

Ordinary Meeting

Meeting Date: Monday, 25 January, 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

1. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 15 December 2020
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

CL21.1	Notice of Motion - SNAG - Swan Lake Cudmirrah Bridge.....	1
CL21.2	Notice of Motion - Upgrade of Lighting - Milton Ulladulla Tennis Facility.....	2
CL21.3	Notice of Motion - Thurgate Oval – “Bomo” Dog Park	3
CL21.4	Notice of Motion - West Culburra Proposed Mixed Use Concept Plan.....	4
CL21.5	Notice of Motion - DA Tracker - Current Issues	5
CL21.6	Notice of Motion - Nowra By-pass	7
CL21.7	Notice of Motion - Nowra Showground Infrastructure	8

11. Committee Reports

CL21.8	Report of the Strategy & Assets Committee - 19 January 2021.....	9
SA21.6	Extension of the Interest-Free Period on Rates & Charges until 30 June 2021	
SA21.12	Acquisition of Easement - Sewer Purposes - 45 Bannister Head Road Mollymook Beach - Lot 724 DP 231243	
SA21.13	Acquisition of Easement - Sewer Purposes - 1 Dolphin Street Ulladulla - Lot 19 DP 24534	
SA21.14	Acquisition of Easement - Sewer Purposes - 30 Hollywood Avenue Ulladulla - Lot 52 DP 261132	
CL21.9	Report of the North Coastal Management Program Advisory Committee - 30 November 2020	11
NC20.5	Application for Membership - Alannah Mannix	
CL21.10	Report of the Aboriginal Advisory Committee - 7 December 2020.....	12
AA20.17	Invitation - Rose O'Sullivan (Heritage NSW - Department of Premier and Cabinet) - Cullunghutti	
AA20.18	Membership Appointment	
AA20.19	Membership Resignation - Sue Cutmore / Election of Chairperson	
CL21.11	Report of the Audit, Risk & Improvement Committee - 9 December 2020.....	13
CRA20.43	Appointment of Audit, Risk and Improvement Committee Chair	
CL21.12	Report of the Inclusion & Access Advisory Group - 14 December 2020.....	14
IA20.14	Additional Item - Consider Annual Disability Awareness Training Program for Councillors and Staff	
IA20.11	Fencing - Plantation Point Park Liberty Swing - Playground Design (whole of Shoalhaven)	
IA20.12	Holiday Haven White Sands Caravan Park - New Glamping Cabins & other Cabins - Accessibility - Adult Change Facilities (all Tourist Parks)	
IA20.13	New Playground - Moona Moona Creek Huskisson - Softfall - Playground design (whole of Shoalhaven)	
CL21.13	Report of the Shoalhaven Sports Board - 14 December 2020.....	15
SB20.9	Membership - Disadvantaged Sporting Groups Applications and Expiring Community Membership	
CL21.14	Report of the Shoalhaven Traffic Committee - 19 January 2021	16
TC21.2	Proposed Signs and Linemarking - Porters Creek Road - Yatte Yattah (PN 3633)	
TC21.3	Proposed Give Way Intersection Controls - Nethercote Street & Ilett Street - Mollymook (PN 3634)	
TC21.4	Proposed Parking Restrictions - O'Hara Street - Kioloa (PN 3635)	
TC21.5	Proposed Give Way Controls and Parking Restrictions - Pindari Place & South Street - Ulladulla (PN 3636)	

TC21.6	Linemarking and Road Safety Improvements - Matron Porter Drive - Milton (PN 3630)
TC21.7	Give Way Intersection Controls - Bimbla Avenue and Mirida Drive - Dolphin Point (PN 3629)
TC21.8	Signage and Linemarking Plan - 15 & 17 Fegen Street Huskisson - Lots A & B DP 390332 (PN 3628)
TC21.9	Proposed Parking Restrictions - Dinghy Street - Vincentia (PN 3637)
TC21.10	Road Safety Improvements - The Wool Road & Mernie Street - Old Erawal Bay (PN 3639)
TC21.11	Signage and Linemarking Plans - 201 Kerry Street, Sanctuary Point (PN 3627)
TC21.12	Proposed Parking Restrictions - Victoria Street - Berry (PN 3631)
TC21.13	Proposed Parking Restrictions - Farrelly Place - Bomaderry (PN 3632)
TC21.14	Proposed Parking Restrictions - Cavan Road - Kangaroo Valley (PN 3638)

12. Reports

City Performance

CL21.15	Release of Exposure Draft Bill on Local Government Rating Reform	20
CL21.16	Investment Report - December 2020	25

City Futures

CL21.17	Proposed Submissions - NSW Government - Draft Illawarra-Shoalhaven Regional Plan and Proposed Special Infrastructure Contribution Scheme.....	33
---------	---	----

City Development

CL21.18	Variations to Development Standards - December Quarter 2020	38
---------	---	----

Councillor Conference Report

CL21.19	ALGA Local Roads & Transport Congress 2020	40
---------	--	----

13. Confidential Reports

Nil

CL21.1 Notice of Motion - SNAG - Swan Lake Cudmirrah Bridge

HPERM Ref: D20/542686

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That

1. Council immediately engage an independent level 3 engineer to inspect, peer review and report on the Cudmirrah bridge.
2. Once completed the report be made available to SNAG and Sussex Inlet Forum.

Background

Council has provided copy of the bridge report undertaken in 2018 to a resident. SNAG has now discussed this report and I also believe had it peer reviewed. SNAG now believe this bridge should be replaced with a new bridge as the bridge has a lot of problems and they believe it is becoming unsafe to use. SNAG obtained a copy of the 2018 bridge report, in it are all the faults with the bridge which has led them to say it should be condemned and replaced.

The Council report on the bridge has been peer reviewed by an engineer who was quite scathing in his assessment of the 2018 bridge report, saying it showed a lot of deficiencies in both the original design, construction and materials used.

It is understood that further investigation and cooperation will be required.

Seeking support from all Councillors for the inspection by Level 3 Bridge Engineers.

CL21.1

CL21.2 Notice of Motion - Upgrade of Lighting - Milton Ulladulla Tennis Facility

HPERM Ref: D20/542691

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council consider allocating sufficient funding for the completion of the LED Lighting at Ulladulla Tennis Facility in the 2020/2021 budget.

Background

Lighting at the Ulladulla Tennis Facility was installed in the late 80's early 90's and is at end of life. Milton Ulladulla Tennis Management Committee recently requested Council to consider the replacement of the lighting to new LED competition standard.

Council was successful in receiving Federal grant funding for the replacement to the amount of \$180K which has been received by Council. The total cost of replacement is approximately \$400K (including contingencies) and there is an outstanding balance of \$220K required to complete the replacement of lights on all courts.

The Tennis Management Committee has submitted a grant for \$220K under the Clubs grant with consent from Council and is awaiting an announcement for the grant application.

Recently, the Management Committee has engaged a lighting specialist to review the current lighting standard. The report indicated that the current lights are below casual play standard and need immediate upgrade to enable competition tennis to be played.

Additionally, the old light globes are consistently failing and need replacement at a cost of \$300 each. The time required to replace the globes has been hindering night competitions, with these events being cancelled or unable to play.

Milton Ulladulla Tennis regularly holds daily competitions, night competitions, casual tennis and NSW Tennis endorsed competitions. This brings many tennis players into our area for competitions and adds to our economic growth.

The Management Committee has fully contributed for court surface replacements, new fencing to courts, upgrade landscaping and much more over the last 5 years.

This request for allocation for funding the balance of funds required is subject to the outcome of the Clubs grant.

I request all Councillors to support Milton Ulladulla Tennis Association.

CL21.3 Notice of Motion - Thurgate Oval – “Bomo” Dog Park

HPERM Ref: D21/17356

Submitted by: Cllr Patricia White

Attachments: 1. Dog Park Proposal (under separate cover) [⇒](#)
2. Project Governance (under separate cover) [⇒](#)

Purpose / Summary

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

Recommendation

That Council:

1. Receive and endorse the final concept Plans for “Bomo” Dog Park at Thurgate Oval Bomaderry
2. Receive the Bomaderry Community Inc Governance Plan for “Bomo” Dog Park for information.
3. Continue to work and support Bomaderry Community Inc in funding grant applications for the project.

Background

The final concept plans have been completed for "Bomo" Dog Park at Thurgate Oval Bomaderry by Bomaderry Community Inc. The project group will continue to work with Council Staff on the plans for the project to establish the off leash enclosed dog park.

Additionally, governance and project plans have been completed with the assistance of Downer Seymour White and community representatives and these are attached for Council’s information.

The working party continue to lodge grant applications for funding the project.

Note by the CEO

It is noted that the plans for the Bomaderry Dog Park at Thurgate Oval are concept at this stage. Staff have raised a number of points with the Bomaderry Community Inc. in relation to the splash pool element that will require further consideration as this progresses to the detailed design stage. Staff recognise the benefit of including a water based play feature and seek to work with the committee to consider a water based play feature that is both appropriate to the site and addresses safety concerns.

It is suggested that a fourth point be considered as part of the recommendation: that a report be requested from staff on the ongoing annual maintenance and operational costs to provide the Thurgate Oval Dog Park.

