

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 09 June, 2020  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 5)  
Clr John Wells - Chairperson  
Clr Bob Proudfoot  
All Councillors  
Chief Executive Officer or nominee

**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. **Apologies / Leave of Absence**
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4. **Call Over of the Business Paper**
5. **Mayoral Minute**
6. **Deputations and Presentations**
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## 9. Confidential Reports

### Reports

CSA20.7 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

*Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

CSA20.8 Tenders – Confidential Report - Processing of Kerbside Recycling Materials

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

## Strategy and Assets Committee

### Delegation:

Pursuant to s377(1) of the *Local Government Act 1993* (LG Act) the Committee is delegated the functions conferred on Council by the LG Act any other Act or delegated to Council, as are specified in the Schedule, subject to the following limitations:

- i. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- ii. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council;
- iii. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council; and
- iv. The Committee cannot exercise any function which is a function of the General Manager under s335 of the LG Act.

### SCHEDULE

- a. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
- b. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager;
- c. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
- e. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'Crown Land Manager' under Division 3.4 of the *Crown Lands Management Act 2016* and the making of recommendations to Council regarding such matters where the function is not dealt with under the delegations to the General Manager or cannot be delegated by Council;
- f. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
- g. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
- h. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
- i. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council;

- k. Review and make recommendations to Council in relation to:
- i. The sale prices of land in connection with residential and industrial Council subdivisions;
  - ii. The sale of Council property or the purchase or resumption of land;
  - iii. The compensation to be offered in respect of land resumed by Council; and
  - iv. Properties leased/rented by Council, or properties leased/rented from Council other than those delegated to the Chief Executive Officer for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

*Note: MIN14.912 delegates authority to the Chief Executive Officer to approve and execute leases and licences that are for a maximum term of 5 years; and are in accordance with current policies and relevant legislation; and have an annual rental of \$5,000 or less; and have not been objected to as a result of the public exhibition process (Community Land).*

*In addition, MIN14.912 delegates authority to the Chief Executive Officer to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site.*

*Note: MIN15.237 delegates authority to the Chief Executive Officer to approve and finalise all lease negotiations in relation to the properties now managed by Integrity Real Estate ... and to sign any documents necessary to give effect to this resolution.*

- l. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

## MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

**Meeting Date:** Tuesday, 12 May 2020  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

The following members were present:

Clr John Wells - Chairperson  
Clr Joanna Gash  
Clr Amanda Findley – (Remotely)  
Clr Patricia White  
Clr Kaye Gartner – (Remotely) – left 7.04pm  
Clr Nina Digiglio – (Remotely)  
Clr Annette Alldrick – (Remotely)  
Clr John Levett – (Remotely)  
Clr Andrew Guile – (Remotely)  
Clr Mitchell Pakes  
Clr Greg Watson  
Clr Mark Kitchener – (Remotely)  
Clr Bob Proudfoot  
Mr Stephen Dunshea - Chief Executive Officer – (Remotely)

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr Gash / Clr White) MIN20.330

That the Minutes of the Strategy and Assets Committee held on Tuesday 21 April 2020 be confirmed.

CARRIED

### Declarations of Interest

Nil

**Call Over of the Business Paper**

**RESOLVED** (Clr Wells / Clr Pakes)

MIN20.331

That the items on the agenda be dealt with as they appear in the paper.

CARRIED

**MAYORAL MINUTES**

Nil

**DEPUTATIONS AND PRESENTATIONS**

The following Deputations were made available on Council's Website:

**SA20.65 - Far North Collector Road - Upgrade of Taylors Lane, Cambewarra**

Russell Field submitted a written Deputation Against the Recommendation.  
Tony Enright submitted a written Deputation Against the Recommendation.

**REPORTS**

**SA20.58 Shoalhaven City Council's response to the State Bushfire Inquiry and the Royal Commission into Natural Disaster Arrangements.**

**HPERM Ref:  
D20/155774**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Receive and note the submissions made in Council's name to:
  - a. The NSW Bushfire Enquiry
  - b. The Royal Commission into Natural Disaster Arrangements
2. Note the due dates of 5 May 2020 and 11 May 2020 for responding to the Notices and Summons from the Royal Commission into Natural Disaster Arrangements.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN20.332

That Council:

1. Receive and note the submissions made in Council's name to:
  - a. The NSW Bushfire Enquiry
  - b. The Royal Commission into Natural Disaster Arrangements
2. Note the due dates of 5 May 2020 and 11 May 2020 for responding to the Notices and Summons from the Royal Commission into Natural Disaster Arrangements.

CARRIED

**SA20.59 COVID-19 - Provision of relief - sporting, arts and community groups**

**HPERM Ref:  
D20/131045**

**Recommendation**

That Council give relief to sporting, arts and community groups who have been adversely impacted by the implementation of COVID-19 restrictions in the following ways:

1. Increased support to grant funding programs in the following ways:
  - a. Sports Funding Program
    - i. Continue the extension of the changed Capital Sports Funding Program for the 20/21 Financial Year, with an additional \$50,000 (total grant program 20/21 FY \$208,000) for 2020, and
    - ii. broaden the program to allow for equipment purchases, or to recoup costs lost as a direct result of COVID-19 pandemic with no matching funding in addition to capital works.
    - iii. Reallocate funds in the draft 20/21 budget from the Minor Improvement budget (22107) and the Active Recreation budget (82487) equally to fund the extension of the grants program.
  - b. Community Development Grant Program
    - i. Extended the Community Development Grant Program for the 20/21 Financial Year with an additional \$20,000 (total grant program 20/21 FY \$48,000) with a specific focus on assisting communities to rebuild and reconnect as a result of COVID-19 isolation. Ensuring delivery could be during isolation via digital channels, or face to face when restrictions are lifted with social distancing in mind.
    - ii. Reallocate funds in the draft 20/21 budget from the Community Development Projects budget (13030) to fund the extension of the grants program.
  - c. Arts Board Grants
    - i. Extend the Arts Board Grants program in 20/21 with an additional \$25,000 and staff work with the Shoalhaven Arts Board.
    - ii. To be funded from 19/20 financial year operational savings in the Library budget to be carried forward into the FY20/21.
2. Fee waivers or discounts based on Council's adopted Fees & Charges as follows:
  - a. 100% fee waiver for a period of 6 months after official lifting of Federal Government COVID19 Pandemic Restrictions:
    - i. Community hire fee for meeting spaces and gallery hire at
      - Nowra and Milton Library, and
      - Shoalhaven Regional Gallery
    - ii. Shoalhaven Swim Sport Fitness community regular, not-for-profit sporting / swimming group fees for:
      - Shoalhaven Canoe & Kayak Club and
      - Bay & Basin, Bomaderry, Nowra, and Ulladulla Swim Clubs.

*Note: Pertains to local competition only, and must cover first summer season after official lifting restrictions, for regular, not-for-profit sporting / swimming groups, weekly, local Club Swim Meet nights (only)*
  - b. 50% fee waiver for a period of 3 months after official lifting of Federal Government COVID19 Pandemic Restrictions at Indoor Sports Centre - for all Shoalhaven-based, regular hirers, local competition only - excludes all other bookings.



- c. Adjust forecast income, relevant to each Unit, for Council consideration with the draft 20/21 budget process and through the quarterly review process once the Federal Government COVID19 Pandemic Restrictions are lifted.
- 3. To support users of the Shoalhaven Entertainment Centre, in recognition of bookings impacted by COVID-19 Pandemic and force majeure clause in contracts:
  - a. 100% reduction in cancellation or postponed event related fees and transfer of non-refundable \$500 deposit to new contracted dates where applicable. (This includes ticket sale fee for cancelled or rescheduled event date; ticket refunding fee; marketing fee; show build fee). Note: This does not impact hire fees.

**RECOMMENDATION** (Clr Findley / Clr Gartner)

That Council give relief to sporting, arts and community groups who have been adversely impacted by the implementation of COVID-19 restrictions in the following ways:

- 1. Increased support to grant funding programs in the following ways:
  - a. Sports Funding Program
    - i. Continue the extension of the changed Capital Sports Funding Program for the 20/21 Financial Year, with an additional \$50,000 (total grant program 20/21 FY \$208,000) for 2020, and
    - ii. broaden the program to allow for equipment purchases, or to recoup costs lost as a direct result of COVID-19 pandemic with no matching funding in addition to capital works.
    - iii. Reallocate funds in the draft 20/21 budget from the Minor Improvement budget (22107) and the Active Recreation budget (82487) equally to fund the extension of the grants program.
  - b. Community Development Grant Program
    - i. Extended the Community Development Grant Program for the 20/21 Financial Year with an additional \$20,000 (total grant program 20/21 FY \$48,000) with a specific focus on assisting communities to rebuild and reconnect as a result of COVID-19 isolation. Ensuring delivery could be during isolation via digital channels, or face to face when restrictions are lifted with social distancing in mind.
    - ii. Reallocate funds in the draft 20/21 budget from the Community Development Projects budget (13030) to fund the extension of the grants program.
  - c. Arts Board Grants
    - i. Extend the Arts Board Grants program in 20/21 with an additional \$25,000 and staff work with the Shoalhaven Arts Board.
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  - a. 100% fee waiver for a period of 6 months after official lifting of Federal Government COVID19 Pandemic Restrictions:
    - i. Community hire fee for meeting spaces and gallery hire at
      - Nowra and Milton Library, and
      - Shoalhaven Regional Gallery
    - ii. Shoalhaven Swim Sport Fitness community regular, not-for-profit sporting / swimming group fees for:
      - Shoalhaven Canoe & Kayak Club and

- Bay & Basin, Bomaderry, Nowra, and Ulladulla Swim Clubs.  
*Note: Pertains to local competition only, and must cover first summer season after official lifting restrictions, for regular, not-for-profit sporting / swimming groups, weekly, local Club Swim Meet nights (only)*
  - b. 50% fee waiver for a period of 3 months after official lifting of Federal Government COVID19 Pandemic Restrictions at Indoor Sports Centre - for all Shoalhaven-based, regular hirers, local competition only - excludes all other bookings.
  - c. Adjust forecast income, relevant to each Unit, for Council consideration with the draft 20/21 budget process and through the quarterly review process once the Federal Government COVID19 Pandemic Restrictions are lifted.
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- a. 100% reduction in cancellation or postponed event related fees and transfer of non-refundable \$500 deposit to new contracted dates where applicable. (This includes ticket sale fee for cancelled or rescheduled event date; ticket refunding fee; marketing fee; show build fee). Note: This does not impact hire fees.

CARRIED

**SA20.60 COVID 19 & Economic Crisis Financial Assistance to the Ratepayers**

**HPERM Ref: D20/152352**

**Recommendation**

That Council:

1. Adopt the following funding strategy to provide financial relief of \$300 to all property owners in the Shoalhaven in the 2020/21 Financial Year in response to the significant health and economic crisis presented by the COVID-19 Pandemic:

Fund	Rates Donation/Reduction in Rates, Fees and Charges/Account
General Fund Rates Donation (S356 LGA)	\$108
Water Fund Subsidy	\$88
Sewer Fund Subsidy	\$60
Domestic Waste Fund Subsidy	\$44
<b>Total:</b>	<b>\$300</b>

2. Note that the Water, Sewer and Domestic Waste Funds components totally \$192 per property owner will be funded from restricted funds by way of a subsidy to reduce the water, sewer and domestic waste annual charges payable to Council for the FY2020/21.
3. Note that the remainder of the \$300 financial relief for all property owners (\$108) will be funded from the General Fund by way of a Donation to individuals under S356 of the Local Government Act 1993 with the required advertising of Council's intention to provide the donation be through the public exhibition of the Draft 2020/21 DPOP.
4. Note that where property owners are not in receipt of any or all of the Water, Sewer or Domestic Waste Services, the General Fund Rates Donation component will be increased to ensure ALL property owners receive the full \$300 benefit of Council's COVID-19 Financial Relief.
5. Endorse the proposed opt-in / opt-out strategy outlined in the report to provide an opportunity for property owners not wanting to accept Council's COVID-19 Financial Relief to advise accordingly - noting that should no response be received prior to June 30 2020, then this will

be deemed as opt-out.

6. Further note that should the hardship arise after June 30, 2020, ratepayers that have been noted as opt-out will have an option to seek financial assistance under the Hardship Policy and may be provided the relief under delegated authority of the CEO.
7. Acknowledge the financial implications and associated risks of the potential \$17.5million reduction in the cash balance should all property owners accept the \$300 relief package.
8. In acknowledging that risk, commit to an initial \$5million reduction in the 2020/21 capital works program spread across all wards to retain an acceptable working funds balance with a further commitment to detailed reviews of the capital works program during 2020/21 to reinstate deferred projects as funding opportunities are identified.

Clr Watson raised a Point of Order against Clr Findley regarding bringing new information to debate in the Right of Reply.

The Chairperson asked Clr Findley to stay on Point.

Clr Pakes raised a Point of Order against Clr Findley for the comment about Clr Guile and KPI's.

The Chairperson ruled against the Point of Order.

**MOTION (Clr Findley / Clr Gartner)**

That this item be deferred to provide Councillors with the option to look over all information in the report and what has been discussed in Parliament today and reported back at the Ordinary Meeting Tuesday 26 May 2020.

FOR: Clr Gash, Clr Findley, Clr Gartner, Clr Digiglio, Clr Aldrick and Clr Levett

AGAINST: Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

MOTION LOST

**FORESHADOWED MOTION (RECOMMENDATION) (Clr Guile / Clr Proudfoot)**

That Council:

1. Adopt the following funding strategy to provide financial relief of \$300 to all property owners in the Shoalhaven in the 2020/21 Financial Year in response to the significant health and economic crisis presented by the COVID-19 Pandemic:

Fund	Rates Donation/Reduction in Rates, Fees and Charges/Account
General Fund Rates Donation (S356 LGA)	\$108
Water Fund Subsidy	\$88
Sewer Fund Subsidy	\$60
Domestic Waste Fund Subsidy	\$44
<b>Total:</b>	<b>\$300</b>

2. Note that the Water, Sewer and Domestic Waste Funds components totally \$192 per property owner will be funded from restricted funds by way of a subsidy to reduce the water, sewer and domestic waste annual charges payable to Council for the FY2020/21.
3. Note that the remainder of the \$300 financial relief for all property owners (\$108) will be funded from the General Fund by way of a Donation to individuals under S356 of the Local Government Act 1993 with the required advertising of Council's intention to provide the donation be through the public exhibition of the Draft 2020/21 DPOP.

4. Note that where property owners are not in receipt of any or all of the Water, Sewer or Domestic Waste Services, the General Fund Rates Donation component will be increased to ensure ALL property owners receive the full \$300 benefit of Council's COVID-19 Financial Relief.
5. Endorse the proposed opt-in / opt-out strategy outlined in the report to provide an opportunity for property owners not wanting to accept Council's COVID-19 Financial Relief to advise accordingly - noting that should no response be received prior to June 30 2020, then this will be deemed as opt-out.
6. Further note that should the hardship arise after June 30, 2020, ratepayers that have been noted as opt-out will have an option to seek financial assistance under the Hardship Policy and may be provided the relief under delegated authority of the CEO.
7. Acknowledge the cost of the financial implications and associated risks of the potential \$17.5million reduction in the cash balance should all property owners accept the \$300 relief package.
8. Commits to retaining in the 2020/21 capital works program the \$5million in projects proposed for deferral in the report and the CEO report to Council on alternate funding sources if needed to retain an acceptable working funds balance.
9. Invites the CEO to present a report at the next Strategy and Assets Committee providing a draft Liquidity Contingency Plan for Council to assist in the monitoring of Councils financial position

FOR: Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Gash, Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

FORESHADOWED MOTION CARRIED

**SA20.61 Showground Stimulus Funding Applications - NSW  
Government Grants**

**HPERM Ref:  
D20/154520**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Notes the grant applications that have been already been submitted for the NSW Government 'Showground Stimulus Funding' program in Round 1.
2. Approve the proposed projects being further investigated for Round 2 grant applications for the NSW Government 'Showground Stimulus Funding' program closing 29 May 2020.
3. Accepts all grant funding that is awarded for projects as identified in this Report and that this is reported through the Quarterly Budget Review process.
4. Authorise the CEO to enter into grant funding agreements for any funding received under this program.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN20.333

That Council:

1. Notes the grant applications that have been already been submitted for the NSW Government 'Showground Stimulus Funding' program in Round 1.
2. Approve the proposed projects being further investigated for Round 2 grant applications for the NSW Government 'Showground Stimulus Funding' program closing 29 May 2020.

