0127/25<br>Sheet 30 of 39 | C    | Details, notes and<br>legend          | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 31 of 39 | C    | Basement                              | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 32 of 39 | C    | Stormwater<br>management              | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 33 of 39 | C    | Stormwater<br>management roof         | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 34 of 39 | C    | Pipe longsection                      | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 35 of 39 | C    | Stormwater details                    | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 36 of 39 | C    | Basement pump<br>details              | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 37 of 39 | C    | OSD details                           | NY Civil               | 03/06/2025 |
|  | DA0127/25<br>Sheet 38 of 39 | C    | Sediment control plan                 | NY Civil               | 03/06/2025 |



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| DA0127/25<br>Sheet 39 of 39                                     | C                     | Sediment details          | NY Civil                | 03/06/2025 |
| <b>APPROVED DOCUMENTS</b>                                       |                       |                           |                         |            |
| <b>Document title</b>   | <b>Version number</b> | <b>Prepared by</b>        | <b>Date of Document</b> |            |
| Document 1 – Water NSW General Terms of Approval                | IDAS1157860           | Water NSW                 | 9/05/2025               |            |
| Document 2 – Transport for NSW                                  | STH24/00700/002       | TfNSW                     | 18/10/2024              |            |
| Document 3 – Essential Energy                                   | CNR-74088_ A-90332    | Essential Energy          | 10/03/2025              |            |
| Document 4 – Flood Emergency Response Plan                      | B                     | NY Civil Engineering      | 3/06/2025               |            |
| Document 5 – Access Report                                      | 5                     | East Coast Accessibility  | 3/06/2025               |            |
| Document 6 – BASIX Certificate                                  | 1764117M_02           | ESD Synergy Pty Ltd       |                         |            |
| Document 7 - Operational Waste Management Plan                  | G                     | Elephants Foot            | 3/06/2025               |            |
| Document 8 - Acid Sulphate Soils Management Plan                | E26663.E14 Rev1       | EI Australia              | 21/03/2025              |            |
| Document 9 - Hydrogeological Report                             | E26663.E16 Rev0       | EI Australia              | 16/04/2025              |            |
| Document 10 - Contamination Preliminary Site assessment         | 002                   | Neo Consulting            | 12/08/2024              |            |
| Document 11 – Construction and Demolition Waste Management Plan | C                     | Elephants Foot Consulting | 12/09/2024              |            |
| Document 12 – BCA Report  | D2024-027             | Technical Inner Sight     | 11/09/2024              |            |
| Document 13 – Acoustic Report                                   | SYD2024-1096-R001B    | Acouras                   | 12/09/2024              |            |
| Document 14 - Acoustic Letter                                   | SYD2024-1096-R002B    | Acouras                   | 6/02/2025               |            |
| Document 15 – Landscape Report                                  | Ref 3351 R1           | Precinct Landscapes       | 2/09/2024               |            |

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|   | <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. [0001]</p> <p><b>Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>  |
| 2 | <p><b>Concurrence and Referral</b></p> <p>The General Terms of Approval issued by Water NSW - Reference No. IDAS1157860 dated 9 May 2025 are included as conditions of this consent and must be complied with.</p> <p>The Advice issued by Essential Energy - Reference No. CNR-74088_ A-90332 dated 10 March 2025 are included as conditions of this consent and must be complied with.</p> <p>The Advice issued by Transport for NSW - Reference No. STH24/00700/002 dated 18 October 2024 are included as conditions of this consent and must be complied with.</p> <p><b>Reason:</b> To ensure compliance with the legislation. [0002]</p>   |
| 3 | <p><b>Prescribed Conditions</b></p> <p>The development must comply with Part 4, Division 2, Subdivision 1, if the Environmental Planning and Assessment regulation 2021, as applicable.</p> <p><b>Reason:</b> To ensure compliance with prescribed conditions. [0003]</p>  |
| 4 | <p><b>Earthworks, retaining walls and structural support</b></p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development):</p> <ul style="list-style-type: none"> <li>(a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and</li> <li>(b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>(c) that if fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and</li> <li>(d) that if excavated soil is to be removed from the site - it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.16]</p> |
| 5 | <p><b>Requirement to Notify about New Evidence</b></p> <p>Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.19]</p>   |

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| 6  | <p><b>Vehicle Direction</b></p> <p>All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.25]</p>  |
| 7  | <p><b>Movement of Trucks Transporting Waste Material</b></p> <p>The Applicant shall notify Transport for NSW of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.35]</p>   |
| 8  | <p><b>Loading and Unloading</b></p> <p>All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times. Access to the site is restricted to B99 vehicles. The dimensions for B99 vehicle must be in accordance with Appendix B of AS/NZS 2890.1:2004.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.07]</p>  |
| 9  | <p><b>Restricted Access</b></p> <p>Access to the development is restricted to B99 vehicles (The dimensions for B99 vehicle must be in accordance with Appendix B of AS/NZS 2890.1:2004). The restriction is to be denoted by appropriate signage at the point of entry, the sign is to be wholly contained within the development lot and in place prior to the issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure the carpark works in a functional way and ensure safety of the carpark.</p>  |
| 10 | <p><b>Outdoor Dining</b></p> <p>Any outdoor dining is subject to a separate approval under Section 125 of the Roads Act, 1993.</p> <p><b>Reason:</b> To protect the amenity of the local area. [18.01]</p>  |
| 11 | <p><b>Water &amp; Sewer Inspections</b></p> <p>All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council before the issue of any Occupation Certificate.</p> <p>The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council:</p> <ul style="list-style-type: none"> <li>(a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering;</li> <li>(b) Hot and cold water plumbing under pressure test before covering;</li> <li>(c) Internal stackwork under hydrostatic test before covering; and</li> <li>(d) The installation of the septic tank and any sullage trenches before backfilling or covering.</li> </ul> |

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|   | <p>(e) Issue of final satisfactory inspection.</p> <p><b>Reason:</b> To ensure that the development complies with the Water Authority's standards. [2.16]</p>   |
| 12  | <p><b>Noise Control - Plant &amp; Machinery</b></p> <p>Any mechanical plant operated in conjunction with the development is to be compliant with the recommendations of the Acoustic Report prepared by Acouras Consulting, Ref SYD2024-1096-R001B dated 12/09/2024.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.06]</p>  |
| 13  | <p><b>Noise from Deliveries/Waste Collection</b></p> <p>Waste collections and deliveries from any vehicle or truck are not permitted on any part of the premises between 10pm and 7am Monday to Saturday inclusive or between 10pm and 9am on Sundays and Public Holidays.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.07]</p>  |
| 14  | <p><b>Comply with BCA</b></p> <p>All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.01]</p>  |
| 15  | <p><b>Sewer Main Protection - Code of Practice</b></p> <p>Any installation of structures or planting of vegetation within the 'zone of influence' of Council's sewer must be in accord with the 'Build in the Vicinity of Sewer Mains Code of Practice'. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council's website at <a href="https://www.esc.nsw.gov.au/">https://www.esc.nsw.gov.au/</a>.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority. [4.19]</p>                     |
|   | <p><b>Planting and paving in road reserve</b></p> <p>Any tree planting, landscape works, paving or footpath works located within the road reserve are to be dealt with via a Section 138 Roads Act Application. Planting within the road reserve shall not impede traffic sight lines and is to be approved by the relevant roads authority.</p> <p><b>Reason:</b> Road safety.</p>   |
| <b>PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE</b> |   |
| 16  | <p><b>On Slab Landscape Planters</b></p> <p>Prior to the issue of a construction certificate, the following shall occur:</p> <p>a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to</p> |

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|    | <p>support landscaping: 300-450mm for groundcovers; 500-600mm for shrubs; and 800- 1200mm for trees.</p> <p>b) design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).</p> <p><b>Reason:</b> To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.</p>   |
| 17 | <p><b>Section 68 Approval</b></p> <p>Prior to the release of a Construction Certificate an application to and approval by the Water Authority is required under Section 68 of the Local Government Act 1993 for the extension of Council's stormwater network required to service the development. The plans are to be certified by a suitably qualified engineer for compliance with the following:</p> <ul style="list-style-type: none"> <li>a) The outlet levels of the stormwater disposal system within the development must be designed based on surveyed invert levels of Council's receiving stormwater pipes;</li> <li>b) Adequate vertical and horizontal clearances between stormwater, sewer, and water infrastructure must be demonstrated in accordance with WSAA standards;</li> <li>c) Stormwater infrastructure must maintain required clearances from other utility services in line with relevant service authority standards;</li> <li>d) Appropriate protection or structural solutions must be provided for the stormwater infrastructure to withstand vehicular loading;</li> <li>e) All new stormwater pits within the road reserve must be designed and constructed in accordance with Council's Infrastructure Design Standard.</li> </ul> <p><b>Reason:</b> The ensure Council infrastructure is constructed in accordance with the required standard.</p> |
| 18 | <p><b>Affordable Housing - Fittings and Finishes</b></p> <p>The affordable housing dwellings identified within this consent must have internal fittings, finishes and services to the same standard as the other dwellings within the development. Details of all internal fittings, finishes and services must be submitted to the Principal Certifier and written confirmation received from the Principal Certifier to the effect that they are satisfied that the proposed internal fittings, finishes and services of the affordable housing dwelling(s) are at the same standard as other dwellings within the development prior to the issue of a Construction Certificate.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure a high standard of affordable housing.</p>   |
| 19 | <p><b>Site Stormwater Management</b></p> <p>Prior to the issue of a Construction Certificate, submission to and approval by the principal certifier of plans addressing stormwater management for the development. The plans are to be certified by a suitably qualified engineer for compliance with the following:</p>   |

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|    | <p>a) Council's Infrastructure Design Standard and AS/NZS 3500.3:2015 - Stormwater Drainage; Post-development site discharge to Council's stormwater network must be limited to pre-development flow rates for rainfall events up to and including the 1% AEP event, via an appropriately designed on-site stormwater detention (OSD) system</p> <p>f) AG lines must not connect to any below-ground stormwater tank in the basement. As pump-out systems are not permitted to discharge into Council's stormwater network, below-ground tank is only to be used solely for capturing water trapped with vehicles, incidental spills or emergency situations, and must not be used for groundwater drainage</p> <p>g) Stormwater treatment from sealed car parking areas must include pollutant control measures and comply with AS 3500 requirements</p> <p>h) A minimum of 70% retention of the typical urban annual load for gross pollutants must be achieved</p> <p>i) Stormwater disposal must be gravity-fed and connected to Council infrastructure, in line with Council's Infrastructure Design Standard</p> <p>j) Outlet levels of the OSD must be designed based on invert levels of the extended Council's stormwater network, as identified in the approved plans subject of section 68 (Local Government Act 1993) approval required by this consent.</p> <p><i>Note: Notwithstanding the above minimum requirements, in accordance with the Protection of the Environment Operations Act 1997, a person who pollutes any waters (pollute waters includes cause or permit any waters to be polluted) is guilty of an offence and is liable under that Act.</i></p> <p><b>Reason:</b> Protection of the receiving environment.</p> |
| 20 | <p><b><i>Acid Sulfate Soil Assessment and Management Plan</i></b></p> <p>The construction certificate documentation is to comply with and incorporate any recommendations of the Acid Sulphate Soils Management Plan, E26663.E14_Rev1, prepared by EI Australia dated 21 March 2025.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.04]</p>   |
| 21 | <p><b><i>Erosion and sediment control plan</i></b></p> <p>Before the issue of a construction certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier:</p> <p>a) Council's relevant development control plan</p> <p>b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended) and</p> <p>c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended).</p> <p><b>Reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways. [11.01]</p>  |

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| 22 | <p><b>Access</b></p> <p>Prior to the release of the Construction Certificate, detailed access driveway plans must be submitted to the Principal Certifier and address the following:</p> <ul style="list-style-type: none"> <li>a) Driveway location within the development site and connection to the existing public road;</li> <li>b) Longitudinal section from the centre line of the public road to the end of the vehicle standing area, showing proposed levels and achieving compliant driveway gradients in accordance with Council's Infrastructure Design Standards or AS/NZS 2890.1:2004;</li> <li>c) Design must address safe water flow management to industry-standard;</li> <li>d) Structural design details must be provided;</li> <li>e) The curved ramp to the basement must comply with Clause 2.5 of AS/NZS 2890.1:2004;</li> <li>f) Any alternative design not complying with Council's standards must be certified for compliance with AS/NZS 2890.1:2004 by the design engineer.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.04]</p>   |
| 23 | <p><b>Upgrade of Laneway</b></p> <p>Prior to the release of a Construction Certificate an application to and approval by the Road Authority is required under Section 138/139 of the Roads Act 1993 for any works within the road reserve. the application would consider:</p> <ul style="list-style-type: none"> <li>a) Detailed engineering design for the laneway upgrade, including: <ul style="list-style-type: none"> <li>- Removal of existing concrete pavement and construction of a new concrete pavement with a total width of 6.5m</li> <li>- Pavement design in accordance with the Cement &amp; Concrete Association of Australia (C&amp;CAA) Guide T51 – Guide to Residential Streets and Paths</li> <li>- Longitudinal and cross-sectional details</li> <li>- A minimum of 1.5m width footpath along the full southwest frontage of the property</li> <li>- Details of driveway crossovers servicing the basement and ground floor levels of the development</li> <li>- Details of extension of Council's stormwater network to service the development</li> <li>- Stormwater management measures for the laneway.</li> </ul> </li> <li>b) A restoration bond of \$20,000 will be held by Council and used to repair any damage caused by construction activities, or it shall be refunded upon completion of construction, subject to a satisfactory inspection by Council</li> <li>c) Public safety, WH&amp;S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections and, an application fee</li> <li>d) Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant</li> <li>e) Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work</li> </ul> |

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|    | <p>f) Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL) is to be obtained from the RMS Ms Peta Smith (02 4221 2509) or email. rol_southern@rta.nsw.gov.au.</p> <p>Where works are undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued.</p> <p><b>Reason:</b> Safe vehicle access to the site.</p>   |
| 24 | <p><b>Car Parking Arrangement</b></p> <p>Prior to the release of the Construction Certificate, detailed car parking plans must be submitted to the Principal Certifier demonstrating the following:</p> <ul style="list-style-type: none"> <li>a) Basement car park entry headroom must comply with the standards, and clearance must be measured to the lowest projection as per Figure 5.3 - AS/NZS 2890.1:2004</li> <li>b) Minimum clearance height must be signposted at the basement entrance</li> <li>c) Small car parking spaces must be clearly designated in accordance with AS/NZS 2890.1:2004</li> <li>d) Parking spaces designated for people with disabilities must maintain a minimum headroom of 2.5m, in accordance with Council's Parking and Access Code.</li> <li>e) Dimensions for accessible spaces at ground floor level must comply with AS/NZS 2890.6:2009.</li> </ul> <p><b>Reason:</b> Safe vehicle parking on site</p>  |
| 25 | <p><b>Traffic Control System for Basement Access</b></p> <p>Prior to the issue of a Construction Certificate, a detailed Traffic Control System Management Plan for basement access must be submitted to and approved by the Principal Certifier. The plan must include:</p> <ul style="list-style-type: none"> <li>a) A full description of the proposed traffic control system (e.g. traffic lights, sensor mechanisms, signal timing, etc.) including specifications of the technology and equipment to be used;</li> <li>b) Functional diagrams or schematics showing how the system will operate under normal conditions, including sensor activations, entry/exit prioritisation and signal coordination;</li> <li>c) Details of system integration and timing to ensure safe, efficient vehicle access to and from the basement;</li> <li>d) Contingency measures to manage traffic movement in the event of system failure (e.g. manual control protocols, signage, on-site traffic management procedures);</li> <li>e) Ongoing system maintenance procedures, inspection frequencies, and contact details for the responsible service provider or site manager.</li> </ul> <p>The system must be designed and implemented in a way that ensures safe and efficient movement of vehicles without creating traffic conflicts or delays, particularly during peak periods.</p> <p><b>Reason:</b> Vehicle safety entering the site.</p> |



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| 26 | <p><b>Vehicle manoeuvring</b></p> <p>The Principal Certifier shall ascertain that any new element in the basement and ground floor carpark not illustrated on the approved plans such as columns, doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.</p> <p><b>Reason:</b> Functionality of basement carpark.</p>   |
| 27 | <p><b>Number of Car Spaces</b></p> <p>Prior to the issue of a Construction Certificate submission to and approval by Council of plans showing a minimum of 29 car spaces provided for the development, comprising 24 residential spaces and 5 retail spaces. At least 4 of these spaces are to be made available for disabled persons and are to be located in close proximity to the entry of the building. At least 3 of these spaces are to be made available for the affordable housing component (as per the SEPP Housing 2021) for the period of time required to be dedicated as affordable housing under this consent.</p> <p>One (1) loading bay is to be provided capable of accommodating a B99 Vehicle.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.03]</p>  |
| 28 | <p><b>Payment of Building &amp; Construction Industry Levy</b></p> <p>Before the issue of the Construction Certificate, the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation under the <i>Building and Construction Industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier. The levy rate is 0.25% of the cost of building and construction works of \$250,000 or more (incl GST).</p> <p><b>Reason:</b> To ensure the developer complies with NSW legislative requirements. [2.03]</p>  |
| 29 | <p><b>Acoustic Report</b></p> <p>The construction certificate documentation is to incorporate the recommendations of the Acoustic Report prepared by Acouras Consulting, Ref SYD2024-1096-R001B dated 12/09/2024 and subsequent advice reference No SYD2024-1096-R002B dated 6 February 2025 prepared by Acouras Consultancy.</p> <p><b>Reason:</b> To protect the amenity of the local area and residents of the building. [20.06]</p>   |
| 30 | <p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be provided and provided to the Certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a) The location and materials for protective fencing and hoardings on the perimeter of the site</li> <li>b) Provisions for public safety</li> <li>c) Pedestrian and vehicular site access points and construction activity zones</li> <li>d) Details of construction traffic management, including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site</li> <li>ii. Estimate frequency of truck movements and</li> <li>iii. Measures to ensure pedestrian safety near the site</li> </ul> </li> <li>e) Details of bulk earthworks to be carried out</li> <li>f) The location of site storage areas and sheds</li> </ul> |

|                                     | <p>g) The equipment used to carry out works</p> <p>h) The location of temporary toilets</p> <p>i) Dust, noise and vibration control measures</p> <p>j) The location of temporary toilets</p> <p>k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</p> <p>i. AS4970 - Protection of trees on Development sites</p> <p>ii. An applicable Development Control Plan</p> <p>iii. An arborist’s report approved as part of this consent.</p> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction. [23.14]</p>   |                        |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
|-------------------------------------|--|------------------------|--------------------------------|------------------------|-------|---------------------------|----------|----------|--|------------------------|----------|----------|--|----------------|------------|------------|--|---------------------|----------|----------|--|------------|----------|----------|--|--------|----------|---------|--|-------------------------------------|----------|---------|--|--|-------------------|------------------|--|-----------------|-------------------|-------------------|--|--------------|--------------------|--------------------|---------------------|
| 31                                  | <p><b>Adaptable Units</b> Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier’s satisfaction, that five (5) of the units in the development are adaptable dwellings and comply with the provisions of AS 4299 Adaptable Housing Standards.</p> <p><b>Reason:</b> To ensure adaptable units are designed in accordance with the Australian Standard. [23.27]</p>  |                        |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| 32                                  | <p><b>Payment of Section 7.11 Contributions - Development</b></p> <p>Before the issue of a construction certificate, the applicant must pay the following contributions to Council for:</p> <p><b>Southern District</b></p> <table><tr><th>Facility</th><th>Per lot or 3+ bedroom dwelling</th><th>Per 2 bedroom dwelling</th><th>Total</th></tr><tr><td>Open Space and Recreation</td><td>\$511.15</td><td>\$292.05</td><td></td></tr><tr><td>Community and Cultural</td><td>\$441.25</td><td>\$252.15</td><td></td></tr><tr><td>Arterial Roads</td><td>\$5,326.35</td><td>\$3,043.65</td><td></td></tr><tr><td>Paths and Cycleways</td><td>\$661.55</td><td>\$378.05</td><td></td></tr><tr><td>Stormwater</td><td>\$525.00</td><td>\$300.00</td><td></td></tr><tr><td>Marine</td><td>\$117.70</td><td>\$67.25</td><td></td></tr><tr><td>Plan Preparation and Administration</td><td>\$113.75</td><td>\$65.00</td><td></td></tr><tr><td></td><td><b>X 10 Units</b></td><td><b>X 6 Units</b></td><td></td></tr><tr><td><b>Per Unit</b></td><td><b>\$7,882.95</b></td><td><b>\$4,504.55</b></td><td></td></tr><tr><td><b>Total</b></td><td><b>\$78,829.50</b></td><td><b>\$27,027.30</b></td><td><b>\$105,856.80</b></td></tr></table> <p>The total contribution payable to Council as identified above is calculated at the date of this consent, in accordance with the Eurobodalla Local Infrastructure Contributions Plan 2022.</p> <p>The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Eurobodalla Local Infrastructure Contributions Plan 2022.</p> | Facility               | Per lot or 3+ bedroom dwelling | Per 2 bedroom dwelling | Total | Open Space and Recreation | \$511.15 | \$292.05 |  | Community and Cultural | \$441.25 | \$252.15 |  | Arterial Roads | \$5,326.35 | \$3,043.65 |  | Paths and Cycleways | \$661.55 | \$378.05 |  | Stormwater | \$525.00 | \$300.00 |  | Marine | \$117.70 | \$67.25 |  | Plan Preparation and Administration | \$113.75 | \$65.00 |  |  | <b>X 10 Units</b> | <b>X 6 Units</b> |  | <b>Per Unit</b> | <b>\$7,882.95</b> | <b>\$4,504.55</b> |  | <b>Total</b> | <b>\$78,829.50</b> | <b>\$27,027.30</b> | <b>\$105,856.80</b> |
| Facility                            | Per lot or 3+ bedroom dwelling   | Per 2 bedroom dwelling | Total                          |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Open Space and Recreation           | \$511.15   | \$292.05               |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Community and Cultural              | \$441.25   | \$252.15               |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Arterial Roads                      | \$5,326.35   | \$3,043.65             |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Paths and Cycleways                 | \$661.55   | \$378.05               |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Stormwater                          | \$525.00   | \$300.00               |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Marine                              | \$117.70   | \$67.25                |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| Plan Preparation and Administration | \$113.75   | \$65.00                |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
|                                     | <b>X 10 Units</b>  | <b>X 6 Units</b>       |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| <b>Per Unit</b>                     | <b>\$7,882.95</b>  | <b>\$4,504.55</b>      |                                |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |
| <b>Total</b>                        | <b>\$78,829.50</b>   | <b>\$27,027.30</b>     | <b>\$105,856.80</b>            |                        |       |                           |          |          |  |                        |          |          |  |                |            |            |  |                     |          |          |  |            |          |          |  |        |          |         |  |                                     |          |         |  |  |                   |                  |  |                 |                   |                   |  |              |                    |                    |                     |