CL21.3

CL21.4 Notice of Motion - West Culburra Proposed Mixed Use Concept Plan

HPERM Ref: D21/17299

Submitted by: Cllr Mitchell Pakes
Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Shoalhaven City Council:

1. Reaffirm its support for the West Culburra Mixed use concept plan
2. Submit a submission, supporting the amended West Culburra Proposed Mixed use concept plan.
3. Acknowledge the overwhelming community (Culburra Beach residents and ratepayers) support for the West Culburra mixed use concept plan.
4. Acknowledge that the amended West Culburra use concept plan will ensure no storm water runoff or impact on lake Wollumboola
5. Acknowledge the addition water quality studies that have been undertaken to ensure minimum impact on the local environment.

CL21.4

CL21.5 Notice of Motion - DA Tracker - Current Issues

HPERM Ref: D21/19449

Submitted by: Cllr John Wells

Purpose / Summary

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

Recommendation

That:

1. Council staff provide a report detailing current issues associated with the operation of "DA tracker", including those issues mentioned below, and that as an interim measure, Council resolve to display only that information required for the submission of a Development Application by Environmental Planning and Assessment legislation with the exception that floor plans will not be displayed, and
2. Further, as an interim, the Director City Development consider all applications for extensions to notification periods with the position from Council being that a seven day extension of time in exceptional circumstances is considered to be an equitable position for all involved and submissions made after this time should not form part of considerations.

Background

Council has an adopted Community Consultation Policy for Development Applications which outlines what development proposals will be notified to potentially impacted residents, along with how submissions are to be made and what such submissions should address. The policy states:

"Submissions must be made in writing or electronically. Contents of submissions should be restricted to environmental and planning matters relating to a DA and should NOT contain specific private, defamatory and risk to security information. If the submission is an objection to a DA, the submission must state the reasons for objection. Note that in accordance with Council's resolution of 28 February 2006, in the interest of public transparency, ALL submissions will be made available on Council's internet site, thus all submission in its entirety will be available to the applicant and/or any interested persons. This includes all submissions made by Members of Parliament (MPs) and/or Councillors on behalf of residents. Note that all submissions that are not electronically made will also be scanned and displayed on Council's internet site. This information is being made available to the public under the provisions of Section 12(1) of the Local Government Act 1993".

The original intent of Council's Community Consultation Policy, and the associated resolution of Council, was clearly to provide a transparent process for those in the community, impacted by a development proposal, to make submission on environmental and planning matters. Unfortunately, there have been times when the DA tracker has acted as a pseudo social media page and submissions have not been confined to environmental and planning issues.

Further, there have been a number of applications in recent times that have attracted a high number of submissions, a percentage of which have clearly been cut and paste from other

available submissions. Such applications have also generated submissions from persons quite geographically distant from the development site.

I have also noted that submissions are being accepted outside of nominated notification periods on a more regular basis and, at times, almost to the time of determination. Whilst there are no doubt circumstances that may warrant minor extensions to notification periods and staff are doing their best to accommodate late submissions, this can cause issues for applicants trying to address issues raised and also for staff endeavouring to have applications determined in a timely manner. A seven day extension of time in exceptional circumstances is considered to be an equitable position for all involved and submissions made after this time should not form part of considerations. It is noted that significant extensions carry cost implications for applicants *and* Council.

The issues raised above, along with potential copyright issues, are cause for Council to review the current policy and as such my NoM requests a report from staff detailing the current issues with Councils DA tracker and how these may be addressed in the future. In the interim I propose that only information required for a Development Application under the Environmental Planning and Assessment legislation, with the exception of floor plans, be displayed on Councils DA tracking system. This interim practice is in line with the current practice of adjoining and many other councils.

CL21.6 Notice of Motion - Nowra By-pass

HPERM Ref: D21/19658

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That invitations be extended to Michael McCormack, Leader of the National Party, Deputy Prime Minister & Minister for Infrastructure, Transport & Regional Development and Fiona Phillips, MP Member for Gilmore to attend a meeting with Council staff and Councillors with a view to progressing the construction of the by-pass route around Nowra. The agenda for the meeting would include funding opportunities, timeframes and a summation of progress to date.

CL21.6

CL21.7 Notice of Motion - Nowra Showground Infrastructure

HPERM Ref: D21/19683

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council staff prepare a report on its capacity to attract both heritage grants as well as grants of a general nature, necessary to bring the infrastructure at Nowra Showground up to a standard in line with community expectations.

CL21.7

CL21.8 Report of the Strategy & Assets Committee - 19 January 2021

HPERM Ref: D21/23002

SA21.6 Extension of the Interest-Free Period on Rates & Charges until 30 June 2021

HPERM Ref:
D21/5186

Recommendation

That Council:

1. Amend the interest rate on overdue rates and charges to 0% for the period 1 January 2021 to 30 June 2021.
2. Endorses further suspension of debt recovery action until 30 June 2021 with the exception of outstanding recoveries for damage caused to Council property and motor vehicles.
3. Endorses commencement of debt recovery action of the outstanding recovery claims – noting that these balances relate to the recovery of costs incurred by Council as the result of third parties damaging Council property and motor vehicles.

CL21.8

SA21.12 Acquisition of Easement - Sewer Purposes - 45 Bannister Head Road Mollymook Beach - Lot 724 DP 231243

HPERM Ref:
D20/533966

Recommendation

That:

1. Council acquire an Easement for sewerage purposes 2 metres wide over part of Lot 724 DP 231243, No. 45 Bannister Head Road Mollymook Beach shown highlighted on Attachment 1.
2. Council pay compensation of \$31,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

SA21.13 Acquisition of Easement - Sewer Purposes - 1 Dolphin Street Ulladulla - Lot 19 DP 24534

HPERM Ref:
D20/537374

Recommendation

That:

1. Council acquire an Easement for sewerage purposes 2.4 metre wide over part of Lot 19 DP 24534, No.1 Dolphin Street Ulladulla shown highlighted on attached copy of the sketch.

2. Council pay compensation of \$25,000, plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**SA21.14 Acquisition of Easement - Sewer Purposes - 30
Hollywood Avenue Ulladulla - Lot 52 DP 261132****HPERM Ref:
D21/1509****Recommendation**

That:

1. Council acquire an Easement for sewerage purposes 2.4 metres wide over part of Lot 52 DP 261132, No. 30 Hollywood Avenue, Ulladulla shown on Attachment 1.
2. Council pay compensation of \$22,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CL21.8

CL21.9 Report of the North Coastal Management Program Advisory Committee - 30 November 2020

HPERM Ref: D20/559474

NC20.5 Application for Membership - Alannah Mannix

HPERM Ref:
D20/482890

Recommendation

That Council appoint Alannah Mannix as a Youth Representative member of the North Coastal Program Management Advisory Committee.

CL21.9

CL21.10 Report of the Aboriginal Advisory Committee - 7 December 2020

HPERM Ref: D20/556445

AA20.17 Invitation - Rose O'Sullivan (Heritage NSW - Department of Premier and Cabinet) - Cullunghutti

**HPERM Ref:
D20/529175**

Recommendation

That the Aboriginal Advisory Committee recommend that Council works collaboratively with NPWS and private land owners towards a more wholistic management approach for Cullunghutti.

AA20.18 Membership Appointment

**HPERM Ref:
D20/519452**

Recommendation

That the Aboriginal Advisory Committee (AAC) recommend that Council appoints Sharlene Cruickshank as a community member on the Aboriginal Advisory Committee.

AA20.19 Membership Resignation - Sue Cutmore / Election of Chairperson

**HPERM Ref:
D20/521633**

Recommendation

That the Aboriginal Advisory Committee recommend that:

1. Council accept the resignation from Sue-Anne Cutmore and thank her for her contribution and commitment to the Aboriginal Advisory Committee and the local Aboriginal Community.
2. Council appoint Natalie Lloyd as a member to the Committee as recommended by the panel.
3. The election of Chairperson and review of the Terms of Reference be deferred when more members are available, and until such time that an interim chair will be elected at each meeting.

CL21.10

CL21.11 Report of the Audit, Risk & Improvement Committee - 9 December 2020

HPERM Ref: D21/10474

CRA20.43 Appointment of Audit, Risk and Improvement Committee Chair

**HPERM Ref:
D20/511474**

Recommendation

That Peter McLean be reappointed Chairperson of the ARIC for the next 12 months.

CL21.11

CL21.12 Report of the Inclusion & Access Advisory Group - 14 December 2020

HPERM Ref: D20/561570

IA20.11 Fencing - Plantation Point Park Liberty Swing - Playground Design (whole of Shoalhaven)

**HPERM Ref:
D20/543324**

Recommendation

That:

1. Council receive report for information.
2. The fence height remains unchanged due to the manufacturers requirements that the fence surrounding the Liberty Swing must be 1500mm.

IA20.12 Holiday Haven White Sands Caravan Park - New Glamping Cabins & other Cabins - Accessibility - Adult Change Facilities (all Tourist Parks)

**HPERM Ref:
D20/543398**

Recommendation

That the Inclusion and Access Committee request that:

1. Council receive this report for information.
2. Holiday Haven Tourist Parks consider the research carried out by Simon Darcy, Bruce Cameron & Shane Pegg – “Accessible tourism and sustainability: a discussion and case study” in the 10-year planning for Holiday Haven parks across the Shoalhaven.