3. Accepts all grant funding that is awarded for projects as identified in this Report and that this is reported through the Quarterly Budget Review process.
4. Authorise the CEO to enter into grant funding agreements for any funding received under this program.

CARRIED

<b>SA20.62</b>	<b>Parkcare Action Plans - Alexandra Street / Bayswood / Carriage Way / Fred Evans Park / Narrawallee / Main Road Reserve / Marriott Camellia / Mark Radium Park / Princess Park / St Georges Basin</b>	<b>HPERM Ref: D20/134383</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council

1. Endorse the updated and new ‘Parkcare’ plans for:
  - a. Alexandra Park - Berry,
  - b. Bayswood Park - Vincentia,
  - c. Carriage Way Park - Milton,
  - d. Fred Evans Park - Culburra Beach,
  - e. Narrawallee Park - Narrawallee,
  - f. Main Road Reserve - Cambewarra,
  - g. Marriott Camellias Park - Nowra,
  - h. Mark Radium Park - Berry,
  - i. Princess Park - Berry and
  - j. St Georges Basin Park - St Georges Basin.
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$4,000, to cover safety PPE, miscellaneous materials, waste disposal and purchase of minor tools. This has been provided for in the Draft 2020/2021 Operating Budget.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN20.334

That Council

1. Endorse the updated and new ‘Parkcare’ plans for:
  - a. Alexandra Park - Berry,
  - b. Bayswood Park - Vincentia,
  - c. Carriage Way Park - Milton,
  - d. Fred Evans Park - Culburra Beach,
  - e. Narrawallee Park - Narrawallee,
  - f. Main Road Reserve - Cambewarra,
  - g. Marriott Camellias Park - Nowra,
  - h. Mark Radium Park - Berry,
  - i. Princess Park - Berry and
  - j. St Georges Basin Park - St Georges Basin.

2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$4,000, to cover safety PPE, miscellaneous materials, waste disposal and purchase of minor tools. This has been provided for in the Draft 2020/2021 Operating Budget.

CARRIED

**SA20.63 Comerong Island Ferry Report**

**HPERM Ref:  
D20/144099**

**Recommendation (Item to be determined under delegated authority)**

That:

1. After extensive and expert analysis Council endorse the preferred option to maintain the ferry service to Comerong Island which is to refurbish the *Cormorant* pursuant to the objectives of Council MIN19.554. This would involve rehabilitating the exiting hull and rebuilding the other components of the ferry (i.e. motor, wheelhouse decking etc)
2. Council note that tenders will be called for the refurbishment of the *Cormorant* from suitably qualified suppliers.

**RESOLVED** (Clr Pakes / Clr Levett)

MIN20.335

That:

1. After extensive and expert analysis Council endorse the preferred option to maintain the ferry service to Comerong Island which is to refurbish the *Cormorant* pursuant to the objectives of Council MIN19.554. This would involve rehabilitating the exiting hull and rebuilding the other components of the ferry (i.e. motor, wheelhouse decking etc)
2. Council note that tenders will be called for the refurbishment of the *Cormorant* from suitably qualified suppliers.

CARRIED

**SA20.64 Fire Recovery Bridge Reconstruction**

**HPERM Ref:  
D20/81964**

**Recommendation (Item to be determined under delegated authority)**

That with respect to the Currowan Fire 2019/2020 Council note

1. The progress of the Natural Disaster Funding applications for the following bridges:
  - Wheelbarrow Road over Lucy King Creek
  - Brooman Road over Toomboolomobah Creek
  - Bugong Road over School Creek
  - Yerriyong Bridge over tributary of Calymea Creek
2. That these applications were the first Natural Disaster Funding applications for essential public asset restorations in NSW.
3. The progress of the reconstruction of the destroyed bridges.
4. That Council staff are assisting Eurobodalla Shire Council with the preparation and submission of their Natural Disaster Funding applications.

**RESOLVED** (Clr Proudfoot / Clr Gash)

MIN20.336

That with respect to the Currowan Fire 2019/2020 Council note

1. The progress of the Natural Disaster Funding applications for the following bridges:
  - Wheelbarrow Road over Lucy King Creek
  - Brooman Road over Toomboolomobah Creek
  - Bugong Road over School Creek
  - Yerriyong Bridge over tributary of Calymea Creek
2. That these applications were the first Natural Disaster Funding applications for essential public asset restorations in NSW.
3. The progress of the reconstruction of the destroyed bridges.
4. That Council staff are assisting Eurobodalla Shire Council with the preparation and submission of their Natural Disaster Funding applications.

CARRIED

**SA20.65 Far North Collector Road - Upgrade of Taylors Lane, Cambewarra**

**HPERM Ref: D20/105762**

**Recommendation (Item to be determined under delegated authority)**

That Council upgrade the part of Taylors Lane shown on drawing 5505.05 in accordance with Option 4 which is to maintain the existing centreline of Taylors Lane with the following characteristics:

1. Widen the road 5m each side of the existing centreline, in accordance with the Development Control Plan for the Moss Vale Road Urban Release Area.
2. Remove both stands of mature trees on either side of the existing pavement.
3. Plant suitable Street Trees along the upgraded Taylors Lane to complement driveways, services and drainage.
4. A biodiversity area equivalent to 150% of the area of trees removed by Option 4 of Taylors Lane in the vicinity of Bomaderry Creek be revegetated.

**MOTION** (Clr Gartner / Clr Digiglio)

That:

1. For the part of Taylors Lane shown on drawing 5505.03 retain the remnant Taylors Lane and construct a totally new road to the north, considering the requirements of the Moss Vale Road South Urban Release Area Development Control Plan Chapter;
2. Council also implement the 150% Biodiversity offset strategy for the trees (from option 4) in the vicinity of Bomaderry Creek as a risk management strategy given Council cannot guarantee the long-term future of the trees along Taylors Lane.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

AGAINST: Clr Wells, Clr Gash, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Stephen Dunshea

MOTION LOST

**FORESHADOWED MOTION (RESOLVED)** (Clr Watson / Clr Pakes)

MIN20.337

That Council upgrade the part of Taylors Lane shown on drawing 5505.05 in accordance with Option 4 which is to maintain the existing centreline of Taylors Lane with the following

characteristics:

1. Widen the road 5m each side of the existing centreline, in accordance with the Development Control Plan for the Moss Vale Road Urban Release Area.
2. Remove both stands of mature trees on either side of the existing pavement.
3. Plant suitable Street Trees along the upgraded Taylors Lane to complement driveways, services and drainage.
4. A biodiversity area equivalent to 150% of the area of trees removed by Option 4 of Taylors Lane in the vicinity of Bomaderry Creek be revegetated.

FOR: Clr Wells, Clr Gash, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

FORESHADOWED MOTION CARRIED

**SA20.66 Nowra Golf Course - Proposed Leases to Bomaderry Bowling Club Ltd**

**HPERM Ref:  
D20/108860**

**Recommendation**

That Council

1. Accept the surrender of the licence between Council and Nowra Golf Club Limited over Lot 2 DP 540883 & Lot 3 DP 528318 dated 11 October 2001
2. As Crown Land Manager accept the surrender of the licence between the Greys Beach (R68918) Reserve Trust (the affairs of which were formerly managed by Council) and Nowra Golf Club Limited over Lot 7303 DP 1164490 dated 11 October 2001
3. Enter into a lease agreement with Bomaderry Bowling Club Limited over Lot 2 DP 540883, Lot 3 DP 528318 & Part Lot 1 DP 438034 (Nowra Golf Course - 86 Fairway Drive, North Nowra) for twenty (20) years with annual CPI increases and market reviews in years 5, 10 & 15 for an initial rent of \$5,000 (excl GST)
4. As Crown Land Manager of R68919 (known as Greys Beach Reserve) enter into a Crown lease agreement with Bomaderry Bowling Club Limited over Part Lot 7303 DP 1164490, Part Lot 239 DP 728005 & Part Lot 7302 DP 1164490 for twenty (20) years with annual CPI increases and market reviews in years 5, 10 & 15 for an initial rent of \$1,500 (excl GST)
5. Require each party to pay their own legal costs in this matter
6. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution including negotiating and agree to CPI and market reviews in years 5, 10 & 15.

Note: Clr Gartner left the meeting at 7.04pm.

**RESOLVED** (Clr Watson / Clr Pakes)

MIN20.338

That this item be deferred pending review and further negotiations.

FOR: Clr Wells, Clr Gash, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

CARRIED



**SA20.67 Proposed Sale of Lot 140 DP 11629, Inglewood Crescent, Tomerong**

**HPERM Ref:  
D20/124352**

**Recommendation**

That Council resolves to authorise:

1. The sale by direct negotiation Lot 140 DP 11629 at Inglewood Crescent, Tomerong to Robert Lewis Albright for \$165,000 (inclusive of GST if applicable).
2. The Chief Executive Officer to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.
3. Funding all costs associated with the sale from Job Number 28800.
4. The net proceeds of the sale to be placed in the Property Reserve.

**RECOMMENDATION** (Clr Proudfoot / Clr White)

That Council resolves to authorise:

1. The sale by direct negotiation Lot 140 DP 11629 at Inglewood Crescent, Tomerong to Robert Lewis Albright for \$165,000 (inclusive of GST if applicable).
2. The Chief Executive Officer to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.
3. Funding all costs associated with the sale from Job Number 28800.
4. The net proceeds of the sale to be placed in the Property Reserve.

CARRIED

**SA20.68 Creation of an Asset Protection Zone over Council unmade road adjoining Lot 24 Sec 1 DP 9182 - 11 Grandview St, Erowal Bay**

**HPERM Ref:  
D20/131488**

**Recommendation**

That Council:

1. Resolve to approve the creation of an Asset Protection Zone over Council's unmade road at First Avenue, Erowal Bay adjoining the common north boundary of Lot 24 Sec 1 DP 9182 as shown in Attachment 1 (D20/131596), by way of the positive covenant in accordance with the provisions of Section 88E of the Conveyancing Act 1919;
2. Require that the landowners of Lot 24 Sec 1 DP 9182 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the APZ Management Plan and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant; and
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**MOTION** (Clr Levett / Clr Findley)

That the CEO advise the owner of Lot 24 Sec 1 DP 9182 (11 Grandview St Erowal Bay) that it does not agree to the creation of an Asset Protection Zone (pursuant to policy POL19/10) as Council does not consider it appropriate to clear the vegetation to the extent to create an Asset

Protection Zone.

FOR: Clr Findley, Clr Aldrick and Clr Levett

AGAINST: Clr Wells, Clr Gash, Clr White, Clr Digiglio, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

MOTION LOST

**FORESHADOWED MOTION (RECOMMENDATION) (Clr Watson / Clr Proudfoot)**

That Council:

1. Resolve to approve the creation of an Asset Protection Zone over Council's unmade road at First Avenue, Erowal Bay adjoining the common north boundary of Lot 24 Sec 1 DP 9182 as shown in Attachment 1 (D20/131596), by way of the positive covenant in accordance with the provisions of Section 88E of the Conveyancing Act 1919;
2. Require that the landowners of Lot 24 Sec 1 DP 9182 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the APZ Management Plan and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant with the exception APZ approval fee of \$3,000; and
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

FOR: Clr Wells, Clr Gash, Clr Digiglio, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr White, Clr Aldrick and Clr Levett

FORESHADOWED MOTION CARRIED

**SA20.69 Business Case - Ranger Services**

**HPERM Ref:  
D19/416732**

**Recommendation**

That Council:

1. Receive the status of the trial of the pathway street signage on the Adelaide Street Reserve, Greenwell Point for information only (Item 3 of MIN19.390).
2. Accept the framework and approve the increase funding for Ranger Services to educate owners and enforce existing dog off-leash areas by allocating an additional budget of \$30,000 for media campaign (Item 4 of MIN19.390).

**RECOMMENDATION (Clr Findley / Clr Pakes)**

That Council:

1. Receive the status of the trial of the pathway street signage on the Adelaide Street Reserve, Greenwell Point for information only (Item 3 of MIN19.390).
2. Accept the framework and approve the increase funding for Ranger Services to educate owners and enforce existing dog off-leash areas by allocating an additional budget of \$30,000 for media campaign (Item 4 of MIN19.390).

CARRIED

**SA20.70 Ulladulla Boardwalk Replacement**

**HPERM Ref:  
D20/71379**

**Recommendation (Item to be determined under delegated authority)**

That Council's Works and Services Section be commissioned to replace the boardwalk with an oxide finished concrete two (2) metre wide shared footpath in the 2020/21 financial year.

**RESOLVED** (Clr Kitchener / Clr White)

MIN20.339

That:

1. Council's Works and Services Section be commissioned to replace the boardwalk with an oxide finished concrete two (2) metre wide shared footpath in the 2020/21 financial year.
2. Council incorporate in the concrete path design, 3 additional concrete slabs for the provision of 2 seats and 1 viewing platform, separated from the flow of pedestrian traffic.
3. The seats and viewing platform are to be independent of each other and are to be constructed in the future when funds are available.

CARRIED

**SA20.71 Draft Proposal for 2020-21 Water and Sewer Charges**

**HPERM Ref:  
D20/100652**

**Recommendation**

That Council adopt the following proposal for inclusion in the draft 2020/21 budget:

1. Water Availability Charge 20mm – Increase of \$1 from \$82/connection per annum to \$83/connection per annum
2. Water Usage Charge – Increase of \$0.05 from \$1.70/KL to \$1.75/KL
3. Sewer Availability Charge 20mm – Increase of \$12.00 from \$864/connection per annum to \$876/connection per annum
4. Sewer System Usage Charge – Increase of \$0.10/KL from \$1.70/KL to \$1.80/KL
5. A contribution from the Water and Sewer Funds to the COVID – 19 *Financial Assistance subsidy*, is applied up to a maximum amount of \$88 per property from the Water Fund and \$60 per property from the Sewer Fund in 2020-21.

**RECOMMENDATION** (Clr Proudfoot / Clr White)

That Council adopt the following proposal for inclusion in the draft 2020/21 budget:

1. Water Availability Charge 20mm – Increase of \$1 from \$82/connection per annum to \$83/connection per annum
2. Water Usage Charge – Increase of \$0.05 from \$1.70/KL to \$1.75/KL
3. Sewer Availability Charge 20mm – Increase of \$12.00 from \$864/connection per annum to \$876/connection per annum
4. Sewer System Usage Charge – Increase of \$0.10/KL from \$1.70/KL to \$1.80/KL
5. A contribution from the Water and Sewer Funds to the COVID – 19 *Financial Assistance subsidy*, is applied up to a maximum amount of \$88 per property from the Water Fund and \$60 per property from the Sewer Fund in 2020-21.

CARRIED

**SA20.72 Australian Government Bureau of Meteorology -  
National Performance Report 2018/19 Urban Water  
Utilities**

**HPERM Ref:  
D20/136020**

**Recommendation (Item to be determined under delegated authority)**

That the report regarding the Australian Government Bureau of Meteorology National Performance Report 2018/19 Urban Water Utilities be received for information in accordance with the Committee's delegated authority from Council.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN20.340

That the report regarding the Australian Government Bureau of Meteorology National Performance Report 2018/19 Urban Water Utilities be received for information in accordance with the Committee's delegated authority from Council.

CARRIED

**SA20.73 Acquisition of Easement - Sewer Purposes - South  
Nowra**

**HPERM Ref:  
D20/140751**

**Recommendation**

That Council

1. Acquire an Easement to Drain Sewage variable width over part of Lot 2 DP 714802 Old Southern Road South Nowra marked (E) on the attached draft survey plan.
2. Pay compensation of \$53,000 plus GST if applicable and reasonable legal and valuation costs associated with the acquisition 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.