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|    | <p>A copy of the Contributions Plan is available for inspection at the Eurobodalla Shire Office, Vulcan St, Moruya or can be viewed on Council's website.</p> <p><b>Reason:</b> To address the increased demand for regional infrastructure resulting from the approved development. [3.07]</p>   |
| 33 | <p><b>Water/Sewer Developer Contributions - Development</b></p> <p>Before the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:</p> <p>a) \$113,955 (14.2 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$8,025.</p> <p>b) \$91,146.25 (17.75 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$5,135.</p> <p>The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifier before the issue of the Construction Certificate.</p> <p><b>Note:</b> <i>The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid before each stage of the development.</i></p> <p><b>Reason:</b> To ensure the development contributes to the increased demand of public amenities and infrastructure services. [3.11a]</p> |
| 34 | <p><b>Building near Sewer</b></p> <p>Before the issue of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footing adjacent to Council's sewer main. The design is to be consistent with Council's Policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council Policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.05]</p>   |
| 35 | <p><b>Trade Waste</b></p> <p>A separate application, in accordance with Council's Liquid Trade Waste (LTW) Policy, is to be made for the approval of the discharge of liquid trade waste to Council's sewerage system. This is to be submitted to and approved by Council before the issue of the Construction Certificate and is to include details of appropriate liquid trade waste pre-treatment facilities.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.15]</p>   |

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| 36 | <p><b>Ocean/Flood</b></p> <p>Prior to the issue of a Construction Certificate, the applicant must submit plans certified by a suitably qualified and experienced Structural/Civil Engineer to the satisfaction of the Principal Certifier showing:</p> <ul style="list-style-type: none"> <li>a) The development is capable of withstanding flood/ocean hazard impacts applicable to the site location and</li> <li>b) The basement tanking and flood-resistant roller shutters are adequately detailed and clearly shown on the certified plans</li> </ul> <p>The applicable flood planning level for the development is Commercial - 2.75m AHD, Residential - 2.95m AHD.</p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land. [7.04]</p>   |
| 37 | <p><b>Flood</b></p> <p>Before the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifier showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".</p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land. [7.05]</p>  |
| 38 | <p><b>Flood Action Plan</b></p> <p>Prior to the issue of a Construction Certificate, a site-specific Flood Emergency Response Plan, prepared by a suitably qualified engineer is to be submitted to and approved by the principal certifier. Evidence of implementation of the Flood Emergency Response Plan is necessary prior to the occupation of commencement of operations. The Flood Emergency Response Plan is to include an Emergency Plan available from the NSW State Emergency Service (SES) Website. The site-specific Flood Response Plan is to include but not be limited to:</p> <ul style="list-style-type: none"> <li>a) Property Address</li> <li>b) Local Emergency Contact Numbers</li> <li>c) Local Radio Stations for Emergency Warnings</li> <li>d) Bureau of Meteorology Website for Emergency Warnings</li> <li>e) Approximate Site Levels for occupants to determine flood severity</li> <li>f) Flood trigger levels, flood alarm messaging and method of delivery of flood alarm messaging to residents</li> <li>g) Evacuation Procedures and evacuation Maps</li> <li>h) A building evacuation plan</li> <li>i) Location of SES Emergency Plan</li> <li>j) Location and Contents of Emergency Kit as per SES Emergency Plan.</li> </ul> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [7.15]</p> |

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| 39                                    | <p><b>Dilapidation report</b></p> <p>A Structural Report detailing the existing condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The Report shall be submitted, for acceptance by Principal Certifier, prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report. [23.07]</p>  |
| 40                                    | <p><b>Awnings over public road</b></p> <p>The granting of development consent does not provide a right of occupation of the Public Road (ie awning/verandah/balcony). The use of the awning (located over road reserve) requires approval under S149 of the Roads Act 1993.</p> <p>Application must be made to the Council Property section for an easement. Fees and charges will apply in accordance with the adopted fees and charges prevailing at the time. The design of awnings (under s138 Awnings over public road/easements/s) is to be submitted to the satisfaction of Council (roads authority) including structural details / maintenance and access for maintenance.</p> <p>Documentary evidence from the relevant authority must be submitted to the Principal Certifying Authority validating that the process of obtaining approval has been initiated prior to obtaining a Construction Certificate.</p> <p><i>Note: section 142(1) of the Roads Act 1993 requires that a person who has a right to the control, use or benefit of a structure in, on or over a public road (which includes a footway), must maintain the structure in a satisfactory state of repair.</i></p> <p><b>Reason:</b> To ensure proper management of assets.</p> |
| <b>PRIOR TO COMMENCEMENT OF WORKS</b> |  |
| 41                                    | <p><b>Erosion and Sedimentation Control</b></p> <p>Before any site work commences, the Principal 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 bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p><b>Reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. [11.13]</p>   |
| 42                                    | <p><b>Imported Fill</b></p> <p>Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Principal Certifier. The fill is to be certified as virgin excavated natural material (VENM) of similar material to the existing soil type on the land, and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.15]</p>   |

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| 43 | <p><b><i>Erosion and Sediment Controls - Installation</i></b></p> <p>The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:</p> <ul style="list-style-type: none"> <li>a) The Soil and Water Management Plan if required under this consent</li> <li>b) "Do it Right On Site, Soil and Water Management for the Construction Industry" published by the Southern Sydney Regional Organisation of Councils, 2001 and</li> <li>c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</li> </ul> <p>Where there is any conflict, The Blue Book takes precedence.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.20]</p>  |
| 44 | <p><b><i>Construction Certificate</i></b></p> <p>The construction works subject of this development consent <b>MUST NOT</b> be commenced until:</p> <ul style="list-style-type: none"> <li>(a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by: <ul style="list-style-type: none"> <li>(i) the Council, or</li> <li>(ii) a registered certifier, and</li> </ul> </li> <li>(b) The person having the benefit of the development consent: <ul style="list-style-type: none"> <li>(i) has appointed a Principal Certifier, and</li> <li>(ii) has notified the Council of the appointment, and</li> </ul> </li> <li>(c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and</li> <li>(d) Builders name and licence number has been supplied to Council or the Principal Certifier; and</li> <li>(e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; or</li> <li>(f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and</li> <li>(g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) &amp; (3) of the EP &amp; A Regulations being the name, address and telephone number of the Principal Certifier for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.</li> </ul> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.06]</p> |
| 45 | <p><b><i>Site Waste Management</i></b></p> <p>A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.</p>   |

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|                            | <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [22.01]</p>   |
| 46                         | <p><b><i>Application for Hoardings &amp; Scaffolding</i></b></p> <p>A separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include:</p> <ul style="list-style-type: none"> <li>(a) Architectural, construction and structural details of the design;</li> <li>(b) Structural certification prepared and signed by a suitably qualified practicing Structural Engineer;</li> <li>(c) Compliance with WorkCover requirements.</li> </ul> <p>The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and Structural Certification shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.23]</p> |
| 47                         | <p><b><i>Unexpected Finds – Contamination</i></b></p> <p>In accordance with the recommendations of the Phase 1 Contamination Report, dated 12/08/2025 prepared by Neo Consulting, a site specific 'Unexpected Finds Protocol' is to be prepared and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.</p> <p><b>Reason:</b> Protection of human health.</p>  |
| <b>DURING CONSTRUCTION</b> |   |
| 48                         | <p><b><i>Loading and Unloading of Construction Vehicles</i></b></p> <p>All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [0131]</p>   |
| 49                         | <p><b><i>Responsibility for Changes to public infrastructure</i></b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Reason:</b> To ensure payment of approved changes to public infrastructure. [0210]</p>   |
| 50                         | <p><b><i>Movement of Trucks Transporting Waste Material</i></b></p> <p>The Applicant shall notify TFNSW and the Council of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.</p> <p><b>Reason:</b> Road safety.</p>  |
| 51                         | <p><b><i>Shoring and Adequacy of Adjoining Property</i></b></p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development</p>   |

PER25/016 DA0127/25 - SHOP TOP HOUSING - 82 PRINCES HIGHWAY NAROOMA

ATTACHMENT 1 ATTACHMENT 1 - CONDITIONS OF CONSENT

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|    | <p>consent must, at the person's own expense:</p> <p>(a) Protect and support the adjoining premises from possible damage from the excavation, and</p> <p>(b) Where necessary, underpin the adjoining premises to prevent any such damage.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.04]</p>  |
| 52 | <p><b><i>Spoil Removal</i></b></p> <p>No spoil to be deposited on public roads during the cartage of materials from or to the site. The deposition spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.12]</p>  |
| 53 | <p><b><i>Public Way to be Unobstructed</i></b></p> <p>The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.10]</p>   |
| 54 | <p><b><i>Use of Mobile Cranes</i></b></p> <p>The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. For special operations including the delivery of materials, hoisting of plant and equipment, and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council: at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions and at least four (4) weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.</p> <p>The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.11]</p> |
| 55 | <p><b><i>Approved Plans to be On-Site</i></b></p> <p>A copy of the consent, the approved and certified plans, specifications and documents shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.</p> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the conditions of approval and complies with legislative requirements and Council policy. [2.22]</p>   |
| 56 | <p><b><i>Construction Hours - NOISE</i></b></p> <p>Site work must only be carried out between the following times:</p> <ul style="list-style-type: none"> <li>• from 7am to 6pm on Monday to Friday</li> <li>• from 8am to 1pm on Saturday</li> <li>• No work on Sundays or public holidays</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an</p>   |



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|   | <p>emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Reason:</b> To protect the amenity of the surrounding area. [20.01]</p>   |
| 57  | <p><b>Surveys by a registered surveyor</b></p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> <li>a) all footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>b) at other stages of construction - any marks that are required by the principal certifier.</li> </ul> <p><b>Reason:</b> To ensure buildings are sited and positioned in the approved location. [23.05]</p>   |
| 58  | <p><b>Awning</b></p> <p>If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [23.15]</p>   |
| 59  | <p><b>Implementation of BASIX commitments</b></p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.26]</p>   |
| 60  | <p><b>Floor Level</b></p> <p>The minimum floor level of the habitable areas/rooms shall be at or above 2.75m AHD. The Principal Certifier is to ensure this level is certified by registered land surveyor before the structure proceeding past the nominated level.</p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land. [7.09]</p>   |
| <b>PRIOR TO OCCUPATION OR COMMENCEMENT OF USE</b> |  |
| 61  | <p><b>Completion of public utility services</b></p> <p>Before the issue of the relevant occupation 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.</p> <p><b>Reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. [0209]</p> |
| 62  | <p><b>Agreement with a Registered Community Housing Provider</b></p> <p>Prior to the issue of any occupation certificate, evidence of an agreement with a registered community housing provider for the management of the affordable housing component under SEPP Housing 2021, being Units Numbered U201, U207, U301 and U302, must be given to the Registrar of Community Housing, including the name of the registered community housing provider. Evidence that the above has been undertaken is</p>   |

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|    | <p>to be provided to Council and the Principal Certifier prior to the issue of an Occupation Certificate.</p> <p><b>Reason:</b> To ensure satisfactory management of the affordable housing component and comply with Clause 82 of the Environmental Planning and Assessment Regulations 2021.</p>  |
| 63 | <p><b><i>Restriction on Use as Affordable Housing under SEPP Housing 2021</i></b></p> <p>Prior to the issue of any Occupation Certificate a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the affordable housing component of the development under SEPP Housing 2021, being Units Numbered U201, U207, U301 and U302, requiring that:</p> <ul style="list-style-type: none"> <li>a) the affordable housing component must be used for affordable housing for a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates; and</li> <li>b) the affordable housing component must be managed by a registered community housing provider for a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.</li> </ul> <p>The terms of the restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed Council's delegate prior to lodgement with the NSW Land Registry Services. Council shall be nominated as the authority to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the restriction as to user is to be submitted to Council. Evidence shall be provided to the Certifying Authority and Council demonstrating compliance with the above prior to the issue of any occupation certificate.</p> <p><b>Reason:</b> To ensure compliance with Clause 82 of the Environmental Planning and Assessment Regulations 2021.</p> |
| 64 | <p><b><i>Affordable Housing - Fittings and Finishes</i></b></p> <p>Prior to the issue of an Occupation Certificate, evidence is to be provided to the Principal Certifier demonstrating the proposed internal fittings, finishes and services are at the same standard as other dwellings within the development. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.</p> <p><b>Reason:</b> To ensure a high standard of affordable housing.</p>  |
| 65 | <p><b><i>Road Damage</i></b></p> <p>The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.15]</p>  |

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| 66 | <p><b>Entry and Exit Signs</b></p> <p>Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway to the public. Signs to be erected prior to issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [14.29]</p>   |
| 67 | <p><b>Car Park Signage</b></p> <p>Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [14.34]</p>   |
| 68 | <p><b>Flood Emergency Response Plan</b></p> <p>Prior to the issue of any Occupation Certificate the Final Flood Emergency Detailed Response Plan (outlining flood trigger levels, flood alarm messaging and methods for delivery of flood alarm messaging to residents, building evacuation plan) recommendations and requirements for flood mitigation and management as outlined as required by the report must be installed, completed and operational with documentary evidence submitted to the satisfaction of the Principal Certifier.</p> <p><b>Reason:</b> Flood mitigation and safety</p>   |
| 69 | <p><b>Completion of work under section 68</b></p> <p>Prior to the issue of any Occupation Certificate all requirements of the Section 68 (Local Government Act 1993) approval required by this consent are to be completed to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure work on public land is completed to the required standard</p>  |
| 70 | <p><b>Completion of work under Section 138</b></p> <p>Prior to the issue of any Occupation Certificate all requirements of the Section 138/139 (Roads Act 1993) approval required by this consent are to be completed to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure work on public land is completed to the required standard</p>   |
| 71 | <p><b>Traffic Control System</b></p> <p>The traffic control system must be fully operational prior to the occupation or use of the basement car park.</p> <p><b>Reason:</b> To ensure basement entry operates safely.</p>   |
| 72 | <p><b>Structural Dilapidation – Post Construction</b></p> <p>Prior to the release of any occupation certificate, the applicant must submit to the Principal Certifier and Council a report prepared by a suitably qualified Structural Engineer that demonstrates the post construction condition of the buildings, roads and infrastructure assessed prior to construction in accordance with condition the conditions of this consent. This report must detail if there has been any structural damage which has occurred as a result of construction activities. Any remediation or rectification works as determined by the report must be completed with satisfactory evidence provided prior to the issue of any Occupation Certificate.</p> <p>Note: All rectification works are at the expense of the developer.</p> <p><b>Reason:</b> Protection of public and private property.</p> |

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| 73 | <p><b><i>Completion of landscape and tree works</i></b></p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p><b>Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s). [16.04]</p>  |
| 74 | <p><b><i>Occupation Certificate</i></b></p> <p>The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifier.</p> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.14]</p>  |
| 75 | <p><b><i>Acoustic Certification</i></b></p> <p>Prior to issue of any Occupation Certificate for the development, certification shall be obtained from an acoustic consultant confirming development has been constructed with the acoustic treatment referred to in the Acoustic Report approved under Condition 1 of this consent.</p> <p><b>Reason:</b> To protect the amenity of the occupants of the building and surrounding lands. [20.10]</p>   |
| 76 | <p><b><i>Adaptable Housing</i></b></p> <p>The Principal Certifier is to ensure prior to the issue of any Occupation Certificate that five residential units are compliant with the requirements of AS4299-Adaptable Housing.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.28]</p>  |
| 77 | <p><b><i>Works as Executed Plans and any other Documentary Evidence</i></b></p> <p>Before the issue of the Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <ul style="list-style-type: none"> <li>a) Stormwater drainage systems and storage system;</li> <li>b) Upgrade for the laneway;</li> <li>c) Remediation works clearance if required following any unexpected finds.</li> <li>d) Construction of affordable housing units to the require standards.</li> </ul> <p>The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p> <p><b>Reason:</b> To confirm the location of works once constructed that will become Council assets. [6.06]</p> |
| 78 | <p><b><i>Fire Safety Certificate</i></b></p> <p>A Fire Safety Certificate shall be furnished to the Registered Certifier for all the “Essential Fire or Other Safety Measures” forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the Registered Certifier prior to issue of an Occupation Certificate.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [8.01]</p>  |

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| 79 | <p><b><i>Management of Affordable Housing Component</i></b></p> <p>For the component of the development that is designated as affordable housing under the State Environmental Planning Policy (Housing) 2021, being Units U201, U207, U301 and U302, the following requirements are to be met 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relate:</p> <ul style="list-style-type: none"> <li>(a) the affordable housing component must be used for affordable housing, and</li> <li>(b) the affordable housing component must be managed by a registered community housing provider, and</li> <li>(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and</li> <li>(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.</li> </ul> <p><b>Reason:</b> To ensure ongoing management of the affordable housing for the required 15 year period under Clause 82 of the Environmental Planning and Assessment Regulations 2021.</p> |
| 80 | <p><b><i>Landscape Maintenance</i></b></p> <p>The following ongoing conditions apply to landscaping:</p> <ul style="list-style-type: none"> <li>a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.</li> <li>b) trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.</li> <li>c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.</li> <li>d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.</li> <li>e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.</li> </ul> <p><b>Reason:</b> To maintain local environmental amenity.</p>   |
| 81 | <p><b><i>Hours of Operation – Commercial Premises</i></b></p> <p>The hours of operation for the commercial premises are as follows:</p> <ul style="list-style-type: none"> <li>- Monday to Saturday: 7:00am to 10:00pm; and</li> <li>- Sunday and Public Holidays: 7:00am to 9:00pm</li> </ul> <p><b>Reason:</b> Amenity of surrounding lands.</p>  |

**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 determination (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 Eurobodalla Shire Council.

**Court** means the Land and Environment Court of NSW.

**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.

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ATTACHMENT 1 ATTACHMENT 1 - CONDITIONS OF CONSENT

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**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Southern Regional Planning Panel.[Title]



## Appendix 2 – Residential Apartment Design Guideline

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP (Housing) 2021.

| Development Control                     | Criteria / Guideline   | Comments   |                    |                                 |                             |   |    |   |    |              |    |  |
|---|--|--|--------------------|---------------------------------|-----------------------------|---|----|---|----|--------------|----|--|
| <b>Part 3 Siting the Development</b>    |  |  |                    |                                 |                             |   |    |   |    |              |    |  |
| <b>Site Analysis</b>                    | Does the development relate well to its context and is it sited appropriately?   | <b>Yes</b> – Site analysis provided.   |                    |                                 |                             |   |    |   |    |              |    |  |
| <b>Orientation</b>                      | Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?  | <b>Yes</b> – Subject to demonstrated compliance with solar access. Orientation does not result in an unreasonable impact on surrounding sites. |                    |                                 |                             |   |    |   |    |              |    |  |
| <b>Public Domain Interface</b>          | Does the development transition well between the private and public domain without compromising safety and security?<br><br>Is the amenity of the public domain retained and enhanced?   | <b>Yes</b> – Shop top housing development with all apartments elevated above footpath level. Separate residential lobby provided.              |                    |                                 |                             |   |    |   |    |              |    |  |
| <b>Communal and Public Open Space</b>   | Appropriate communal open space is to be provided as follows:<br><br>1. Communal open space has a minimum area equal to 25% of the site<br>2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)   | <b>Yes</b> – 48.9% of the site is communal open space provided on the roof top. The COS will receive at least 3 hours sunlight.                |                    |                                 |                             |   |    |   |    |              |    |  |
| <b>Deep Soil Zones</b>                  | Deep soil zones are to meet the following minimum requirements:<br><br><table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td><td>-</td><td rowspan="3">7%</td></tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td><td>3m</td></tr> <tr> <td>Greater than</td><td>6m</td></tr> </tbody> </table> | Site area  | Minimum dimensions | Deep soil zone (% of site area) | Less than 650m <sup>2</sup> | - | 7% | 650m <sup>2</sup> – 1,500m <sup>2</sup> | 3m | Greater than | 6m | <b>N/A</b> – The design guidelines state the deep soil criteria may not be possible on some sites, including in centres.<br><br>This is the case with the subject site that deep soil is not provided given the ground |
| Site area                               | Minimum dimensions   | Deep soil zone (% of site area)  |                    |                                 |                             |   |    |   |    |              |    |  |
| Less than 650m <sup>2</sup>             | -  | 7%   |                    |                                 |                             |   |    |   |    |              |    |  |
| 650m <sup>2</sup> – 1,500m <sup>2</sup> | 3m   |  |                    |                                 |                             |   |    |   |    |              |    |  |
| Greater than                            | 6m   |  |                    |                                 |                             |   |    |   |    |              |    |  |

|   | <table> <tr> <td>1,500m<sup>2</sup></td><td></td><td></td></tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td><td></td></tr> </table>   | 1,500m <sup>2</sup>   |                               |                     | Greater than 1,500m <sup>2</sup> with significant existing tree cover | 6m |    | <p>floor commercial area provided at ground level and the location in a centre.</p> <p>Appropriate alternate stormwater solutions have been provided to water quality/quantity.</p> |    |      |                       |     |    |   |
|---|--|---|-------------------------------|---------------------|---|----|----|---|----|------|-----------------------|-----|----|---|
| 1,500m <sup>2</sup>   |  |   |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| Greater than 1,500m <sup>2</sup> with significant existing tree cover | 6m   |   |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| <b>Visual Privacy</b>   | <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table> <p><b>Note:</b> Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> <p><b>*Note</b> – Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping</p> | Building height   | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys)   | 6m | 3m | Up to 25m (5-8 storeys)   | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | <p><b>Yes</b> – Building separation is appropriate to retain visual privacy to adjoining properties.</p> <p>NW – Nil setback with no windows to adjoining commercial building.</p> <p>SW – The public road allows over 9m separation to the adjoining residential property which is zoned R3. Two balconies on the upper floor only setback 9m. SW façade has opaque windows to assist privacy.</p> <p>North, NE and SE facades adjoin the street and do not result in privacy impacts.</p> |
| Building height   | Habitable rooms and balconies  | Non-habitable rooms   |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| Up to 12m (4 storeys)   | 6m   | 3m  |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| Up to 25m (5-8 storeys)   | 9m   | 4.5m  |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| Over 25m (9+ storeys)   | 12m  | 6m  |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| <b>Pedestrian Access and entries</b>                                  | <p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>   | <p><b>Yes</b> – Residential lobby well defined on the corner.</p> |                               |                     |   |    |    |   |    |      |                       |     |    |   |
| <b>Vehicle Access</b>   | <p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between</p>  | <p><b>Yes</b> – Council's engineer is</p>                         |                               |                     |   |    |    |   |    |      |                       |     |    |   |