IA20.13 New Playground - Moona Moona Creek Huskisson - Softfall - Playground design (whole of Shoalhaven)

**HPERM Ref:
D20/543455**

Recommendation

That the Inclusion and Access Committee request that Council:

1. Receive this report for information.
2. Authorise a staff representative from the Inclusion and Access Committee is invited to sit on future playground assessment panels, providing advice on accessibility.

IA20.14 Additional Item - Consider Annual Disability Awareness Training Program for Councillors and Staff

Recommendation

That the Inclusion and Access Advisory Group request that the CEO consider an Annual requirement for Disability Awareness Training for Councillors and Staff.

CL21.12

CL21.13 Report of the Shoalhaven Sports Board - 14 December 2020

HPERM Ref: D21/11665

**SB20.9 Membership - Disadvantaged Sporting Groups
Applications and Expiring Community Membership**

**HPERM Ref:
D20/440861**

Recommendation

That Council:

1. Readvertise the Expression of Interest (EOI) for Disadvantaged Sporting Groups (Indigenous and Inclusion and or Accessible Sporting Group) for one additional position on the Sports Board.
 - a. Appoint Kristina PejkoVIC to the Sport Board (Aboriginal Representative)
2. Note that the following memberships will expire in December 2020 and accordingly call for Expressions of Interest (EOI) and report the EOI outcome to the Board in 2021:
 - a. Ms Lisa Kennedy
 - b. Ms Elizabeth Tooley
 - c. Dr Phill Newlyn

CL21.13

CL21.14 Report of the Shoalhaven Traffic Committee - 19 January 2021

HPERM Ref: D21/23410

- Attachments:**
1. TC21.2 PN3633 Plan (under separate cover) [⇨](#)
 2. TC21.3 PN 3634 Plan (under separate cover) [⇨](#)
 3. TC21.4 PN 3635 Plan (under separate cover) [⇨](#)
 4. TC21.5 PN 3636 Plan (under separate cover) [⇨](#)
 5. TC21.6 PN 3630 Plan (under separate cover) [⇨](#)
 6. TC21.7 PN 3629 Plan (under separate cover) [⇨](#)
 7. TC21.8 PN 3628 Plans (under separate cover) [⇨](#)
 8. TC21.9 PN 3637 Plan (under separate cover) [⇨](#)
 9. TC21.10 PN 3639 Plan (under separate cover) [⇨](#)
 10. TC21.11 PN 3627 Plan (under separate cover) [⇨](#)
 11. TC21.12 PN 3631 Plan (under separate cover) [⇨](#)
 12. TC21.13 PN 3632 Plan (under separate cover) [⇨](#)
 13. TC21.14 PN 3638 Plan (under separate cover) [⇨](#)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

1. *Adopt the Traffic Committee recommendation;*
2. *Not Adopt the Traffic Committee recommendation; or*
3. *Request the Traffic Committee reconsider the issue.*

Other issues can be raised as Additional Business at the Ordinary Meeting.

The full guide to the delegation to Councils for the regulation of traffic can be viewed at: [RMS Website](#)

TC21.2 Proposed Signs and Linemarking - Porters Creek Road - Yatte Yattah (PN 3633)

HPERM Ref: D21/9788

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the signage and linemarking along Porters Creek Road, Yatte Yattah as per Plan No: D21/9789

CL21.14

**TC21.3 Proposed Give Way Intersection Controls -
Nethercote Street & Ilett Street - Mollymook (PN
3634)**

**HPERM Ref:
D21/9881**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed 'Give Way' controls and associated linemarking at the intersection of Nethercote Street and Ilett Street, Mollymook, as per Plan No: D21/10045.

**TC21.4 Proposed Parking Restrictions - O'Hara Street -
Kioloa (PN 3635)**

**HPERM Ref:
D21/10066**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions along Murramurang Road and at the intersection of O'Hara Street and Murramurang Road, Kioloa, as per Plan No: D21/10075.

**TC21.5 Proposed Give Way Controls and Parking
Restrictions - Pindari Place & South Street -
Ulladulla (PN 3636)**

**HPERM Ref:
D21/10090**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions and 'Give Way' intersection controls at Pindari Place and South Street, Ulladulla, as per Plan No: D21/10096.

**TC21.6 Linemarking and Road Safety Improvements -
Matron Porter Drive - Milton (PN 3630)**

**HPERM Ref:
D21/10223**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed linemarking and road safety improvements along Matron Porter Drive, Milton as per Plan No: D21/10233.

**TC21.7 Give Way Intersection Controls - Bimbla Avenue and
Mirida Drive - Dolphin Point (PN 3629)**

**HPERM Ref:
D21/10257**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the 'Give Way' intersection controls at the corner of Bimbla Avenue and Mirida Drive, Dolphin Point as per Plan No: D21/10281.

CL21.14

TC21.8 Signage and Linemarking Plan - 15 & 17 Fegen Street Huskisson - Lots A & B DP 390332 (PN 3628)

**HPERM Ref:
D21/10236**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and line marking associated with the development at 15 & 17 Fegen Street Huskisson (per development consent condition 26), as per Plan No D21/10455; subject to the following:

1. Consider the installation of C3 yellow linemarking, in place of or supplementing the 'No Stopping' controls along the eastern and western sides of Kent Lane.

TC21.9 Proposed Parking Restrictions - Dinghy Street - Vincentia (PN 3637)

**HPERM Ref:
D21/10109**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Dinghy Street, Vincentia as per Plan No: D21/10117.

TC21.10 Road Safety Improvements - The Wool Road & Mernie Street - Old Erowal Bay (PN 3639)

**HPERM Ref:
D21/10136**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed linemarking and road safety improvements at the intersection of The Wool Road and Mernie Street, Old Erowal Bay as per Plan No: D21/10166.

TC21.11 Signage and Linemarking Plans - 201 Kerry Street, Sanctuary Point (PN 3627)

**HPERM Ref:
D21/10188**

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and linemarking associated with the development at 201 Kerry St, Sanctuary Point (per development consent condition 19), as per Plan No D21/10206; subject to the following:

1. Increasing the widths of on-street parking spaces #2, #3, #4, and #5 to reduce the size of the irregularly shaped area between space #3 and the Disable Space's shared area. This will assist in preventing the area from being misinterpreted as a parking space.
2. Modifying R2-4B signage to the compliant Transport for NSW R2-4N equivalent signage.

CL21.14

TC21.12 Proposed Parking Restrictions - Victoria Street - Berry (PN 3631)**HPERM Ref:
D21/10199****Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Victoria Street, Berry as per Plan No: D21/10201.

TC21.13 Proposed Parking Restrictions - Farrelly Place - Bomaderry (PN 3632)**HPERM Ref:
D21/10181****Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Farrelly Place, Bomaderry as per Plan No: D21/10185.

TC21.14 Proposed Parking Restrictions - Cavan Road - Kangaroo Valley (PN 3638)**HPERM Ref:
D21/10121****Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Cavan Road, Kangaroo Valley as per Plan No: D21/10135.

CL21.15 Release of Exposure Draft Bill on Local Government Rating Reform

HPERM Ref: D21/13290

Section: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments:

1. Consultation Guide to Local Government Rating Reform (under separate cover) [⇒](#)
2. IPART Rating Review Government Response (under separate cover) [⇒](#)
3. Local Government Amendment Rates Bill 2021 (under separate cover) [⇒](#)
4. Proposed Draft Feedback [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to timing of the release of the Exposure Draft Bill on Local Government rating reform.

An Exposure Draft Bill on Local Government (OLG) Rating Reform has been released on 22 December 2020 for public consultation as part of the Government's commitment to implement reforms to ensure a fairer and more flexible rating system for councils and ratepayers.

Recommendation

That Council:

1. Receive and note the Draft Bill on Local Government Rating Reform and consultation guide.
2. Endorse the draft response provided in Attachment 4.

Options

1. Council endorse the feedback recommended by management on the Draft Bill on Local Government Rating Reform

Implications: Feedback Form will be submitted to the OLG for consideration

2. Council endorse modified feedback on the Draft Bill on Local Government Rating Reform

Implications: Feedback Form will be submitted to the OLG for consideration

3. Council does not endorse the feedback on the Draft Bill on Local Government Rating Reform

Implications: No feedback will be provided to the OLG.

Report

At the request of the former NSW Premier, the Independent Pricing and Regulatory Tribunal (IPART) undertook a significant review of the Local Government rating system in NSW.

CL21.15

The purpose of this review was to identify how to improve the equity and efficiency of the rating system in order to enhance councils' ability to implement sustainable fiscal policies over the long term. Council has previously made submissions to both the IPART Review and the Government's draft response.

On 18 June 2020, the Government released its Final Response (**Attachment 1**) to IPART's Final Report. This response acknowledged that Local Government and the communities they serve need to have a more flexible rating system, whilst ensuring rates are applied fairly and more equitably to local communities. It also committed to reforming the rating system to address issues identified during the review.