**RECOMMENDATION** (Clr Findley / Clr White)

That Council:

1. Acquire an Easement to Drain Sewage variable width over part of Lot 2 DP 714802 Old Southern Road South Nowra marked (E) on the attached draft survey plan.
2. Pay compensation of \$53,000 plus GST if applicable and reasonable legal and valuation costs associated with the acquisition 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.

CARRIED

**Procedural Motion - Matters of Urgency**

**MOTION** (Clr White / Clr Findley)

That an additional item regarding land at 12 Bowness Close, Conjola Park be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent as it relates to urgent business of council and public interest.

**SA20.74 Additional Item - Management Plan - Public Reserve - 12 Bowness Close, Conjola Park**

**RESOLVED** (Clr White / Clr Findley)

MIN20.341

That Council develop a Management Plan for the public reserve at 12 Bowness Close, Conjola Park which ensures the surrounding properties remains at a BAL rating of no more than 29 and maintain reserve such as mowing or mulching when required.

CARRIED

There being no further business, the meeting concluded, the time being 7.37pm.

Clr Wells  
CHAIRPERSON

**SA20.75 Notice of Motion - DA19/2160 - 1 Princess Av  
South Burrill Lake - Lot 47 DP 1051945 -  
Edgewater Motel development**

**HPERM Ref:** D20/207587

**Submitted by:** Clr Amanda Findley  
Clr Bob Proudfoot  
Clr Kaye Gartner

**Purpose / Summary**

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

**Recommendation (Item to be determined under delegated authority)**

That Council call in DA19/2160 Princess Ave Burrill Lake – Edgewater Motel development – for determination by Council. The application is not to be determined under delegated authority due to the high level of community interest and concern.

SA20.75

## **SA20.76 Notice of Motion - Berry Spinners and Weavers**

**HPERM Ref:** D20/195634

**Submitted by:** Clr Patricia White  
Clr John Wells

### **Purpose / Summary**

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

### **Recommendation (Item to be determined under delegated authority)**

That

1. Council make every endeavour to locate, build or refurbish a building to house the Berry Spinners and Weavers in Berry.
2. Council form a working party of three members from Berry Spinner and Weavers and three available Councillors to develop a solution for a permanent home for Berry Spinner and Weavers which has the following Councillor members.
  - a. Clr (insert name)
  - b. Clr (insert name)
  - c. Clr (insert name)
3. Once a preferred option has been identified and the project is shovel ready Council consider funding in a future budget and also make applications for grant funding to assist with refurbishment and/or construction works.
4. The use of loan funding be considered.

### **Background**

Berry Spinners and Weavers are a not for profit group of very creative Artisans in the field of fibre arts and product production established 40 years ago in Berry, and they need help to find a permanent home for approximately 70 members of all ages and both sexes, some of whom come from all across the Shoalhaven district.

Council came to their rescue and by housing the group in the Berry School of Arts as of February 2019 when they had to leave their home of 29 years, the Rural Youth Hall, in the Berry Show Ground. Unfortunately, the accessibility School of Arts does not meet all their needs, especially for their weekly social meetings and equipment. Moving into the future, they will need more space than they had in the Rural Youth Hall, where they were a bit squashed anyway.

Berry Spinners and Weavers have similar needs to a "Men's Shed" and they fill a very similar niche in the community. They provide friendship, community recreation, pastoral wellbeing, education and skill sharing in a happy environment and to continue doing this they need:

- \* Space for meetings of up to 50 active members at a time
- \* Permanent space for immovable equipment (looms etc.) and storage
- \* Room for our large library of books and equipment for loan to members
- \* Access at any time for their members to work on "in house" projects

SA20.76

- \* Exhibitions, classes and demonstrations space
- \* Outdoor activity centre

They are requesting Council to work with them to provide a space whether in an existing building or by a propose built building on land in the village that will be a permanent home.

The current Meeting Room, used for their weekly social meetings, makes circulation and interaction amongst the group very difficult, meaning many members cannot speak and share comfortably with each other during their social gatherings, the heart and soul and main purpose of their group. Also, the noise level is very loud, if more than one person is speaking at a time making it most distracting for our older members.

Disruption of their weekly meetings by other Hall users is very disconcerting for their group's stability. There have been 7 occasions between 29 November 2019 and 26 February 2020 where their meetings have had to be held elsewhere in the town.

**Note by the CEO**

It is suggested that Council consider including relevant staff from the Recreation, Community & Culture Section of Council to assist and work with the Councillors and representatives from the Berry Spinners and Weavers on the Working Party.



## **SA20.77 Notice of Motion - Clifton Street Dog Park - Sanctuary Point**

**HPERM Ref:** D20/208501

**Submitted by:** Cllr Joanna Gash

### **Purpose / Summary**

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

### **Recommendation (Item to be determined under delegated authority)**

That Council provide details as to the existing facilities for the Clifton Street dog park in Sanctuary Point and to provide details of future facilities to be provided in that location.

### **Background**

It has been reported that the Clifton Street dog park has an absolute lack of facilities, nor is it easy to locate, as it is directly behind the children's playground.

There is:

- No water available.
- No poop bag containers.
- No seating for owners to sit other than one bench in an open area just inside the gate.
- No undercover area for people to use on very hot or rainy days.
- No bins for people to place theirs or the dog rubbish when vacating the area.

Having visited the area it is my understanding that it would not take a great deal to rectify some of these concerns and in doing so it would take it from a second rate dog run to something the community would be very proud of.

SA20.77

## **SA20.78 Infrastructure Australia - feedback on Council's nomination for 2020 Infrastructure Priority List**

**HPERM Ref:** D20/202205

**Section:** Economic Development

**Approver:** Stephen Dunshea, Chief Executive Officer

### **Reason for Report**

To report to Council the feedback provided by Infrastructure Australia on projects nominated by Council for inclusion in the 2020 Infrastructure Priority List.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Note the feedback from Infrastructure Australia on its 3 projects nominated for inclusion in the 2020 Infrastructure Priority List
2. Continue to work with Infrastructure Australia and other agencies to secure infrastructure enhancements for the projects nominated, being:
  - a. Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry
  - b. East West road freight corridor from Nowra – Beyond Nerriga upgrade to Tarago and Goulburn
  - c. Nowra Bomaderry Transport Strategy – to address congestion in and around the Shoalhaven River crossing

SA20.78

### **Options**

1. Adopt the resolution as printed
2. Amend the resolution for consideration

### **Background**

In October 2019 Council considered a report from the CEO endorsing the nomination of 3 projects that have formed a continual basis for lobbying for the improvement of freight to and from Shoalhaven, and resolved:

*"That Council note that the following projects have been nominated to Infrastructure Australia for inclusion in the 2020 Infrastructure Priority List:*

1. *Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry*
2. *East West road freight corridor from Nowra – Beyond Nerriga upgrade to Tarago & Goulburn*
3. *Nowra Bomaderry Transport Strategy – To address congestion in and around the Shoalhaven River crossing"*

*CARRIED (MIN19.733)*

Infrastructure Australia acknowledged that Shoalhaven City Council had provided three submissions for consideration and has provided the following feedback:

**Nowra Congestion - Princes Highway Corridor:** *This submission highlights the significant traffic congestion occurring across the Shoalhaven River and through Nowra, particularly during peak and holiday times. While this submission provided quantified evidence on the existing congestion experienced in Nowra, the Priority List currently includes a Priority Project for Nowra Bridge. It was not clear from the submission what the scale of the remaining problems would be once this project is delivered, and whether they are nationally significant. As noted in the submission, the NSW Government's study into the problem cost in this corridor should provide additional certainty around the size of this issue, and we would welcome an updated submission that includes the evidence from this work.*

**Beyond Nerriga:** *This submission states that the current geographic and road constraints of the Southern Tablelands are creating significant freight inefficiencies and, in response, proposes a Higher Mass Limit Heavy Vehicle transport route between Nowra, Goulburn and Queanbeyan. The submission detailed monetised evidence on how the proposed route would reduce road maintenance, travel time and vehicle operating costs. Our analysis of these costs indicates that the opportunity to construct the Higher Mass Limit Heavy Vehicle transport route may be regionally significant, but that it is not nationally significant at this time. While we have not listed this submission as a standalone Initiative, we have included it in Appendix C of the Priority List as part of the High Priority Initiative for National Freight and Supply Chain Strategy Implementation. We recommend engaging with Infrastructure NSW and the NSW Government to progress this proposal.*

**Freight Access to Bomaderry by Rail:** *This submission outlines the opportunity to improve freight rail connections between Southern NSW and Bomaderry. Our assessment of this issue found that it aligns and overlaps with a significant portion of the existing Priority Initiative for Freight access to Port Kembla. As much of the value of the opportunity identified in this submission is already on the Priority List, we have not included an additional listing based on this submission. As above, we have included it in Appendix C of the Priority List as part of the High Priority Initiative for National Freight and Supply Chain Strategy Implementation and recommending engaging with the NSW Government to progress this proposal.*

The following steps have been taken in more recent times:

- An application for the upgrade of the road from Nerriga to Tarago has been submitted under the NSW Fixing Country Roads program by Goulburn Mulwarree Council and supported by Queanbeyan Palerang Regional Council and Shoalhaven.
- Representations regarding all 3 projects are being made by Council during the consultation phases of the development of the Illawarra-Shoalhaven Regional Plan and the Illawarra Shoalhaven Transport Plan

### Community Engagement

Industry bodies are aware of the projects and are supportive.

### Financial Implications

Each of the projects is dependent on government funding allocations to undertake the infrastructure improvements. Council's involvement may need to be considered closer to the time.

## **SA20.79 Draft Amendment - Park Management Policy and New Policy - Draft Plaques and Memorials Policy**

**HPERM Ref:** D20/60628

**Section:** Recreation Community & Culture

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

- Attachments:**
1. Park Management Policy - Current [↓](#)
  2. Draft Amendment - Park Management Policy [↓](#)
  3. Draft Plaques and Memorials Policy [↓](#)
  4. Memorials in Waverley - Waverly Council (councillors information folder) [⇒](#)
  5. Memorials Policy - Burwood Council (councillors information folder) [⇒](#)
  6. Memorials Policy - City of Greater Geelong (councillors information folder) [⇒](#)
  7. Plaques and Memorials Policy - City of Monash (councillors information folder) [⇒](#)
  8. Plaques and Memorials Policy - City of Charles Sturt (councillors information folder) [⇒](#)
  9. Plaques and Memorials Policy - City of Salisbury (councillors information folder) [⇒](#)
  10. Overview and summary of key observations on other Council Plaque and Memorial Policies [↓](#)

**SA20.79**

### **Reason for Report**

To provide background and progress on:

- Preparing a standalone Plaques and Memorials Policy document relating to plaques and memorials;
- Amending the Park Management Policy to remove references to requests for plaques, memorials or similar items; and
- Providing feedback following the Cllr Workshop.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Support the new draft Plaques and Memorials Policy.
2. Amend the Park Management Policy (POL17/7) to remove reference to processes and standards relating to plaques, memorials or similar items.
3. Place the Amended Park Management Policy, and the Draft Plaques and Memorials Policy on public exhibition for a minimum period of 28 days, and:
  - a. If no significant adverse comments are received at the close of the public exhibition period, both the Park Management Policy and Plaques and Memorials Policy be deemed adopted; or
  - b. If significant adverse comments are received, a report be prepared and submitted to Council on the outcomes of the exhibition period prior to adoption.

## Options

### 1. Adopt the recommendation.

**Implications:** Plaques and memorials are a sensitive matter; currently this is administered by a Policy that also focusses on more generic park management issues such as playgrounds, barbecues, landscaping, signage, fencing, picnic tables and fencing. The proposed amendment to the Parks Management Policy is to remove references to plaques and memorials, and to prepare a new Policy which specifically deals with the management of requests and standards for plaques and memorials. Having two separate policies will have the following benefits:

- Help to manage park infrastructure and provide more clarity and certainty for Council staff and for the community;
- Provide greater certainty in the management of memorials and plaques;
- Bring Shoalhaven City Council Policy into line with industry practice and other Councils' policies throughout Australia;
- Raise the significance of plaques and memorials in terms of both their community sensitivity and their management; and
- Improve and streamline applications for plaques and memorials more effectively.

This change in Policy will aim to put a formal structure in place which specifically relates to managing the placement of plaques and memorials. Whilst a Council decision of this nature may be sensitive to some community members who have suffered a loss, it also aims to balance this with the broader interests of the community.

### 2. Not adopt the recommendation and defer an amendment to the Park Management Policy (POL17/7) until the formal review date of December 2020.

**Implications:** This would leave the policy unamended and inadequate until its formal review later in 2020. The identified management concerns and community dissatisfaction will continue unresolved as the current policy does not allow Council to provide a level of service commensurate with the community requests or enable staff to effectively manage such requests.

## Background

Council reviewed and adopted its Park Management Policy on 21 February 2017. Adoption of the Policy in 2017 consolidated and superseded the following policies:

- Parks and Reserves – Emplacement of plaques and artefacts and trees;
- Reserve Naming;
- Parks enhancement; and
- Icon Parks.

The report to Council in February 2017 noted that *“the current policy has been very successful in encouraging the community to fund provision of seats with memorial plaques in parks”*. This success has resulted in the oversupply of seats in some locations (in particular Sussex Inlet) and requests for seats are now being declined by Council staff in many parks due to the unavailability of a suitable location.

In addition, the provision of such infrastructure has long-term asset implication for Council with maintenance and replacement of the seats.

The current adopted Policy includes:

- Guidelines on donations of park infrastructure and associated memorial plaques;
- Naming of parks;
- Guidelines on the level of provision for park spaces (park appointment)

The Policy is due to be reviewed on 1 December 2020.

Shoalhaven City Council does not have a separate Plaques and Memorials Policy and only makes mention of plaques or similar items under section 3.1(d) of its Park Management Policy, “Assisting funding of park infrastructure”, where it states:

“(a) A request for a plaque or similar item to recognise the financial contribution to the park infrastructure and which is separately fully funded by the community, will be considered if it meets (among other things) the following:

- (i) *Council staff will determine the appropriate location of the plaque, which does not deter use or public ownership.*
- (ii) *The maximum size of a plaque will be 110mm X 75mm with the following standard wording: “Provision of this park equipment has been assisted by (insert name). Additional wording at the end of this sentence can state “in memory of (insert name)”.”*
- (iii) *Full costs associated with installation of the plaque will need to be paid to Council prior to installation.*
- (iv) *Only one plaque per community group or family can be erected on the park infrastructure.*
- (v) *Council reserves the right to decline an offer for the community to assist funding of park infrastructure.*
- (vi) *If necessary, Council reserves the right to reposition a plaque.*
- (vii) *Council will not replace a stolen or damaged plaque and a plaque will not be reinstated if the park infrastructure is replaced or damaged.*
- (viii) *Significant financial contributions or alternative arrangements to the above provisions may be authorised by the appropriate Council Director and may involve an event or ceremony that is conducted by The Mayor or Mayor’s representative.*

### **Current Situation**

Since the adoption of the Policy in 2017, Council staff have received many requests for plaques. There have been at least fifteen such requests over the past three months with the community overwhelmingly expressing wishes to install a plaque, usually with a chair or on an existing chair, in memory of deceased family or friends.

Most requests specifically enquire to have the bench or plaque installed in highly visible, foreshore locations such as Vincentia, Sussex Inlet, Huskisson or Mollymook. These areas have an abundance of seating which has implications for the unimpeded use of public open space. This is now proving to be a significant management challenge for Council. Council has already received many bench donations to date and the maintenance implications of both the current number, and the prospect of more, are significant.

It is easy to understand that when people seek to donate a bench with a memorial plaque, they are passionate about its ongoing maintenance and upkeep from Council; however, this can be operationally challenging.

In order to accommodate this, operational staff have been actively working with community members to combine funds for larger infrastructure, or alternately offering existing seats and benches for plaques to be installed onto, the purpose being to decline offers of new

seats/benches. However, this has not been well received by most of the community who make such inquiries, with many not wanting to donate funds to larger infrastructure, and most preferring their own private ‘chair’ memorial.