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|                                      | pedestrians and vehicles and create high quality streetscapes?   | satisfied following additional information to resolve vehicular conflicts.  |
| <b>Bicycle and Car Parking</b>       | <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>- On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>- On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised</p> | <p><b>N/A</b> - The site is not located within a nominated regional centre and is not within the Sydney Metropolitan area.</p> <p>As such, the parking rates within the EDCP or as prescribed by the affordable housing standards in Chapter 2 of SEPP Housing Apply.</p> |
| <b>Part 4 Designing the Building</b> |  |   |
| <b>Amenity</b>                       |  |   |
| <b>Solar and Daylight Access</b>     | <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> <li>- Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</li> <li>- In all other areas (including Eurobodalla), living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</li> </ul>  | <b>See detailed assessment below</b>  |
|                                      | <p><b>Detailed Solar Assessment</b><br/>15 Units / 70% receiving 3 hours between 9am and 3pm is the ADG requirement.</p> <p>11 UNITS or 55% receive 3 hours sun from 9 am to 3pm<br/>15 UNITS or 75% receive 3 hours sun from 8 am to 4pm</p>  |   |

|                     | <p>13 UNITS or 65% receive 3 hours sun from 9 am to 3pm with sky lights included</p> <p>Given the southern orientation of the site it is an acceptable outcome that the 3 hours solar access is gained between 8am to 4pm, which results in 15 units or 77% achieving this requirement, along with 65% of the units receiving 3 hours when including the skylines on the top level. The ADG is to be applied as a guide and flexibility may be applied given the two street frontages are predominantly facing the southern corner and it is necessary to have units facing the street to activate the street frontage. Furthermore, the roof communal open space will receive sunlight all day and provides a generous area for additional solar access.</p> |  |                        |  |                 |      |               |      |                         |  |              |   |
|---------------------|---|--|------------------------|--|-----------------|------|---------------|------|-------------------------|--|--------------|---|
|                     | <p>- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>   | Complies – See below.  |                        |  |                 |      |               |      |                         |  |              |   |
|                     | <p>20 UNITS / 20 UNITS or 100% receive minimum 15 minutes from 8 am to 4 pm<br/>17 UNITS / 20 UNITS or 85% receive minimum 15 minutes from 9 am to 3 pm</p> <p>Compliant with the minimum.</p>  |  |                        |  |                 |      |               |      |                         |  |              |   |
| Natural Ventilation | <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <p>- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>  | <p><b>Yes</b> – 13 of 20 are cross ventilated which is 65%.</p>  |                        |  |                 |      |               |      |                         |  |              |   |
|                     | <p>- Overall depth of a cross-over or cross- through apartment must not exceed 18m, measured glass line to glass line.</p>  | <p><b>Yes</b> – Max overall depth of cross through apartments 16m.</p>   |                        |  |                 |      |               |      |                         |  |              |   |
| Ceiling Heights     | <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>   |  |                        |  |                 |      |               |      |                         |  |              |   |
|                     | <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor<br/>2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr></table>  |  | Minimum ceiling height |  | Habitable rooms | 2.7m | Non-habitable | 2.4m | For 2 storey apartments | 2.7m for main living area floor<br>2.4m for second floor, where its area does not exceed 50% of the apartment area | Attic spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope |
|                     | Minimum ceiling height  |  |                        |  |                 |      |               |      |                         |  |              |   |
|                     | Habitable rooms   | 2.7m   |                        |  |                 |      |               |      |                         |  |              |   |
|                     | Non-habitable   | 2.4m   |                        |  |                 |      |               |      |                         |  |              |   |
|                     | For 2 storey apartments   | 2.7m for main living area floor<br>2.4m for second floor, where its area does not exceed 50% of the apartment area |                        |  |                 |      |               |      |                         |  |              |   |
| Attic spaces        | 1.8m at edge of room with a 30 degree minimum ceiling slope   |  |                        |  |                 |      |               |      |                         |  |              |   |
|                     |   | <p><b>Yes</b> – 2.7m for habitable, 2.4m bathrooms and retail 3.8m ground floor.</p>                               |                        |  |                 |      |               |      |                         |  |              |   |
|                     |   |  |                        |  |                 |      |               |      |                         |  |              |   |
|                     |   |  |                        |  |                 |      |               |      |                         |  |              |   |
|                     |   |  |                        |  |                 |      |               |      |                         |  |              |   |

|  | If located in mixed used areas   | 3.3m for ground and first floor to promote future flexibility of use |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|--|--|--|---|---|----------------|-----------------------|--------|------------------|-----------|------------------|-----------|------------------|-----------|------------------|
| <b>Apartment Layout and Size</b>   | Apartments are required to have the following minimum internal areas:  |  |   | <b>Yes</b> – All two bedroom and 3 bedrooms meet minimum size.                      |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table> |  |   |   | Apartment type | Minimum internal area | Studio | 35m <sup>2</sup> | 1 bedroom | 50m <sup>2</sup> | 2 bedroom | 70m <sup>2</sup> | 3 bedroom | 90m <sup>2</sup> |
|  | Apartment type   | Minimum internal area  |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | Studio   | 35m <sup>2</sup>   |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | 1 bedroom  | 50m <sup>2</sup>   |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | 2 bedroom  | 70m <sup>2</sup>   |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | 3 bedroom  | 90m <sup>2</sup>   |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.<br>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.                                |  |   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.   |  |   | <b>Yes</b>  |                |                       |        |                  |           |                  |           |                  |           |                  |
|  | Habitable room depths are limited to a maximum of 2.5 x the ceiling height.  |  |   | <b>Yes</b> - Habitable room depths do not exceed 2.5 x ceiling height (6.75m deep). |                |                       |        |                  |           |                  |           |                  |           |                  |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.                                     |  |  | <b>No, however acceptable on merit</b> – Unit 103/203/303 is 8.25m deep. However, acceptable given north orientation which provides high amenity. |   |                |                       |        |                  |           |                  |           |                  |           |                  |
| Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).   |  |  | <b>Yes</b> - Bedrooms comply  |   |                |                       |        |                  |           |                  |           |                  |           |                  |
| Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension. |  |  | <b>Yes</b> - Bedrooms comply  |   |                |                       |        |                  |           |                  |           |                  |           |                  |
| Living rooms or combined living/dining rooms have a minimum width of:<br>- 3.6m for studio and 1 bedroom apartments<br>- 4m for 2 and 3 bedroom apartments         |  |  | <b>Yes</b> – All living rooms 4m wide minimum   |   |                |                       |        |                  |           |                  |           |                  |           |                  |
| The width of cross-over or cross-through   |  |  | <b>Yes</b> – All living   |   |                |                       |        |                  |           |                  |           |                  |           |                  |

|   | apartments are at least 4m internally to avoid deep narrow apartment layouts   | rooms 4m wide minimum   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|---|--|---|---------------------|---------------------|-------------------|-------------------|----------------------|-----|----------------------|-----------------|-----------------------|----------------------|------------------|----|-----------------------|------------------|------|
| Private Open Space and Balconies  | All apartments are required to have primary balconies as follows:  | Yes – All balconies meet minimum dimensions   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table> |   | Dwelling Type       | Minimum Area        | Minimum Depth     | Studio apartments | 4m <sup>2</sup>      | -   | 1 bedroom apartments | 8m <sup>2</sup> | 2m                    | 2 bedroom apartments | 10m <sup>2</sup> | 2m | 3+ bedroom apartments | 12m <sup>2</sup> | 2.4m |
|   | Dwelling Type  |   | Minimum Area        | Minimum Depth       |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | Studio apartments  |   | 4m <sup>2</sup>     | -                   |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | 1 bedroom apartments   |   | 8m <sup>2</sup>     | 2m                  |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | 2 bedroom apartments   |   | 10m <sup>2</sup>    | 2m                  |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| 3+ bedroom apartments   | 12m <sup>2</sup>   | 2.4m  |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| The minimum balcony depth to be counted as contributing to the balcony area is 1m |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| Common Circulation and Spaces   | The maximum number of apartments off a circulation core on a single level is eight.  | Yes – Maximum is 7 per floor  |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.  | N/A   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | Daylight and natural ventilation should be provided to all common circulation spaces that are above ground   | Yes – Two windows provided to common circulation space which will ventilate and provide some natural light.   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors   | Yes – Window at each end  |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| Storage   | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:   | Yes – Suitable storage provided split between apartment and basement.   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m2</td></tr><tr><td>1 bedroom apartments</td><td>6m2</td></tr><tr><td>2 bedroom apartments</td><td>8m2</td></tr><tr><td>3+ bedroom apartments</td><td>10m2</td></tr></table>  |   | Dwelling Type       | Storage size volume | Studio apartments | 4m2               | 1 bedroom apartments | 6m2 | 2 bedroom apartments | 8m2             | 3+ bedroom apartments | 10m2                 |                  |    |                       |                  |      |
|   | Dwelling Type  |   | Storage size volume |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | Studio apartments  |   | 4m2                 |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | 1 bedroom apartments   |   | 6m2                 |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   | 2 bedroom apartments   |   | 8m2                 |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| 3+ bedroom apartments   | 10m2   |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| At least 50% of the required storage is to be located within the apartment.       |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
|   |  |   |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |
| Acoustic Privacy  | Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.  | Yes - Units 103/203/303 and 104/204/304 have living room adjoining bedroom. Applicant has provided advice from an acoustic engineer to address any noise conflicts. |                     |                     |                   |                   |                      |     |                      |                 |                       |                      |                  |    |                       |                  |      |

|                         |   | Subject to compliance with the report, acceptable.    |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
|-------------------------|---|---|---|-----------------------|-------------|-------------------------|-----------|-------------|---|-------------------|----------|-------------------------|--------------|---|------------------|----------|-----------------------|
| Noise and Pollution     | Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.   | Yes – Bedrooms are away from corridors.               |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Configuration           |   |   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Apartment Mix           | Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.  | Yes – Mix is suitable for locality.                   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Ground Floor Apartments | Do the ground floor apartments deliver amenity and safety for their residents?  | N/A   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Facades                 | Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.  | Yes   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Roof Design             | Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.<br><br>Can the roof top be used for common open space?<br>This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.  | Yes   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Landscape Design        | Was a landscape plan submitted and does it respond well to the existing site conditions and context.  | Yes   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Planting on Structures  | When planting on structures the following are recommended as minimum standards for a range of plant sizes:  | Yes – Soil depth shown on sections and will condition |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
|                         | <table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m<sup>3</sup></td><td>1,200m m</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m<sup>3</sup></td><td>1,000m m</td><td>6m x 6m or equivalent</td></tr></table> |   | Plant type                                      | Definition            | Soil Volume | Soil Depth              | Soil Area | Large Trees | 12-18m high, up to 16m crown spread at maturity | 150m <sup>3</sup> | 1,200m m | 10m x 10m or equivalent | Medium Trees | 8-12m high, up to 8m crown spread at maturity | 35m <sup>3</sup> | 1,000m m | 6m x 6m or equivalent |
|                         | Plant type  |   | Definition                                      | Soil Volume           | Soil Depth  | Soil Area               |           |             |   |                   |          |                         |              |   |                  |          |                       |
|                         | Large Trees   |   | 12-18m high, up to 16m crown spread at maturity | 150m <sup>3</sup>     | 1,200m m    | 10m x 10m or equivalent |           |             |   |                   |          |                         |              |   |                  |          |                       |
| Medium Trees            | 8-12m high, up to 8m crown spread at maturity   | 35m <sup>3</sup>                                      | 1,000m m  | 6m x 6m or equivalent |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
|                         |   |   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |
|                         |   |   |   |                       |             |                         |           |             |   |                   |          |                         |              |   |                  |          |                       |

|                                   |   |  |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
|-----------------------------------|---|--|--|---------------------------|-------|---------------------------|--------|--|--|-----------|--|--------------|--|--|-----------|--|------|--|--|-------|--|--|
|                                   | <table><tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m<sup>3</sup></td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table> | Small trees  | 6-8m high, up to 4m crown spread at maturity | 9m <sup>3</sup>           | 800mm | 3.5m x 3.5m or equivalent | Shrubs |  |  | 500-600mm |  | Ground Cover |  |  | 300-450mm |  | Turf |  |  | 200mm |  |  |
| Small trees                       | 6-8m high, up to 4m crown spread at maturity  | 9m <sup>3</sup>  | 800mm  | 3.5m x 3.5m or equivalent |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Shrubs                            |   |  | 500-600mm                                    |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Ground Cover                      |   |  | 300-450mm                                    |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Turf                              |   |  | 200mm  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Universal Design                  | Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features   | Yes – Access report provided which demonstrates this is achieved   |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Adaptable Reuse                   | New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.   | N/A  |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Mixed Use                         | Can the development be accessed through public transport and does it positively contribute to the public domain?<br><br>Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.   | Yes  |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Awnings and Signage               | Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.<br><br>Signage must respond to the existing streetscape character and context.   | Yes – Continuous awning proposed   |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Performance                       |   |  |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Energy Efficiency                 | Have the requirements in the BASIX certificate been shown in the submitted plans?   | Yes - BASIX Certificate provided and achieves requirements   |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |
| Water Management and Conservation | Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?  | Yes - Council's engineers have reviewed the proposal with regards to water sensitive urban design and ground water. Rainwater is used to water the |  |                           |       |                           |        |  |  |           |  |              |  |  |           |  |      |  |  |       |  |  |



|                             |  |  |
|-----------------------------|--|--|
|                             |  | gardens. GTA's have been issued by Water NSW for dewatering of the basement during construction. |
| <b>Waste Management</b>     | Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling? | <b>Yes</b> - Waste management plan provided and compliance required as a condition.              |
| <b>Building Maintenance</b> | Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?                                    | <b>Yes</b> - Robust materials have been used to withstand the coastal environment.               |

## DESIGN QUALITY PRINCIPLES - Schedule 9

### Principle 1: Context and Neighbourhood Character

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

Comment: The immediate site context consists of a mixture of commercial buildings, open space, tourist and visitor information and residential dwellings. The proposal is designed to respond to each of these elements by:

- Providing shops facing the Princes Highway to active the frontage
- Setting by the upper level on the south-western side facing the nearest residential properties.
- Utilising materials that are sympathetic to the coastal locality and Narooma Style Guide.

The proposal contributes to the two key requirements of the zone by providing retail shops to activate the commercial precinct and provide well located, high-amenity housing with access to these services.

### Principle 2: Built Form and Scale

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of*

*building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

Comment: The building scale, bulk and height is guided by the Housing SEPP which allows an uplift of 30% building height (or one extra storey) where affordable housing is provided. The main façade of the building and upper-level roof is compliant with the building height, with the exception of the central roof features which have been set back to mitigate visual impacts from the public domain. The scale is appropriate for the location given the corner position and location in the local centre zone.

The proposal uses materials that are in sympathy with the coastal setting and provides a lightweight look and feel to the façade. The shops are well located fronting the Princess Highway to active the street. The upper-level south-western façade has been stepped back in response to the dwellings to the south-west.

### **Principle 3: Density**

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

Comment: The site is within a highly accessible and serviced area within, within walking distance to shops, services and open space. The density of the development is consistent with the envisaged under the E1 Local Centre and the height allowable under the SEPP Housing. The applicant has demonstrated that the satisfactory amenity requirements in terms of unit and balcony size, solar access and cross ventilation in accordance with the ADG. The applicant has used innovative solutions to achieve visual and acoustic privacy between the buildings and surrounding sites through building layout, balcony position and use of obscure windows facing the adjoining dwellings.

### **Principle 4: Sustainability**

*Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.*

Comment: The applicant has demonstrated that the amenity requirements in terms of solar access and cross ventilation have been provided in accordance with the ADG, with flexibility allowed in calculating the solar access between 8am and 3pm given the south facing corner position of the site. The application is accompanied by a BASIX certificate which meets the requirements of the SEPP. The proposal is satisfactory in this regard.

### **Principle 5: Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.*

Comment: The immediate locality is a B2 Local Centre Zone with the majority of the sites built upon with limited landscaping within and around the buildings. There majority of the landscaping is within the Council Road reserve and public open space in the vicinity of the site. However, the development has integrated landscaping within the roof areas to afford amenity for the communal open space. Landscape planting in the road reserve and enhancement is also provided to complement the development. The amount of landscaping is appropriate having regard to the location in the E1 Zone.

#### **Principle 6: Amenity**

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*

Comment: The development has demonstrated that the adjoining residential properties will maintain solar access in accordance with the requirements of the ADG and in some areas. Building separation, window location and obscure glazing has been used to preserve reasonable amenity for the adjoining properties.

In terms of the amenity of the development itself, the proposal meets the minimum criteria under the ADG in terms of size, cross ventilation, Private Open Space and privacy. Solar access is provided to a reasonable level having regard to the south facing corner position of the site. The development provides communal open space on top of the building. The apartments are provided with high levels of amenity with views over the public reserve and inlet (for the upper level).

Overall, the development provides a high level of amenity for the new residential units within the development and preserves reasonable amenity for the adjoining residential properties.

#### **Principle 7: Safety**

*Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.*

*Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

Comment: The application has an acceptable outcome with regards to safety, passive surveillance and delineation of public and private spaces. Good visibility of the street is available from within the building. The entries are well defined to the building to separate private/public use.

#### **Principle 8: Housing Diversity and Social Interaction**

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*

Comment: The development achieves a housing mix with a variety of 2 and 3 bedroom apartments in accordance with the ADG criteria and serves a variety of occupants who wish to live in Narooma. The development provides Adaptable units which account of 25% of the units within the development and 4 of the units are designated as affordable housing.


#### **Principle 9: Aesthetics**

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

Comment: The application is accompanied by a Design Verification Statement in support of the submitted plans explains the merits of the architectural treatment used in the proposal. The statement outlines the variety of architectural methods that have been used to achieve a high-quality outcome for the location, these methods including materiality, recesses in the building and choice of colours. The application is considered to represent a high quality contemporary coastal building which is suitable for the locality in the Narooma Flat area.

APPENDIX A: NAROOMA TOWNSHIP - DCP ASSESSMENT

| DEVELOPMENT CONTROL            | PERF. CRITERIA         | Acceptable Solution   | Satisfactory                        | Not Satisfactory         | Not Applicable                      | COMMENTS   |
|--------------------------------|------------------------|---|-------------------------------------|--------------------------|-------------------------------------|--|
| <b>1.8 Character Statement</b> |                        |   |                                     |                          |                                     |  |
| Precinct                       |                        | B2 Local Centre   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Character statement as follows:<br><br>"The Flat Main Street is to become the main tourist area for the town with a good mix of retail, tourist and permanent accommodation. The Princes Hwy is to remain the commercial, retail and tourist focus for this area. This role will be reinforced with new specialty retail shops, and street and footpath improvements. The Princes Hwy will continue to have small-scale shopfronts, display windows and street access to shops. Parking is to be located centrally within sites behind shops which front the street."<br><br>The proposed development provides high quality permanent accommodation in a well serviced precinct, with small scale shopfronts fronting Princes Highway and parking located at the rear within the building and basement. Proposal is consistent with the character statement. |
|                                |                        | R3 Medium Density Residential Zone  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |  |
|                                |                        | R2 Low Density Residential Zone   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |  |
| <b>2.0 Site Planning</b>       |                        |   |                                     |                          |                                     |  |
| <b>2.1 Siting</b>              |                        |   |                                     |                          |                                     |  |
|                                | <b>All Zones</b>       |   |                                     |                          |                                     |  |
|                                | P1                     | A1.1 Slope <25% & A2. Not a hilltop/ridge   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |  |
|                                |                        | A1.2 Geotechnical report required   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Geotechnical report has been provided and compliance with the report will be a requirement of the conditions.  |
|                                | <b>B2 Local Centre</b> |   |                                     |                          |                                     |  |
|                                | P2                     | A2.1 Max. building depth, front to back 20m   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | The site depth is 27m. The building occupies the footprint of the site when including the carparking. However, the upper levels of the building are 19m deep as to respect the alignment of the adjoining property to the north-west. Similarly, the southern portion of the building is 17.4m deep.<br>  |
|                                |                        | A2.2 Building width, along street frontage is the width of lot.                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Building is width of the lot facing the street.  |
| <b>2.2 Setbacks</b>            |                        |   |                                     |                          |                                     |  |
|                                | <b>B2 Local Centre</b> |   |                                     |                          |                                     |  |
|                                | P1.1                   | A1.1 Front consistent & continuous along street boundary                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Nil setback and continuous frontage provided.  |
|                                |                        | A1.2 0m side boundary setback   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Nil setback to the side boundary provided.   |
|                                | P1.2                   | A1.3 Min. area required to provide car parking, manoeuvring, deliveries and open space. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Parking is provided within the basement and ground floor (back of house) of the ground level.  |

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## ATTACHMENT 3 ATTACHMENT 3 - DCP ASSESSMENT

| R3 Medium Density Residential Zone & R2 – Low Density Residential Zone |   |  |                                     |                                     |  |  |
|--|---|--|-------------------------------------|-------------------------------------|--|--|
| Front Setback  |   |  |                                     |                                     |  |  |
| P2   | A2.1 Dwelling – 20% Avg & no smaller than existing  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A2.2 Neighborhood shops 3m  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A2.3 New Subdivision 5.5m   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A2.4 Garage/Carport 5.5m  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| Side Setback   |   |  |                                     |                                     |  |  |
| P3   | A3 <4.5m – 0.90m, >4.5m – 1.5m<br>>7.5m – 2m (1.5 if adj to R3/B zone)  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A3 Ancillary building <3.8m high (eg shed/gazebo) – 450mm   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | P4  | A4 Rooftop terrace – uncovered, stepped 2m & < build height  | <input type="checkbox"/>            | <input type="checkbox"/>            |  |  |
| Corner Lots  |   |  |                                     |                                     |  |  |
| P5   | A5.1 3m to secondary street   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A5.2 Dual Occ – 20% avg, 3m & adjoining building on side street   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A5.3 Garages/Carports behind dwelling frontage & building line, min 5.5m setback                                      | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| Rear Boundary  |   |  |                                     |                                     |  |  |
| P6   | A6.1 – 3m (except ancillary structure <3.8m in height – 450mm)  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| -  | A6.2 – 450mm sheds, detached garage, no habitable ancillary buildings <3.8m   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| Battle-axe Allotments  |   |  |                                     |                                     |  |  |
| P7   | A7 3m all boundaries (except ancillary str <3.8m high – 450mm)  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| Setback Reserves and Cliffs  |   |  |                                     |                                     |  |  |
| P8   | A8.1 20% average – no less smaller, If no building line 12m, Side boundary – can be <12m if opposite setback complies | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A8.3 Public Open Space 3m   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
|  | A8.3 Cliff – Avg building line or 12m   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |  |
| 2.3 Garages, Carports & Sheds  | P1  | A1 <1.2m forward & <50% of front façade  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P2  | A2.1 <1500m <sup>2</sup> – 60m <sup>2</sup><br>A2.2 American/Quaker Barn not permitted                     | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
| 2.4 Private Open Space   | P1  | A1.1 General (24m <sup>2</sup> , north facing, 1 in 50 slope, behind building line, extension of dwelling) | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | -   | A1.2 2 <sup>nd</sup> dwelling must share POS with 1 <sup>st</sup>  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P2  | A2 GL Only 4m min dimension  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P3.1  | A3 GL & Above 24m <sup>2</sup> dimension 4m min or balcony 10m <sup>2</sup> min dimension 2m               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P3.2  | R3 if POS can't be achieved – Apply communal space   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P4.1  | A4. Above POS balcony SEE DCP  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
|  | P4.2  | R3 Where Communal Open Space can't be achieved   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |  |
| 2.5 Landscaping  |   | Comply with Landscaping Code & Tree Preservation Code  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>   |  |
|  |   | Comply with Tree Preservation Code   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>   |  |
|  | B2 – Local Centre   |  |                                     |                                     |  |  |
| P3   | A3 20% of total site area   | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>            | The ELEG Defines as “ <b>landscaped area</b> means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.”<br><br>Proposal provides 21.55% in the form of planter boxes. Whilst not strictly in accordance with the control, the DCP requires null setbacks to the side and street boundaries. As such, by virtue of the setback controls landscaping in planter boxes is a reasonable response.<br><br>Performance criteria reads:<br>“Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.”<br><br>The landscape planter boxes compliment the built form and street tree planting and landscape works in the road reserve will |  |