To deliver on the Government's commitments, a Bill has been prepared to seek to amend the Local Government Act 1993 (the Act). Through this Bill, the Government proposes to implement the key reforms from its response in a way it considers is fair and reasonable for both councils and ratepayers. An Exposure Draft Bill on Local Government (OLG) Rating Reform was released on 22 December 2020 and the OLG is now seeking feedback on this Bill from councils, communities and other interested individuals and organisations. The feedback received by the OLG will be carefully reviewed and considered before the final Bill is prepared for introduction to Parliament early this year.

A Consultation Guide to Local Government Rating Reform outlines the framework for providing feedback to the OLG through the Feedback Form that includes 18 questions and summarises major changes. A copy of the Consultation Guide and the Draft Exposure Bill are provided as **Attachment 2 and 3** respectively.

The OLG is accepting feedback until COB 5 February 2021.

Conclusion

This report is seeking endorsement of the draft response to the 18 questions presented as **Attachment 4** for submission to the OLG by 5 February 2021.

Proposed Draft Feedback

The feedback to be structured according to the Feedback Form which includes 18 questions with a Yes/No/Neutral answer to be selected and the option to provide additional comments. The draft feedback recommended by the management is summarised below:

Q.1. Are you from a local government area newly formed in 2016 that has not yet harmonised rates?

A.1. No

Q.2. Do you agree with the proposal to enable new councils to gradually harmonise rates across former council areas over four years?

A.2. Neutral

Comment: Shoalhaven City Council is not affected by this proposed change.

Q.3. Do you agree with the proposal in relation to levying special rates for jointly funded infrastructure?

A.3. Yes.

Comment: Overall, support this change as it will give Council greater flexibility and efficiency in pursuing jointly funded infrastructure projects that benefit local community. However, we are seeking for the OLG to address the concern that was raised by the Revenue Professionals regarding the opportunity that this presents to shift costs onto local government.

We believe a robust legislation that provides for community consultation and community support for any such infrastructure projects before being burdened on local communities should be put in place. Part of this process should also give consideration to the extent to which local ratepayers may be asked to contribute to broader and wider reaching benefits than those to the local community or economy.

Q.4. Do you agree with the proposal to allow for different residential rates in contiguous urban areas?

A.4. Yes

Comment: Agree with the ability to subcategorise residential properties within a residential area, as it allows councils to identify within their revenue policy the rates based on the area having different access, demand or costs to services within that area.

Q.5. Do you agree with the proposal to limit the highest rate structure across all residential subcategories to no more than 1.5 times the average rate structure?

A.5. No

Comment: Provided that there is no modelling of social economic benefits it is difficult to assess if 1.5 times limit is adequate. As such, we do not support this recommendation as the "1.5 times" is arbitrary and has no rational basis. It is recommended for the OLG to come up with the methodology that takes into consideration the demand and costs to services within that area. In principle, Council supports an idea of setting up a limit that is supported by the adequate modelling and analysis.

Q.6. Do you agree with the proposal about how to create a new rating category for environmental land, including how environmental land is proposed to be defined?

A.6. Yes

Comment: Shoalhaven City Council is currently using Residential Non-Urban sub-category and Business Category to classify land parcels that de-facto will belong to the proposed environmental land category. Establishing the environmental land rating category will allow the Council to consolidate land parcels with similar attributes in this category and making the rates policy more transparent.

Q.7. Do you agree that a portion of land that is subject to a conservation agreement or other similar instrument should be categorised by councils according to the proposed definition of environmental land?

A.7. Yes

Comment: This seems sensible, as the mixed development factor is already available for the mixed business and residential developments, but support should be subject to councils' rating system being able to handle this.

Q.8. Do you agree with the proposal about how to enable different rates for industrial and commercial land?

A.8. Yes

Comment: This approach means that property zoning is relevant but not determinative for rating purposes, as intended by IPART, and creates a clear approach for councils and ratepayers that can be updated as necessary over time.

Q.9. Do you agree with the proposal to allow subcategories for vacant land to be created for residential, business and/or mining land, including the proposed factors set out above?

A.9. No

Comment: Creating vacant land subcategory will potentially create unequitable distribution of rates because very often structures that are classified as temporary being used as a permanent place of residence and charging permanent residents' rates lower than ordinary residential rates might be perceived by the residents as unfair.

In addition, charging lower rates for the vacant land will benefit speculative investors that purchase affordable land in the region for resale. It also will discourage them to proceed with the development.

Q.10. Do you agree with the proposal to enable councils to also set farmland rates based on geographical location?

A.10. Neutral

Comment: Current rating legislation provides sufficient flexibility to the Council to have multiple farmland categories and Shoalhaven City Council already applies a subcategory to farmland. As such, this additional option, will not impact Council's current rating structure.

Q.11. Do you agree with the proposal to remove the requirement for councils to apply a rating exemption for land subject to new conservation agreements?

A.11. Yes

Comment: This will be covered by the proposed environmental rates category.

Q.12. Do you agree with the proposal to remove certain mandatory exemptions from special rates for water and sewerage?

A.12. Neutral

Comment: Shoalhaven City Council unaffected by the proposal.

Q.13. Do you agree with the proposal to restrict who can seek postponement of rates?

A.13. Yes

Comment: This will give an option to pursue outstanding rates unless ratepayers demonstrate hardship. At the moment we write-off on the fifth year unless sold prior when all the postponed rates are due to be paid on settlement.

Q.14. Do you agree with the proposal to remove the requirement to write off rates debts?

A.14. Yes

Comment: We support this proposal in principle; however, we are seeking further clarification from the OLG as to how and from whom those postponed rates will be ultimately recovered due to changing ownership.

Q.15. Do you agree with the proposal to enable councils to sell properties for unpaid rates after 3 years?

A.15. Yes

Comment: This will give councils the flexibility to sell land earlier when deemed necessary by the council. Council could still elect to sell land after 5 years or even later.

Q.16. Do you agree with the proposal to levy rates on mining land to reflect additional costs?

A.16. Neutral

Comment: This is not applicable to Shoalhaven City Council.

Q.17. Do you agree with the proposal to retain the business land rating category as the residual category?

A.17. Yes

Comment: We support this proposal in principle, but as mentioned in the guide, using the rating category for business as the residual category may, in some areas, lead to certain properties being more highly rated

than is equitable and the government should pursue investigations to resolve this issue. The Government should be strongly encouraged to investigate/explore this opportunity.

Q.18. Do you agree with the proposal that councils report on the value of exemptions they choose to grant through their annual reports?

A.18. Yes

Comment: The cost of the exemption is effectively made up for by other ratepayers and the proposed reporting requirement will enhance the transparency of Council operations so the community can understand the cost of providing exemptions.

CL21.16 Investment Report - December 2020

HPERM Ref: D21/21446

Section: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Monthly Investment Report - Shoalhaven City Council - December 2020
(under separate cover) [⇒](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the report from our investment advisors not being available in time for the Strategy and Assets Committee meeting.

In accordance with section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, a written report is provided to Council setting out the details of all money it has invested.

Recommendation

That

1. The report of the Chief Executive Officer (City Performance) on the Record of Investments for the period to 31 December 2020 be received for information.
2. Council note Council's investment portfolio returned 1.24% for the month of December 2020, exceeding the benchmark AusBond Bank Bill Index (0.03% pa) by 121 basis points (1.21%).

Options

1. The report on the Record of Investments for the period to 31 December 2020 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 December 2020 be requested

Implications: Nil

3. The report of the Record of Investments for the period to 31 December 2020 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 January 2021.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd.

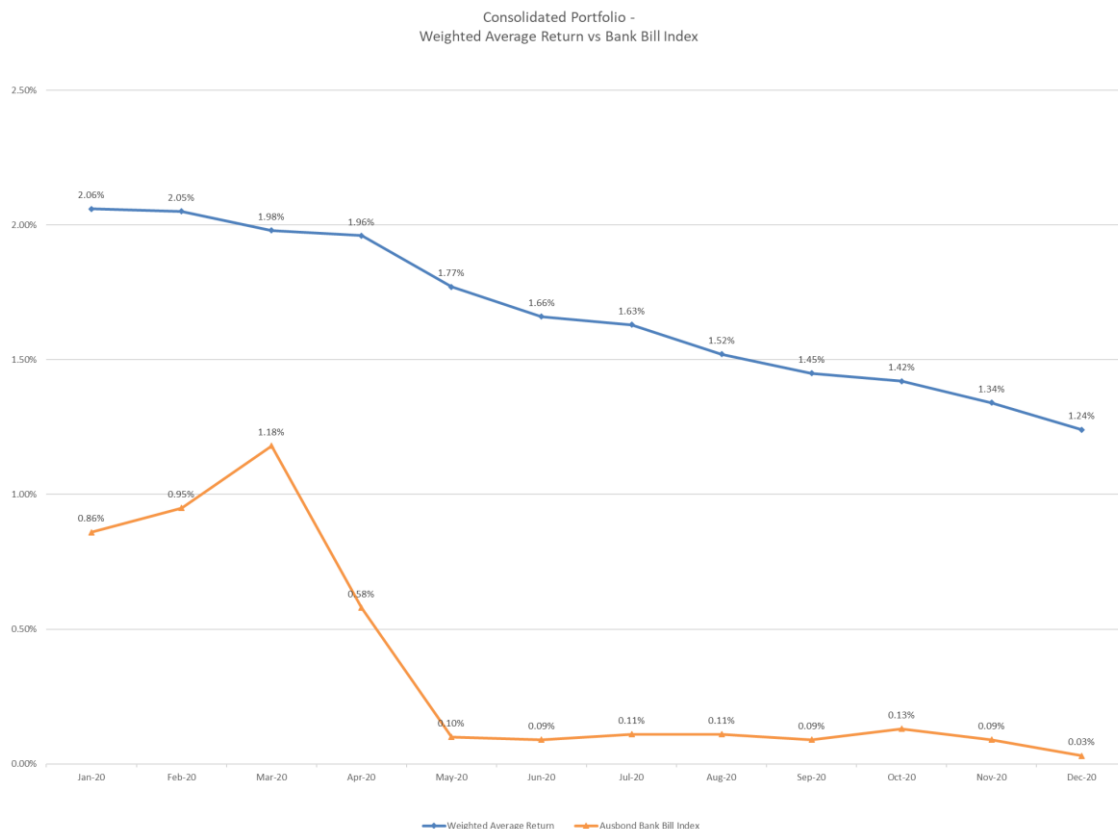
All investments are within the current Minister's Order. Investments are diversified across the eligible fixed interest universe and well spread across maturities. Available capacity exists in all terms, with medium term particularly relevant to new issues.