### Councillor Briefings

On 24 April 2018, Council considered a Notice of Motion in relation to outdoor furniture, plaques and memorials. Council resolved in part (MIN18.294), that:

1. *Donation of appropriate outdoor furniture be encouraged through service clubs, community groups and inspired individuals and;*
2. *A briefing be provided to Councillors and a possible review of the Park Management Policy.*

Following the resolution of Council, a Councillor Briefing outlining the significance of memorials and the ongoing operational challenges was held on 23 May 2019.

At the briefing, Councillors discussed the need for a policy review and requested that it include options of memorials/plaques able to be installed in paving, as a possible alternative to being attached to benches or other infrastructure. There was also general discussion around the ability for Council to accept the donation of trees.

Council staff reviewed the policy and developed a standalone Plaques and Memorials Policy, which went to a Councillor Briefing on 20 February 2020. At this Briefing it was decided to hold a workshop with interested Councillors in order to review and amend the draft policy. This Councillor workshop was held on 29 April 2020 with Councillors that had expressed an interest attending and amendments discussed.

### Review of Parks Management Policy

Council staff have reviewed Shoalhaven City Council’s Park Management Policy and other relevant policies on the subject currently in practice in other Local Government Areas. These include (copies of the following Policies are available in the **Councillor Information Folder**):

- Waverley Council “Memorials in Waverley” NSW
- Burwood Council “Memorials Policy” NSW
- City of Greater Geelong “Plaques and Memorials Policy” VIC
- Monash Council “Plaques and Memorials Policy” VIC
- City of Charles Sturt “Memorials Policy” SA
- City of Salisbury “Plaques and Memorials Policy” SA

A significant difference between Shoalhaven City Council’s Park Management Policy and those of the other councils sampled, is that the other policies deal with the matter of plaques and memorials within its own distinct policy, and not within a policy that also covers matters such as barbecues, lighting, garbage bins, shade structures, signage and fencing. A detailed summary of key differences of the Policies reviewed is provided at **Attachment 10**.

The “Purpose” of the Shoalhaven City Council Policy does not make mention of benches, plaques or memorials, instead simply stating that the purpose is “to provide policy guidance for the management of Council’s parks network”.

Shoalhaven City Council’s Park Management Policy is a briefer document than the examples reviewed, and its provisions do not give the issue of approval of plaques and memorials any significant weight. This is due to the Policy being too broad and not adequately accounting for the complexity of the issue or recognising the management challenges associated with satisfying the donor community.

It is recommended that any reference to plaques and memorials be removed from the existing policy and instead, a new purpose written policy be introduced specific to Plaques and Memorials. A Draft Amendment to the Parks Management Policy has been prepared on this basis and is provided in **Attachment 2** of this report. The draft Policy with amendments seeks to remove all references to plaques and memorials.

### **New Policy – Plaques and Memorials**

A new draft Plaques and Memorials Policy has been prepared and is provided in **Attachment 3**. This has been drafted after the reviewing the Parks Management Policy from other Local Government Areas and with input from a Councillor Working Group. The new policy aims to protect the purpose and aesthetic of Council public spaces. It recommends that Council does not encourage the installation of plaques and memorials on land owned or managed by Council.

The proposed new Plaques and Memorials Policy aims to meet the following objectives:

- Provide an opportunity to recognise and celebrate significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the City;
- Protect the intended purpose, environmental values and aesthetic appearance of Council public space;
- Provide a clear and equitable framework to manage requests for plaques and memorials to be located within Council public space;
- Provide an overview of what content can be included on a plaque or memorial to ensure equity for community members;
- Formalise the approval process for community plaques; and
- Ensure risks are adequately considered in relation to plaques and memorials on Council land.

A Councillor working group was held on Wednesday 29 April 2020 (following the Councillor Briefing on 20 February 2020) to seek feedback from Councillors on the draft Policy. Following the working group, amendments were made to the draft Policy based on the Councillor feedback received in relation to:

- The definition of a significant person;
- Payment of installation;
- Council initiated plaque / memorial installation;
- Acknowledging existing and Council-endorsed masterplans;
- Incorporating engraved pavers to the definition of plaques; and
- Removal of non-compliant / unauthorised plaques and memorials.

To formalise the approval process for community requests for plaques and memorials, a significant component of the draft Policy is to report future community requests to Council for endorsement. This will ensure Council are aware, and approve, of events or individuals featured on a plaque in public spaces.

### **Policy Implications**

This approach would amend an existing Parks Management Policy and create a new Plaques and Memorials Policy.



### **Community Engagement**

The resolution identifies that the amended Park Management Policy, and the draft Plaques and Memorials Policy, will be placed on public exhibition for a minimum period of 28 days. It is proposed to exhibit and encourage engagement through a number of ways:

- Community networks;
- Community Consultative Bodies;
- Council Advisory committees;
- Internal council staff;
- Social media networks; and
- Web based applications.

Council to date have engaged with internal stakeholders and Councillors, representing our community, to assist with the development of this policy.

If no significant adverse comments are received at the closure of the public exhibition period the policies will be deemed adopted. If significant adverse comment on either of the policies is received this will be reported to a future meeting for further consideration.

### **Financial Implications**

The average cost to purchase and install a memorial seat with a plaque is \$1,500. This does not include any connecting pathways or ongoing maintenance.

Maintenance of the seats requires periodic cleaning and repainting on an as needs basis, timber replacement is on a risk assessment basis. Replacement is generally 10-20 years dependent on location and usage.

Reserve infrastructure including bench, chair and seating is inspected every six months. Maintenance is noted and scheduled as required.



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For more information contact the Finance Corporate & Community Services Group

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## Park Management

**Policy Number:** POL17/7 • **Adopted:** 21/02/2017 • **Minute Number:** MIN17.101 • **File:** 6320E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To provide policy guidance for the management of Council's parks network.

### 2. STATEMENT

In the context of this policy a park is public open space which council maintains for passive recreation use. A park is not a sportsground, natural area, beach, streetscape, etc.

### 3. PROVISIONS

#### 3.1 Assisting funding of park infrastructure

Council values and supports the initiative of the community to assist funding of park infrastructure which is in accordance with the following:

- a) Park infrastructure is considered a seat, picnic table, bbq, shelter, playground, path or the alike that Council has identified a need to provide and is in the process of delivering. Park infrastructure is not trees or vegetation.
- b) Community funding is at least \$1,000 of the park infrastructure provision.
- c) Delivery and provision of the park infrastructure is dependent on it being fully funded.
- d) A request for a plaque or similar item to recognise the financial contribution to the park infrastructure, and which is separately fully funded by the community, will be considered if it meets the following:
  - i) Council staff will determine the appropriate location of the plaque which does not deter use or public ownership of the park infrastructure.
  - ii) The maximum size of a plaque will be 110mm x 75mm with the following standard wording: *"Provision of this park equipment has been assisted by (insert name). Additional wording at this end of this sentence can state "in memory of (insert name)"*.
  - iii) Full costs associated with installation of the plaque will be need to be paid to Council prior to installation.
  - iv) Only one plaque per community group or family can be erected on the park infrastructure.

*Shoalhaven City Council – Park Management*

- v) Council reserves the right to decline an offer for the community to assist funding of park infrastructure.
- vi) If necessary, Council reserves the right to reposition a plaque.
- vii) Council will not replace a stolen or damaged plaque and a plaque will not be re-installed if the park infrastructure is replaced or damaged.
- viii) Significant financial contributions or alternative arrangements to the above provisions may be authorised by the relevant Council Director and may involve an event or ceremony that is conducted by the Mayor or Mayor’s Representative.

**3.2 Naming of Parks**

This provision will apply to parks but may also be applied to sportsgrounds and other reserves which Council manages.

- a) Council will consider park name requests from the relevant Community Consultative Body (CCB) and/or Management Committee (MC) responsible for the location of the relevant park. If no CCB or MC exists for the park location, a petition from surrounding residents will be considered.
- b) Park naming requests will be reported for Council endorsement and dependent on the circumstances it may involve wider community consultation before final endorsement is accepted by Council.
- c) Where appropriate, significant park names will be forwarded to the NSW Geographical Names Board (GNB) for consideration and determination. Where the name process is considered to be less and more of a local significance the name will not be forwarded to the GNB to minimise resourcing requirements for Council.
- d) Where a park is named in honour of a local identity, a suitable interpretative sign should be erected outlining a brief history of the contribution made by that identity and the reason for naming the park.

**3.3 Park Appointment**

This provision is to identify the level of appointment within district and local parks which do not have a dedicated master plan to guide provision of infrastructure within the open space. Supply of any park infrastructure or alterations to these appointment standards are subject to meeting Council design/accessibility requirements and approval by the relevant Council custodian of the park.

Infrastructure	District Park	Local Park
Playground	Playground provided to meet a range of opportunities for children aged 2-14 years.	A playground will not be provided unless it is the only available space for a specific urban residential area or village.
Landscaping	Limited and where appropriate provide “vegetation islands” to reduce grass mowing.	In most circumstances landscaping will not be provided. Where appropriate provide “vegetation islands” to reduce grass mowing.
BBQs	Provision of at least one covered electric BBQ with disable access adjacent to picnic facilities.	A BBQ will not be provided unless it is the only available space for a specific residential area or village.

Shoalhaven City Council – Park Management

Picnic Tables	Provision of at least one picnic table which meets the following colour requirements, Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green on wood</li> <li>• Matt Black</li> </ul>	A picnic table will not be provided unless it is the only available space for a specific residential area or village.
Seating	Seating will be limited to key locations to take advantage of views and minimise impact on other users. Seating is required meet the following colours: Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green wood</li> <li>• Matt Black on metal</li> </ul>	Seating will be limited to key locations to take advantage of views and minimise impact on other users. Seating is required to meet the following colours: Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green wood</li> <li>• Matt Black on metal</li> </ul>
Shade	Generally provide at least one formal shade structure in association with picnic facilities. Where possible, locate new infrastructure under existing shade trees to avoid the addition of unnecessary shelters.	Where possible, provision of shade trees in close proximity.
Water	Provision of at least one bubbler or tap.	Generally no water supply provision
Lighting	Provision of lighting, subject to existing infrastructure i.e. along walkways, amenities blocks, etc.	Generally no provision of lighting unless required for specific infrastructure.
Garbage Bins	Provision of at least one garbage bin.	Where picnic infrastructure is located, a garbage bin will be provided.
Fencing	If required, fencing to be provided to minimise a user risk.	If required, fencing to be provided to minimise a user risk.
Signage	Reserve regulatory signage	Reserve regulatory signage

**4. COUNCIL IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer this policy

**5. REVIEW**

To be reviewed within one year of the election of a new Council.

**6. APPLICATION OF ESD PRINCIPLES**

Natural Capital – Encourage the use of recycled and sustainable materials when constructing park infrastructure.



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## Park Management

**Policy Number:** POL17/7 • **Adopted:** 21/02/2017 • **Minute Number:** MIN17.101 • **File:** 6320E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To provide policy guidance for the management of Council's parks network.

### 2. STATEMENT

In the context of this policy a park is public open space which council maintains for passive recreation use. A park is not a sportsground, natural area, beach, streetscape, etc.

### 3. PROVISIONS

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- a) Park infrastructure is considered a seat, picnic table, bbq, shelter, playground, path or the alike that Council has identified a need to provide and is in the process of delivering. Park infrastructure is not trees or vegetation.
- b) Community funding is at least \$1,000 of the park infrastructure provision.
- c) Delivery and provision of the park infrastructure is dependent on it being fully funded.
- d) ~~A request for a plaque or similar item to recognise the financial contribution to the park infrastructure, and which is separately fully funded by the community, will be considered if it meets the following:~~
  - i) ~~Council staff will determine the appropriate location of the plaque which does not deter use or public ownership of the park infrastructure.~~
  - ii) ~~The maximum size of a plaque will be 110mm x 75mm with the following standard wording: "Provision of this park equipment has been assisted by (insert name). Additional wording at this end of this sentence can state "in memory of (insert name)".~~
  - iii) ~~Full costs associated with installation of the plaque will be need to be paid to Council prior to installation.~~
  - iv) ~~Only one plaque per community group or family can be erected on the park infrastructure.~~

*Shoalhaven City Council – Park Management*

- v) ~~Council reserves the right to decline an offer for the community to assist funding of park infrastructure.~~
- vi) ~~If necessary, Council reserves the right to reposition a plaque.~~
- vii) ~~Council will not replace a stolen or damaged plaque and a plaque will not be re-installed if the park infrastructure is replaced or damaged.~~
- viii) ~~Significant financial contributions or alternative arrangements to the above provisions may be authorised by the relevant Council Director and may involve an event or ceremony that is conducted by the Mayor or Mayor's Representative.~~

**3.2 Naming of Parks**

This provision will apply to parks but may also be applied to sportsgrounds and other reserves which Council manages.

- a) Council will consider park name requests from the relevant Community Consultative Body (CCB) and/or Management Committee (MC) responsible for the location of the relevant park. If no CCB or MC exists for the park location, a petition from surrounding residents will be considered.
- b) Park naming requests will be reported for Council endorsement and dependent on the circumstances it may involve wider community consultation before final endorsement is accepted by Council.
- c) Where appropriate, significant park names will be forwarded to the NSW Geographical Names Board (GNB) for consideration and determination. Where the name process is considered to be less and more of a local significance the name will not be forwarded to the GNB to minimise resourcing requirements for Council.
- d) Where a park is named in honour of a local identity, a suitable interpretative sign should be erected outlining a brief history of the contribution made by that identity and the reason for naming the park.

**3.3 Park Appointment**

This provision is to identify the level of appointment within district and local parks which do not have a dedicated master plan to guide provision of infrastructure within the open space. Supply of any park infrastructure or alterations to these appointment standards are subject to meeting Council design/accessibility requirements and approval by the relevant Council custodian of the park.

Infrastructure	District Park	Local Park
Playground	Playground provided to meet a range of opportunities for children aged 2-14 years.	A playground will not be provided unless it is the only available space for a specific urban residential area or village.
Landscaping	Limited and where appropriate provide "vegetation islands" to reduce grass mowing.	In most circumstances landscaping will not be provided. Where appropriate provide "vegetation islands" to reduce grass mowing.
BBQs	Provision of at least one covered electric BBQ with disable access adjacent to picnic facilities.	A BBQ will not be provided unless it is the only available space for a specific residential area or village.

Shoalhaven City Council – Park Management

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Water	Provision of at least one bubbler or tap.	Generally no water supply provision
Lighting	Provision of lighting, subject to existing infrastructure i.e. along walkways, amenities blocks, etc.	Generally no provision of lighting unless required for specific infrastructure.
Garbage Bins	Provision of at least one garbage bin.	Where picnic infrastructure is located, a garbage bin will be provided.
Fencing	If required, fencing to be provided to minimise a user risk.	If required, fencing to be provided to minimise a user risk.
Signage	Reserve regulatory signage	Reserve regulatory signage

**4. COUNCIL IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer this policy

**5. REVIEW**

To be reviewed within one year of the election of a new Council.

**6. APPLICATION OF ESD PRINCIPLES**

Natural Capital – Encourage the use of recycled and sustainable materials when constructing park infrastructure.



## Plaques and Memorials Policy

*Policy Number: POL19/70*  
*Adopted: [Click here to enter date]*  
*Minute Number: [Click here to enter Minute number]*  
*File: 6320E*  
*Produced By: Finance Corporate & Community Services Group*  
*Review Date:*

SA20.79 - Attachment 3

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Shoalhaven City Council – Plaques and Memorials Policy

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SA20.79 - Attachment 3

## **1. PURPOSE**

The purpose of this document is to provide a standardised and consistent policy framework for management of existing plaques and memorials, the installation of new plaques and memorials and the assessment of new requests for plaques and memorials within public spaces in the Shoalhaven local government area.

## **2. SCOPE OF POLICY**

The policy covers plaques and memorials on Council owned or managed land, including streets, reserves or parks. All new plaques and memorials will be required to conform to this policy.

While there are existing plaques or memorials in the Shoalhaven that predate this policy, the existence of an existing plaque or memorial should not be taken as a precedent for the approval of any future plaques or memorials.

## **3. BACKGROUND**

Public open space is a significant part of the Shoalhaven's social and cultural heritage and makes a valued recreational, environmental and aesthetic contribution for people who live, work, and enjoy recreation in the local government area. Plaques and memorials provide recognition and can contribute to an understanding of significant events or significant individuals closely associated with the history of the Shoalhaven.