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## ATTACHMENT 3 ATTACHMENT 3 - DCP ASSESSMENT

|  |             |   |                                     |                          |                                     |   |
|--|-------------|---|-------------------------------------|--------------------------|-------------------------------------|---|
|  |             |   |                                     |                          |                                     | soften the street presence. Stormwater is managed to Council's engineers' satisfaction and the rooftop planting provides amenity for the occupants. Proposal meets the performance criteria.  |
|  |             | <b>R3 – Medium Density Residential and R2 – Low Density Residential Zones</b>   |                                     |                          |                                     |   |
|  | P3          | A3. R2 – 35% Site, 50% front setback<br>R3 – 20% Site, 50% front setback<br>E4 & R5 – 45% Site, 50% front setback                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 2.6 Parking and Access                   | P1          | A1. Comply with Parking and Access Code   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | See SEPP (Housing) assessment which prevails over DCP parking rates for residential component.<br><br>DCP applies for retail parking. 1 space per 24m <sup>2</sup> required for retail. Total 90m <sup>2</sup> of retail which requires 4 parking spaces. 4 spaces are nominated within the ground floor parking area for retail. |
|  |             | <b>R2 Low Density Residential</b>   |                                     |                          |                                     |   |
|  | P2          | A2 2 Parking spaces, at least one behind the building line<br><del>3m road reserve</del>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 2.7 Safer By Design                      | P1          | A1.1 Main entrance visible, Windows facing street   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|  |             | A1.2 Comply with Safer by Design  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 2.8 Views                                | P1          | A1 building location, roof line, bulk & scale, consider view sharing principles   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 2.9 Signage                              | -           | A1 Comply with Signage Code   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 2.10 Footpath Trading                    |             | A1 Compliance with Footpath Trading Code  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| <b>3.0 Subdivision</b>                   |             |   |                                     |                          |                                     |   |
| 3.1 Subdivision Pattern & Lot Layout     |             | <b>Business Zones</b>   |                                     |                          |                                     |   |
|  |             | A1 Sufficient area to allow adequate site development potential. Accessible from the rear by laneways or secondary streets.                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|  |             | <b>R3 – Medium Density Residential and R2 – Low Density Residential Zones</b>   |                                     |                          |                                     |   |
|  | P2          | A2 Subdivision must not result in lots less than 4200m <sup>2</sup> or have proportions greater than 2.5:1.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|  | P3.1        | A3 10 by 15m building envelope required   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|  | P3.2        | R3 lots must be capable of accommodating dual occupancy   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|  | P3.3        | Do site characteristics permit an achievable building envelope  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| <b>4.0 Built Form</b>                    |             |   |                                     |                          |                                     |   |
| 4.1 Bulk and Scale                       |             | <b>B4 Mixed Use &amp; R3 Medium Density Residential Zone</b>  |                                     |                          |                                     |   |
|  | P1          | A1. Where all levels above ground level are dedicated to residential accommodation, the first floor must allow it to be converted as a commercial space | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Can be converted if desired in future.  |
|  |             | <b>R3 – Medium Density Residential &amp; R2 – Low Density Residential Zones</b>   |                                     |                          |                                     |   |
|  | P2          | A2 Stepped on sloping sites   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.2 Street Frontage and Façade Treatment |             | <b>B2 – Local Centre</b>  |                                     |                          |                                     |   |
|  | P1          | A1 No <75% of each façade articulated   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Well articulated façade to provide visual interest to street.   |
|  | P2.1 / P2.2 | A2.1 Corner lots address street frontage, main entrance visible   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | The street frontage of Princes Highway and McMillan Road has been appropriately activated with shop fronts and balconies overlooking the street. The laneway has provided windows and the pattern of arches has been continued along the laneway on the south-western side for visual interest.                                   |
|  |             | A2.2 Shop front windows transparent glass, consistent height and size   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Activation of the commercial precinct whilst complying with the flood planning level.   |
|  |             | A2.3 Shop front windows not obscured by signs and storage   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Satisfied   |
|  |             | A2.4 Window displays illuminated at night.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Satisfied   |
|  |             | A2.5 Security grilles/rollers shutter doors only to shopfront. Grilles to be transparent.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | No grilles proposed   |
|  |             | A2.6 Full width awning along street frontage  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Minimum 2m wide awning around street frontage   |
|  |             | A2.7 Awnings must allow street plantings  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Awning sufficiently setback   |

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## ATTACHMENT 3 ATTACHMENT 3 - DCP ASSESSMENT

|                                |            |  |                                     |                          |                                     |   |
|--------------------------------|------------|--|-------------------------------------|--------------------------|-------------------------------------|---|
|                                |            | A2.8 No residential accommodation or car parking on street frontage  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                | P3         | A3.1 Shop top housing clear street address with direct pedestrian access. Separate uses must have separate entrances | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                |            | A3.2 Pedestrian links must be unenclosed & contribute to street function & character                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | No pedestrian link proposed.  |
|                                |            | <b>R3 – Medium Density Residential &amp; R2 – Low Density Residential Zones</b>                                      |                                     |                          |                                     |   |
|                                | P4         | A4.1 Orientated to the street, front entrance visible, casual surveillance   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A4.2 Corner lots, address both street frontages  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                | P5         | A5 Retail & commercial uses at ground level, entrance off main street frontage                                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                | P6         | A6.1 Residential, façade articulated no >5m  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A6.2 Must include eaves, verandahs, variety building materials, etc  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A6.3 No blank facades to streets or public spaces  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | <b>Additional control for R3 – Medium Density Residential Zones</b>  |                                     |                          |                                     |   |
|                                | P7         | A7 Wall length of a façade facing a street or residential property <7.5m   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.3 Style and Visual Amenity   | P4         | A1 Shipping containers located behind existing building, screened from view  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | <b>B2 – Local Centre</b>   |                                     |                          |                                     |   |
|                                | P2         | A2 Designs must be consistent with Schedule 4  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Narooma style guide is discussed in detail in the main body of the assessment report.                 |
|                                |            | <b>R3 – Medium Density Residential &amp; R2 – Low Density Residential Zones</b>                                      |                                     |                          |                                     |   |
|                                | P3         | A3.1 Max 2 storeys with attic  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A3.2 Max wall height 7m  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A3.4 Eave widths between 250mm 450mm   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A3.5 Large recesses under the roof Sch 4 Style Guide   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.4 Roof Forms                 | P4         | A1.1 Roof pitch, hipped or gable between 22.5-32.5 degrees   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A1.2 Roof pitches for offset skillion roof form, not <10 deg.  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A1.3 Roof forms of one single expanse not permitted  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.5 Building Materials         | -          | A1. No zincalume   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                | -          | A2. BCA rating (no surfmest/white haven/cl cream)  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.6 Fences                     | P4         | A1.1 1.2m forward of building line, 1.8m behind  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                |            | A1.2 Acoustic fencing setback 1.5m + landscaping   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
|                                | P2         | A2. Unmodulated solid fence >1.2m high & >15m length recessed = 1m x 1m, planting ect                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 4.7 Adapt.Housing              | P1         | A1. 4 more units, 25% to be adaptable housing  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | An access report has been provided which demonstrates the proposal can provide 25% adaptable housing. |
| <b>5.0 Amenity</b>             |            |  |                                     |                          |                                     |   |
| 5.1 Visual Privacy             | P1         | A1.1 Transparent doors & windows within 9m   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | See ADG Assessment  |
|                                | -          | A1.2 Privacy screening (within 9m/45degrees)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | See ADG Assessment  |
| 5.2 Solar Access               | P1.1 & 1.2 | A1. to front & rear living windows, min 4hrs from 9-3pm, 50% POS min 3hrs from 9-3pm                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | See ADG Assessment  |
|                                | P2         | A2.1 Maintain solar access to solar panels   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                | -          | A2.2 Maintain solar access to north roof   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| <b>6.0 Site Considerations</b> |            |  |                                     |                          |                                     |   |
| 6.1 Tree Preservation          |            | A1 Comply with Veg SEPP  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                |            | A2 Comply with Tree Preservation Code, BC Act  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 6.2 Biodiversity               | -          | A2 Avoid, minimise or mitigate adverse environmental impact to land mapped on Native Vegetation Map                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| <b>7.0 Siteworks</b>           |            |  |                                     |                          |                                     |   |
| 7.1 Sustainability             | P1         | A1 Connect to electricity supply   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                |            | A2 Separate Water meter  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |   |
| 7.2 Earthworks                 | P1         | A1 Max cut 1m & max fill 1m  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 7.3 Stormwater Management      | P1.1       | A1.1 Connect to drainage, or manage post runoff =/ < pre condition   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
|                                | P1.2       | A1.2 AS3500 P&D Code+ ESC Rainwater Design Guide   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 7.4 Waste                      | P1         | Comply with waste minimization code  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Waste management plan provided which will form a condition of consent.                                |



# CLAUSE 4.6 VARIATION (BUILDING HEIGHT)

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PRINCES HIGHWAY, NAROOMA

PROJECT INFORMATION

The Proposal:

This Clause 4.6 Variation (Building Height) accompanies a development application lodged with consent of the registered property owners. The proposal seeks approval for the construction of a shop top housing development comprising 2 retail premises and 21 dwellings over 1 level of basement car parking.

Site:

Lot 2 Deposited Plan 1189328  
No. 82 Princes Highway  
NAROOMA NSW 2546

Architect:

tony owen ptncs

Level 2, 12 – 16 Queen Street  
CHIPPENDALE NSW 2008



**Clause 4.6 – Exceptions to Development Standards**

Clause 4.6 Exceptions to development standards of the Eurobodalla Local Environmental Plan 2012 allows a consent authority the ability to provide an exception or flexibility in the application of a prescribed development standard in certain circumstances.

Clause 4.6 of the ELEP has the following objectives:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(2) of the ELEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the ELEP, or any other environmental planning instrument.

Clause 4.6(3) states that development consent must not be grant for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied in this instance.

Central to this clause 4.6 request is compliance with the other applicable built form controls which demonstrate that the proposed development will be compatible with the surrounding development. The Apartment Design Guide and Eurobodalla Development Control Plan 2012 provides various built form controls that otherwise constrain the bulk and scale of development in a locality and aim to reduce amenity impacts arising from the development in the locality to acceptable levels. The proposed development is largely consistent with all these built form controls and does not become visually dominant by virtue of its bulk and scale. The proposed development will ensure adequate light, solar access and privacy by providing spatial separation between buildings and responds well to the opportunities and constraints of the site.

**Development standard to be varied**

The proposal seeks to vary Clause 4.3 Height of buildings in Eurobodalla Local Environmental Plan 2012 which establishes the development standard for height of building.

Clause 4.3 states:

- (1) The objectives of this clause are as follows:*
  - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Building height (or height of building) is defined in the Dictionary of ELEP as follows:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The Height of Buildings Map applicable to Clause 4.3 of the LEP prescribes a maximum height of 11.5 metres.

Affordable Housing Height Bonus

The provisions of clause 18 of State Environmental Planning Policy (Housing) 2021 (SEPP Housing) allows for up to a 30% additional height bonus above the local planning control subject to the provision of affordable housing.

Clause 18 Affordable housing requirements for additional building height states:

(1) This section applies to development that includes residential development to which this division applies if the development—

- (a) includes residential flat buildings or shop top housing, and
- (b) does not use the additional floor space ratio permitted under section 16.

(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).

(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows:

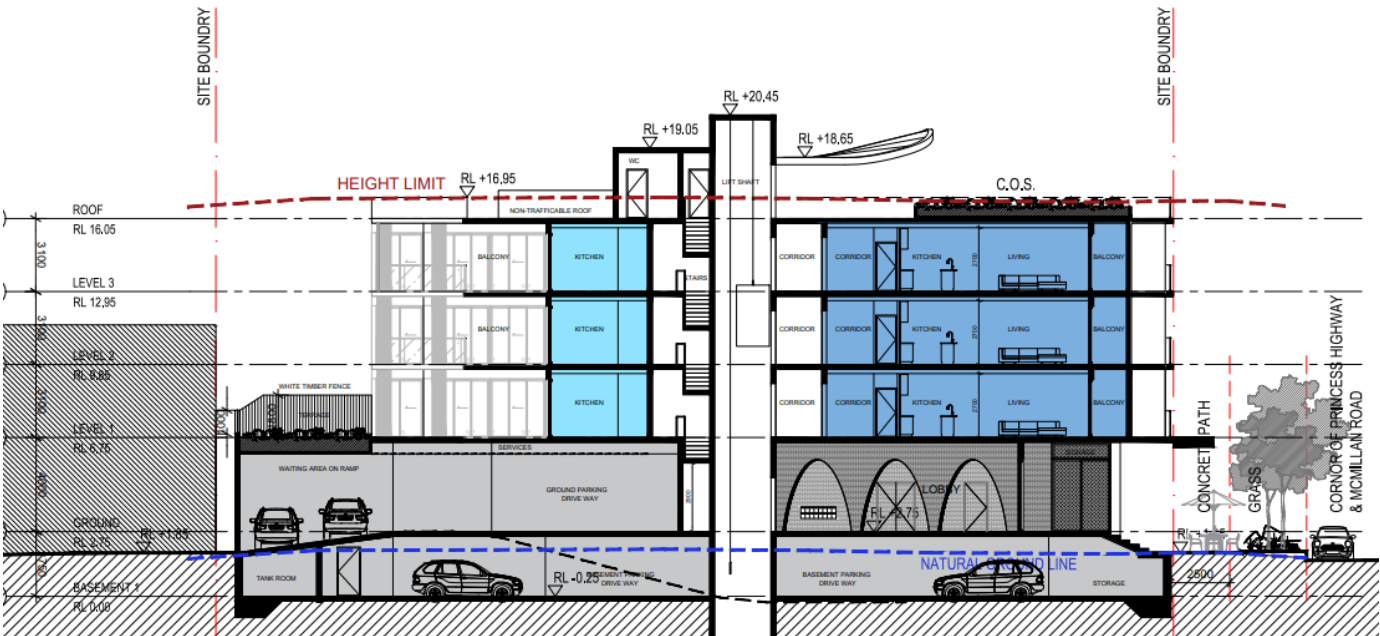
Affordable housing component = additional building height as % ÷ 2

The proposed development satisfies the requirement by providing 15% affordable housing so is eligible to receive the additional 30% height bonus making the new maximum building height 14.95m.

Nature and Extent of Height Exceedance

The below table summarises the nature and extent of height exceedance shown in Figure 5 below.

| Structure                 | Height Above Existing Ground Level | Reduce Level        | Height Exceedance | Percentage Exceedance |
|---------------------------|------------------------------------|---------------------|-------------------|-----------------------|
| Lift Overrun              | 18.45m                             | RL 20.45m           | 3.5m              | 23.4%                 |
| Decorative Curved Pergola | 16.65m to 17.65m                   | RL 18.65m to 19.65m | 1.7m to 2.7m      | 11.4% to 18.0%        |
| Amenities and Fire Stairs | 17.05m                             | RL19.05m            | 2.1m              | 14.0%                 |



FIGURES 1 & 2

Section illustrating rooftop structures that exceed the prescribed maximum height limit, noting also ground floor raised 1m due to flooding (above); and Height Plane Diagram (below) showing the 14.95m height and components of the building this height (images by Tony Owen Partners).

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The ways in which compliance with a development standard can be shown to be unnecessary (in that it is achieved anyway) or unreasonable (in that no purpose would be served) are as follows:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard. Under this approach development standards are viewed not as the planning objectives, but as a means to achieve those objectives. If there is an alternative means to achieve the objective, then the objective would be achieved anyway (and hence compliance with the standard is unnecessary) and there is no purpose served by requiring compliance with the standard (and hence compliance would be unreasonable). This tends to be the most common way of establishing that compliance is unreasonable or unnecessary.
- To establish that the underlying objective or purpose of the standard is not relevant to the development, and hence compliance with the standard is unnecessary.
- To establish that the underlying objective or purpose of the standard would be defeated if compliance was required, and hence compliance with the standard is unreasonable.
- To establish that the development standard has been virtually abandoned or destroyed by Council’s own decisions departing from the standard, and hence compliance with the standard is unnecessary or unreasonable.
- To establish that the zoning of the particular land was an anomaly or inappropriate, and as a result the development standard applying to zoning are also an anomaly or inappropriate, and hence compliance with the standard is unnecessary or unreasonable.

(Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46); Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118).

In this case, it is the most invoked first way set out in Winten that is relied upon: That is, the objectives of the development standard are achieved notwithstanding non-compliance with the development standard.

It is commonly accepted that a development standard for Building Height, is a planning tool used by consent authorities in conjunction with other planning controls to manage the size, bulk, and scale of the built environment and to minimise negative amenity impacts such as over shadowing, overlooking or view loss.

The specific objectives of Clause 4.3 of the ELEP are identified below and a comment on the proposal’s consistency with each objective is also provided.

First objective

(1) (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

Comment

Height

The decorative pergola, lift overrun, fire stairs and top of the communal open space (COS) amenities are the only elements that exceed the 14.95m height limit. Since these elements are recessed from the building sides being centrally located on the roof, the building appears to be height-compliant from adjoining properties and surrounding public areas. The height exceedance not discernible from the streetscape meaning the building presents as being complaint in terms of height in satisfaction of the objective.

Bulk and Scale

It should also be noted that there is no floor space ratio control under ELEP relating to the site instead the massing and scale are determined by the design envelope arising from the interplay of the ELEP, Narooma Township Development Control Plan (NTDCP) and ADG controls. The proposed development presents as 4 storey building that is compliant with all these requirements that dictate mass and scale save for height. The components of the building that exceed the height limit are hidden from view meaning the building presents as being complaint in terms of bulk and scale in satisfaction of the objective.

Existing Character



The existing character in the E1 zoning area comprises a mix of predominantly 1-3 storey commercial buildings of various ages and architectural styles, as illustrated in the character and streetscape analysis within the architectural plans. These buildings reflect past planning controls, and the locality is undergoing gradual renewal. The proposed development has been designed to align with the Narooma Township DCP and, as the newest addition to the streetscape replacing a vacant site, is considered compatible with the existing character of the area, meeting this objective.

Desired Future Character

The desired future character for this site is expressed in a Desired Future Character Statement contained in Narooma Township Development Control Plan (NTDCP) and is reproduced below:

*NAROOMA B2 LOCAL CENTRE ZONE*

*The Flat Main Street is to become the main tourist area for the town with a good mix of retail, tourist and permanent accommodation. The Princes Hwy is to remain the commercial, retail and tourist focus for this area. This role will be reinforced with new specialty retail shops, and street and footpath improvements. The Princes Hwy will continue to have small-scale shopfronts, display windows and street access to shops. Parking is to be located centrally within sites behind shops which front the street.*

The proposed shop top housing development has been designed with careful consideration of the Narooma Township DCP and Narooma Style Guide, resulting in only a few very minor and acceptable instances of non-compliance. The proposal achieves a suitable contextual fit for the site, as intended, without causing any unacceptable amenity impacts on neighbouring properties notwithstanding the height exceedance. The proposed development presents commercial/retail tenancies to the Princes Highway with car parking accessed from the rear. Therefore, the proposed development is consistent with both the existing character and the anticipated future character of the Flat Main Street area in Narooma Township, meeting this objective.

Second Objective

*(1) (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

Comment

Visual Impact

The proposed development has been thoughtfully designed in accordance with the Narooma Township DCP, Narooma Style Guide, and ADG controls. The architectural plans and Design Verification Statement present an attractive building that draws design cues from the NTDCP and reflects the coastal identity of Narooma. The design responds to the context and planning controls through a combination of articulation, architectural elements, and exterior finishes that reduce scale and bulk, integrating the building seamlessly into the locality and streetscape. The use of curved geometry, lightweight elements, and lighter tones in the colour palette enhances the visual appeal, achieving the objective of minimizing visual impact.

Disruption of views

The proposal is not expected to give rise an unacceptable level of view disruption but will still lead to some reduction in views/outlook from the adjoining properties to the south as the subject site is currently vacant. The view/outlook enjoyed across the site do not comprise any iconic buildings or well established views. The view/outlook from 2 McMillan Road is not significant and being over a side boundary are inherently vulnerable and unlikely to be retained in perpetuity. The proposal satisfies this objective to minimise the disruption of views.

Loss of privacy

The proposal generally will not lead to any privacy loss for surrounding development in the locality. The proposed building achieves ADG minimum building separations for habitual area to existing adjoining properties and any proposed building openings adjacent to adjoining neighbour boundaries that have potential for privacy loss have appropriate mitigation measures such as planter boxes and privacy screens to ensure visual privacy is achieved. The part of the proposed building that exceed the height limit are non habitable structures that do not allow users to achieve views or outlooks that would impact privacy, achieving the objective of loss of privacy.

Loss of solar access

The architectural package includes a solar access analysis which demonstrates that the proposed development will not unreasonably overshadow development on adjacent and nearby sites. The shadow diagrams also show that the shadows cast by the development are very similar to that which was expected from a height complaint design as the height exceeding structures are centrally located on the roof, achieving the objective of minimizing the loss of solar access.

Conclusion

The additional height has been specifically designed into the proposed built form so as to reduce any potential adverse impacts, while affording the future occupants increased future amenity. As the extent of ‘non-compliance’ it is not visually intrusive, will not be perceptible in the streetscape, will not cause impact upon views from any adjoining property, will not impact privacy, and will not cause adverse overshadowing impacts upon any adjoining property compliance with the height of buildings standard is unreasonable and unnecessary in these circumstances.

Further, strict compliance is unreasonable and unnecessary where the proposed design is compliant with the requisite built form controls, save for the building height control. In an urban design context, compatible is intended to mean capable of existing together in harmony and is thus different from sameness (see planning principle established in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*). It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, noting the density of existing adjoining development reflects the legacy of past development under older planning controls.

It follows that the development achieves the objects of the controls, being to ensure height, bulk and scale of development is compatible with the existing and desired future character of the locality and adverse impacts on adjoining land are minimised. It follows that the consent authority would be satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances.

Are there Sufficient Environmental Planning Grounds to justify contravening the development standards?