Portfolio Return

Council's investment portfolio returned 1.24% for the month of December 2020, exceeding the benchmark AusBond Bank Bill Index (0.03% pa) by 121 basis points (1.21%).

Council's relative outperformance expanded through the falling rate cycle mainly due to longer dated deposits with yields around 1.6% which is far above any available deposit. The outperformance of Council's portfolio continues to gradually decline as long-term investments mature and are replaced with low-interest deposits.

The following graph shows the performance of Council's investment portfolio against the benchmark on a rolling twelve (12) months basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's investment portfolio.



CL21.16

Interest Earned – December 2020

The following table shows the interest earned for the month of December 2020. The interest earned for the month of December was \$196,622, which was \$45,970 below the current budget.

Fund	Monthly Budget	Actual Earned	Difference	Revised Budget	Revised Difference
General	\$198,825	\$111,071	(\$87,754)	\$177,592	(\$66,521)
Water	\$30,236	\$51,343	\$21,107	\$30,236	\$21,107
Sewer	\$30,519	\$34,209	\$3,690	\$34,765	(\$557)
Total	\$259,579	\$196,622	(\$62,957)	\$242,593	(\$45,970)

Interest Earned - Year to Date

The COVID-19 pandemic has subsequently reduced Council's cash balance, which continues to result in a lower interest income than was budgeted for in the General Fund. In addition, official cash rate is at historic low of 0.1%.

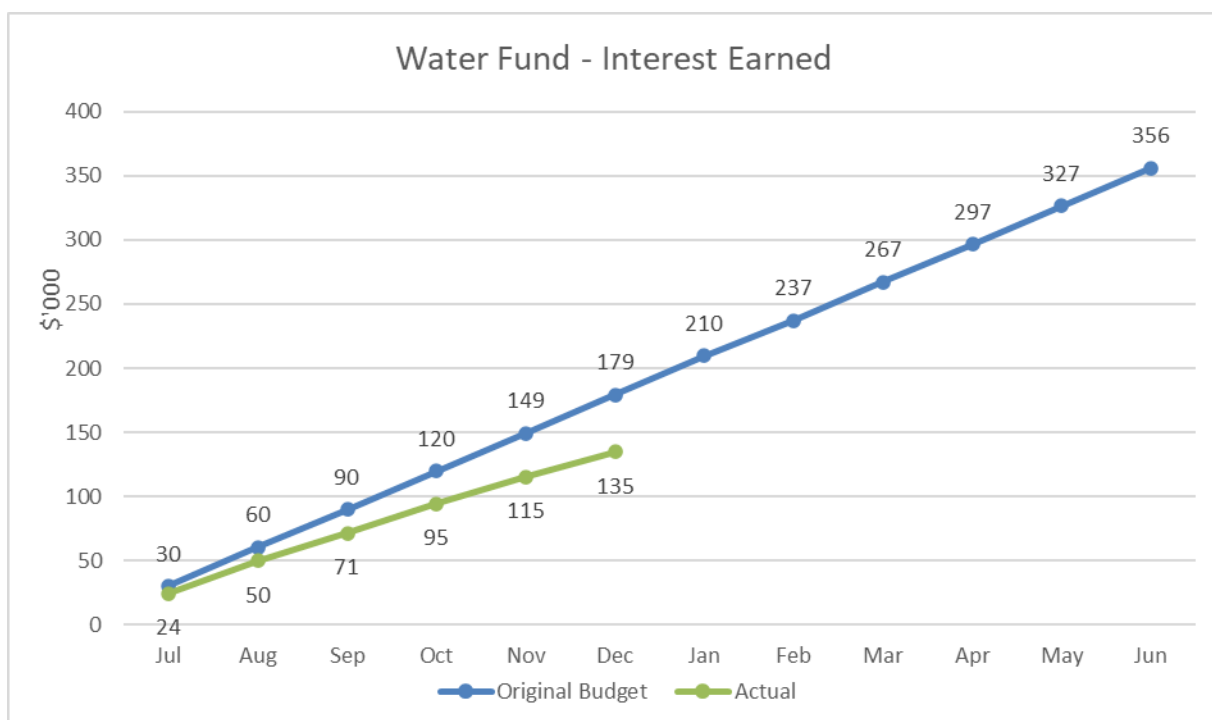
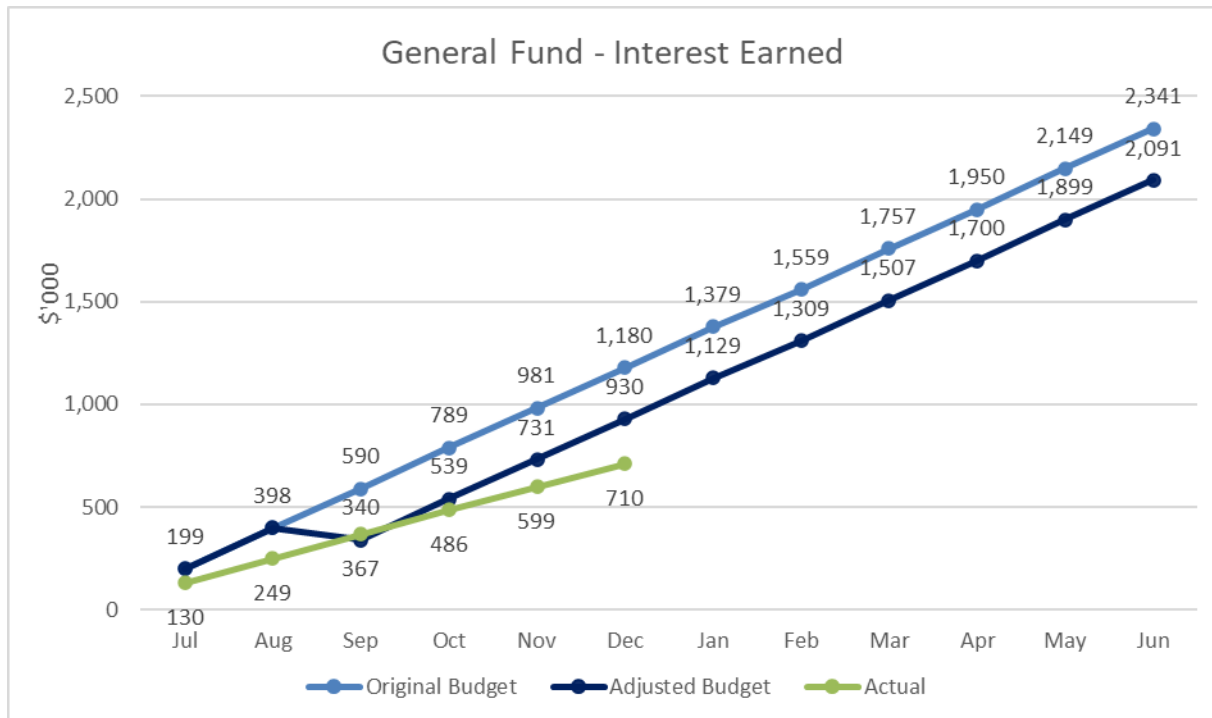
The September Quarterly Budget Review resulted in a reduction in the interest income budget for the General Fund for the first quarter. The impact of these events on interest revenue continues to be monitored with necessary adjustments to be reported in future quarterly budget reviews.

The following table shows how the actual amount of interest earned year to date has performed against the total budget forecast with 50% of the year passed to date, the interest earned to the month of December was \$1,061,830, 37.17% of the current full year budget.