Any decision regarding plaques and memorials needs to take into consideration the balance between the desire to commemorate significant events or significant individuals and the ongoing enjoyment of visually uncluttered public spaces.

## **4. DEFINITIONS**

For the purpose of this policy, the following definitions apply:

### **Plaque**

A flat tablet of metal, stone, engraved pavers (footpath) or other material which may include text and/or images that commemorate a significant person, significant event or historical information relevant to a particular location. The tablet may be fixed to an object, building or hard ground surface located within public open space.

### **Memorial**

An object (e.g. an obelisk) established to commemorate a significant person, significant group, association or significant event. In the context of this Policy, memorial does not include a tree, but may include a memorial garden if proposed for a major public open space.

### **Public Open Space**

Is all Council owned or managed land that is open or accessible to people.

*Shoalhaven City Council – Plaques and Memorials Policy*

This includes:

- Council owned public open space including parks, bushland reserves and sports fields
- Land managed by Council but owned by another body
- Reserve furniture within public space (such as reserve benches, picnic tables etc)
- Any other infrastructure within public space (such as picnic shelters, barbeques, playgrounds, fences etc)
- Activity centre locations, including footpaths, median strips, public squares, malls and laneways.

**Significant Person**

Someone who has demonstrated:

- Two or more terms of office on the governing local government council
- fifteen or more years association with a local community group or service club
- Fifteen or more years of association or service with a local or state government or organisation
- Action by an individual to protect restore enhance or maintain an area that produces substantial long-term improvements for the community

**5. POLICY STATEMENT**

Council recognises that plaques and memorials provide recognition and are important in celebrating significant historical events and individuals closely associated with the leadership, cultural and social development of the City.

**Policy objectives**

Council is committed to achieving the following outcomes:

- Provide an opportunity to recognise and celebrate significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the City;
- Protect the intended purpose, environmental values and aesthetic appearance of Council public space;
- Provide a clear and equitable framework to manage requests for plaques and memorials to be located within Council public space;
- Ensure risks are adequately considered in relation to plaques and memorials on Council land.

**General Principles**

To protect the intended purpose and aesthetic appearance of Council public space, Council does not generally encourage installation of plaques and memorials on land owned or managed by Council.

Plaques and memorials will only be considered where they are consistent with Council's strategic and urban design vision for the proposed location. The proposal must be consistent with relevant Council strategies, master plans and the land's public purpose, and must not result in a change of use of the land.

*Shoalhaven City Council – Plaques and Memorials Policy*

The siting or appearance of a plaque or memorial must not negatively impact the aesthetic or environmental value of public space, nor on the use of the space by the community.

Plaques and memorials are to meet all relevant planning and building requirements. They are to be designed and sited in a way that will not damage the supporting structure or natural environment or create a public risk. Plaques and memorials are to be constructed in a manner that will require little ongoing maintenance and will be resistant to vandalism. Plaques attached to an asset like a seat, building, etc. must be durable and must have a life equivalent to the asset to which they are attached.

All costs associated with the design, construction, installation and maintenance of plaques or memorials are to be paid by the person making the request for the plaque or memorial. Once approved, installation of any plaque or memorial must be undertaken by Council (cost to be negotiated). Installed plaques and memorials will become the property of Shoalhaven City Council and will be entered into Council's Asset Register.

Maintenance of plaques and memorials must be undertaken by Council.

Council does not guarantee to retain plaques and memorials in perpetuity. Generally, a plaque or memorial will be retained in place for as long as practicable, with the following exceptions:

- the area in which the item is sited is to be redeveloped; or
- ongoing maintenance costs are prohibitive; or
- in the case of a plaque, the asset to which it is attached has reached the end of its useful life; or
- the condition of the plaque or memorial is poor.

If a plaque or memorial is removed for any of the reasons above, Council will not guarantee replacement of the plaque or memorial, however replacement plaques or memorials of similar or different style or form may be considered. All reasonable efforts will be made to identify, contact and advise relevant stakeholders (including family members).

**Existing plaques and memorials**

Existing plaques and memorials will generally be retained in place for as long as practicable, subject to exceptions as listed above, with the exception of non-compliant / unauthorised plaques and memorials.

Non-compliant / unauthorised plaques and memorials will be removed by Council as soon as practicable. Where possible, Council will attempt contact with the next kin / family to return the non-compliant / unauthorised plaque or memorial.

**New Plaques initiated by Council**

Plaques may be installed by Council on Council owned or managed land, buildings or structures to commemorate an opening of a new or refurbished Council building or facility, or a historically significant event.

Where project funding has been provided by an external agency, such as the State or Federal Government, and acknowledgement of the funding agreement is required in the form

*Shoalhaven City Council – Plaques and Memorials Policy*

of a plaque, the layout and wording of the plaque will be in accordance with the funding agreement.

Plaques installed by Council will be funded by Council. Council may seek a financial contribution from funding partners if applicable.

**Requests for new plaques and memorials on Council owned or managed land**

Council will consider requests for new plaques or memorials, including those from private individuals and community groups for installation of plaques and memorials on land owned or managed by Council.

Plaques and memorials will only be considered where the following criteria are met:

- they are a commemoration of a significant individual who is/was strongly linked to the Shoalhaven and;
- they are a commemoration of an individual who has made a substantial contribution to the leadership, cultural and social aspects of the City's development or shared community history. Importantly, the contribution of the individual must have been exceptional and extend beyond what might reasonably be expected through paid employment or voluntary contribution to the community.

Plaques or memorials will also be considered for the commemoration of:

- a Shoalhaven group or association which has made a substantial and outstanding contribution to the Shoalhaven community; or
- a significant historical or cultural event which has a deep meaning for the broader Shoalhaven community or is of national or state significance.

Additionally, the subject of a requested plaque or memorial must also have a clear association with and strong relevance to the location proposed for the plaque or memorial, and must not have been commemorated elsewhere in the City already.

Plaques and memorials commemorating significant deceased persons will not generally be considered until the significant person has been deceased for at least one year, in order to allow for appropriate development of historical perspective. However, Council may approve plaques or memorials commemorating significant living persons at Council's discretion.

Approval will be sought from a deceased person's next of kin or appropriate relative/s where practicable.

Memorials including reserve seating with attached plaques will be considered only where they meet the requirements of this policy, and are consistent with Council's strategic and urban design objectives for the proposed site. Alternatively, where a Council endorsed masterplan exists over public land, the installation of plaques and memorials shall be consistent with the masterplan. Significant donations for public space infrastructure (e.g. barbeques, picnic shelters etc.) may be acknowledged by mounting a plaque on or adjacent to the infrastructure.

**6. APPROVAL PROCESS**

Placement of plaques or memorials in public open space requires prior written approval from Council. Persons making initial enquiries regarding the installation of a plaque or memorial should be referred to this Policy for direction regarding criteria applicable to the enquiry.

*Shoalhaven City Council – Plaques and Memorials Policy*

**New plaques and Memorials initiated by Council**

1. Applications must be in writing, and should include all relevant details including proposed text or images as well as the preferred location for the plaque or memorial.
2. The final layout and wording shall be submitted to the relevant Asset Custodian for approval.
3. The wording/layout may vary as appropriate based on the needs of the facility/event.
4. Final approval for the design and layout, wording and location of any proposed plaque or memorial rests with relevant Section Manager.

**Requests for new plaques and memorials on Council owned or managed land**

1. Applications for new plaques and memorials must be in writing and must demonstrate compliance with this policy. Applications should include all relevant details including proposed text or images as well as the preferred location for the plaque or memorial.
2. Initial review of the application will be made by Council Officers in accordance with the criteria in this policy.
3. Final review of the design and layout, wording and location of any proposed plaque or memorial will be undertaken by the relevant Section Manager.
4. A Council resolution will be required to approve the installation of a plaque or memorial.
5. Once approved, the design, manufacture and installation will be coordinated by Shoalhaven City Council and all costs will be borne by the applicant. In some instances and at its sole discretion, Council may contribute toward the cost of the manufacture and/or installation.
6. Any request for the placement of a plaque or memorial within public space that is managed by but not owned by Council will initially be assessed by Council referring to this policy. If assessed by Council as conforming to this policy the request will be referred to the land owner for final approval. Approval from other responsible authorities may be required if a plaque or memorial is proposed on land controlled by legislation.
7. Plaques or memorials placed in Council public space without Council approval will be removed. All reasonable efforts will be made to identify and contact the persons responsible for placing the item to advise them of this policy and to return any removed item to them.

**7. RELATED DOCUMENTS**

Plaques may be installed by Council on Council owned or managed land

**8. REVIEW**

This policy statement will be reviewed:

- Within 12 months of the date of the election of a new Council, or
- Every four years, or
- As directed by Council

## Overview and summary of key observations on other Council Plaque and Memorial Policies



The first obvious difference between Shoalhaven City Council's Park Management Policy and those of the other councils sampled, is that the other policies deal with the issue of plaques and memorials within its own distinct policy, that is, not within a policy that also covers unrelated issues like barbecues, lighting, garbage bins, shade structures, signage and fencing.

The "Purpose" of the Shoalhaven City Council Policy does not make mention of benches, plaques or memorials, instead simply stating that the purpose is "to provide policy guidance for the management of Council's parks network". Shoalhaven City Council's policy on plaques and memorials does not require that the plaque or memorial relate only to those people who have made a significant contribution to the Shoalhaven.

Other differences are as follow:

- Waverley Council's "Memorials In Waverley" document advises that: Council receives many requests for memorial plaques in open space and; community members make generous offers to donate seats for the plaque settings. However, it also advises that Council could not accommodate the number of requests that are regularly received and that as a result, "our parks do not allow memorial plaques". Waverley Council adopts the same position in relation to tree donations. It is to be noted that Waverley Council land area is very small in comparison with most other Local Government areas, so their position in the matter is understandable.
- Burwood Council's "Memorials Policy" advises that "memorial park benches can contribute to the usability of the park" and that "in most instances, Council would support the placement of a memorial seat or unmarked tree". However, the policy states that requests for all memorials "shall be made through the General Manager.

The policy advises that "public parks and open spaces are used for a variety of activities. Parks are not just a place of memoriam and an excessive concentration of memorials could change the park to a place of mourning". It adds that Open Space is to be retained in use and character as an area for recreation, not a memorial space, unless designated and approved by Council. One of the stated "Memorials Prerequisites", is that "the proposed memorial shall be to a person who made a significant contribution to the Burwood local government area".

The policy further states that Council reserves the right to remove or reposition a memorial seat, if necessary, for any future park and reserve improvements". This policy also includes the interesting advice and directive that memorials, plaques and statues often become targets for vandals and thieves and that this can cause considerable distress to the donors and families – but that despite this, "Council is not responsible for the memorial replacement if it is stolen or damaged".

- The City of Greater Geelong's "Plaques and Memorials Policy" suggests that an existing memorial or plaque should not be taken as a precedent for future approvals. The stated objectives of the policy are stated to minimise the incidence of both memorials and

plaques in open space and (like Burwood) restrict plaques and memorials to events or persons of outstanding significance to an area to minimise the environmental impact. In addition, Greater Geelong Council maintains the right to remove or relocate a plaque or memorial and does not guarantee the retention of either. Its policy adds that it reserves the right to remove or reposition a memorial seat for any future park and reserve improvements. Like Burwood's policy, Geelong's also mentions that open space is "not a memorial space".

- Monash Council's "Plaques and Memorials Policy" includes clear definitions of both plaques and memorials and advises that "plaques and memorials can contribute to an understanding of significant events or persons closely associated with history". However, as for Geelong's policy, Monash's policy, advises that "any existing plaque or memorial should not be taken as precedent for future approvals", that any decision regarding them "needs to consider the balance between the desire to commemorate events or individuals and the ongoing enjoyment of uncluttered public space".

The policy further advises that all costs associated with the design, construction, installation and maintenance of plaques or memorials (including park benches) will be met by the person who has asked for the plaque or memorial and that "final review of the design and layout, wording and location of any proposed plaque or memorial, will be undertaken by the Director – City Development", (having first passed through the Manager Urban Design and Sustainability and then the Manager Communications. Significantly, the policy also advises that "A Council resolution will be required to approve the installation of a plaque or memorial".

- City of Charles Sturt's "Memorials Policy" has a section called General Criteria for the approval of memorials within the City, one of the approval criteria being "the long term viability and maintenance does not significantly impact (on) Council's maintenance resources". This policy also advises that "only one plaque will be attached to any piece of furniture" and, like Greater Geelong's policy, advises that "determination of the future of the memorial will be at Council's discretion, which may include the relocation, removal and/or decommissioning as required".
- The City of Salisbury's "Plaques and Memorial Policy", advises that while appropriate memorials can enrich public open space, parks and public areas are extremely important and memorials and plaques need to be carefully considered to ensure that they do not impact negatively on these spaces. Like Charles Sturt's policy, Salisbury's Policy also advises that only one plaque will be attached to any piece of furniture. It further states that it will consider all applications for plaques and memorials that comply, among other things, with, if it is for "an individual or association that has contributed significantly to the cultural, political or social aspects of Salisbury's development".



## SA20.80 Interim Report Dog Off-Leash Policy Review

HPERM Ref: D20/19498

Section: Recreation Community & Culture

Approver: Jane Lewis, Acting Director Finance Corporate & Community Services

Attachments: 1. Copy of Submissions (councillors information folder) ⇄

### Reason for Report

To seek Council acceptance of this interim report, and approval for the further report to be submitted following the end of the Narrawallee Beach amended access trial period at Christmas 2020.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the interim report for information and receive a further in relation to dog off-leash areas once all current dog off-leash trials have been completed.
2. Allocate a budget of \$35,500 from savings within the Community Projects 2019/20 Budget for the installation of signage and fencing at West Street, Greenwell Point to formalise the dog off-leash area.
3. Support the provision of in-kind contributions from Council to formalise the dog off leash area at Thurgate Oval should Bomaderry Community Inc. be successful in the Veolia Mulwarree Trust grant.
4. Investigate further upgrade of existing stairs at Victor Avenue, Narrawallee and provide costings in the final report.

### Options

1. Adopt the recommendation.

Implications: This is in accordance with Council's resolution (MIN19.390) as it provides a report back to Council in the first half of 2020, while providing a fully detailed report when the effectiveness of the trials has been assessed. It will also allow for the progress with two of the new off leash areas in Greenwell Point and Bomaderry that are generally straightforward (no known adverse community reaction or known environmental constraints), arising from community requests and Notices of Motion.

2. Adopt an alternative recommendation.

Implications: An alternative recommendation may result in Council staff unable to undertake the responsibilities in accordance with the various Council resolutions relating to dog off leash areas.

### Background

During 2018, Council received Notices of Motion in relation to off-leash dog areas and related signage, specifically in relation to Greenwell Point and Sussex Inlet District.

Following a Councillor Briefing on 30 August 2018 and a subsequent report to Council's Strategy and Assets meeting on 16 October 2018, Council resolved the following (MIN18.810):

1. *Bring forward the timing of the comprehensive review of the Access Areas for Dogs Policy from 2020 to the first half of 2019.*
2. *Have the policy review undertaken in consultation with Ranger Services as the enforcement body, and the broader community, and consider the process for new off-leash dog areas including site criteria and fencing arrangements.*
3. *Seek quotations for the engagement of a suitably qualified and experienced consultant to facilitate the review, and a further report be presented to Council recommending a preferred consultant and an identified funding source.*
4. *Defer a decision in relation to an off-leash dog area in the Sussex Inlet District and at Greenwell Point, and signage, until the comprehensive review of the Access Areas for Dogs Policy has been completed.*

Following the above minute, Council staff undertook a quotation process to engage a consultant to undertake a review of the Access Areas for Dogs Policy. A report was considered by Strategy and Assets on 9 April 2019 which recommended that the preferred consultant be engaged, a budget be allocated towards the Policy review and a Community Reference Group be established to inform the Policy review, however Council resolved (MIN19.217):

*“the matter regarding Review Access Areas for Dogs Policy (POL16/173) - Engagement of Consultant, Allocation of Budget and Establishment of Community Reference Group be deferred pending a Councillor Briefing”.*

On 9 May 2019, Councillors attended a briefing to discuss options, challenges and opportunities for the Access Areas for Dogs Policy review.