In Initial Action the Court found at [23]-[24] that:

23. As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.
24. The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248* at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* at [31].

In summary, the environmental planning grounds in support of the proposed variation to the height control include as follows:

1. Additional height is imperceptible in the streetscape
2. Additional height does not increase the building bulk and scale
3. Additional height is caused by lift overruns and rooftop elements to service Communal Open Space a virtuous element of the proposal
4. Consistency with the existing and desired future character of the locality
5. Reduction in height would diminish amenity for no identifiable benefit
6. The proposed variation will not result in an unacceptable environmental or amenity impacts
7. Additional height partially caused by flooding



1. Additional height is imperceptible in the streetscape

As discussed above the building presents as 4 storeys and the elements that exceed the height control are recessed from the building sides being centrally located on the roof so that the building appears to be height-compliant from adjoining properties and surrounding public areas. The height exceedance is not discernible from the streetscape meaning the building presents as being complaint in terms of height.

The extent of ‘non-compliance’ will not cause impact upon views from any adjoining property, will not impact privacy, and will not cause adverse overshadowing impacts upon any adjoining property.

The form and massing of the building is therefore demonstrated to be consistent with the desired future character of the immediate area as reflected by compliance with the appropriate building height and envelope controls. The contextually responsive development is consistent with the zone objectives and the objectives of the Height of Building development standard prescribed by the LEP, despite the variation.

The height exceedance is not discernible from the streetscape meaning the building presents as being complaint in terms of height.

2. Additional height does not increase the building bulk and scale

The components of the building that exceed the height limit are hidden from view meaning the building presents as being complaint in terms of bulk and scale.

3. Additional height is caused by lift overruns and rooftop elements to service Communal Open Space a virtuous element of the proposal

The height exceedance is a result of the COS being located on the roof, which is a positive outcome as it provides residents with a high degree of solar amenity and a sense of outlook. The height variation is necessary due to the lift overruns required for accessible rooftop access, fire safety measures including fire stairs, and the COS amenities and maintenance.

4. Consistency with the existing and desired future character of the locality

The proposed shop top housing development as a whole has been designed with careful consideration of the Narooma Township DCP and Narooma Style Guide, resulting in only a few very minor and acceptable instances of non-compliance. Notwithstanding the height exceedance the proposal achieves a suitable contextual fit for the site, as intended, without causing any unacceptable amenity impacts on neighbouring properties. The proposed development presents commercial/retail tenancies to the Princes Highway with car parking accessed from the rear which is consistent with both the existing character and the anticipated future character of the Flat Main Street area in Narooma Township.

Despite the variation, the proposed development remains consistent with the desired future character of the area, and it can be anticipated that the future character of the area will continue to trend towards 3 – 4 storey built forms, which is likely to intensify height, bulk, scale and use in response to the NSW Government’s affordable housing provisions.

In this regard, the additional height sought in this proposal does not interfere, or make a discernible impact against the existing, and also, future character of the area.

5. Reduction in height would diminish amenity for no identifiable benefit

Complying with the height limit would require relocating the communal open space (COS) from the rooftop to the ground level. However, placing the COS at ground level would not achieve the minimum solar access requirements, as the northern side of the building needs retail tenancies to maintain an activated street front along Princes Highway. Additionally, situating the COS at ground level would expose it to potential flood risks.

Alternatively, to avoid the need for a height variation under Clause 4.6, the COS could theoretically be removed from the rooftop altogether. This approach would necessitate a variation from the Apartment Design Guide (ADG) COS provisions, potentially justifying the removal by arguing that the surrounding area offers extensive open spaces for residents. However, this would significantly reduce the amenity for future occupants. In this context, the height variation provides a superior planning outcome compared to seeking relief from the COS provisions. The rooftop COS enhances the amenity for future occupants by maximizing openness and views without negatively impacting neighbouring properties.

6. The proposed variation will not result in an unacceptable environmental or amenity impacts

As discussed above the building elements above the height control will not result in any unacceptable visual impact, view impact, loss of privacy or loss of solar access. The elements will also not give rise to any known environmental impacts in the locality. Notwithstanding the proposed height exceedance, the design provides a built form offering compliant levels of solar access to nearby residential development and there will not be significant impacts beyond a compliant building envelope.

7. Additional height partially caused by flooding

The site is flood affected and the ground floor of the building has been elevated 1m which contributes to the overall building height. Any future redevelopment of adjoining properties in the area will likely also need to be elevated due to similar flood risks.

Conclusion

The proposed development demonstrates a high quality outcome for the site which will result in the delivery of a new shop top housing development providing much needed affordance house and activation of the streetscape in place of a vacant property. The buildings design is appropriate in bulk and scale and compatible with the existing and emerging character of the locality. The roof top COS will provided significant amenity to future occupants and the over height elements will be largely imperceivable give there central roof top location. The over height elements are acceptable in the circumstances as they will not give rise to negative amenity impacts in the locality. This approach is only possible with a variation to the height control as proposed.

Other items under Clause 4.6(4) to (8)

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

Comment: Noted

(5) Repealed

Comment: N/A

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Comment: The proposal is not for the contravention of a subdivision control.

(7) Repealed.

Comment: N/A

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (ba) clause 4.4, to the extent that it applies to land identified on the Key Sites Map as Site F, Site G, Site H or Site I,

- (c) clause 5.4,
- (caa) clause 5.5.

**Comment:** The proposal is not for complying development. The development standard does not arise from the regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.

**Proposal in Public Interest**

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the Height of Buildings standard are addressed above.

The site is zoned E1 – Local Centre Zone. The objectives of the zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure that development retains a scale and character consistent with the local area.*
- *To ensure that development does not adversely affect the adjoining residential amenity.*

The proposed development provides the opportunity for ground floor retail, commercial and business uses in the shop front tenancies along the Princes Highway frontage to serve the needs of local people and create employment opportunities. As discussed above the proposed building is of a suitable scale and is consistent with the character of the locality. Despite being over on height, the proposal will not negatively impact residential amenity in the locality. The proposed development is consistent with each of the above discussed controls, and for this reason, it is suggested the proposed development will be in the public interest because it is consistent with the objectives of the Height of Buildings standard and the objectives for development within the zone in which the development is proposed to be carried out.

**Conclusion**

The strict application of the minimum height of buildings development standard outlined in Clause 4.3 of the Eurobodalla Local Environmental Plan 2012 has been determined to be both unreasonable and unnecessary in this particular case. There are ample environmental planning grounds that justify a variation. A more favourable planning outcome is achieved by not rigidly enforcing the height limit, as doing so would require the loss of the common open space (COS). This is particularly relevant when the development has otherwise been shown to align with the LEP’s objectives regarding building height.

Moreover, reducing the building height to comply with the LEP’s standard would be contrary to Section 1.3(c) of the Environmental Planning and Assessment Act (EPAA), as it would hinder the orderly and economic use and development of the land. This approach would also conflict with the core aims of the State Environmental Planning Policy (SEPP) Housing, which seeks to encourage the development of housing that meets the needs of vulnerable community members, including those in very low to moderate income brackets.

The proposed variation allows for the most efficient and economic use of the land, facilitating an appropriate built form without negatively impacting the amenity of surrounding properties. Based on the above, it is evident that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance. The contravention does not raise any matters of State or regional significance. The proposal is compatible with existing development and aligns with the desired future character of the locality. Additionally, there is no public benefit in enforcing the height of building standard, as the proposed outcome, including the provision of much-needed affordable housing, achieves a superior planning result. No other matters need to be considered by the Director-General. Therefore, it is reasonable and appropriate to vary the building height development standard as proposed.

## CLAUSE 4.6 VARIATION (LANDSCAPED AREA)

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PRINCES HIGHWAY, NAROOMA

PROJECT INFORMATION

The Proposal: This Clause 4.6 Variation (Landscaped Area) accompanies a development application lodged with consent of the registered property owners. The proposal seeks approval for the construction of a shop top housing development comprising 2 retail premises and 21 dwellings over 1 level of basement car parking.

Site: Lot 2 Deposited Plan 1189328  
No. 82 Princes Highway  
NAROOMA NSW 2546

Architect:   
Level 2, 12 – 16 Queen Street  
CHIPPENDALE NSW 2008



CLAUSE 4.6 – VARIATION TO A DEVELOPEMNT STANDARD

What is the environmental planning instrument/s you are seeking to vary?

The proposal seeks to vary Section 19(2)(b) of State Environmental Planning Policy (Housing) 2021 which establishes the non-discretionary development standard for landscaped area.

What is the site’s zoning?

The zoning of the site is E1 Local Centre Zone under the ELEP. The objectives of the zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure that development retains a scale and character consistent with the local area.*
- *To ensure that development does not adversely affect the adjoining residential amenity.*

Identify the development standard to be varied and the type of development standard.

The development standard to be varied is Section 19(2)(b), which prescribes a standard for landscaped area. The landscaped area is a non-discretionary numeric development standard.

**19 Non-discretionary development standards—the Act, s 4.15**

*(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

What is the numeric value of the development standard?

Section 19(2)(b) prescribes a minimum landscaped area that is the lesser of 35m² per dwelling, or 30% of the site area.

What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

Section 19(2)(b) prescribes a minimum landscaped area that is the lesser of 35m² per dwelling, or 30% of the site area. The development proposes a landscaped area 0m² metres which is a 100% variation to the non-discretionary standard.

How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (see a – e below as derived from *Wehbe v Pittwater Council* [2007] NSWLEC 827):

a) *Are the objectives of the development standard achieved notwithstanding the non-compliance?*

**Comment:** The objectives of Section 19 are as follows:

**19 Non-discretionary development standards—the Act, s 4.15**

*(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

Compliance with the standard is considered unreasonable and unnecessary in the circumstance as the proposed development is for a shop top housing and the zoning permits zero setbacks to all boundaries commensurate with a 100% site coverage associated with commercial development at ground level. The proposed landscaping arrangements on the site include on structure landscaping only as a result of the 100% site coverage. Landscaped area is defined in Schedule 10 Dictionary of SEPP (Housing) 2021 as follows:

***landscaped area** means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.*

It is suggested that despite this Section being applicable to the proposed development, it is not intended to thwart for development within a mixed use / employment zone where active, commercial uses are required at the ground floor.

Deep soil is a similar concept established by the Apartment Design Guide, with the intent of allowing for and supporting healthy plant and tree growth as well as improving residential amenity and promote management of water and air quality. It can be said the intent of the landscaping requirement of SEPP (Housing) 2021 has a similar intent. However, the Apartment Design Guide provides for circumstances where deep soil is not practicable to provide, as follows:

**Objective 3E-1**

*Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality*

**Design Guidance**

*Achieving the design criteria may not be possible on some sites including where:*

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- there is 100% site coverage or non-residential uses at ground floor level*

*Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on structure*

The proposed development is located within the Narooma Town Centre where sites within the immediate proximity of the site have been or will be developed with zero setbacks and to 100% site coverage.

The Narooma Township Development Control Plan provides guidance on the planning requirements and specifies the site requires a zero metre street setback to front and side boundaries and the minimum required at the rear to accommodate car parking. See below extract from Narooma Town Centre DCP for reference:

NAROOMA TOWNSHIP DEVELOPMENT CONTROL PLAN

2.2 Setbacks

Intent:

For Business Zones:

- To facilitate active and casual visual interaction between the street and buildings.

For Residential Zones:

- To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.

Development Controls:

| Performance Criteria   | Acceptable Solutions  |
|--|---|
| B2 – Local Centre Zone   |   |
| <b>P1.1</b> Building setbacks are to provide for development that is scaled to support the precinct statement with appropriate massing and spaces between the buildings. | <b>A1.1</b> Building setbacks along the main street frontage must form a continuous and consistent alignment of buildings along the street boundary (zero setbacks).  |
| <b>P1.2</b> Building setbacks strengthen the visual character and the continuity of street facades along the main streets.   | <b>A1.2</b> Setbacks from the side boundaries: Zero setback.<br><b>A1.3</b> Setback from the rear boundary: Minimum area necessary to include car parking, vehicle manoeuvring, delivery of goods and open space on site. |

FIGURE 1  
2.2 Setbacks - Narooma Town Centre Development Control Plan (extract).

This town centre specific DCP control is clearly at odds with the non-discretionary development standard concerning the minimum landscaped. Achieving compliance with the landscape control would frustrate the local planning controls and is unnecessary given the circumstances of the particular site.

It is not therefore practicable, nor reasonable, to provide landscaped area in accordance with this Section. Contravention of the non-discretionary development standard by the proposal does not give rise to any adverse environmental impacts.

Therefore, compliance with this standard is considered to be unreasonable and unnecessary in the circumstances, with a built form consistent with its context, and the local planning controls applicable to the site.

b) Are the underlying objectives or purpose of the development standard not relevant to the development?

Comment: No.



c) Would the underlying objective or purpose be defeated or thwarted if compliance was required?

Comment: No.

d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?

Comment: No.

e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?

Comment: Yes.

Are there sufficient environmental planning grounds to justify contravening the development standard?

*Note: Environmental planning grounds are matters that relate to the subject matter, scope and purpose of the EP&A Act including the Act's objects. They must relate to the aspect of the proposed development that contravenes the development standard and not simply promote the benefits of the development as a whole.*

Comment: Adequate grounds to vary the standard are available due to the location of the site within a E1 zoning which permits mixed use development and encourages new developments to build to the site's property boundaries (zero setbacks) and activated street frontages. Compliance with the standard is unreasonable and unnecessary given the development will not cause environmental impact and extensive on structure landscaping is proposed

The site is located within the E1 Local Centre zone where deep soil and landscaping are generally not required, other than for the retention of existing significant trees or within at grade open air car parks for shading. It is further noted, it is a requirement for development within employment zones in the Eurobodalla LGA to comprise non-residential uses at the ground floor to activate the streetscape.

Is there any other relevant information relating to justifying a variation of the development standard?

Comment: N/A

This written request has been prepared in relation to a proposed variation of 100% to the non-discretionary landscaped area development standard at Section 19(2)(b) of SEPP Housing. The proposal provides an appropriate built form that is consistent with the local planning policy requirements for the Narooma Township DCP. Furthermore, the proposed development will not have an adverse impact on the amenity of adjoining properties located within the employment / mixed use centre. It is unreasonable and unnecessary to require strict compliance with non-discretionary landscaped area development standard, particularly where the approved landscaping element of the development is not sought to be altered. It is demonstrated that there are sufficient site-specific environmental planning grounds to justify a variation in the circumstances of the case.

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**FCS25/044 2026 COUNCIL MEETING DATES**

**S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: Nil

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.2 Implement effective governance processes including strategic approach for policy review

**EXECUTIVE SUMMARY**

This report provides a schedule of proposed Council Meeting dates for the 2026 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 11 meetings to be held during 2026.

The 2026 schedule has been developed to consider Council's compliance and reporting requirements and public holidays.

At the Ordinary Meeting of Council on 29 October 2024 Council endorsed to hold Council meetings on the fourth Tuesday of each month and to hold Public Access Sessions on the second Tuesday of each month.

At the Ordinary Meeting of Council on 24 June 2025 a motion was passed endorsing five councillors to attend the LGNSW Annual Conference in Sydney from 23-25 November 2025. Due to the absence of a quorum on the original date of Tuesday 25 November 2025, this meeting is proposed to be rescheduled to Wednesday 26 November 2025. This ensures compliance with the Quarterly Budget Review Statement Guidelines, that require presentation to Council within two months of the financial quarter's end. Time of day for the meeting remains unchanged with commencement at 12.30pm.

**RECOMMENDATION**

THAT Council:

1. Amend the previously endorsed November Ordinary Meeting of Council date from Tuesday 25 November 2025 to Wednesday 26 November 2025.
2. Endorse the following 11 dates as the meeting schedule for Council meetings for the 2026 calendar year:
  - (a) 24 February 2026
  - (b) 24 March 2026
  - (c) 28 April 2026
  - (d) 26 May 2026
  - (e) \*30 June 2026

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**FCS25/044 2026 COUNCIL MEETING DATES**

**S012-T00025**

- (f) 28 July 2026
- (g) 25 August 2026
- (h) \*29 September 2026
- (i) 27 October 2026
- (j) 24 November 2026
- (k) 15 December 2026

\*Proposed to be held on the fifth Tuesday of the month to allow for statutory reporting requirements and Integrated Planning and Reporting.

3. Endorse the following 11 dates as the Public Access sessions for the 2026 calendar year:

- (a) 10 February 2026
- (b) 10 March 2026
- (c) 14 April 2026
- (d) 12 May 2026
- (e) 9 June 2026
- (f) 14 July 2026
- (g) 11 August 2026
- (h) 8 September 2026
- (i) 13 October 2026
- (j) 10 November 2026
- (k) 8 December 2026

4. Note that the schedule of meeting dates may be amended at any time, as required.

**BACKGROUND**

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 11 meetings to be held during 2026.

To assist with financial reporting deadlines, at the Ordinary Meeting of Council on Tuesday 29 October 2024, Council endorsed to hold Council meetings on the fourth Tuesday of each month, the 2026 Council Meeting schedule reflects this endorsement.

**CONSIDERATIONS**

In developing the schedule of meetings for 2026, consideration has been given to the Office of Local Government's compliance and reporting requirements and public holidays. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

**FCS25/044 2026 COUNCIL MEETING DATES**

**S012-T00025**

| <b>Date</b>      | <b>Statutory Deadline</b>   |
|------------------|---|
| 28 February 2026 | December quarterly budget review and Six monthly progress report        |
| 31 May 2026      | March quarterly budget review   |
| 30 June 2026     | Adoption of 2026-27 Operational Plan, Resourcing Strategy               |
| 30 November 2026 | September quarterly budget review and 2025-26 Annual Report endorsement |

It is proposed to observe a recess during January, as per usual practice and the Code of Meeting Practice.

| <b>Date</b>       | <b>Meeting Type</b> |
|-------------------|---------------------|
| 10 February 2026  | Public Access       |
| 24 February 2026  | Council Meeting     |
| 10 March 2026     | Public Access       |
| 24 March 2026     | Council Meeting     |
| 14 April 2026     | Public Access       |
| 28 April 2026     | Council Meeting     |
| 12 May 2026       | Public Access       |
| 26 May 2026       | Council Meeting     |
| 9 June 2026       | Public Access       |
| 30 June 2026      | Council Meeting     |
| 14 July 2026      | Public Access       |
| 28 July 2026      | Council Meeting     |
| 11 August 2026    | Public Access       |
| 25 August 2026    | Council Meeting     |
| 8 September 2026  | Public Access       |
| 29 September 2026 | Council Meeting     |
| 13 October 2026   | Public Access       |
| 27 October 2026   | Council Meeting     |
| 10 November 2026  | Public Access       |
| 24 November 2026  | Council Meeting     |

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**FCS25/044 2026 COUNCIL MEETING DATES**

**S012-T00025**

| Date             | Meeting Type    |
|------------------|-----------------|
| 8 December 2026  | Public Access   |
| 15 December 2026 | Council Meeting |

**Community and Stakeholder Engagement**

The Council Meeting and Public Access dates will be published on Council's website and ahead of each meeting and Public Access session direct to media outlets and on Council's social media.

**CONCLUSION**

The proposed schedule of Council meetings for 2026 considers compliance and reporting requirements and public holidays.

The calendar may be amended at any time if Council resolves to alter the meeting day/s.

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**FCS25/045 DELEGATIONS TO THE GENERAL MANAGER**

**S004-T00010**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 We are an engaged community progressive leadership.  
Community Strategy: 5.2 Proactive, responsive and strategic leadership  
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning  
Operational Plan Link: 5.2.2.2 Implement effective governance processes including strategic approach for policy review

**EXECUTIVE SUMMARY**

The Council may delegate to the general manager any functions, powers, duties and authorities of the Council with the exclusion of those listed in Section 377 (1) of the *Local Government Act 1993 (the Act)*. Section 377 of the Act allows the elected Council to delegate, by way of a Council resolution, authority to the General Manager to make most of the decisions and perform most of the functions required for Council to operate on a day-to-day basis.

Effective functioning of local government relies on delegation so that matters can be progressed in a timely manner. Whilst Council meetings are the formal decision-making forums for matters over which Council has jurisdiction, a number of Council decisions are not made at formal meetings. Consequently, a range of decision-making power is allocated by formal delegation to the general manager.

Council is required under the Act to review the delegations it has in place within 12 months of every election.

This report recommends the endorsement of delegations to the general manager.

**RECOMMENDATION**

THAT:

1. All previous delegations by Council to the general manager be revoked.
2. Subject to point 1 above, the general manager is delegated all the delegable functions, powers, duties and authorities of Council under any legislation excluding those functions specific in clauses (a) to (u) of Section 377 (1) of the *Local Government Act 1993*.
3. Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clause 131 of *Local Government (General) Regulation 2021*.
4. All functions delegated to the general manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by Council from time to time.
5. Council note that it can review and revise Delegations to the general manager at any time.



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**FCS25/045 DELEGATIONS TO THE GENERAL MANAGER**

**S004-T00010**

**BACKGROUND**

In September 2022 Council resolved the following:

“THAT Council resolves as follows:

1. All previous delegations by the Council to the general manager be revoked.
2. Subject to point 1 above, the general manager is delegated all the delegable functions, powers, duties and authorities of Council under any legislation excluding those functions specified in clauses (a) to (u) of section 377 (1) of the *Local Government Act 1993*.
3. Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed the Council may be written off only by resolution of the Council, pursuant to clause 131 of the *Local Government (General) Regulation 2005*.
4. All functions delegated to the General Manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.
5. Council note that it can review and revise Delegations to the General Manager at any time.

**CONSIDERATIONS**

The five sections of the Act that relate directly to delegations include:

|                             |  |
|-----------------------------|--|
| <a href="#">Section 377</a> | <a href="#">General power of the council to delegate</a>   |
| <a href="#">Section 378</a> | <a href="#">Delegations by the general manager</a>   |
| <a href="#">Section 379</a> | <a href="#">Delegation of regulatory functions</a>   |
| <a href="#">Section 380</a> | <a href="#">Review of delegations</a>  |
| <a href="#">Section 381</a> | <a href="#">Exercise of functions conferred or imposed on council employees under other Acts</a> |

The key points of these Sections are:

**Section 377      *General power of the council to delegate***

This covers the general power of the council to delegate to the general manager or any other person or body (not including another employee of the council) any function of the council.

This section then lists the functions that cannot be delegated as follows:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*
- (a) the appointment of a general manager,*
  - (b) the making of a rate,*

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**FCS25/045 DELEGATIONS TO THE GENERAL MANAGER**

**S004-T00010**

- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
- (j) the adoption of an operational plan under section 405,*
- (k) the adoption of a financial statement included in an annual financial report,*
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—*
  - (a) the financial assistance is part of a specified program, and*
  - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

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**FCS25/045 DELEGATIONS TO THE GENERAL MANAGER**

**S004-T00010**

*(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

**Section 378      *Delegations by the general manager***

This gives the general manager authority to sub-delegate a function that has been delegated to the general manager by Council, including another employee of Council:

*(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*

*(2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*

*(3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).*

**Section 379      *Delegation of regulatory functions***

This describes regulatory functions of Council and how these functions can be delegated or sub-delegated.