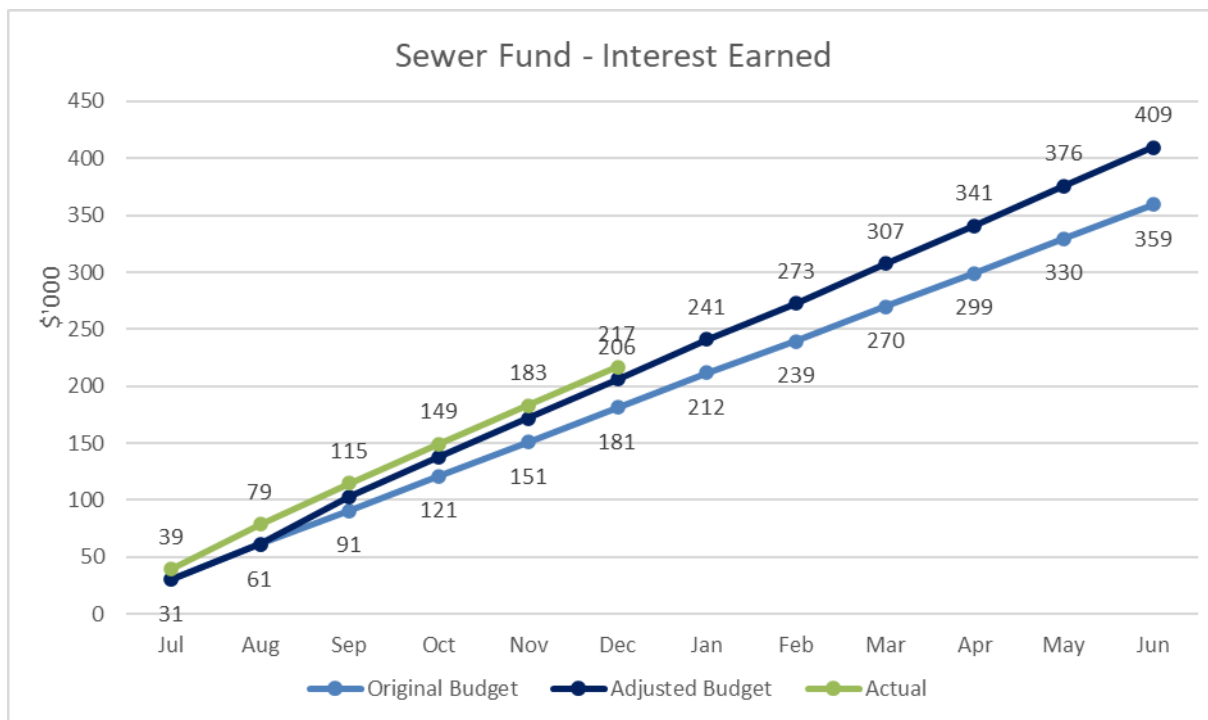
Fund	Original Total Annual Budget	Actual YTD	% Achieved	Revised Budget	Revised %
General	\$2,341,000	\$709,963	30.33%	\$2,091,000	33.95%
Water	\$356,000	\$134,827	37.87%	\$356,000	37.87%
Sewer	\$359,333	\$217,041	60.40%	\$409,333	53.02%
Total	\$3,056,333	\$1,061,830	34.74%	\$2,856,333	37.17%

CL21.16

The graphs below illustrate the cumulative interest earned for the year for each fund against budget.



CL21.16



CL21.16

Cash and Restricted Assets

RECORD OF INVESTMENTS Cash and Investment Balances

	Dec-20	Nov-20
Cash and Investments Held		
Cash at Bank - Transactional Account	\$7,374,390	\$15,225,675
Cash on Hand	\$37,150	\$38,100
Other Cash and Investments	\$177,453,439	\$186,661,805
	\$185,080,873	\$201,925,580
Fair Value Adjustment	\$626,408	\$626,926
Bank Reconciliation	\$134,066	-\$102,943
	\$760,474	\$523,983
Book Value of Cash and Investments	\$185,841,347	\$202,449,563
Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$7,923,913	\$7,923,913
Land Decontamination	\$390,198	\$392,914
Critical Asset Compliance	\$1,409,917	\$1,453,634
North Nowra Link Road	\$28,273	\$28,273
Other Internal Reserves	\$4,533,212	\$4,669,646
Section 7.11 Matching Funds	\$311,169	\$311,169
Strategic Projects General	\$0	\$167,006
Industrial Land Development Reserve	\$5,188,171	\$5,702,736
Plant Replacement	\$2,799,997	\$2,838,759
S7.11 Recoupment	\$23,012,004	\$23,384,890
Commitment To Capital Works	\$2,057,946	\$2,069,334
Property Reserve	\$1,002,230	\$1,003,515
Total Internally Restricted	\$48,657,030	\$49,945,789
Loans - General Fund	\$1,508,491	\$2,862,255
Self Insurance Liability	\$1,595,871	\$1,810,159
Grant reserve	\$3,267,208	\$5,270,108
Section 7.11	\$15,191,232	\$14,791,555
Special Rate Variation	\$5,655,608	\$8,269,056
Storm Water Levy	\$976,291	\$955,731
Trust - Mayors Relief Fund	\$191,575	\$191,575
Trust - General Trust	\$2,714,984	\$2,714,984
Waste Disposal	\$13,684,201	\$12,528,385
Sewer Fund	\$31,838,349	\$32,351,336
Sewer Plant Fund	\$2,814,729	\$2,837,802
Section 64 Water	\$20,096,777	\$19,979,693
Water Fund	\$28,198,134	\$26,667,913
Water Communication Towers	\$2,397,182	\$2,474,554
Water Plant Fund	\$3,645,071	\$3,692,528
Total Externally Restricted	\$133,775,703	\$137,397,634
Total Restricted	\$182,432,733	\$187,343,423
Unrestricted Cash And Investments		
General Fund	\$3,408,614	\$15,106,140

CL21.16

Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

Total Cash	-\$16,844,707	Not a rates instalment month, significant loan repayments, creditor payments and a five week payroll month
Loans – General Fund	-\$1,353,764	Expenditure on projects
Grant reserve	-\$2,002,900	Expenditure on projects
Special Rates Variation	-\$2,613,448	Expenditure on projects
Waste Reserve	+\$1,155,816	Timing of larger contract payments not within December
Water Fund	+\$1,530,221	Water account payments received with reduced creditor payments and receipt of internal loan payment from Sewer.
Unrestricted cash	-\$11,697,526	Not a rates instalment month, significant loan repayments, creditor payments and a five week payroll month

As at 31 December 2020 Council has commenced a number of grant funded projects for which grants income will be received upon achievement of the project milestones. As such, these projects are temporarily funded from the unrestricted cash. Once grants are received, the unrestricted cash will be replenished by \$3.3M. Below is the list of the top five grants funded projects that are temporary funded by unrestricted cash.

Projects	Amount (\$)
Forest Rd 1.7km West of Callala Beach Road	384,058
Boongaree - Building Better Regions	321,382
School Creek Bridge Disaster Assistance Rebuild	316,662
Far North Collector Road	256,483
Shoalhaven Heads Fire Station - Extensions	199,039

COVID-19 Impact

As at the end of December 2020, 12.23% of properties (7,206) were in default compared to 15.74% as reported in November 2020. The total overdue amount stands at \$8.94M. This is consistent with trends from previous years. It is noted that the rate of defaulting is expected to decrease in the coming months consistent with previous years trends.

It is important to note that Council does not charge interest on overdue rates until 1 January 2021; however, a report tabled at the Strategy & Assets Meeting of 19 January 2021 to extend the interest free period to 30 June 2021 (SA21.6 - Extension of the interest free period on Rates and Charges until 30 June 2021) is on the agenda for determination at this meeting.

Despite the negative impact of COVID-19, Council continues to maintain a sufficient level of working capital and management closely monitors the cash position of the Council.

Financial Implications

It is important for Council to be informed about its investments on a regular basis. Revenue from interest forms a vital part of Council's revenue stream.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy POL19/72.



Olena Tulubinska

Date: 20 January 2021

Responsible Accounting Officer

CL21.16

CL21.17 Proposed Submissions - NSW Government - Draft Illawarra-Shoalhaven Regional Plan and Proposed Special Infrastructure Contribution Scheme

HPERM Ref: D21/4478

Section: Strategic Planning
Approver: Robert Domm, Director - City Futures

Attachments:

1. Proposed Submission on the draft Illawarra Shoalhaven Regional Plan (under separate cover) [↗](#)
2. Proposed Submission on the draft Illawarra Shoalhaven Special Infrastructure Contribution Scheme (under separate cover) [↗](#)

Reason for Report

Obtain Council endorsement of submissions to the NSW Government on the following recently exhibited planning documents:

- Draft *Illawarra-Shoalhaven Regional Plan 2041*.
- Proposed *Illawarra Shoalhaven Special Infrastructure Contribution Scheme*.

Note: This matter is reported direct to Council given time constraints that existed around reporting deadlines, the exhibition arrangements etc.

Recommendation (Item to be determined under delegated authority)

That Council endorse the proposed submissions on the draft *Illawarra-Shoalhaven Regional Plan 2041* and proposed *Illawarra-Shoalhaven Special Infrastructure Contribution Scheme* and forward them to the NSW Department of Planning, Industry and Environment.

Options

1. Endorse the draft submissions.

Implications: This option ensures the endorsed submissions will be sent to the Department of Planning, Infrastructure and Environment (DPIE) for its consideration, making full use of the opportunity to influence the draft documents.