In response to the Councillor briefing, a report was prepared for consideration at the Strategy and Assets Meeting on 11 June 2019, where Council resolved (MIN19.390) to:

1. *Not proceed with the review of Council's Dog Off Leash Policy.*
2. *Staff research and consult with community providing additional off leash areas on a case by case basis, and report back findings to Council with estimated costings in the first half of 2020.*
3. *Recommence the trial of the pathway street signage on the Adelaide Street Reserve, Greenwell Point.*
4. *Receive a further report setting out the business case for increasing funding for Ranger Services to educate and enforce existing dogs off leash areas.*

Part (4) of the above resolution was reported to the Council in May 2020. A Notice of Motion was brought to the 21 April 2020 Strategy and Assets meeting in relation to dog attacks, imposition of fines for non-compliance, and considering a review of the Access Areas for Dogs Policy with a working group made up of community, Council Rangers, Council Animal Shelter staff and other interest parties (MIN20.264).

Council's Ranger Services are preparing a report to Council to address the various matters raised in the Minute. These items, and the establishment of a working group, will inform a review of the Access Areas for Dogs Policy which will commence following that report to Council. It is anticipated that this matter will be reported in the near future to a Strategy and Assets meeting.

## Case by Case Basis

As per part 2 of MIN19.390, Council staff have investigated requests for dog off-leash areas on a case by case basis. These investigations are discussed below.

### West Street, Greenwell Point (MIN19.826):

At the November 2019 Strategy and Assets meeting Council resolved (MIN19.826) to implement a dog off-leash area at West Street, Greenwell Point. In line with this resolution, Council has requested quotations to install signage and fencing for the formalisation of West Street Greenwell Point off-leash dog area.

The quotations indicate a budget of \$35,500 would be required for the installation of a single sign and the supply and installation of 256 metres of chain link fence, with top and bottom rails, a 3-metre double gate (fitted with airlock entry with latch and spring hinges) and access for vehicles.

The budget required to install signage and fencing at West Street, Greenwell Point can be accommodated by savings in the Community Projects budget.

The Greenwell Point community is an enthusiastic and active driver of, and supporter for, this project. Their involvement to date has included providing the site boundary survey and the concept design for signage, and in addition, they have volunteered to provide the timber paling for fencing repairs to the southern fence of the Tourist Park at the appropriate time.

The dog park has been supported by the adjacent tourist park, as well as adjacent landowners to the west.

At the time of writing this report, there has been no adverse community feedback received regarding this project.

### Thurgate Oval, Bomaderry (MIN19.634)

At the October 2019 Strategy and Assets meeting, Council resolved to implement a trial for a designated 24/7 off leash dog area at Thurgate Oval, Bomaderry. The resolution stipulated a trial period of twelve months from the time fencing and signage is established.

The trial period has not yet commenced, although grant applications have been lodged, including Veolia Mulwarree, Clubgrants and the Community Partnerships Program. Other funding opportunities are being sought by Bomaderry Community Inc.

Bomaderry Community Inc have been successful in receiving a grant to the sum of \$25,000 through the Community Partnerships Program to fund fencing materials and labour.

Bomaderry Community Inc has formulated a project plan, which includes estimated costings for the various elements of the project. This proposal is for a best practice / model dog park and includes infrastructure and embellishments beyond what Council would traditionally place within a dog park. The scope of work includes demolition works and site preparation, fencing, signage, landscape furniture, irrigation, landscaping and landscape structures. The cost estimate for the project is \$252,822 (excluding co-contributions); this is an estimate only compiled by Bomaderry Community Inc. There may be substantial cost differences between these estimates and actual cost.

Not included in the cost estimate above is \$101,360 of co-contributions from a range of organisations including Shoalhaven City Council. The co-contribution sought from Council is to the value of \$29,850 and includes in-kind works or provision of infrastructure including site survey, waiver of development fees, rubbish bins, landscaping materials and water supply reticulation.

At the time of writing this report, there has been no adverse community feedback received regarding this project.

Adelaide Street Reserve, Greenwell Point (MIN19.390)

At the May 2019 Strategy and Assets meeting, Council resolved (MIN19.390) to recommence the trial of the pathway street signage on the Adelaide Street Reserve, Greenwell Point.

Council staff allowed a six-month trial period ending end June 2020, because the installation of infrastructure included pathway stencils, which have not previously been tested by Council. A questionnaire has been prepared for release to the community at the end of June 2020 to seek feedback on the success of the trial of the pathway signage. The questionnaire will be available via the Get Involved page.

At the time of writing this report, there has been no adverse community feedback received regarding this project.

Paradise Point Park, Sanctuary Point (MIN19.503)

At the August 2019 Strategy and Assets meeting, Council resolved to install additional signs to reinforce the status quo of 'dogs on leash' at Paradise Beach Road and Walmer Avenue Sanctuary Point.

In line with the resolution, nine additional signs, stretching from the children's park to the Island Point Road foreshore car park, were installed.

At the time of writing this report, there has been no negative community feedback received regarding this project.

Narrawallee Beach (MIN19.924)

At the December 2019 Strategy and Assets Meeting, Council considered a Notice of Motion in response to a request from the dog-owner community living south of the Surfers Avenue steps, for both better access to the Dog Off-Leash area in the middle of the beach and for access hours consistent with those on other beaches.

The resolution sought to establish a twelve-month trial of a 10m wide dog on-leash strip passing from the Surfers Avenue unformed beach access area to the commencement of the dogs on-leash area of the main Narrawallee Beach, installation of new signage, feasibility assessment of upgrading the track west of the dog prohibited area to allow for a permanent, off-beach access.

Since the resolution, new signs have been installed, the trial period is underway and due to end 25 December 2020 and Council's Dog Off-Leash Guide has been updated to reflect the new 10m Dog On-Leash access way at the southern end of the beach.

Since the installation of the new signs, Council staff have been inundated with complaints about non-compliance from both dog owners and non-dog owners and has required significant resourcing to manage the influx of correspondence. At the completion of the trial period, a report will be provided to Council with options on how to manage the future of dog off-leash, on-leash and prohibited areas on Narrawallee Beach.

In relation to the feasibility assessment of upgrading the track west of the dog prohibited area, Council's Natural Resources and Floodplain Unit have investigated potential costs and implications of upgrading this access to facilitate stairs. The subject area is located in the coastal use and coastal environmental area under State Environmental Planning Policy (Coastal Management) 2018. Various investigations will be required in order to determine the impact of the proposed works given its sensitive coastal location and detail with costings will be discussed in more detail in the final report.

Shoalhaven Heads (MIN20.288)

At the 28 April 2020 Ordinary Meeting, Council considered a Notice of Motion in relation to a review of the dog off-leash areas at Shoalhaven Heads and resolved to undertake a review and consultation as part of the case by case basis investigations. Council staff have

commenced reviewing the current off-leash dog areas and will soon commence community engagement.

### Community Engagement

Since 2019, every response to a submission received has concluded with an invitation to provide further comment on Council's Get Involved page and to access that page for updates in relation to Dogs Policy. Further, members of the community have been advised in all responses to their submissions that "staff will be expected to address all issues of concern expressed by the community in the intervening period" (i.e. between the Council resolution of June 2019 and the preparation of the final report).

In addition, Council's Community and Recreation staff and Ranger Services staff have maintained telephone contact with key community members and have met community groups/individuals on site at Narrawallee Beach, Greenwell Point, Sanctuary Point and Nowra Showground.

Since the Council resolution of 11 June 2019, there have been 66 complaints and submissions (including 1 petition with 52 signatures) in total resulting from the resolution relating to trials and case by case consideration and cover extensive issues. A copy of the submissions is provided in the Councillors Information Folder.

For the purposes of this interim report, the main themes of the complaints and submissions address:

- The high proportions of submissions/complaints from Narrawallee Beach as compared with everywhere else. Other areas mentioned in complaints / submissions include Vincentia, Huskisson, Lake Tabourie, Sanctuary Point, Greenwell Point and Bomaderry
- The frequency of conflicts between athletes/sports users and dogs off-leash
- Concerns about the protection of shorebirds and other wildlife in beaches from dogs off-leash
- Uneven distribution of dog off-leash areas
- Hours of off-leash dog areas requiring reconsideration, particularly in light of the current pandemic and the health benefit of exercising
- Consistent disregard for the rules and the public safety concerns of uncontrolled dogs
- Need for increased ranger patrols to address non-compliance
- People becoming aggressive when told that they are disobeying signs.

In addition to the 66 complaints and submissions received, since the resolution of Council, staff have received 148 emails from 3 community members in relation to Narrawallee Beach and images of non-compliance matters including dogs off-leash in prohibited areas / dogs on-leash area, unattended dogs and undisposed dog faeces.

The responses received from community will be reviewed and responded to individually as part of the final report to Council. All correspondence received has been acknowledged and replied to.

### Policy Implications

It is anticipated that Council's Access Areas for Dogs Policy and its Dog Off-Leash Guide will require amendment following the current trials and reviews. The amendment will include, as a minimum, identification of any additional Dog Off-Leash Parks and, potentially, stronger controls for all dog owners exercising their dogs near other users of recreational spaces. Council's recent decision (MIN20.264) in relation to zero tolerance and imposing fines of detected unregistered dogs, and dog attacks (no matter how minor) will also need to be addressed.

### **Financial Implications**

The establishment of a fenced dog off-leash area at West Street, Greenwell Point requires a budget of \$35,500 to be allocated towards the provision of fencing and signage. This can be accommodated from savings within the Community Projects 2019/20 Financial Year Budget.

Supporting Bomaderry Community Inc. in their endeavour to establish Thurgate Oval as a dog off-leash area will require Council's commitment for the provision of in-kind contributions including site survey, waiver of development fees, rubbish bins, landscaping materials and water supply reticulation.

New signs have been installed at various locations as a result of the Notices of Motion including at Adelaide Street Reserve in Greenwell Point, Paradise Point Park in Sanctuary Point and at Narrawallee Beach. This has amounted to \$1,500 which has been accommodated by the existing Dog Signage 2019/20 Financial Year Budget.

### **Risk Implications**

The number of Australian households with companion animals, specifically dogs, is growing. Whilst the *Companion Animals Act 1998* is the governing legislation around the effective and responsible care and management of companion animals, Council needs to be cognisant of the potential need for additional resources to address any potential increase of conflict.

## SA20.81 Francis Ryan Reserve - Potential Upgrade of Amenity Block

HPERM Ref: D20/146706

Section: Recreation Community & Culture

Approver: Coralie Bell, Acting Section Manager - Recreation Community & Culture

### Reason for Report

To provide estimated costings for the replacement of the amenity block at Francis Ryan Reserve, Sanctuary Point, in accordance with MIN20.33 and proceed to undertaking the design of a new amenities building in consultation with community and current user groups.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Proceed to design for new amenities at Francis Ryan Reserve, Sanctuary Point utilising funds for the project from the 2020/21 Financial Year Budget.
2. Undertake consultation with the community and sporting organisations to ensure the design of the new amenities building meets current and future needs.
3. Incorporate funding for the construction of the new amenities building from loan funding in the 2021/22 Financial Year budget process.
4. Work with relevant agencies, community and sporting organisations to actively advocate for the project and pursue grant funding opportunities
5. Provide a further report back to Council once the design for the new amenities is completed, along with estimate of probable cost.

### Options

1. Adopt the recommendation.

Implications: This is consistent with the most recent resolution of Council (MIN20.321) seeking to fund the design and delivery of the amenities building in the budgets for 2020/21 and 2021/22 Financial Years.

The recommendation will ensure that the new amenity building is designed to accommodate the needs of the current user groups and any potential growth forecast within the clubs or other sports.

2. Adopt an alternative recommendation to undertake consultation with the current user groups and report back to Council the proposed design.

Implications: Consultation with the user groups is an important exercise. The recommendation as it stands does incorporate consultation with the user groups; however, the alternative recommendation ensures that the outcome of the consultation is then reported back to Council prior to proceeding to design. This is a more time costly process, however it will allow Council to be aware of the progress of the project and the community's needs for the site.

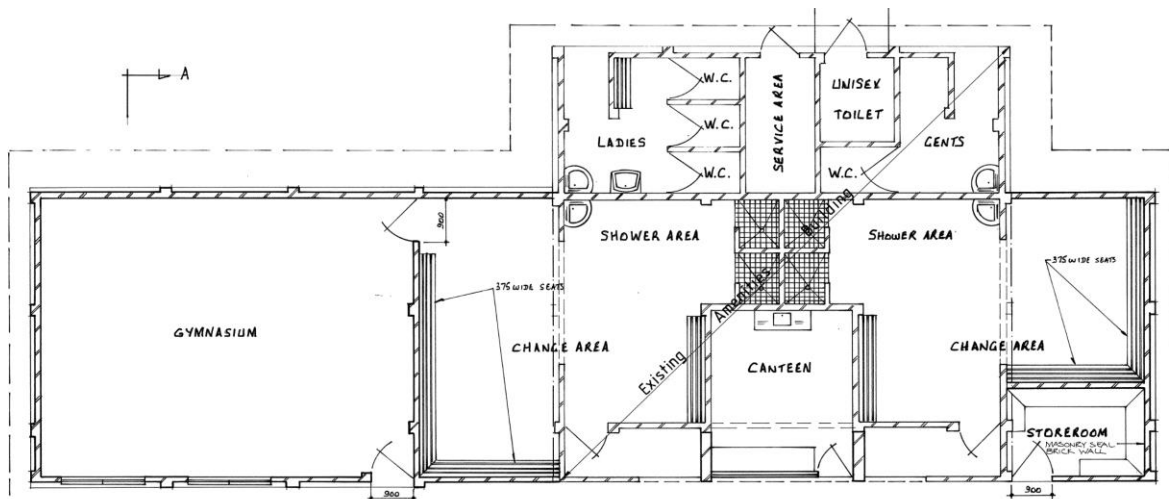
**Background**

At the Strategy and Assets Committee meeting on 21 January 2020, Council considered an update report on the Sanctuary Point District Library. At the meeting, Council resolved to relocate the new library site from Francis Ryan Reserve at the current amenities building location to the corner of Kerry Street and Paradise Beach. In addition, Council resolved to receive a report on the costings to upgrade the amenity building at Francis Ryan Reserve (MIN20.33).

Previous to the resolution to relocate the library site, one of the concepts around locating the new District Library at Francis Ryan Reserve was to amalgamate the new District Library building with new amenities for the sportsground users. With the library site now relocated, there is the need to consider the future of the existing amenities building due to its age and condition.

**Francis Ryan Amenity Building - Existing**

The existing amenity building at Francis Ryan Reserve was constructed in 1982 with an extension undertaken in 1990. The building contains two change rooms which include 2 standard showers per change room; public toilets containing 3 female cubicles, 1 urinal and 1 male cubicle and 1 unisex accessible toilet; gymnasium; canteen; and storeroom (shown in Figure 1 below).



**Figure 1 – Floorplan of Francis Ryan Amenities Building**

The building in its entirety is due for replacement in 2032. The condition report for Francis Ryan indicates that the structure of the public amenities is in fair condition with 12 years of remaining life, with the sporting amenities in excellent condition with 32 years of remaining life. Despite this, the internal fit out is in poor condition with the bathroom and kitchen having less than one (1) year of remaining life, repainting is required in the next year, and the change rooms and roof have 3 and 9 years of remaining life respectively.

The sportsground consists of one senior and one junior sized field. There may be the potential to realign the field in a south-westerly direction to achieve a second full sized field, however a survey would need to be completed to confirm this. This will be investigated further.

The existing sportsground currently caters for cricket during summer sporting season with the ground's primary user being the Bay and Basin Cricket and Shoalhaven Twilight Cricket. During winter sporting season, the sportsground caters for rugby league with the St. Georges Basin Junior League primarily using the grounds and Wreck Bay Seniors League using the ground transiently.