*(1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than—*

*(a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or*

*(b) an employee of the council, or*

*(c) a county council, or*

*(d) a joint organisation.*

*(2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than—*

*(a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or*

*(b) an employee of the county council, or*

*(c) a council.*

*(2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

*(3) However, if—*

*(a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or*

*(b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council, or*

*(c) a regulatory function is delegated to a joint organisation, the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation.*

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**FCS25/045 DELEGATIONS TO THE GENERAL MANAGER**

**S004-T00010**

**Section 380      *Review of delegations***

This describes the review period of the delegations.

*Each council must review all its delegations during the first 12 months of each term of office.*

**Section 381      *Exercise of functions conferred or imposed on council employees under other Acts***

This deals with the delegation from other Acts.

*(1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.*

*(2) Such a function may be delegated by the council in accordance with this Part.*

*(3) A person must not, under any other Act, delegate a function to—*

- *the general manager, except with the approval of the council*
- *an employee of the council, except with the approval of the council and the general manager.*

Where a specific delegation to the general manager has been resolved by Council, it will also be included in the Delegations register, which is available on Council's website, to ensure such delegation is enacted and has been recorded.

The Delegations register records sub-delegations to staff in accordance with Section 378 (2) of the Act.

**CONCLUSION**

Whilst Council meetings are the formal decision-making forums for matters over that Council has jurisdiction, a number of Council decisions are not made at formal meetings. Effective functioning of local government relies on delegation so that matters can be progressed in a timely manner. Consequently, a range of decision-making power is allocated by formal delegation to the general manager with the exclusion of those listed in Section 377 (1) of the *Local Government Act 1993*.

This report recommends the endorsement of delegations to the general manager.

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**FCS25/046 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Under Separate Cover - Code Of Meeting Practice - exhibition copy December 2024

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.2 Implement effective governance processes including strategic approach for policy review

**EXECUTIVE SUMMARY**

Council's current Code of Meeting Practice (the Code) was adopted in July 2023.

Under section 360 of the *Local Government Act (1993)* (the Act), a council must adopt a Code of Meeting Practice not later than 12 months after an ordinary election of councillors.

As such, the Code has been reviewed and updated, incorporating several amendments, in addition to correction of a number of referencing errors and updates. The draft updated Code meets the requirements of the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) as prescribed under s360 of the Act and the *Local Government (General) Regulation 2021* (the Regulations).

At the Ordinary Meeting of Council on 17 December 2024, the draft updated Code of Meeting Practice was endorsed by Council to be placed on public exhibition for 42 days from 28 January to 10 March 2025, with submissions closing 10 March 2025.

No submissions were received during the exhibition period.

Following the exhibition and submission period the Code was tabled at the 25 March Ordinary Meeting of Council, where Council resolved to defer adoption to a future date. Given the legislative requirement for adoption within 12 months of the election, it is recommended that Council adopts the updated Code as exhibited.

The Office of Local Government has advised that it will issue a new Model Meeting Code shortly but the timing is not yet known, this does not change the legislative requirement under the Act for a Code to be adopted within 12 months of an election.

**RECOMMENDATION**

THAT:

1. Council note that the draft Code of Meeting Practice was placed on public exhibition for 42 days from 28 January to 10 March 2025 and that no submissions were received.
2. Council adopt the updated Code of Meeting Practice as exhibited.

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**FCS25/046 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

**CONSIDERATIONS**

Before adopting any changes to Council's Code of Meeting Practice, under s361 of the Act, Council is required to exhibit the Code of Meeting Practice for a period of not less than 28 days, inviting submissions for a period of at least 42 days.

The Code of Meeting Practice has been reviewed and the proposed amendments include:

1. Clause 2.2 (2), Timing of Ordinary Meetings, changes from third to fourth Tuesday of each month, unless otherwise resolved.
2. Clause 3.25, Public Access, changes from "usually on the first Tuesday of each month", to "usually on the second Tuesday of each month, unless otherwise resolved".
3. Update clause 4.2 to include the sentence: "The Chair must be physically present in the Council Chamber except in emergency circumstances."
4. Clause 4.3 change from "If a councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not raise their hand to vote on an issue, then their vote is taken as against the Motion" to "If a councillor is present at a meeting of Council but fails to vote on a motion put to the meeting, their vote is taken as against the motion." Practice notes 1. And 2. which define the Chamber, have been removed as no longer necessary. This brings the Code in line with the mandatory provisions of the OLG Model Code, clause 11.5.
5. Update clauses 4.23,4.24, requiring General Manager approval for councillor participation via audio-visual link. Replaces this with "written notification to the Corporate Manager – Governance and Risk". Remaining requirements remain unchanged.
6. Clause 16.11, Rescinding or altering Council decisions, change requirement for rescission motions relating to development applications to be submitted to the General Manager no later than 12.00pm on the following business day after the meeting at which the resolution was adopted. Previous requirement was 5.00pm.

Minor edits include:

- Updated references to the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.
- Corrections to referencing and/or numbering errors.

**BACKGROUND**

The [Model Code of Meeting Practice for Local Councils](#) in NSW (the Model Meeting Code) is made under [s360](#) of the Act and [s232](#) of the [Local Government \(General\) Regulation 2021](#) (the Regulations).

The Code of Meeting Practice includes mandatory clauses that reflect the Act and the Regulations. Additional clauses do not contradict the Model Code.

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**FCS25/046 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

**CONCLUSION**

The draft Code of Meeting Practice was publicly exhibited for 42 days from 28 January 2025 to 10 March 2025. No submissions were received. Council deferred adoption of the policy at the 25 March 2025 Ordinary Meeting. This report recommends that Council adopt the updated Code of Meeting Practice.



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**FCS25/047 POLICY REVIEW - CODE OF CONDUCT**

**S004-T00060**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Code Of Conduct Policy - adopted November 2022 [↓](#)  
2. Under Separate Cover - Procedures for Administration of Code of Conduct

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.2 Implement effective governance processes including strategic approach for policy review

**EXECUTIVE SUMMARY**

Section 440 of the *Local Government Act 1993* (the Act) requires every NSW council to adopt a code of conduct that incorporates the provisions of [The Model Code of Conduct for Local Councils in NSW 2020](#).

Eurobodalla Shire Council complies with section 440 and 440AA of the Act by adopting as its Code of Conduct the most current version of the *Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the OLG [Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - 2020](#).

The Act requires councils to review their adopted codes of conduct within 12 months of the elections. Council's Code of Conduct policy was last adopted in November 2022. Given Council has adopted the OLG *Model Code* and OLG *Procedures for Administration* and these have not changed, no changes are recommended at this time and public exhibition is not required.

**RECOMMENDATION**

THAT Council notes the Code of Conduct Policy and Council's Procedures for Administration of the Code of Conduct have been reviewed with no changes proposed at this time.

**BACKGROUND**

The Model Code of Conduct for Local Councils in NSW sets the minimum standards of behaviour for council officials. It is made under section 440 of the Local Government Act 1993 and the Local Government (General) Regulation 2005, and is designed to:

- Help council officials understand and comply with expected standards.
- Support them in fulfilling their statutory duty to act honestly and with care.
- Enhance public confidence in local government

Every council and joint organisation must adopt a code of conduct that incorporates the provisions of the Model Code. Councils may also include supplementary provisions that extend its application to volunteers, contractors, and advisory committee members.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council committees, contractors,

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**FCS25/047 POLICY REVIEW - CODE OF CONDUCT**

**S004-T00060**

and volunteers are also obliged to observe the applicable requirements of the Code. It is the personal responsibility of all Council officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

The *Local Government Act 1993* requires councils to review their adopted codes of conduct within 12 months of the elections. Council's Code of Conduct policy was last adopted in November 2022.

Eurobodalla Shire Council complies with section 440 and 440AA of the *Act* by adopting as its Code of Conduct the most current version of the *Model Code of Conduct for Local Councils in NSW* as published by the OLG, and by adopting as its procedure for administration of the Code of Conduct the most current version of the OLG *Procedures for Administration of the Code of Conduct*.

The OLG has advised that whilst an updated Model Code of Conduct is under review currently, Councils still need to review their current Code of Conduct policies within 12 months of the elections. OLG have advised that public exhibition and formal policy re-adoption are not required, just a noting of review.

Councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted code of conduct. If standards are less onerous than those prescribed under the Model Code of Conduct, they will be invalid, and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the *Act*.

**CONCLUSION**

It is recommended that Council notes the Code of Conduct Policy and Council's Procedures for Administration of the Code of Conduct have been reviewed with no changes proposed at this time. The OLG has advised that whilst an updated Model Code of Conduct is under review currently, Councils still need to review their current Code of Conduct policies within 12 months of the elections as prescribed under the *Act*.



## Policy

|                               |   |
|-------------------------------|---|
| <b>Policy title</b>           | Code of Conduct   |
| <b>Responsible manager(s)</b> | General Manager   |
| <b>Contact officer(s)</b>     | Complaints Coordinator  |
| <b>Directorate</b>            | General Manager   |
| <b>Approval date</b>          | 22 November 2022  |
| <b>Outcome area</b>           | 5. Our engaged community with progressive leadership                      |
| <b>Strategy</b>               | 5.2 Proactive, responsive and strategic leadership                        |
| <b>Delivery Program</b>       | 5.2.2 Implement effective governance and long-term planning               |
| <b>Operational Plan</b>       | 5.2.2.1 Assist the Council in meeting its statutory obligations and roles |

### Purpose

Section 440 of the *Local Government Act 1993* (**the LG Act**) requires every NSW council to adopt a code of conduct that incorporates the provisions of *The Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (**OLG**).

The *Model Code of Conduct* is designed to help councils conduct with the core business of serving their communities. It does this by providing:

- flexibility to resolve less serious matters informally;
- fair complaints management;
- strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council reserve trusts, committees, contractors, and volunteers are also obliged to observe the applicable requirements of the Code.

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

### Policy aims:

- To promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- To ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- To ensure compliance with legislative and statutory requirements;
- To promote awareness of the requirements of the Code of Conduct;
- To take such steps as are appropriate to ensure that the Code of Conduct is followed;
- To make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.

### Policy details

|          |  |
|----------|--|
| <b>1</b> | <b>Application</b><br><br>This policy applies to all councillors, members of staff, delegates, community representatives on committees, contractors and volunteers of Eurobodalla Shire Council, |
|----------|--|



## Policy

|          |   |
|----------|---|
|          | and to the following reserve Trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).  |
| <b>2</b> | <p><b>Legislation</b></p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>  |
| <b>3</b> | <p><b>Breaches</b></p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>   |
| <b>4</b> | <p><b>Code of Conduct complaints</b></p> <p>A Code of Conduct complaint is defined as:</p> <p><i>"A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct"</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: <a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a> ).</p> <p>The current OLG <i>Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see <a href="#">Implementation</a> below).</p> |



## Policy

| 5  | <p><b>Complaints not related to Code of Conduct</b></p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council's statutory obligations and Complaints policy:</p> <table border="1"> <thead> <tr> <th>Complaint is about</th><th>Refer to</th></tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td><td>Office of Local Government</td></tr> <tr> <td>maladministration, serious or substantial waste of public resources</td><td>NSW Ombudsman</td></tr> <tr> <td>corrupt conduct</td><td>ICAC</td></tr> <tr> <td>criminal activity</td><td>Police</td></tr> <tr> <td>public interest disclosure</td><td>PID Coordinator</td></tr> <tr> <td>information (access to, copyright, or privacy)</td><td>Public Officer</td></tr> <tr> <td>competitive neutrality</td><td>Public Officer</td></tr> <tr> <td>customer dissatisfaction with Council service, activity, or action</td><td>Relevant officer or their supervisor</td></tr> <tr> <td>policy, procedure, or decision of Council</td><td>Relevant Director or Public Officer</td></tr> <tr> <td>other complaint about Council (not Code of Conduct related)</td><td>Public Officer</td></tr> </tbody> </table> | Complaint is about | Refer to | pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily | Office of Local Government | maladministration, serious or substantial waste of public resources | NSW Ombudsman | corrupt conduct | ICAC | criminal activity | Police | public interest disclosure | PID Coordinator | information (access to, copyright, or privacy) | Public Officer | competitive neutrality | Public Officer | customer dissatisfaction with Council service, activity, or action | Relevant officer or their supervisor | policy, procedure, or decision of Council | Relevant Director or Public Officer | other complaint about Council (not Code of Conduct related) | Public Officer |
|--|---|--------------------|----------|--|----------------------------|---|---------------|-----------------|------|-------------------|--------|----------------------------|-----------------|--|----------------|------------------------|----------------|--|--------------------------------------|---|-------------------------------------|---|----------------|
| Complaint is about   | Refer to  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily | Office of Local Government  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| maladministration, serious or substantial waste of public resources  | NSW Ombudsman   |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| corrupt conduct  | ICAC  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| criminal activity  | Police  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| public interest disclosure   | PID Coordinator   |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| information (access to, copyright, or privacy)   | Public Officer  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| competitive neutrality   | Public Officer  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| customer dissatisfaction with Council service, activity, or action   | Relevant officer or their supervisor  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| policy, procedure, or decision of Council  | Relevant Director or Public Officer   |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| other complaint about Council (not Code of Conduct related)  | Public Officer  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| 6  | <p><b>Gifts and Benefits</b></p> <p>Guidance for councillors and staff regarding the standards of behaviour and procedures to be followed, in relation to the acceptance of gifts or benefits which may be offered to them in the course of their duties.</p>   |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |
| 6.1  | <p><b>Token Gifts and Benefits</b></p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <ul style="list-style-type: none"> <li>(a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address.</li> <li>(b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.</li> <li>(c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops.</li> <li>(d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker.</li> <li>(e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages of a modest value.</li> <li>(f) Infrequent invitations to appropriate out-of-hours "cocktail parties" or social functions organised by groups, such as, council committees and community organisations.</li> </ul>  |                    |          |  |                            |   |               |                 |      |                   |        |                            |                 |  |                |                        |                |  |                                      |   |                                     |   |                |



## Policy

|            |   |
|------------|---|
| <b>6.2</b> | <p><b>Non-Token Gifts and Benefits of value</b></p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts &amp; Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> <li>(a) Quantities of alcohol.</li> <li>(b) Corporate hospitality at a theatre and/ or sporting event.</li> <li>(c) Discounted products for personal use.</li> <li>(d) Frequent use of facilities such as gyms.</li> <li>(e) Use of holiday homes, free or discounted travel.</li> </ul>   |
| <b>6.3</b> | <p><b>Disclosure</b></p> <p>Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people:</p> <ul style="list-style-type: none"> <li>• Staff to advise their Director.</li> <li>• Directors to advise the General Manager.</li> <li>• The General Manager to advise the Mayor.</li> <li>• Councillors to advise the Mayor.</li> <li>• The Mayor to advise the General Manager.</li> </ul> <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on Council's Gifts &amp; Benefits Register. After the gift or benefit is registered the recipient will be advised if they can keep the gift or benefit or if it has to be provided to Council.</p> |

## Implementation

| Implementation steps |  | Responsibility   |
|----------------------|--|--|
| <b>1</b>             | <p><b>Model Code of Conduct and Procedures</b></p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>  | General Manager<br>Councillors<br>Complaints Coordinator               |
| <b>2</b>             | <p><b>Reporting a Code of Conduct complaint</b></p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>   | General Manager<br>Mayor   |
| <b>3</b>             | <p><b>Code of Conduct complaints</b></p> <p>Code of Conduct complaint or breach are referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per the OLG Procedures).</p> <p>Council will select a Conduct Reviewer from a panel that have been determined by a public Express of Interest (EOI) process. This process</p> | General Manager<br>Mayor<br>Complaints Coordinator<br>Conduct Reviewer |



## Policy

|          |  |  |
|----------|--|--|
|          | <p>may be undertaken by the Canberra Region Joint Organisation of which Council is a member.</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>  | Other (referral as clause <a href="#">5.</a> above)                    |
| <b>4</b> | <p><b>Enforcement and Coordination</b></p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct.</p> <p>The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>        | General Manager<br>Executive Leadership Team<br>Complaints Coordinator |
| <b>5</b> | <p><b>Staff</b></p> <p>All staff are responsible for their own compliance with the standards of the Code of Conduct.</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>            | Council Officers   |
| <b>6</b> | <p><b>Consultation</b></p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p> | Key Stakeholders   |

## Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

**Note:** The next general local government election is expected to be held in September 2024.

Reviews of the effectiveness of this policy could include the following:

| Performance indicator                   | Data source(s)    |
|---|-------------------|
| Complaints received, Number of breaches | Council Records   |
| Audit (Internal or External)            | Audit             |
| DP/ OP objectives achieved              | Council reporting |





## Policy

### Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

#### *Related legislation, policies, codes, guidelines*

| Name   | Link   |
|--|--|
| Model Code of Conduct (current version)                                  | <a href="http://www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct">www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct</a>       |
| Procedures for Administration of Model Code of Conduct (current version) | <a href="http://www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf">www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf</a> |
| Local Government Act 1993  | <a href="http://www.legislation.nsw.gov.au/#/view/act/1993/30">www.legislation.nsw.gov.au/#/view/act/1993/30</a>   |
| Complaints Policy<br>Code of Meeting Practice                            | <a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies">www.esc.nsw.gov.au/inside-council/council/council-policies</a>   |

#### *Related external references*

| Name   | Link   |
|--|--|
| Office of Local Government                       | <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>   |
| Independent Commission Against Corruption (ICAC) | <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a> |
| NSW Ombudsman                                    | <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a> |

#### *Supporting documents*

| Name                           | Link   |
|--------------------------------|--|
| Code of Conduct Complaint form | <a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct">www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct</a> |

#### *Change history*

| Version | Approval date | Approved by | Minute No | File No              | Change   |
|---------|---------------|-------------|-----------|----------------------|--|
| 1       | 14 June 2016  | Council     | 16/169    | E06.0380             | New Policy commenced, and current Model Code of Conduct (Nov 2015) adopted.  |
| 2       | 28 Feb 2017   | Council     | 17/31     | E06.0380<br>E16.0297 | Reviewed at start of new Council term. Updated referencing and added 'Gifts and Benefits' section (with repeal of the previous Gifts and Benefits policy). GMR17/006 |
| 3       | 22 Nov 2022   | Council     | 22/312    | E16.0297             | Reviewed & updated at new Council term. Report GMR22/110   |

#### *Internal use*

|                     |                 |                |                  |
|---------------------|-----------------|----------------|------------------|
| Responsible officer | General Manager | Approved by    | Council          |
| Min no              | 22/312          | Report no      | GMR22/110        |
| File no             | E06.0297        | Review date    | Feb 2022         |
|                     |                 | Effective date | 22 November 2022 |
|                     |                 | Pages          | 6                |

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**FCS25/048 INVESTMENTS MADE AS AT 31 JULY 2025**

**S011-T00006,  
S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 We are an engaged community progressive leadership.  
Community Strategy: 5.3. Well managed and governed resources systems and processes  
Delivery Program Link: 5.3.1 Demonstrate future focussed corporate and financial management that is ethical, sustainable, transparent and accountable  
Operational Plan Link: 5.3.1.1 Provide strategic financial management and services guided by the Finance Strategy

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legislation and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

**RECOMMENDATION**

THAT the certification of investments as of 31 July 2025, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, be received.

**CONSIDERATIONS**

**Policy**

Council's investment policy is divided into two categories of risk, credit risk (risk of not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Council's portfolio is 100% invested in bank deposits, maintaining a low liquidity risk across all credit risk categories.

As at 31 July 2025, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190). A summary of holdings by risk category is summarised below in Table 1.

**FCS25/048 INVESTMENTS MADE AS AT 31 JULY 2025**

**S011-T00006,  
S012-T00025**

**Table 1 – Policy Risk Categories**

| S&P Long Term Category               | S&P Short Term Category | Policy Risk Category | Current Holdings | Maximum Holdings |
|--------------------------------------|-------------------------|----------------------|------------------|------------------|
| AAA (Government Guaranteed Deposits) | A-1+                    | Remote Risk          | 1.05%            | 100%             |
| AAA to AA                            | A-1+                    | Near Risk Free       | 45.75%           | 100%             |
| A                                    | A-1 to A-2              | Near Risk Free       | *53.20%          | 40%              |
| BBB+                                 | A-2                     | Some Limited Risk    | 0.00%            | 30%              |

\*30% of the portfolio is held with Bendigo Bank and Bank of Queensland. In April 2024, these two institutions were upgraded from an S&P Global long-term rating of BBB+ to A- and therefore now reported in the 'A' category of the policy. The current investment policy is under review.

**Financial**

Investment holdings summary

Table 2 provides a summary of cash and investment balances as at 31 July 2025. Fossil fuel free refers to institutions that have no exposure or no longer directly finance projects in the fossil fuel industry but still have some exposure from historical funding.

**Table 2 – Investment holdings by category**

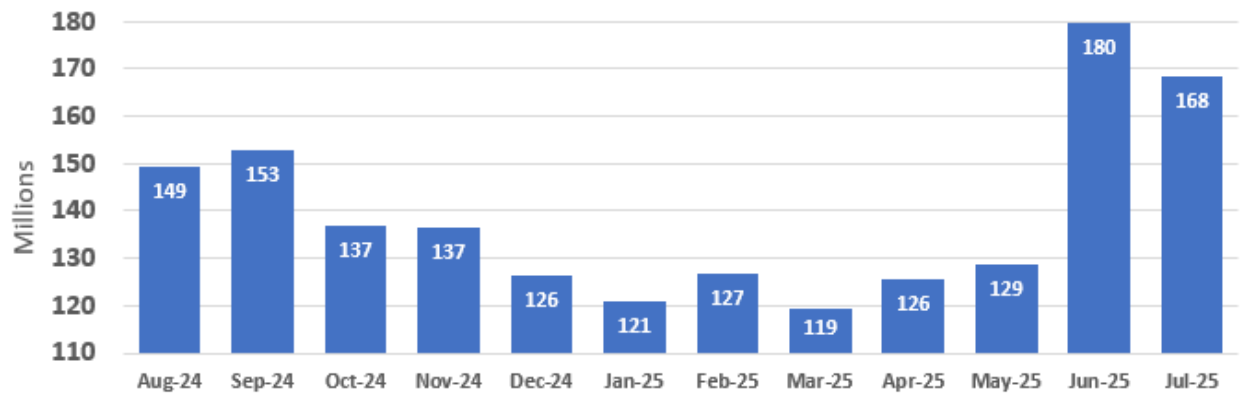
| Category                                      | (\$)               | % of Portfolio |
|---|--------------------|----------------|
| At Call Deposit                               | 9,670,963          | 5.80%          |
| Term Deposits – Government Guaranteed         | 1,750,000          | 1.05%          |
| Term Deposits – Fossil Fuel Free Institutions | 50,000,000         | 29.99%         |
| Term Deposits                                 | 105,280,000        | 63.16%         |
| <b>Total Investments</b>                      | <b>166,700,963</b> |                |
| Cash at Bank (Operating Account)              | <b>1,721,266</b>   |                |
| <b>Total Cash and Investments</b>             | <b>168,422,229</b> |                |

Cash and investments decreased by \$11m in July 2025, primarily due to capital expenditure on the Southern Water Storage Supply project and renewal of annual insurance premiums.