2. Amend the draft submissions to add or remove content.

Implications: This option allows submissions to be made on the draft documents, but potential amendments and associated implications are unknown at this time. Amendments may require consideration or refinement and may delay the submissions.

3. Not make the submissions.

Implications: This option removes the opportunity for Council to provide input on and influence the draft documents.

Background

The Department of Planning, Industry and Environment has sought Council's feedback on the draft *Illawarra-Shoalhaven Regional Plan 2041* and a proposed *Special Infrastructure Contributions Scheme* for the region. These significant draft documents were publicly exhibited from 2 November until 17 December 2020. Given the relatively short exhibition timeframe and existing resource commitments, it was not possible to report this matter to Council for its formal consideration until now. However, "placeholder" submissions were made to enable the draft documents and the proposed submissions on them to be considered at this Council meeting and the formal submissions made thereafter.

Council received an early high-level briefing from DPIE staff on the draft Regional Plan on 15 October 2020. Council staff briefed Council on the exhibited documents on 9 December 2020.

Draft Illawarra-Shoalhaven Regional Plan 2041

The draft Regional Plan is the culmination of the review of the current *Illawarra-Shoalhaven Regional Plan 2036*. The current Regional Plan (November 2015) was the first delivered in NSW and as a result is now the first to undergo its required five-yearly review.

Throughout 2020, DPIE consulted with communities, councils, and other stakeholders to help inform the review and develop a new Regional Plan to reset priorities for the region for the next 20 years. The draft Plan is based around the following four main themes:

1. *A productive and innovative region*, which aims to, amongst other things:
 - Activate and transform Nowra City Centre to attract investment.
2. *A sustainable and resilient region*, which aims to:
 - Plan for a carbon neutral region by 2050.
 - Increase urban tree canopy cover.
 - Promote circular economy and resource optimisation.
3. *A region that values its people and places*, which aims to:
 - Deliver diverse and affordable housing.
 - Increase access to public spaces and green infrastructure.
 - Understand the changing nature of work and neighbourhoods.
4. *A smart, connected, and accessible region*, which aims to:
 - Improve connections with Sydney and Canberra as well as within the region.
 - Understand the opportunities arising from growth in Western Sydney and the Western Sydney Airport.
 - Prepare for mobility changes that improve connectivity and sustainability.

The draft Regional Plan and supporting information is still available online at the following link:

<https://dpie.mysocialpinpoint.com.au/illawarra-shoalhaven-regional-plan-exhibition>

Proposed Special Infrastructure Contributions Scheme

The proposed scheme seeks to ensure that the right State and regional infrastructure is in place to support the current and future development of two priority growth areas within the region, including the *Nowra-Bomaderry Regional Growth Area*. The other area is located at West Lake Illawarra. The proposed scheme is a mechanism to secure and collect developer

contributions for upgrades to state roads, education and health facilities, emergency services, cycleway networks, and public open spaces.

At present, *Part 6 Urban Release Areas* of the *Shoalhaven Local Environmental Plan 2014* requires arrangements for state infrastructure to be in place prior to the actual release of identified areas. Currently, in the absence of a state contributions scheme, this requirement is met through the establishment of voluntary planning agreements with the State Government. At present, one agreement has been finalised to support a subdivision application in the Moss Vale Road South Urban Release Area.

The proposed scheme, when finalised, will enable a consistent rate to be levied on new residential development in the identified areas to assist with the provision of State and regional infrastructure to service the additional population. This is separate and in addition to the local development contribution (Section 7.11) charged by Council.

The proposed Scheme and supporting information are still available online at the following link:

<https://www.planning.nsw.gov.au/Plans-for-your-area/Infrastructure-funding/Special-Infrastructure-Contributions/Ilwarrara-Shoalhaven-SIC?>

Proposed Submissions

The proposed submission (**Attachment 1**) on the draft Regional Plan supports several elements of the draft Plan, including the identification of regionally significant precincts and associated planning processes for *Albatross Aviation and Tech Park*, *South Nowra Employment Precinct*, *Nowra-Bomaderry Growth Area*, *Nowra City Centre*, and *Milton-Ulladulla*.

The proposed submission also raises a range of relevant matters and includes amongst others, the following recommendations for the final Regional Plan:

- Improvements to the Vision Map, including provision of a context or baseline map.
- Simplification of the plan's structure.
- An equitable balancing of the delivery commitments between the NSW Government, councils, and other delivery agencies.
- Clarification of the NSW Government's commitments to the implementation of the published plan.
- Confirmation of timeframes and anticipated commitment from councils and agencies for the objectives, actions, strategies, and collaborative activities.
- Identification of indicators for the monitoring and review of the implementation and success of the plan, including the establishment of a baseline for future comparison.
- Clarification of the role, powers and potential delegations of the proposed Coordinating & Monitoring Committee and details of reporting processes.
- Inclusion of Jervis Bay-St Georges Basin as the third strategic centre in Shoalhaven.
- Support for:
 - Proposed work on the emerging concept of resilience planning i.e. training/upskilling, funding, and implementation activities.
 - Any required work to update the Local Strategic Planning Statement and City-wide Local Environmental and Development Control Plans.

The proposed submission on the Special Infrastructure Scheme indicates general support for the concept and welcomes the commitment of funding towards the delivery of essential infrastructure to help service future communities. However, the following matters, amongst others, are raised for consideration for inclusion in the final scheme:

- Inclusion of certain infrastructure already funded or identified for delivery under other mechanisms and how any duplication may affect the collection of monetary contributions or infrastructure delivery.
- Accuracy and currency of the listed project costings.
- How the amount of contributions proposed to be collected (10% of total cost), uncertainty of commitments to “residual” funding, and transitional arrangements will make a meaningful contribution to the early delivery of infrastructure.

The proposed submission (**Attachment 2**) makes recommendations to improve the transparency, understanding and operation of the proposed contribution scheme. These principally concern the accurate costing and description of infrastructure projects, clarification of how the exhibited contribution rate was calculated, and confirmation about how funds will be distributed. Suggestions are also included about annual reporting and review processes.

Conclusion - Proposed Next Steps

Following Council’s endorsement of the proposed submissions they will be forwarded to DPIE for its consideration. At this stage, the Department has indicated it will complete its consideration and review of submissions on the two draft documents by 30 March 2021. Further reports will be provided to Council as needed in this regard.

The related draft *Illawarra Shoalhaven Regional Transport Plan* is also now being exhibited by Transport for NSW until 29 January 2021. Transport for NSW is due to brief Council on the draft plan on 21 January 2021. Following the briefing, a proposed submission on this draft plan will be presented to Council to allow a formal submission to be made.

Community Engagement

DPIE placed the two draft documents on public exhibition between 2 November to 17 December 2020 and carried out a range of engagement activities, such as community webinars, during the exhibition period.

Policy Implications

The draft Regional Plan contains 34 “strategies” that will influence or impact Council’s future work, both the work required and potential policy positions. This is due, in part, to the need for Council to update its Local Strategic Planning Statement and potentially planning and development controls to be consistent with and help deliver the draft Plan.

Endorsing and providing the recommended submissions ensures Council makes full use of the opportunity to influence the scale and scope of the proposed strategies.

Financial Implications

The recommended submission on the draft Regional Plan requests a range of support for Council’s potential future planning activities arising from the new plan, including direct funding to assist in the review of the Local Strategic Planning Statement, technical analyses of key matters, and to support other key planning exercises, such as resilience planning.

The proposed Special Infrastructure Contribution Scheme may reduce Council’s financial commitment towards the delivery of infrastructure to service future communities. However, if the proposed scheme is not robustly designed and administered, continues to duplicate existing activity, or does not collect a useful contributions amount, it may complicate infrastructure delivery and actually increase Council’s infrastructure delivery commitments.

It is also important that the potential impact on development feasibility and the potential limitation of any future local development contribution scheme(s) that Council develops is considered.

Risk Implications

A large number of Actions and Strategies proposed in the draft Regional Plan apply to Shoalhaven and require Council's direct management and input, a contribution, or collaboration activity. This potentially directs Council's future work without consideration of current resources or offers of assistance to help implement or deliver the required work. It requires significant resourcing and may prompt the reallocation of current and planned work, projects, and priorities, impacting on Council's forward work program.

Endorsing and providing the recommended submission ensures Council makes full use of the opportunity to influence the scale and scope of potential future work.

CL21.18 Variations to Development Standards - December Quarter 2020

HPERM Ref: D20/560489

Section: Development Services

Approver: Phil Costello, Director - City Development

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to requirement that the information contained in the report is to be reported to the full elected Council and to the Department of Planning, Industry and Environment.

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the Shoalhaven Local Environmental Plan) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to publish the variations, report the variations to the full Council and the Department of Planning, Industry and Environment.

Recommendation

That Council receive the Variations to Development Standards – December Quarter Report 2020 for information.

Options

1. Receive the report for information.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS20-002 Variations to development standards*.

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

Background

SEPP 1 and clause 4.6 have allowed flexibility in the application of development standards by allowing the consideration of development proposals that meet the objective of a development standard but not its stated value.