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Due to the size and current alignment of the sportsground, it can only accommodate one competition at a time; this is reflected in the current usage of the sportsground. As there is limited capacity to increase usage of the sportsground, there has been no demand to date to upgrade or increase the capacity of the existing amenities building. In addition, Council's Community Infrastructure Strategic Plan does not identify any upgrades to the sportsground and amenities building; rather, it identifies increasing passive recreation usage at the site. Council has been actively working with the community in regard to upgrades and improvements to the skate park, basketball court and surrounds.

### **Potential Next Steps – Refurbishment or Knock-down Rebuild**

Given the building condition report for the Francis Ryan Reserve amenities it is reasonable to consider the options of refurbishment or knock-down rebuild (status quo or increased capacity).

#### *Refurbishment*

Based on the current condition of the building, the internal fit out of the public amenities, change rooms and canteen would need to be completely refurbished, internal and external painting, and roof replacement. As part of the refurbishment, the gymnasium could be fitted out for increased public amenities or, alternatively, two officials' change rooms which would increase the useability of the sportsground.

Refurbishment of the building would cost an estimated \$350,000 to \$600,000 depending on the nature of the refurbishment. The significant price range is based on undertaking the minimum amount works (internal fit out of the public amenities, change rooms and canteen, painting and roof replacement only); through to undertaking the minimum amount of works and fit out of official change rooms in the gymnasium fit with one shower and one cubicle with hand basin in each.

Given the age of the building, there are risks of undertaking a refurbishment and the need for upgrades to the building structure sooner than the condition report indicates. Due to the potential cost of refurbishment, knock-down rebuild would be a more cost-effective alternative.

#### *Knock-down Rebuild*

The alternative to refurbishment of the existing building would be knock-down rebuild. There must be some consideration of whether the new amenities building would provide a like-for-like structure (status quo), or increased number of public toilets, change rooms and / or official change rooms.

A recent example of a like-for-like amenities building is the Ison Park amenities adjacent to the baseball diamond. This amenities building was constructed in 2014 with a capital value of \$720,000. The amenities building includes two change rooms with two showers, one toilet and hand wash basin per change room; public amenities including three female cubicles (including one ambulatory), one urinal and one male ambulatory cubicle, one unisex accessible toilet; two store rooms; and canteen (refer to *Figure 2* below). It is likely that a building of similar floor plan will now cost approximately \$820,000.

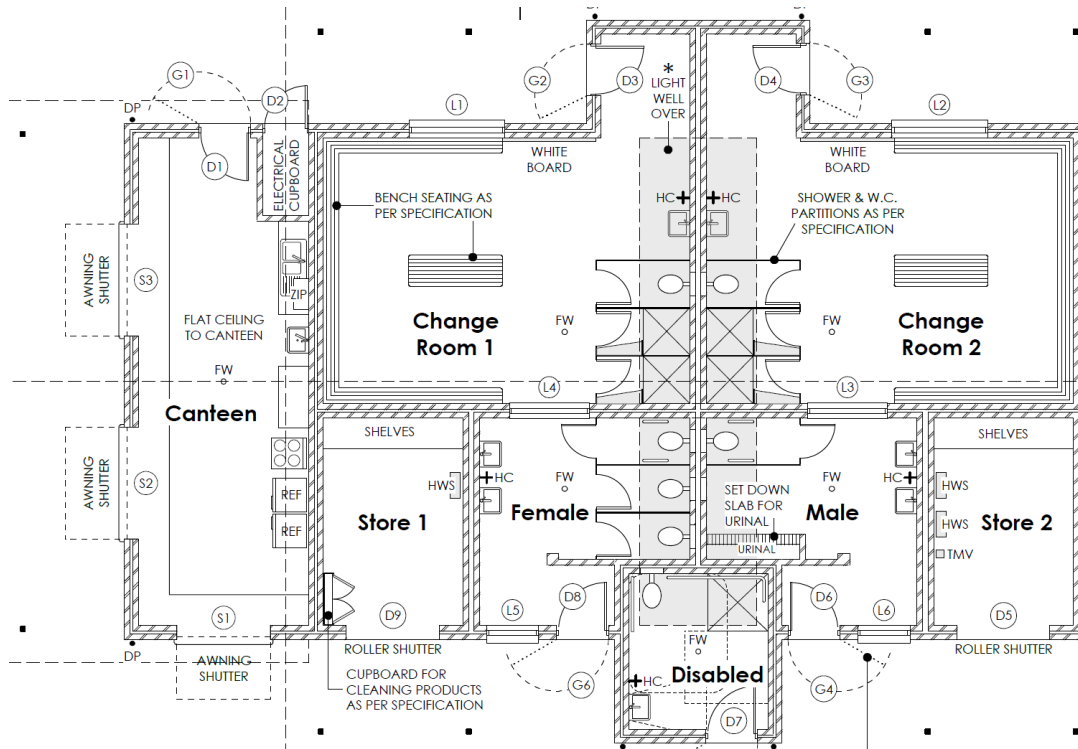


Figure 2 – Floorplan, Ison Park Baseball Amenities Building

A second amenities building was constructed in 2017 at Ison Park which offers double the capacity of the existing amenities at Francis Ryan and Ison Park Baseball amenities. Specifically it includes four change rooms with two standard and one accessible showers, one toilet and hand wash basin per change room; two official changerooms each fit with one standard toilet and one standard and one accessible shower; public amenities including five unisex toilets, one unisex ambulatory toilet, one unisex accessible toilet. There is no canteen / kitchen or storage facilities as part of the design of the new amenities building. Its construction cost was \$1,200,000.

A combination of the two examples at Ison Park may be necessary to meet the needs of the user group of Francis Ryan Reserve. However, the design of the new amenities building will need to include gender neutral changerooms (no urinals, all toilets and showers in cubicles) and public toilets in accordance with Council's adopted position. This ensures that the facility is flexible and designed to be able to accommodate both male and female sports participation.

Determining the design of the new amenities building should be established in consultation with community and sporting organisations on their current and future needs.

A knock down rebuild option offers an opportunity to survey the reserve to clarify whether two senior fields can be accommodated on the site, with the relocation of the amenities on the reserve to facilitate this outcome.

A further report will be brought to a future meeting of Council at completion of the design and investigation process. The report will present recommendations for new the amenities and an estimate of probable cost, prior to seeking tenders to undertake the construction and delivery of the building.

### Community Engagement

There has been no community engagement undertaken in relation to the upgrade of the Francis Ryan Reserve amenities building. Recently the Community and Recreation Unit wrote to all sporting groups in the Shoalhaven and Council supervisors regarding needs for

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their fields and amenities; no correspondence was received from the users of Francis Ryan Reserve.

It is recommended that consultation occur with the community and sporting organisations to ensure the design of the new amenities building meets the current and future needs of the user groups.

Staff will also keep the Sports Board informed about this project, and offer the opportunity for members of the Board to participate in the consultation process.

In addition, the Revitalise Sanctuary Point group are currently working on a masterplan of the village. Consultation with the community group should occur to ensure that the community aspirations align with any future works at Francis Ryan Reserve for the amenity building.

### **Financial Implications**

At Council's Extra Ordinary Meeting on 5 May 2020, it resolved in part (MIN20.321) to "*Give consideration to strategies to fully fund the delivery of this library and a new amenities block on Francis Ryan Reserve in the 2020/21 and 2021/2022 financial year budgets*".

In order to accommodate the full delivery (design and construction) of new amenities at Francis Ryan Reserve, the draft budget for 2020/21 and 2021/22 financial year has incorporated:

- \$200,000 from 2020/21 FY budget to undertake the design, associated documentation and relevant planning approvals; and
- \$1,200,000 from loan funding in 2021/22 to construct new amenities building.

Depending on the size of the new amenities building, the total cost of the construction may not amount to \$1.2M; however, it is necessary to identify the upper limit of the construction for contingency as no site investigations have been undertaken to date. A further report will be brought to Council on the design of the new amenities building with an estimate of probable cost.

As this project is intended to be loan funded, provision for servicing the loan will have to be included in future budgets. Staff will explore opportunities for income generation to assist in offsetting the loan repayments.

Where available, Council staff will work with the community and sporting organisations and relevant Government agencies to actively advocate for the project and pursue grant funding to assist in the design and construction of the new amenities building.

## SA20.82 Destination Parks

**HPERM Ref:** D20/60365

**Section:** Recreation Community & Culture

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

### Reason for Report

To seek endorsement of “Destination Parks” as a new category of parks to be incorporated in the Community Infrastructure Strategic Plan; adopt four parks as Destination Parks and adopt the delivery process as in this report.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the definition of Destination Parks for incorporation into the Community Infrastructure Strategic Plan review.
2. Adopt the three District parks and one Regional park as Destination Parks, including:
  - a. Boongaree – Berry (District Park)
  - b. Marriott Park – Nowra (District Park)
  - c. Huskisson Precinct
    - a. Voyager Memorial Park (District Park)
    - b. White Sands Park (Regional Park)
    - c. Moona Moona Creek (District Park)
  - d. Mitchell Parade – Mollymook (District Park)

### Options

1. Adopt the recommendation.

Implications: The recommendation seeks to establish a new category for “Destination Parks” and identifies four parks within Shoalhaven to be allocated a Destination Park categorisation. Establishing a new category that recognises the status of these four parks has the benefit of enabling appropriate project prioritisation and funding allocation.

2. Adopt an alternative recommendation to retain the current categorisations of parks.

Implications: Maintaining the current categorisations of District and Regional parks will involve a status quo approach and will not provide the necessary parameters required to prioritise works and funding allocation - in particular those that are received from community groups.

### Background

Council has hundreds of open space areas under its ownership and / or management. The Shoalhaven Community Infrastructure Strategic Plan (CISP) is the guiding document that drives Council’s Delivery Program for social infrastructure projects. In addition to the identified upgrades, augmentation or new projects identified in the CISP, Council also undertakes various infrastructure projects at the request of community groups. In some

cases, this has resulted in some parks including infrastructure items that go beyond the hierarchy of “local”, “district” or “regional” park, as identified in the CISP.

To ensure that Council is appropriately prioritising new social infrastructure projects and allocating appropriate budgets, it is recommended that a new categorisation of parks be introduced to the CISP of “Destination Parks”. The intent of introducing the new category is to ensure that the planning and delivery of social infrastructure within Council’s open space network is focused on key destinations to address demand.

### Destination Parks

This new category in the CISP will be in line with the Shoalhaven Destination Management Plan and the Destination NSW State Destination Management Plan. These parks are deemed to require greater / more regular maintenance than other Local, District or Regional Parks, in line with Council’s Parks Maintenance Schedule. It is anticipated that Destination Parks will be grouped with Precinct Parks as part of Council’s revised Asset Custodian model.

It is proposed that “Destination Parks” be defined as:

The Destination Park offers a unique experience reflecting its geographic location. It is inclusive and open every day of the year. It offers multiple passive and active recreational uses, open spaces, BBQ amenities, inclusive footpaths, inclusive amenities and wayfinding signage. The location offers a great selection of cafes, restaurants, accommodation, shopping and entertainment for both local and traveller. The Destination Park has sufficient space, amenities and parking for events and celebrations.

The criteria for Destination Parks is as follows:

1. Located in a centre with a tourist and retail presence and has clear connections with the CBD / Town Centre / Village Centre to support day and overnight tourist visitation  
and / or  
Located in an area that has identified urban growth; and
2. Has multiple street frontages, on a main thoroughfare and clearly visibility from the street; and
3. Offers multiple passive and active recreation uses (both formal and informal); and

### Statistical Support for Nominated Destination Parks

According to the 2016 Census, Shoalhaven had a population of 101,942<sup>1</sup>. However, in consideration of the exponential growth of tourism in the Region, visitation to the Shoalhaven continues to grow, with 1.45 million domestic overnight visitors recorded in 2016 – an increase of 8% year on year. These visitors account for a massive 4.5 million visitor nights during the year<sup>2</sup>.

Council’s general visitation statistics for 2019 inform us that:

- domestic visits increased almost 34% between 2014 and 2019 and international visits increased by almost 72%
- 31% of international visitors were aged 15-29

<sup>1</sup><https://app.remplan.com.au/shoalhaven/economy/trends/population?state=Ey48c8!KRrjCOdAGT71w8es3BVmBt9FplrG7hglQIBf6lgr9>

<sup>2</sup><https://www.shoalhaven.nsw.gov.au/My-Council/News/ID/2342/Shoalhaven-most-visited-LGA-in-NSW--outside-Sydney-CBD>

- There were more domestic visitors aged 15-29 than any other demographic
- Adult couples were the most common travel party
- Although the average length of stay for domestic visitors was just over 3 days, 61% of visits to the Shoalhaven in 2019 were day trips.

Acknowledging the geographical make up and visitation patterns in the Region, it is recommended that at least one Destination Park is located in the North, Central, Bay and Basin, and South Shoalhaven areas. The remainder of this report details the consideration taken into selecting the “Destination Park” for each area of Shoalhaven.

### **Northern Shoalhaven - Berry**

Berry is already a long-established destination township for many visitors from beyond the Shoalhaven. It attracts visitors because of its historic interest, visual attractiveness, compactness, variety of shops, cafes, restaurants, hotels, passive recreation spaces and its close proximity to the Princes Highway. Berry also has many significant events which attract a wide variety of visitors from significant distances by both vehicle and train. The township has a full-service train station for locals and visitors.

Berry is within twenty minutes travel time of Nowra, Shoalhaven Heads and Kangaroo Valley - and Council’s Community Infrastructure Strategic Plan (CISP) identifies that Planning Area 1 residents *“are already travelling twenty minutes or more to a recreation park”*. In 2015 (Shoalhaven SA2 Profile) 63% of Berry visitors were over the age of 40. While 85% of Berry’s residents are over the age of 15 years, the residential subdivisions to the south west of the township are expected to bring younger families to Berry.

Boongaree is located on the northern side of Berry, and because of the compact nature of the township, is easily accessible from both north and south. In addition, accessibility to Boongaree will be enhanced for all users when the Braille trail (this provides an accessible access for the blind) from the railway station is completed. Planning for Boongaree includes ensuring that there will be adequate parking for all its users.

### **Central Shoalhaven - Nowra**

Marriott Park has similar locational advantages to Boongaree. Although much less established as a destination to visitors from beyond the Shoalhaven than Berry, Marriott Park is part of the Nowra City centre and is therefore close to its variety of accommodations (including the recent Quest apartments) and to the town’s shops and services. While Marriott Park is located on the Princes Highway and has street access on three sides, it has an understated appearance.

RMS has plans for future road widening adjacent to Marriott Park which will increase its exposure to passers-by. In addition, Marriott Park is the subject of a completed Masterplan and the Masterplan includes the Shoalhaven’s second inclusive play space, which is the result of a Variety Livvi’s Place Design Grant. The new Play Space can be expected to increase the appeal of Marriott Park as a recreational space substantially.

There is already ample parking adjacent to Marriott Park, but the Masterplan includes additional off-street parking. In addition, Council has already completed a Community Survey of preferences for the park and behaviour mapping (of pedestrian movements) for the completed Marriott Park Landscape Master Plan. Analysis of the public transport network provided key background information for the Masterplan and a new amenities block is a key component of the Masterplan.

The demographic data gathered by Variety indicates a high dependence on private transport in regional NSW and a slightly lower median age in Nowra centre than in the wider Shoalhaven. (This is supported by the Shoalhaven SA2 Profile of 2015, which indicates that the proportion of over 40’s is less than in Berry and that 26% of the Nowra centre population is aged under 29).

In addition, Council's Strategic Planning Section are currently working on amending the Shoalhaven DCP 2014 to enable increased housing density on the western fringe of the city centre and it can be anticipated that since no additional recreational space is proposed in that immediate locality, the resultant increase in city centre population, will increase demand for quality local recreational space such as Marriott Park.

### **Bay and Basin - Huskisson Precinct**

Council's CISP identifies that Vincentia and St Georges Basin are expected to accommodate 70% of Planning Area 3 growth to the year 2036. It further suggests that upgrading the quality of the Shoalhaven's foreshore parks will have the effect of creating high quality "destination parks".

Huskisson has long been one of the most popular tourist destinations in the Shoalhaven, similar in status and in wider recognition to Forster/Tuncurry on the state's Mid-North Coast. Although located well off the Princes Highway, the Huskisson Precinct has attracted visitors from Sydney and Canberra for many decades and its location is known to many people from well beyond the Shoalhaven. Its outstanding setting and its real estate prices reflect its status and popular appeal.