FCS25/048 INVESTMENTS MADE AS AT 31 JULY 2025

S011-T00006,  
S012-T00025

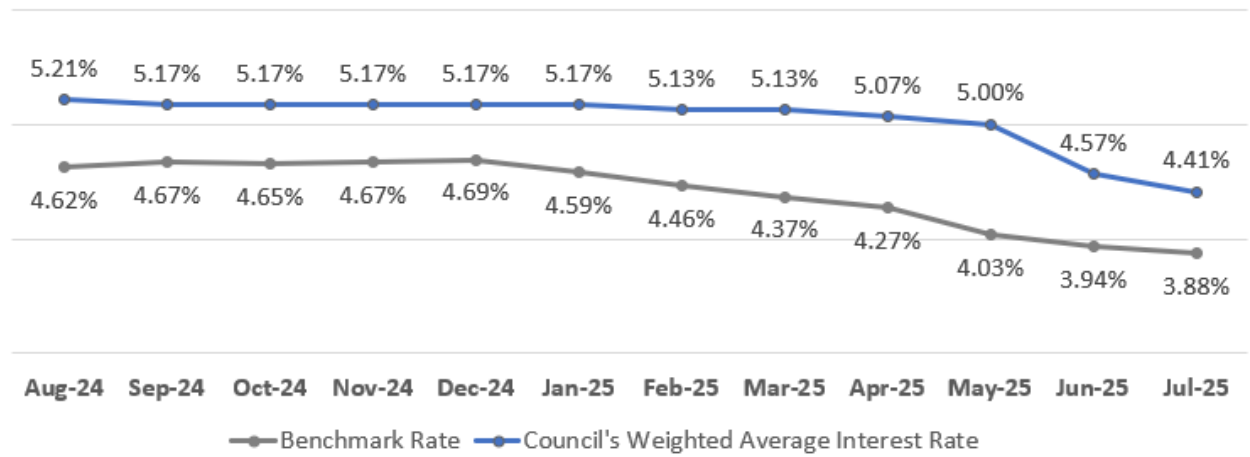
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for July 2025 is 4.41%, surpassing the Council policy benchmark of 3.88%, calculated using the bank bill swap rate (BBSW) 3-month average plus 0.25%. Graph 2 compares Council’s weighted average return to the benchmark rate over a 12-month period.

Graph 2 – Investment performance over 12 months



CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations.

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**IR25/015 LOCAL TRAFFIC COMMITTEE NO.1 FOR 2025-26**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Local Traffic Committee No.1 for 2025-26 - Minutes and attachments

Community Goal: 4. Our community has reliable and safe infrastructure networks and community facilities.

Community Strategy: 4.1 Provide integrated active transport networks to enable a connected and accessible Eurobodalla.

Delivery Program Link: 4.1.1 Advocate for and provide improved, accessible and resilient transport services and infrastructure

Operational Plan Link: 4.1.1.2 Coordinate the Local Traffic Committee

### **EXECUTIVE SUMMARY**

The Local Traffic Committee is primarily a technical review committee. It advises Council on traffic control matters that relate to prescribed traffic control devices or traffic control facilities for which Council has delegated authority.

Recommendations arising from the Local Traffic Committee Meeting No. 1 held 10 July 2025 are as follows:

### **RECOMMENDATION**

THAT Council approves the following acts for determination from Local Traffic Committee No. 1 for 2025-26:

1. That the Minutes of the Local Traffic Committee Meeting No. 7 for 2024–25, held on 8 May 2025, be confirmed, subject to an amendment to Item 8.1, changing the reference from '2025.RT.024 – Driftwood Shores, Anderson Avenue, Tuross Head' to '2025.RT.025 – Driftwood Shores, Anderson Avenue, Tuross Head'.

- **2026.RT.001 Turnbolls Lane CHR(S), Moruya Housing Infrastructure**

That Council Plan 5481-B to install signage and line marking at Turnbolls Lane CHR(S), be approved.

- **2026.RT.002 Evans Street Pedestrian Refuge, Moruya Housing Infrastructure**

That Council Plan 5491-B install signage and line marking at Evans Street pedestrian refuge, be approved.

2. Notes the following Informal Items:

- **2026.SE.01 Capital Kamikaze 2025**

That the submitted Traffic Guidance Scheme for Capital Kamikaze 2025 to be held on Sunday 28 September, subject to approval by the NSW Police, and Transport for New South Wales, be approved.

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**IR25/015 LOCAL TRAFFIC COMMITTEE NO.1 FOR 2025-26**

**S030-T00018**

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 1 for 2025-26 was held on 10 July 2025.

The meeting was attended by Thomas Franzen (ESC Division Manager, Technical Services - Chair), James Thompson (ESC Transport and Stormwater Engineer), Donna Binns (Transport for NSW), Katherine Buttsworth (ESC Road Safety Officer), Chief Inspector John Sheehan (NSW Police) and Sheree Ward (Infrastructure Support Officer).

**APOLOGIES**

Councillor Laurence Babington (Chair), Daniel Weekes (Traffic Coordinator), Kelly-Ann Marshall (ESC Surveillance Officer), Senior Sgt Angus Duncombe (NSW Police), Geoff Armstrong (ESC Design Coordinator), Scott McNairn (ESC Events Coordinator), Brad Ross (Transport for NSW), Member for Bega Representative, Senior Sgt Scott Britt (NSW Police).

**MOTION:** A motion was moved under the Terms of Reference to appoint Thomas Franzen as “the Chair” for this meeting.

**CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee Meeting No. 1 for 2025-26 are attached to this report and provide further background for the recommendations.



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**CAR25/011 POST-EXHIBITION AND FINALISATION OF HANGING ROCK,  
CORRIGANS BEACH AND OBSERVATION POINT PLAN OF  
MANAGEMENT**

**S020-T00021**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: 1. Under Separate Cover - Hanging Rock, Corrigans Beach and  
Observation Point Plan of Management  
2. Under Separate Cover - Hanging Rock, Corrigans Beach and  
Observation Point Master Plan

Community Goal: 4. Our community has reliable and safe infrastructure networks and  
community facilities.

Community Strategy: 4.4 Ensure community facilities and public spaces are clean, safe and  
have great amenity

Delivery Program Link: 4.4.1 Provide and manage quality, community facilities and public  
spaces to meet the needs of the current and future communities

Operational Plan Link: 4.4.1.1 Develop plans of management for Council owned and managed  
community land

**EXECUTIVE SUMMARY**

The purpose of this report is to detail the outcomes of the public exhibition of the Hanging Rock, Corrigans Beach and Observation Point Reserves Draft Plan of Management (POM) and accompanying landscape master plan, with a recommendation to adopt the POM.

On the 17 December 2024, Council resolved (Min. 24/196) that:

1. *In accordance with Section 38 of the NSW Local Government (LG) Act 1993, endorse the public exhibition of the draft Hanging Rock, Corrigans Beach and Observation Point Plan of Management from 28 January 2025, for a period of not less than 28 days, with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council; and*
  - a. *If no significant adverse feedback is received as part of the public exhibition, the draft Plans of Management be finalised and deemed adopted pursuant to section 38 of the Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or*
  - b. *If significant adverse feedback is received as part of the public exhibition of the draft Plans of Management that requires the draft Plan of Management to be amended, the draft POM is to be resubmitted for Ministerial consent to adopt.*
2. *Upon adoption of the draft Plan of Management, forward a copy of the adopted Plan of Management to the Department of Planning, Housing and Infrastructure (the Department) for record purposes.*

The draft POM and associated master plan were publicly exhibited for 28 days, from Wednesday 29 January - Wednesday 26 March 2025, with submissions accepted up to 42 days from the exhibition commencement date in accordance with legislative requirements.

A total of eleven (11) submissions were received during the exhibition period. A summary of the submissions have been uploaded to the Hub.

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**CAR25/011 POST-EXHIBITION AND FINALISATION OF HANGING ROCK,  
CORRIGANS BEACH AND OBSERVATION POINT PLAN OF  
MANAGEMENT**

**S020-T00021**

Two main themes emerged from the public exhibition:

- 1. Concerns and a need for clarity around all forms of camping, including short-term event related, occasional, and emergency camping.**

In response to this, changes have been made to the POM, clarifying that 'event camping' is restricted to occasional on-site accommodation for event security purposes within Hanging Rock and Corrigans Beach Reserve, rather than event participants, and emergency related camping relates to camping associated with a state government declared natural disaster.

- 2. A request to remove a pathway connecting Corrigans Reserve to Observation Point stairs.**

Significant engagement and onsite visits were conducted to clearly identify the issues of concern. As a result, relevant sections of the draft master plan have been amended to remove reference to the path in this locality, which is located outside the POM site.

It is recommended that Council adopt the Hanging Rock, Corrigans Reserve and Observation Point draft POM and accompanying master plan in accordance with Section 3.23(6) of the Crown Land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, subject to identified minor amendments and updates being made.

**RECOMMENDATION**

THAT Council:

1. In accordance with Section 3.23(6) of the Crown land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, adopt the Hanging Rock, Corrigans Beach and Observation Point Plan of Management (**Attachment 1**) and Master Plan (**Attachment 2**), subject to the proposed minor amendments described in **Table 4** within this report, and proceed to finalise the Plans.
2. Thank all contributors to the Hanging Rock, Corrigans Beach and Observation Point draft Plan of Management in writing.
3. Rescind the existing Corrigans Beach Reserve and Hanging Rock Plan of Management.
4. Place a copy of the adopted Hanging Rock, Corrigans Beach and Observation Point Plan of Management and Master Plan on Council's website following adoption by Council.

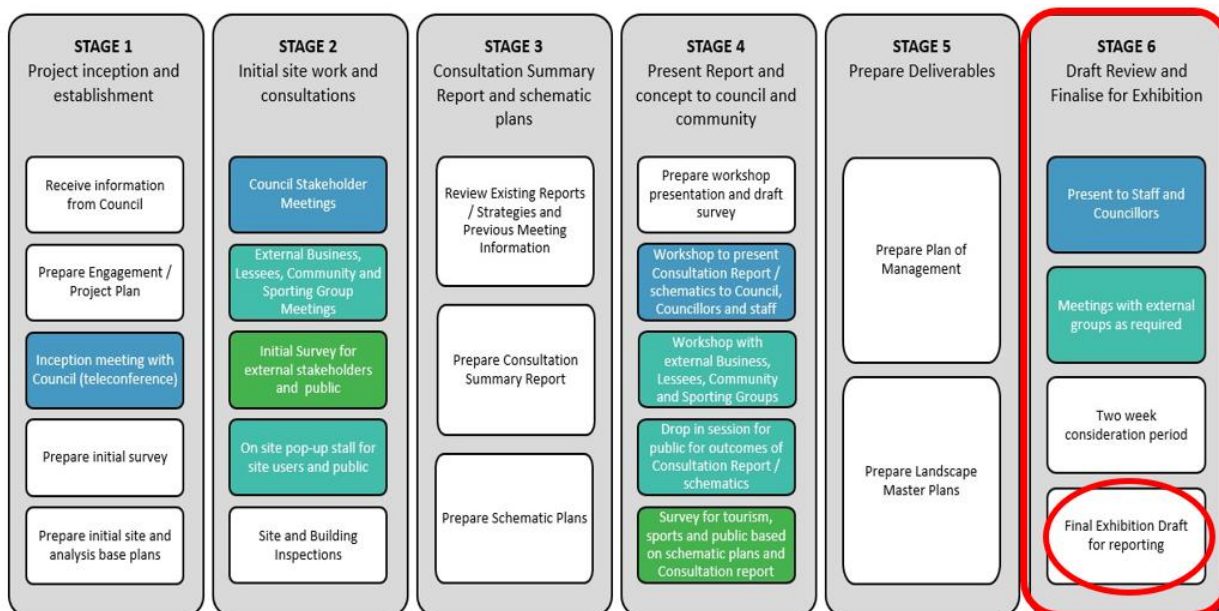
**BACKGROUND**

Development of the draft landscape master plan and POM was undertaken as per the below six-step process. We are currently at the last point, Stage 6, as identified in **Table 1**.

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**Table 1**



Council supported by consultant's, Locale Consulting, commenced development of the draft landscape master plan and POM in mid-2019. Two separate community consultation processes were undertaken at Stages 2 and 4, as outlined in Table 2, with consultation activities and outcomes summarised.

**Table 2**

**Stage 2 Consultation:**



**Stage 4 Consultation:**



A timeline of the subsequent steps in the development process are as follows:

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- On the 24 November 2020, Council resolved (MIN.20/203) to send a copy of the draft POM and associated master plan to the NSW Minister for Water, Property and Housing to seek Minister's consent to exhibit the draft POM.
- Between 2021 and June 2024, as part of the development process, Crown Lands required several ad hoc changes to the draft POM.
- Minister's consent granting Council permission to publicly exhibit and adopt the draft POM was received at the end of March 2024.
- On the 17 December 2024, Council resolved (Min. 24/196) to place the draft POM and master plan on public exhibition in accordance with legislative requirements.
- The draft POM and master plan were placed on public exhibition from Wednesday 29 January - Wednesday 26 March 2025 as per legislative requirements.

**CONSIDERATIONS**

This POM applies to Hanging Rock Reserve (Crown Reserve # 66122 which includes the Corrigans Beach area) and Observation Point Reserve (Crown Reserve # 60913). These areas are to be reserved for the purposes of Public Recreation and Resting Place (# 66122) and Public Recreation (# 60913) respectively and are to be categorised as General Community Use and Park.

The POM has been prepared in accordance with relevant legislation, primarily relating to the Crown Land Management Act 2016 and the Local Government Act 1993, to provide the core framework to support the efficient day to day management of the Reserves and to facilitate identified development initiatives.

**Recreation and Open Space 2018 implementation**

Several actions within the draft master plan and POM were previously identified in Council's adopted Recreation and Open Space Strategy 2018 and have been or are currently being completed. This includes the following actions:

**N17** - Update the master plan for the Hanging Rock precinct and explore opportunities to upgrade the fields and amenities, power to the remote-control car club and spectator facilities across the site, with consideration of Action E8.

**E7** – As part of the review of the minimum inclusions for sporting amenities, upgrades have been undertaken at Hanging Rock to incorporate:

- Two change rooms (with an ability to be converted to four smaller change rooms)
- Officials change area
- Public Amenities
- First aid area
- Canteen
- Significant storage.

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**E8** - Develop a minimum standard of ancillary facility provisions for sporting fields. Items for consideration include player and official's benches, dugouts, spectator seating and opportunities for shelter from the elements.

**E22** - In future development or upgrades of wheel actioned sports precincts (skate parks), give consideration to incorporating features such as:

- Areas for younger and less experienced riders
- Water bubblers
- Shade structures
- Lighting and power.

**N24** - Plan for the Batemans Bay Coastal Headlands Walking Trail from Observation Point to McKenzies Beach.

**Legal**

The POM has been prepared in accordance with and meets the requirements of Section 36(3) of the LG Act, which sets out the minimum requirements for a POM, identifying the following:

- a) Category of the land
- b) Objectives and performance targets of the plan with respect to the land
- c) Means by which the Council proposes to achieve the plan's objectives and
- d) Manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.

Additionally, Section 36(3A) of the LG Act specifies that plans that apply to a specific area of land must also:

- Describe the condition of the land as at the adoption of the plan
- Describe the buildings on the land as at adoption
- Describe the use of the buildings and the land as at adoption
- State the purposes for which the land will be allowed to be used, and the scale and intensity of that use.

In accordance with Section 3.23 of the CLM Act, Council as Crown Land Manager, is required to assign a category(s) to Crown reserves classified as Community Land. Council received written Ministerial consent on 14 March 2019 for the interim categorisation of Hanging Rock Reserve (including Corrigan's) as General Community Use and Park, and for Observation Point Reserve as Park. After community consultation these categories were confirmed as the most appropriate for these Reserves, and no change in categorisation was required.

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Native Title

Under the Commonwealth Native Title Act 1993, for a Native Title claim to be successful, Native Title claimants must prove a connection to the land and that Native Title has not been extinguished.

In accordance with the Native Title Act 1993 and the CLM Act, Council's Native Title Manager notified Native Title Services Corporation (NTS Corp) on 17 November 2022 regarding the Hanging Rock, Corrigans Reserve and Observation Point draft POM. Council received no response during the stated 28 day notification period, which indicates that the activities and actions proposed in this POM are not likely to impact Native Title at the subject reserves.

**Policy**

The Implementation Action Plan at Section 7 of the POM contains seven management objectives and associated actions with corresponding performance targets and measures. These are the means by which each stakeholder, including Council, has agreed to meet the POM's objectives and targets, and the manner in which these actions will be monitored.

Management Objectives addressed by the Management Action Plan for the Reserves are as follows:

1. Maintain and grow formal and informal sporting use
2. Integrate shared access for all users to and within the reserves
3. Maintain and grow events and visitation
4. Integrate, protect and enhance natural and cultural features
5. Promote linkages within and beyond the reserves
6. Improve existing infrastructure for a variety of user groups
7. Manage user groups.

**Environmental**

Management Objective 4 - *Integrate, protect and enhance natural and cultural features*, is supported by several actions that serve to protect and enhance the natural and cultural features of the reserves.

**Asset**

The following Management Objectives are supported by a range of actions that serve to enhance facilities and services, supporting a range of current and future activities and events in the subject reserves:

- Management Objective 5 - *Promote linkages within and beyond the reserves* and
- Management Objective 6 - *Improve existing infrastructure for a variety of user groups*.

**Social Impact**

The following Management Objectives are supported by a range of actions that serve to enhance social benefits:

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- Management Objective - *Integrate shared access for all users to and within the reserves*
- Management Objective - *Improve existing infrastructure for a variety of user groups*
- Management Objective - *Manage user groups.*

The subject reserves have long been a part of the local area and are a key recreational and community hub for a wide range of community, sporting, recreation activities and groups. The site is also regularly visited by the general public and visitors to the area, providing an important social and community benefits for Batehaven, the wider Batemans Bay area and Eurobodalla as a whole.

Importantly, the site is a nominated evacuation centre, if required by the state government, providing temporary emergency evacuation and accommodation for the community during natural disasters under the State Environmental Planning Policy (SEPP) (Housing) 2021.

**Economic Development Employment Potential**

The following Management Objectives are supported by a range of actions that serve to enhance the economic development and employment potential of the site:

- Management Objective - *Maintain and grow formal and informal sporting use*
- Management Objective - *Maintain and grow events and visitation*
- Management Objective - *Improve existing infrastructure for a variety of user groups.*

The site already generates direct employment; however, the POM intends to continue to improve existing infrastructure and maintain and grow sporting and other events on the site, which will ensure that visitors to these facilities, spaces and events will provide an economic stimulus to the town and shire.

**Financial**

Any changes to the draft landscape master plan and/or POM will be funded within the existing POM budget.

Actions outlined within the Implementation Action Plan and identified on the master plan are indicative only and developments proposed in the landscape master plan are subject to detailed design, relevant approvals and the commitment of a budget.

**Community and Stakeholder Engagement**

The draft POM and master plan were publicly exhibited from Wednesday 29 January - Wednesday 26 March 2025, with a total specified period of not less than 42 days after the commencement of the exhibition date in which submissions may be made to Council.

The draft Plans were available at Council's Administration Office, Council Libraries and online via the Major Projects page. The public exhibition was promoted via:

- Council's Major Projects page
- Media release
- Council newsletter



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- Notice in the Bay Post
- On-site posters
- Notification letters sent to all previously identified stakeholders (208).

A total of eleven (11) submissions were received during the 42-day period. This included:

- Two (2) internal staff submissions; and
- Nine (9) external submissions received from the community.

Of these external submissions:

- Five (5) submissions were from a single person; therefore, staff considered the relevant themes in each submission separately but treated these as a single (1) submission.
- Two (2) submissions were from separate individuals but considered a form letter and therefore treated as a single (1) submission.
- Two (2) submissions were received from separate individuals.

Relevant themes identified in the submissions, and proposed responses are outlined in the **Table 3**. A copy of the full submissions has been uploaded to the Hub.