On 5 May 2020, the Department of Planning, Industry and Environment issued a new circular (PS20-002) which replaced PS18-003 and issued assumed concurrence, governance, and reporting requirements for consent authorities. It also advised that council reports are to come through the Planning Portal and the repeal of SEPP 1. The concurrence is conditional containing limitations on lot sizes for dwellings in rural areas and for contraventions over 10% (which must be reported to Council).

Link to Circular:

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-20-002-variations-to-development-standards-2020-05.pdf?la=en>

Procedural and reporting requirements

To ensure transparency and integrity in the planning framework, the Department requires monitoring and reporting measures.

- A written application must be made to support a variation.
- An online register of all variations to be maintained.
- A report must be submitted through the Portal.
- A report of all variations from a Council must be provided to a meeting of the Council at least once a quarter.

Audit

The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

Conclusion

The repeal of SEPP 1 came into effect from 1 February 2020 as part of the SEPP Review Program to update and simplify the NSW Planning system.

The variations are provided to the Department in the form of a spreadsheet as soon as possible after the quarter has ended.

The table below is based on the spreadsheet but is simplified for easier reading. The spreadsheets are viewable on Council's webpage and are published quarterly as soon as possible after the last day of the month.

1. Table – Variations September Quarter 2020

DA	Lot	DP	Street #	Street Name	Suburb	Post Code	Description	Standard Varied	Extent of Variation	Decision	Date
DA20/1379	1	1198637	18	Jellicoe	South Nowra	2541	Industrial	CI 6.3 – building height	31.80%	Conditional Approval	29/10/20
SF10817	33	713629	17	Calder	Vincentia	2540	Other - subdivision	CI 4.1 – Minimum Lot Size	4.30%	Conditional Approval	19/11/20

CL21.19 ALGA Local Roads & Transport Congress 2020

HPERM Ref: D21/17460

Submitted by: Clr John Wells
Clr Patricia White

Attachments: 1. Conference Report [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting as requested by Clr Patricia White and Clr John Wells.

To provide a report (Attachment 1) from Clr John Wells and Clr Patricia White on the ALGA Local Roads & Transport Congress 2020 held in Wagga Wagga and virtually, 16-17 November 2020, in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council receive the report from Clr John Wells and Clr Patricia White on the ALGA Local Roads & Transport Congress 2020 for information.

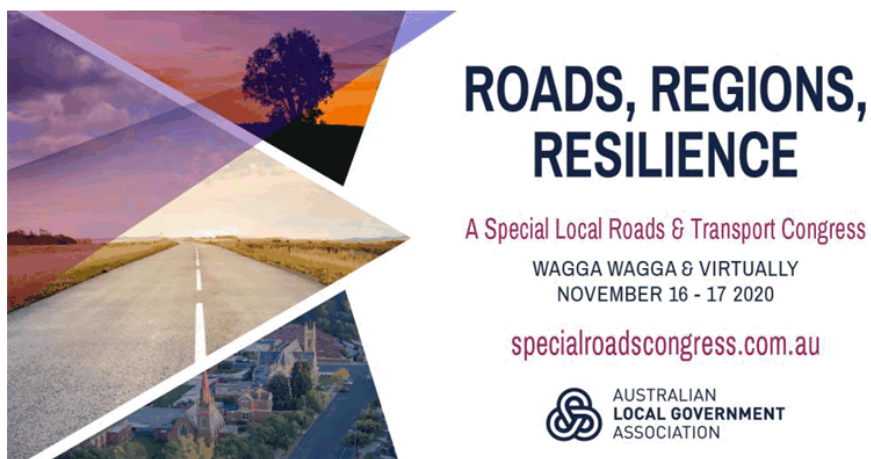
Options

1. Receive the report for information
2. Request further information on the conference

CL21.19

Conference Report

ALGA Road Congress – 2020



Submitted:
Clr John Wells
Clr Patricia White

Roads, regions, resilience: ALGA's Local Roads and Transport Congress headed to Wagga Wagga in November 2020.

The Congress held at the Wagga campus of Charles Sturt University, with online access for those people who were unable to travel to the NSW Riverina because of Covid-19 restrictions.

The Conference was well attended, and Cllr John Wells and Cllr Patricia White attended on behalf of Shoalhaven Council.

Australia's premier local roads conference was expanded to address 2020's biggest events – the Black Summer bushfires and the Covid-19 pandemic.

The profound impacts these two disasters have had on local communities was a major focus of the expanded two-day event convened by the Australian Local Government Association (ALGA).

How Australia can be made a more resilient and inclusive society post-Covid was canvassed at the Wagga Special Local Roads and Transport Congress.

ALGA's newly elected President, Councillor Linda Scott, (NSW) advised local governments were continuing to go the extra mile on behalf of their communities – even though many are now in a precarious financial position because of the twin natural disasters.

Councils have supported communities and local businesses through the worst of the financial downturn – partnering with the federal, state and territory governments to deliver significant support and stimulus measures.

Councils have responded to the initiatives contained in last month's Federal Budget, including an additional \$1 billion for the Local Roads and Community Infrastructure (LRCI) program, more Building Better Regions funding, an apprenticeships program, and more funds for telecommunications blackspots, by rolling out shovel-ready projects that will deliver immediate as well as long-term benefits.

Councils are heavily invested in creating a brighter, more sustainable future for their communities – and the Congress will enable them to deliver that.

Deputy Prime Minister Michael McCormack attended in person and detail the Federal Government's Covid-19 measures and its plans to enable rural and regional communities to build back better. He commented that Bernard Salt acknowledges that demographics indicate that people are moving from the Cities to the Regions and governments need to address this. The Deputy Prime Minister remained at the Conference for morning tea with delegates. This gave delegates the opportunity to discuss their individual Council issues.

Major-General Andrew (Hocks) from the National Bushfire Recovery Agency's provide advice on how local communities have responded to the most damaging fire in living memory. During disasters there needs to be key messaging and instructions for what people need to do. Trust lies in locals and local government voices and when local councils deliver the message information is rich and truth is poor. Councils need to be strategic, supportive, and tactical. Information needs to be timely, trusted, and honest. Need to cut through the issues, clarify, and explained in simple terms with empathy and connection.

Warren Sharpe (president of the Institute of Public Works Engineering Australasia (NSW) enlighten delegates about what lessons local government can learn from disasters, and how resilience can be embedded within communities to reduce future risks. Key messages were:

- Be Present; Be Where the People are; Be the Human Element.
- Adapt, invent to overcome.
- Communication is the key driver – communicate to residents at their front door.
- Key ingredient is Listening.
- Own your own understanding.
- Planning by the community for the community

Patty Kinnersly, chief executive of the not-for-profit Our Watch organisation, launched the family violence Prevention Toolkit for Local Government. Link: <https://handbook.ourwatch.org.au/localgovtoolkit/>

Federal Local Government Minister Mark Coulton will announce the 2020 National Award for Local Government as well as his special Ministers' Award for Progressive Community Leadership. His key messages:

- Covid-19, Local Government was in the spot-light and he was proud of the leadership shown by Councils.
- The need to challenge the methodology on road assets to determine the value and maintenance formula consistent across Australia.
- Growing employment by apprenticeships into long term jobs
- Covid-19 to build back better.

Clr Wells held discussions with the Mayor of Wagga Wagga Cllr Greg Conkey. Greg was a guest speaker at the Conference and outlined Wagga's approach to CBD activation. Wagga's strategy did not focus on capital investment/infrastructure to attract people to town, although it was evident the City has made significant investment in streetscaping over the years. Cllr Conkey explained that Wagga's vibrancy revolved around a number of events which the City and its business houses supported each year. These events revolve around multi culturalism, food and wine, music, culture, and sport. Each event is backed by substantial funding/sponsorship and widely promoted.

Mayor Greg Conkey OAM also told the Congress that Wagga was the largest rural and regional centre in NSW, and we'll be able to showcase the city to a wider audience.

He told the Conference the annual Congress enabled local councils to share information and knowledge – and provided a means for them to lobby state and federal governments concerning the importance of local roads.

Local Government control 80 percent of local roads in Australia, and it is vitally important that we get sufficient funding to maintain and improve that road system.

Key speaker was Dr Richard Harris, whose heroic role in the Thailand Cave rescue of 2018 was recognised with the Australian of the Year Award, delivered a keynote address on saving the young soccer players. It was a moving and inspirational message.

One of the benefits of attending conferences of course is the opportunity to network with other conference attendees. In this regard we were fortunate to meet and hold discussions with the Deputy Secretary of the Federal Department of Infrastructure, Transport, Regional Development and Communications, Dr Rachel Bacon, and her colleague Amanda Robertson. They were particularly interested in Councils proposed Bio Elektra alternative waste management system and advised of potential Federal funding assistance programs that might be applicable to this project. Ms Robertson subsequently followed up, post conference, with information which has been passed onto staff for review.

Finally, it is noted that LGA NSW made a decision pre-conference to expend the Local Roads and Transport Congress to encompass the coronavirus pandemic, natural disaster impacts and recovery and resilience. This met with a mixed reaction with some delegates suggesting they might have had a different mix of representation in attendance had they know of the wider scope, and others, particularly smaller remote and regional Councils indicating much of the Conference was of little relevance to them as they had not been impacted by the fires and floods or even the virus. You win some, you lose some.

Clr Wells

Clr White

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.