**Table 3**

| <b>Theme No.</b> | <b>Submission Summary</b>  | <b>Proposed submission response</b>  |
|------------------|--|--|
| <b>1.</b>        | Inclusion and identification of waste services infrastructure in the draft Plans because of the POMs intention to increase events in the Reserves. | <p>This level of detail is not generally included on the master plan.</p> <p>Council's adopted ROSS includes actions to develop minimum inclusions and standards for ancillary facility provisions around Council's sporting fields and sporting facilities. Waste infrastructure could be considered as part of these ancillary provisions.</p> <p>Events held on Council-owned or managed land currently require approval, including approval of a waste management plan. Event organisers are required to provide additional waste facilities during the event. This enables event waste to be removed, sorted and recycled following the event rather than going direct to landfill.</p> |
| <b>2.</b>        | Inclusion of the Eurobodalla Climate Action Plan (CAP) and actions relating to Integrated Transport, Built Environment,                            | <p>The draft POM references Council's Community Strategic Plan (CSP) and vision. This includes the vision for a 'thriving' community – <i>"We are successful and sustainable in growth and development."</i></p> <p>It is recommended the reference to the CSP and</p>   |

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| <b>Theme No.</b> | <b>Submission Summary</b>   | <b>Proposed submission response</b>   |
|------------------|---|---|
|                  | Waste, Ecosystems and Biodiversity and Natural Hazards.   | <p>‘sustainability’ in Figure 2 be retained. Reference to and a summary of the CAP has been included on page 10 of the draft POM under section 3.3.1 - Broad Strategies and Directions.</p> <p>Relevant actions relating to the CAP, such as EV Charging Stations, may be considered further in the upcoming review of the ROSS 2018.</p> <p>Council’s Facilities Management team undertakes routine maintenance to upgrade Council’s existing facilities with energy efficient and sustainable products across Council’s existing assets.</p>  |
| <b>3.</b>        | Inclusion of the existing approved pruning area for coastal patrol safety requirements on the Hanging Rock Reserve Master Plan. | Include a notation on the relevant page of the draft Hanging Rock Reserve Master Plan to reflect the existing approved pruning area for coastal patrol safety requirements.   |
| <b>4.</b>        | An objection to references to ‘camping’ in the draft POM, including short-term event related camping and occasional camping.    | <p>The previous POM did not reference camping; however, the exhibited draft POM included short-term event related and occasional camping within Hanging Rock and Corrigan’s Reserves.</p> <ul style="list-style-type: none"> <li>• Event camping has historically been undertaken by operators, such as Bells Carnival, who typically travel with the event and stay on-site for asset protection. Inclusion of camping for event operators will enable this activity to be formalised.</li> <li>• Management objective 3 of the POM aims to maintain and grow events and visitation. However, there are a significant number of accommodation providers within Batemans Bay.</li> </ul> <p>For this reason, additional information has been added to the POM to clarify that ‘event camping’ is restricted to “occasional on-site accommodation for event security purposes within Hanging Rock and Corrigan’s Beach Reserves” rather than event</p> |

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| Theme No. | Submission Summary  | Proposed submission response   |
|-----------|---|--|
|           |   | <p>participants. This will ensure that Council is supporting large-scale major events, and complementing rather than competing with existing hospitality and tourism businesses in the region.</p> <p>Provisions of the Local Government Act 1993 and Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 permit this form of camping.</p>  |
| 5.        | <p>Concerns relating to the expansion of emergency related uses in the reserves, including emergency related camping.</p>   | <p>State Environmental Planning Policy (SEPP) (Housing) 2021 contain provisions that permit temporary emergency accommodation to occur in the case of a natural disaster. This form of emergency accommodation is generally short-term, occurring during a declared natural disaster, and is not used as ongoing housing for people.</p> <p>This State legislation overrides Council's planning controls and would occur at designated emergency evacuation centres, such as Hanging Rock.</p> <p>Additional information has been added to the POM to clarify the circumstances in which this form of camping occurs and that this is imposed by the State government during declared natural disasters, under relevant legislation.</p>   |
| 6.        | <p>A request to remove an identified pathway connecting Corrigan's Reserve to Observation Point stairs that is referenced within the draft Plans but outside of the master plan area.</p> | <p>Two submissions requested the removal of references within the POM and master plan to a future accessible pathway linking Corrigans Beach to the Observation Point and located at the front of the two tourist parks to the east and outside of the master plan area.</p> <p>An earlier iteration of the draft master plan had identified a pathway and fencing proposed at the front of the two tourist parks to the east and outside of the master plan area. Following previous consultation, these images were removed from the updated version of the master plan. However, the pathway was still referenced in the following sections and this created confusion:</p> <ul style="list-style-type: none"> <li>page 43 and Management Objective 2 of the Action Plan in the draft POM; and</li> </ul> |

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| Theme No. | Submission Summary | Proposed submission response   |
|-----------|--------------------|--|
|           |                    | <ul style="list-style-type: none"> <li>pages 7-10 of the draft master plan.</li> </ul> <p>The intention of the pathway was for the purpose of:</p> <ul style="list-style-type: none"> <li>connecting the reserves to Observation Point and the broader Batemans Bay Coastal Headland Walking Trail (Munjip Trail).</li> <li>defining a dedicated pathway to formalise and control informal pedestrian access and subsequent erosion of the dunes in this vulnerable coastal area.</li> </ul> <p>Staff had multiple telephone conversations and an on-site meeting with the concerned community member in relation to the pathway. The on-site meeting provided staff with additional site context and the community member with clarity around the concerns raised in the submission. This has resulted in:</p> <ul style="list-style-type: none"> <li>relevant sections of the draft master plan having now been amended to remove any reference to the path in this locality, which is located outside of the POM site; and</li> <li>clarity, confirming that any remaining references to 'a proposed pathway' within the draft POM or master plan refers to proposed pathway in the broader pathway network within Corrigans Beach Reserve and the POM site.</li> </ul> |

Proposed minor amendments are outlined in **Table 4**.

**TABLE 4**

| Pages                     | Amendment type | Proposed Amendment  |
|---------------------------|----------------|---|
| <b>Plan of Management</b> |                |   |
| Throughout                | Amend          | Amend all relevant administrative errors including typos, page number errors etc.     |
| 10                        | Addition       | Include Council's adopted Climate Action Plan (CAP) in Section 3 Legislative Context. |
| 19-22                     | Addition       | Required information regarding community  |

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| Pages      | Amendment type | Proposed Amendment   |
|------------|----------------|--|
|            |                | consultation.  |
| Throughout | Amend          | <p>There are 16 occurrences of camping within the draft POM. Delete or amend relevant references to event-related, occasional and emergency camping as outlined below:</p> <p>Executive Summary - amend action 3 in the Implementation Action Plan to “Enable 24-hour on-site accommodation for event security purposes during events.”</p> <p>p.32 – amend to clarify that this is emergency use, such as a natural disaster, as declared by the State government under State legislation.</p> <p>p.33 - Short-term <del>event</del> camping (in accordance with the requirements of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds &amp; Moveable Dwellings) Regulation 2005</i>)</p> <p>p.45 - amend to say “temporary on-site event security accommodation areas” rather than “temporary camping and the like.”</p> <p>p.46 – Delete dot point related to camping associated with events in Hanging Rock Reserve - “Enable occasional camping/ accommodation within Hanging Rock Reserve.....”</p> <p>p.52 – Delete last line of “Operators of accommodation offerings, including the existing Batemans Bay Holiday Resort and other occasional event related camping areas”.</p> <p>p.54 – Delete dot point stating “Overnight camping that is temporary in nature and associated with events on, or in the vicinity of the Reserve.”</p> <p>p.59 – amend action 3 in the Implementation Action Plan to say “Enable 24-hour on-site accommodation for event security purposes during events.”</p> <p>p.59 – amend Manner of assessment in Implementation Action Plan from “Occasional event-related camping permitted within Hanging Rock and Corrigans Beach Reserves” to “Occasional on-site accommodation for event security purposes within</p> |

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| Pages                              | Amendment type                                | Proposed Amendment   |
|------------------------------------|---|--|
|                                    |   | Hanging Rock and Corrigan Beach Reserves.”   |
| 18                                 | Update  | Update Coastal Management maps at Figure 14 & 15   |
| 43                                 | Amend   | Amend plant species x 2  |
| 47-48                              | Amend   | Management of foreshore - Delete reference to “vehicle and watercraft” on each page to ensure consistency with existing signage, which refers to “people” only.  |
| <b>Master Plan</b>                 |   |  |
| Throughout                         | Amend   | Amend all relevant administrative errors including notations reflecting existing uses, typos, page number errors etc.  |
| <b>Hanging Rock Master Plans</b>   |   |  |
| 2-6                                | Add notation to reflect existing approved use | Pruning Area for Coastal Patrol  |
|                                    | Amend notation and identify new AFL Building  | Add AFL building footprint   |
|                                    | Amend to identify Tafe Building               | Add existing Tafe Building.  |
| 4                                  | Amend master plan to reflect existing         | Extend tree border around Field 1  |
| <b>Corrigan Beach Master Plans</b> |   |  |
| 7-11                               | Amend remove reference                        | Item 2: Tourist Park Beach Access-<br>Remove reference to ‘fencing.’   |
|                                    | Amend dump point location                     | Show dump point located to the north-east corner of the existing vehicular circulation area. This removes the current safety risk associated with long vehicles and access into the children’s playground, while still enabling connection to required sewer/water infrastructure. |
|                                    |   | Amend ‘Parking & Event Camping’ symbol (yellow circle) and associated notation to read ‘Event staff Area.’   |

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| Pages | Amendment type | Proposed Amendment  |
|-------|----------------|---|
|       |                | Remove any reference to a future pathway at the front of the adjoining caravan parks to east.               |
|       |                | Item 10 - Remove sentence 'and possible future connections to Observation Point.'                           |
|       |                | Amend reference on plan (at top left) from 'Carnival staff camping area' to 'Event personnel camping area'. |

Full Submissions in response to public exhibition of the Hanging Rock and Observation Point Reserves Draft Plan of Management (POM) and accompanying landscape master plans, have been uploaded to the Hub.

**CONCLUSION**

It is recommended that Council adopt the draft landscape master plan and POM for Hanging Rock and Observation Point and deem it finalised and adopted pursuant to section 38 of the Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016, subject to the minor identified changes.

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**CAR25/012 POST-EXHIBITION TO ADOPT PUBLIC ART POLICY**

**T0034-S0002**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: 1. Public Art Policy 2025 [↓](#)

Community Goal: 1 Eurobodalla welcomes, celebrates and supports everyone.

Community Strategy: 1.1 Acknowledge our beginnings, embrace our culture and diversity.

Delivery Program Link: 1.1.3 Develop and promote creative arts activities and industries as guided by the Creative Arts and Public Arts Strategies

Operational Plan Link: 1.1.3.1 Coordinate art in public spaces and provide information about public art best practice

**EXECUTIVE SUMMARY**

The purpose of this report is to advise Council of the outcomes of the public exhibition of the draft Public Art Policy, which was exhibited for 28 days from 26 June to 25 July 2025.

The draft Public Art Policy was updated prior to public exhibition, with the aim of providing the community and staff with clarity in relation to public art proposals on Council managed property. No submissions were received during the exhibition period.

A minor amendment has been made to the draft policy to update references to the current Delivery Program and Operational Plan actions.

This report recommends Council endorse the draft Public Art Policy.

**RECOMMENDATION**

THAT Council endorse the Public Art Policy.

**BACKGROUND**

At the Council meeting of 17 December 2024, Council resolved via minute 24/187 to defer forming the Public Art Advisory Committee (PAAC).

Given the deferment of forming the PAAC, the Public Art Policy was updated to reflect this change, including removing references to the PAAC, and altered to realign processes.

At the Council meeting of 24 June 2025, Council resolved via Minute CAR25/006 to endorse the public exhibition of the draft Policy for 28 days.

The updated Policy provides the community and staff with clarity in relation to public art proposals on Council managed property, as sculptural gifts continue to be presented to Council.

**CONSIDERATIONS**

Council has been fortunate to be offered a range of sculptures in recent years and has also received applications for the installation of other forms of public art such as murals and mosaics.

It is important to ensure that the community and staff have a clear and current process to guide expectations and decision making. The Public Art Policy will provide clarity and a consistent approach.

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**CAR25/012 POST-EXHIBITION TO ADOPT PUBLIC ART POLICY**

**T0034-S0002**

**Asset**

Any public art gifts or commissions have a process that is implemented, including reporting the item/s to the Assets team to include on Council's asset register and ensuring adequate insurance, installation and maintenance processes are in place.

A primary consideration for the acceptance of public art gifts is safety to ensure pieces are placed within the right context, are robust enough for a range of weather conditions, have structural integrity and are generally safe for the community.

Over time the artwork will be monitored for deterioration and any safety issues. Public artworks can be decommissioned or moved to another place, if required, at the discretion of Council.

**Social Impact**

Public art helps the community in many ways. It supports aesthetics and a sense of beauty and interest to everyday spaces whilst encouraging social interaction and a sense of community. Art projects can make places feel safer and more welcoming.

Public art has the power to boost the local economy by attracting tourists and new businesses and employing artists and installers.

Importantly public art is free and accessible to the community and promotes cultural understanding via appreciation of different cultures and perspectives. It has important role to play in placemaking.

Engaging with public art can also reduce anxiety and social isolation and support the community with a sense of wellbeing and pride of place.

**Financial**

There are generally costs associated with the installation of public art. Council has allocated a small budget for both installation and maintenance of sculptures. However, Council may need to monitor and adjust budgets if the rate of public art gifting and maintenance costs increase.

**Community and Stakeholder Engagement**

Council consulted with the community by seeking feedback, through a 28 day Public Exhibition, from 26 June 2025 to 25 July 2026.

The draft Public Art policy was available on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Public Art Policy provides the community and staff with a clear, consistent and current process to guide expectations and decision making.

Council exhibited the draft Public Art Policy for 28 days, from 26 June 2025 to 25 July 2025, with no submissions received.

This report recommends endorsement of the draft Public Art Policy.



#### POLICY

|                               |   |
|-------------------------------|---|
| <b>Policy name</b>            | Public Art Policy   |
| <b>Responsible manager(s)</b> | Divisional Manager Community Development and Participation  |
| <b>Contact officer(s)</b>     | Coordinator Creative Arts Development   |
| <b>Directorate</b>            | Community, Arts and Recreation Services   |
| <b>Approval date</b>          | 26 August 2025  |
| <b>Strategy</b>               | 1.1 Acknowledge our beginnings, embrace our culture and diversity   |
| <b>Delivery program</b>       | 1.1.3 Develop and promote creative arts activities and industries as guided by the Creative Arts and Public Arts strategies                                   |
| <b>Operational plan</b>       | 1.1.3.1 Coordinate art in public spaces and provide information about public art best practice<br>1.1.3.2 Promote creative arts events throughout Eurobodalla |

#### Purpose

The purpose of this Policy is to encourage, promote, guide, facilitate and assist with the planning, development, procurement, implementation and care of public art in Eurobodalla. Moreover, the policy supports the important role public art plays in a lively, representative cultural identity, the visitor economy and supporting the wellbeing of the community.

#### Policy aims:

The policy aims to guide Council to:

- Encourage art in public places in Eurobodalla.
- Raise the profile, recognition, understanding and appreciation of public art and its development.
- Aspire to install public art that complements and enhances the natural and built environments of Eurobodalla and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in Eurobodalla.
- Consider public art in Council's strategic directions, policies and planning controls.
- Encourage the production and installation of high quality, innovative public art that is meaningful, relevant, diverse in character and aesthetically pleasing.
- Provide for public art in Eurobodalla that is adequately resourced and effectively managed.
- Ensure that public art in Eurobodalla is appropriately preserved, conserved and where necessary, restored.
- Appropriately acknowledge and record public art in a public art register that is established and maintained.
- Ensure that public art in Eurobodalla is sustainable in social, cultural, environmental and economic terms.
- Promotes engagement in the arts to support recovery from recent disasters including bushfire, Covid 19 and floods.
- Considers public safety as a priority when considering cultural gifting, donations, commissioning or purchasing artworks.



### Policy statement

|          |   |
|----------|---|
| <b>1</b> | <p><b>Application</b></p> <p>This policy applies to the whole Eurobodalla community.</p> <p>For the purpose of this policy, roadside memorials, the naming of parks, reserves, sports fields and memorial seats are not included.</p>   |
| <b>2</b> | <p><b>Public Domain</b></p> <p>This Policy applies to public art located in the public domain under the care and control of Council</p>   |
| <b>3</b> | <p><b>Public Art</b></p> <p>Public art enhances the quality of public domains such as business precincts, parks and community spaces by making them more attractive.</p> <p>Public art also contributes to the cultural legacy for the future.</p> <p>The fabrication of site-specific public art is the ideal mechanism to increase amenity usage, attractiveness and vitality, animate spaces and provide innovative solutions for functional requirements.</p> <p>Council also acknowledges from time-to-time cultural gifts will be offered for donation that are not site specific. Acceptance of these will be through a review of the aims of this policy including safety, maintenance requirements and value to the community.</p> <p>Public art also includes a range of other designed features in the public arena such as street furniture, decorative pavement, ephemeral (non-permanent) pieces and lighting treatments as examples.</p> |
| <b>4</b> | <p><b>Culture and Community</b></p> <p>Permanent and transitory or ephemeral public art works reinforce and highlight cultural traditions, heritage and reflect the community's temperament and distinctive qualities. Public art has the capacity to engage community members, excite, amuse, challenge; foster public discourse, humour and reinvigorate a community's sense of place, pride, identity and connection and therefore contribute to our community's resilience and recovery. Public Art also has a role to play in supporting the local economy and visitor attraction.</p>   |

### Implementation

| Requirements |  | Responsibility                              |
|--------------|--|---|
| <b>1</b>     | <p><b>Strategy</b></p> <p>A Public Art Strategy has been adopted by Council, which provides the strategic directions and framework for the ongoing development and integration of public art into the public domain.</p> <p>The Public Art Strategy has been adopted to support the development of public art in our local government area for use by the range of stakeholders that may integrate public art into a range of community and environmental contexts.</p> <p>The Public Art Strategy is guided by six principles:</p> <ol style="list-style-type: none"> <li>1. Public art will create a dialogue about the destination and locality of Eurobodalla</li> </ol> | Coordinator<br>Creative Arts<br>Development |



|          |  |   |
|----------|--|---|
|          | <ol style="list-style-type: none"> <li>2. Art will support a culture of imagination and engagement about lived and remembered experience</li> <li>3. Art will partner with urban design, landscape and architectural design and construction</li> <li>4. Innovative, contemporary thinking will guide public art in Eurobodalla</li> <li>5. Support for creatives and creative industries will underpin art development</li> <li>6. Artworks will be well managed, safe, durable and easy to maintain.</li> </ol> <p>The Public Art Strategy can be accessed via this link: <a href="#">Public-Art-Strategy.pdf (nsw.gov.au)</a></p> |   |
| <b>2</b> | <p><b>Code of Practice</b></p> <p>This policy will be implemented by following Council's Public Art Policy Code of Practice. This is a document that provides the framework and requirements for the process for the development of public art in the shire.</p>   | Coordinator<br>Creative Arts<br>Development |
| <b>3</b> | <p><b>Staff</b></p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area.</p>  | Council Officers                            |
| <b>4</b> | <p><b>Public Art Requests</b></p> <p>All requests for placement of public art in the public domain will be reviewed by Creative Arts Services. Significant public artworks will require endorsement by Director Community Arts and Recreation and the General Manager.</p> <p>The Moruya Library and Arts Centre has Deductable Gift Recipient status and can accept donations of work via the Cultural Gifts Program. All such donations will be assessed by Creative Arts Services against the criteria set out in the Public Art Code of Practice.</p>  | Coordinator<br>Creative Arts<br>Development |
| <b>5</b> | <p><b>Installation</b></p> <p>When Council receives offers of public art as a gift to the community there is also a requirement to install and/or light the artwork. Installation and lighting costs will need to be considered as a part of the 'gift' by the donor. Council will cover the cost of engineering advice to confirm installation requirements are to standard and the artwork is structurally sound. The cost of installation will be determined on a case-by-case basis. Installation requirements will be included in recommendations to the Director Community Arts and Recreation and the General Manager.</p>    | Coordinator<br>Creative Arts<br>Development |
| <b>6</b> | <p><b>Concerns</b></p> <p>Concerns received regarding this policy will be recorded on council's Customer Service Request (CSR) or records system and handled in accordance with council's Customer Service Requests Policy. They will be</p>   | Council Officers                            |



|          |   |                |
|----------|---|----------------|
|          | used to analyse the history of concerns and to help determine follow up actions.  |                |
| <b>7</b> | <b>Complaints</b><br>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.                                       | Public Officer |
| <b>8</b> | <b>Consultation</b><br>Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, Council staff and public comment. | As applicable  |

#### Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Public Art. The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

**Note:** The next general local government election is expected to be held in September 2028

Reviews of the effectiveness of this policy could include the following:

| Performance indicator  | Data source(s)                           |
|--|--|
| Strategic Directions   | Public Art Strategy                      |
| Community Concerns   | Council records                          |
| Customer Feedback Survey Responses   | Surveys                                  |
| The effectiveness of the policy will be measured by; <ul style="list-style-type: none"> <li>Level of awareness of and implementation of the policy by community and staff.</li> <li>Satisfaction in the project implementation of the process.</li> <li>Evaluation of individual projects.</li> <li>Public sentiment about public art in the Shire</li> <li>Internal review by staff.</li> </ul> | Coordinator<br>Creative Arts Development |



### Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

### Related legislation and policies

| Name                      | Link   |
|---------------------------|--|
| Local Government Act 1993 | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a> |

### Related external references

| Name                         | Link   |
|------------------------------|--|
| Division of Local Government | <a href="http://www.dlg.nsw.gov.au/">www.dlg.nsw.gov.au/</a> |

### Definitions

| Word/Term                  | Definition  |
|----------------------------|---|
| Public Art                 | For the purpose of this policy, the term public art includes but is not limited by any or the combination of the following public arts practices:   |
| Traditional Arts Practices | Sculpture, painting, billboards, murals, screens, photography, mosaic installations, soundscapes, street art.   |
| Multi-media                | Works using digital imagery, film, video, photography and cybernetics.  |
| Landscape design           | Interpretations through land art, landscape as earthworks, and designed landscape as installations.   |
| Functional design          | Architectural forms, facades, furniture, textiles, carpets, door handles, glass features, paving, pathways, floors, walls, windows, doors, stairways, fencing, bollards and street furniture, exercise equipment and playgrounds.       |
| Signage                    | Works using graphics, lighting design, re –interpreted industrial artefacts and designs   |
| Ephemeral Art              | An experience constructed by artists making site-responsive milieus. Transient works captivated in memories of the experience. (kinetic art, performance, fluid works, lighting design, temporary installations, flash mob, chalk art). |
| Memorials                  | Something designed to preserve or commemorate the <u>memory</u> of a person, anniversary, etc., as a monument or event.   |
| Monuments                  | Something erected in memory of a person, event, etc., as a building, pillar, or statue.   |

### Change history

| Version | Approval date | Approved by | Min No | File No              | Change                                     |
|---------|---------------|-------------|--------|----------------------|--|
| 1       | 26 Apr 2006   | Council     | 06/84  | 96.0152              | Policy commenced - Cultural Plan 2006-2010 |
| 2       | 22 Sep 2009   | Council     | 09/291 | E09.3418<br>E96.0152 | Policy retained, report G09.99             |



|   |              |         |        |                      |   |
|---|--------------|---------|--------|----------------------|---|
| 3 | 27 Aug 2013  | Council | 13/246 | E13.7095<br>E96.0152 | Updated Policy Template,<br>updated review date. Report<br>O13/131. |
| 4 | 27 June 2017 | Council | 17/214 | E16.0297<br>E96.0152 | Reviewed and readopted at start<br>of new council term.             |
| 5 | TBA          | Council | TBA    | TBA                  | TBA   |

*Internal use*

|                     |     |   |     |                |         |
|---------------------|-----|---|-----|----------------|---------|
| Responsible officer |     | Director Community, Arts &<br>Recreation services |     | Approved by    | Council |
| Min no              | TBA | Report no   | TBA | Effective date | TBA     |
| File no             | TBA | Review date                                       | TBA | Pages          | 6       |



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## 17. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993*, a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### CONFLICT OF INTEREST

A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the *Local Government Act* and Department of Local Government; and Non-Pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

#### THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### IDENTIFYING PROBLEMS

- 1st** Do I have private interests affected by a matter I am officially involved in?
- 2nd** Is my official role one of influence or perceived influence over the matter?
- 3rd** Do my private interests conflict with my official role?

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Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

## AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

| CONTACT                                     | PHONE        | EMAIL                  | WEBSITE             |
|---|--------------|------------------------|---------------------|
| Eurobodalla Shire Council<br>Public Officer | 4474-1000    | council@esc.nsw.gov.au | www.esc.nsw.gov.au  |
| ICAC  | 8281 5999    | icac@icac.nsw.gov.au   | www.icac.nsw.gov.au |
| The Office of Local Government              | 4428 4100    | olg@olg.nsw.gov.au     | www.olg.nsw.gov.au  |
| NSW Ombudsman                               | 1800 451 524 | info@ombo.nsw.gov.au   | www.ombo.nsw.gov.au |

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

### Reports may also include key planning or assessment phrases such as:

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.