Voyager Memorial Park currently has District status, while White Sands Park has Regional status and significance. White Sands Park plays host to a regionally significant annual Triathlon. Its high status is reinforced by the fact that a new Masterplan has been created to realign pathways through White Sands Park to create a new stage and seating area for outdoor concerts.

This location has a similar proportion of retiree residents to Berry, but the Huskisson Precinct has a large camping area and a separate quality holiday cabin development close to the shopping village, catering for visitors of all ages. It is also experiencing a boom in holiday apartment accommodation development. Its attractions include good restaurants and cafes, a large, recently extended hotel, a club, surf and boating shops and a movie theatre. In addition, it is already a popular destination for overseas travellers and has well-established whale and dolphin cruises.

There have been requests from the local community to include Plantation Point, instead of the Huskisson Precinct, as the location for a Destination Park in the Bay and Basin area. Whilst investigation and consideration was given to this site, it is recommended that this park remain a District Park, as it does not meet criteria 1 and 2 for Destination Parks as described in this report. Within the 'District Park' definition, Plantation Point has received a number of embellishments in the last three years and will receive further infrastructure upgrades as a result of budget allocations and grant funding, these include new amenity building including lift and change facility, new liberty swing, new playground, benches, picnic tables, covered shelters, signage, improved and new pathways, and accessible beach access which will deliver on the current Plan of Management and Landscape Plan. It is proposed to complete these works before further reviewing and updating the plan for Plantation Point Reserve.

### **Southern Shoalhaven - Mollymook**

Milton has been an important south coast commercial centre since the late nineteenth century and Mollymook's stunning beach, located near to Milton, has been a tourist destination for at least six decades.

Mollymook Beach Reserve has been recommended for elevation to Destination Park status instead of the already-identified regional recreational park at Ulladulla Rotary Park around Ulladulla Rock Pool, because the latter has far less visibility, ease of access and parking provision. The large Mollymook Beach Reserve is adjacent to Mollymook Beach and has traditionally been the most well-known and visited beach in the Shoalhaven.

There are plentiful and varied clubs, restaurants, cafes, wineries, night-time entertainments and accommodation types in the neighbourhood. Importantly, the Park has great potential for accommodating further recreational embellishments. The proportion of over 40's and over 50's in this location is less than in Berry and roughly equivalent to those in Nowra centre and in Callala Bay.

### **Community Engagement**

Extensive Community engagement for all social infrastructure as well as the development of the CISP has informed this report. Community have identified that a "Destination Park" status will bring more people into the region as well as assist with identifying further grant funding for future embellishments.

Several communities have approached Council with hopes for a larger scale "Destination Park" in their area after the success of Mollymook, and grant success for Berry. Adding some definition to a "Destination Park" will set some guidelines and help manage community expectations, as well as assisting staff with priorities going forward.

### **Financial Implications**

By prioritising the four parks and giving them "destination", it is anticipated that this will improve opportunities for promotion of their specific locations and the wider Shoalhaven. Additional visitation will create greater opportunities for accommodation providers and will increase Shoalhaven area spending and multiplier effects. Identifying these parks as "destination" parks could potentially offer up further grant opportunities as they target additional visitation from outside the Shoalhaven LGA.

The infrastructure improvement and works will be rolled out as per the long term financial plan, grant funding applications will be sought to assist with their continued development and new budget bids, where required, will be submitted as part of the annual budget process to enable strategic plans to be implemented.



## SA20.83 Mayoral Minute - Acknowledgements for the Kingiman and Bomaderry Fires - Allan Tully Appeal - Funds voted - Commemorative Plaque (Allan Tull / David Black) - Community picnic day - Fees waived - Update

**HPERM Ref:** D19/358567

**Section:** Recreation Community & Culture

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

**Attachments:** 1. 3D Obelisk Layout Ulladulla Civic Centre [↓](#)  
2. Obelisk - Specification - Ulladulla Civic Centre [↓](#)

### Reason for Report

To provide Council with an update of the actions taken to implement this Mayoral Minute.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept this report for information as an update on MIN18.667
2. Agree in principle:
  - a. To the installation of a Memorial Obelisk, as opposed to a plaque, to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull.
  - b. That the Obelisk should also be a memorial for those lives lost by SES, RFS, Police, Marine Rescue, Emergency Medical Services, Surf Lifeguards and other Emergency Services personnel, paid or unpaid, whilst performing their duties in protecting the community and environment.
  - c. That the Memorial Obelisk be installed at the Ulladulla Civic Centre and staff continue to work with the local community to bring this project to fruition.
3. Accept the \$10,000 in grant funding from the Stronger Communities Programme (Round 5) for the construction of this obelisk.
4. Agree to fund an amount up to \$7,000 from existing Community & Recreation budget allocations to complete the installation of the Memorial Obelisk at the Ulladulla Civic Centre grounds – noting that funds are continuing to be sourced through a community driven 'Go Fund Me' initiative and private donations.

### Options

Option 1: Accept the resolution above as written.

#### Implications:

- Staff will continue to work with the community to install the obelisk
- This is in line with community wishes and expectations.

Option 2:

1. Accept this report for information as an update on MIN18.667

2. Do not agree to the installation of a Memorial Obelisk, and instead, reaffirm previous resolution of Council – point 4 of MIN18.667 previous resolution.
  - i. *Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.*

Implications:

- A Plaque would be installed at a suitable location in consultation with community
- This would commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull, but not the broader lives lost as the community have requested
- This is not in line with the current community request for an Obelisk.

### **Background**

In response to bushfires in the Shoalhaven in August 2018 and the death of Allan “Tully” Tull whilst fighting this fire, it was resolved that Council:

MIN18.667

1. *Acknowledges the ultimate sacrifice given by Allan “Tully” Tull in fighting the Kingiman Fires in Milton and send the deepest condolences to Tully’s family and to all of those who called him a friend and colleague.*
2. *Contribute a donation of \$2,500 from the unallocated donations budget, and note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community*
3. *Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.*
4. *Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.*
5. *Hold a community picnic day of “Commemoration, Celebration and Commiseration” to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.*
6. *Acknowledge the staff that assisted the elected officials and emergency services staff on the day.*

### **Update for Council**

This report is to update Council on the resolution and below are the actions that have been completed to date.

1. *Acknowledges the ultimate sacrifice given by Allan “Tully” Tull in fighting the Kingiman Fires in Milton and send the deepest condolences to Tully’s family and to all of those who called him a friend and colleague.*

Shortly after the Council meeting, Tully’s family were advised of the resolution and formal condolences were passed on as requested.

2. *Contribute a donation of \$2,500 from the unallocated donations budget and note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community.*

The Governance Team paid the contribution from the Unallocated Donations Vote of \$2,500 in September 2018 as per the resolution.

The Mayoral Appeal raised \$11,458.44 (this includes interest earned) and this was reported to Council at the Mayor's Relief Fund Meeting on 5 February 2019 (D19/35386). Councillors will recall that the Mayoral Minute resolved:

*"That the funds collected (\$11,421.55) for the Bushfire Helicopter Pilot Family Appeal be allocated to the family of Allan Tull, subject to legal clarification by the General Manager".*

Legal clarification has enabled the Mayoral Appeal funds to be transferred to the family of Allan Tull.

3. *Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.*

A media releases and articles in the e-news were sent by Council thanking volunteers for their service. The Mayor also directly passed on thanks to a number of community members.

4. *Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.*

Council was contacted in late 2018 by Sandra Lanham, a local Ulladulla resident, regarding a Memorial Obelisk, with appropriate plaques, to be placed at the Ulladulla Civic Centre to commemorate and honour the lives of Allan Tull and David Black. It was also requested that it includes those lives lost by SES, RFS, Police, Marine Rescue, Emergency Medical Services, Surf Lifeguards and other Emergency Services personnel, paid or unpaid, whilst performing their duties in protecting the community and environment. It will allow the community to be able to show their respect and gratitude to those who have lost their lives performing the above duties, and in addition benefit their families by honouring and commemorating the sacrifice that their loved ones made, in protecting the community.

Since early 2019 Sandra has been working with staff from Shoalhaven City Council to progress this project. Sandra has also been working with many members of the community, including the local police, Rural Fire Service, Rotary Club of Milton-Ulladulla, Ulladulla & Districts Forum, local clubs and media.

At The Ulladulla and Districts Community Forum on Monday 4 March 2019 a motion was passed that "The Ulladulla and Districts Community Forum gives in principle support for the erection of a stone memorial in the grounds of the Civic Centre, recognising those that have lost their lives whilst in voluntary service to our community during times of emergency." This was passed unanimously with approximately 100 people in attendance.

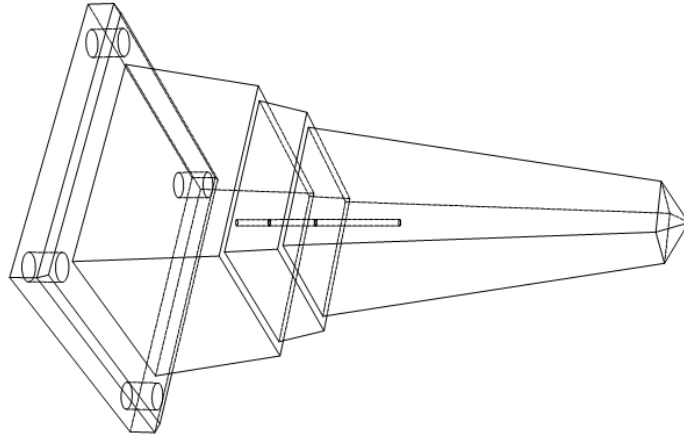
There are concept plans and designs for the obelisk, which has been estimated to cost approximately \$17,000, and a suitable location on the Ulladulla Civic Centre grounds has also been identified.

To date Council has received \$10,000 in grant funding from the Stronger Communities Programme (Round 5) for the construction of this obelisk. In addition, Sandra has set up a 'Go Fund Me' page which to date has raised \$1,463. There have also been several donations from private individuals, which will cover the shortfall of funds, allowing this project to be completed.

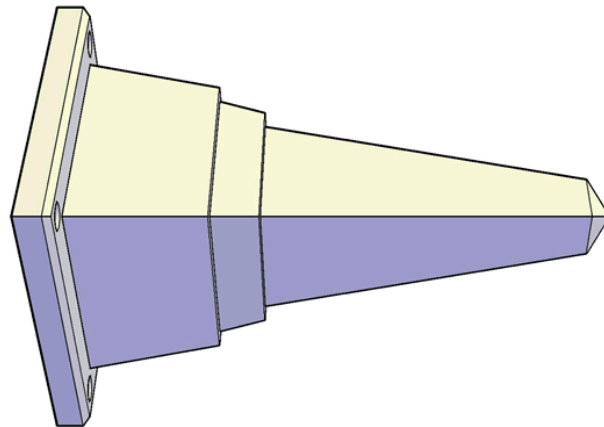
It is recommended that Council agree in principle to the installation of an obelisk on the Ulladulla Civic Centre grounds and fund an amount up to \$7,000 from existing Community & Recreation budget allocations to complete the installation of the Memorial Obelisk at the Ulladulla Civic Centre grounds – noting that funds are continuing to be sourced through a community driven 'Go Fund Me' initiative.

5. *Hold a community picnic day of “Commemoration, Celebration and Commiseration” to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.*

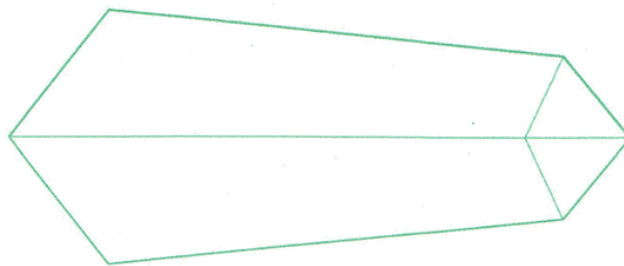
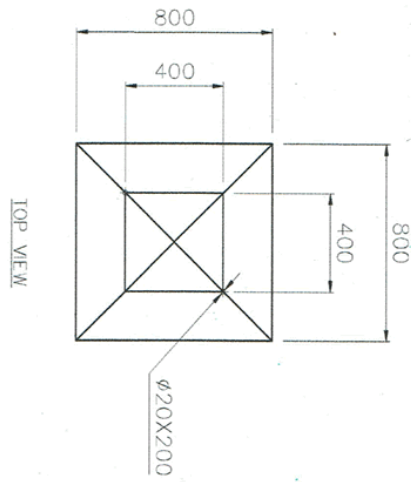
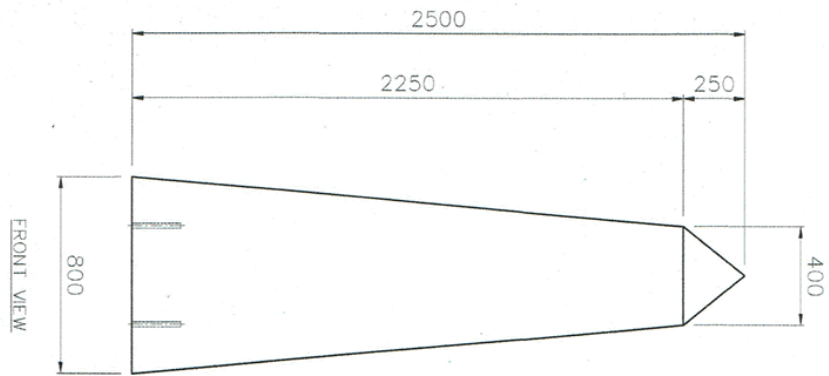
This will be held after the obelisk has been installed and is therefore still not completed.



POLISH ALL VISIBLE SURFACES, DOWEL HOLES DRILLED



SA20.83 - Attachment 1



SA20.83 - Attachment 2

## **SA20.84 Shoalhaven Swim, Sport & Fitness - Progressive Reintroduction of Services as COVID-19 Restrictions Ease**

**HPERM Ref:** D20/193640

**Section:** Recreation Community & Culture

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

### **Reason for Report**

To provide details of the reintroduction of a range of services at Swim Sport and Fitness facilities across the City and how this will be managed on a staged basis in line with the gradual easing and lifting of COVID-19 restrictions, and advise Council on the works that have been undertaken during the COVID-19 close down period.

### **Recommendation (Item to be determined under delegated authority)**

That:

1. Council reintroduce public access to gyms and café facilities on 13 June 2020 when restrictions ease.
2. Council reintroduce modified programs to be delivered at Councils Swim Sport and Fitness facilities at:
  - Bomaderry Aquatic Centre
  - Bay & Basin Leisure Centre
  - Sussex Inlet Aquatic Centre
  - Ulladulla Leisure Centre
  - Nowra Aquatic Park
  - Shoalhaven Indoor Sports Centre
3. Council reintroduce further programming as restrictions ease in line with social distancing guidelines.

### **Options**

1. As recommended.

#### Implications:

- a) Progressively reintroduces a range of services and programs to the community in a cost effective manner
  - b) Some restrictions still apply, and as new advice is received on the easing of these restriction the changes to our operations will occur in line with this
  - c) Details the works undertaken during the COVID-19 close down period
  - d) As restrictions ease, comprehensive risk assessments will be undertaken to reflect the latest Government advice
2. Council provide an alternate option.

## Background

With the recent lifting of COVID-19 restrictions regarding use of outdoor pools and more recently indoor pools, gyms, café services, and indoor sports centres, Council is now presented with an opportunity to reintroduce modified programs and services at a range of our facilities. From 13 June 2020, the following will be allowed:

- Fitness, gymnasiums, pilates, yoga and dance studios can reopen with up to ten people per class and 100 people in an indoor venue
- Community centres, including their recreational facilities, can reopen
- Some indoor recreational facilities, including pools and saunas, can also reopen with restricted numbers

As of Wednesday 3 June 2020, Council had received only preliminary advice via media release from the State Government, indicating that a further easing of restrictions (allowing for use of indoor swimming pools, café / retail services and gym facilities) will take effect from Saturday 13 June 2020. As of the time of writing, Council is awaiting issue of formal NSW Public Health Orders detailing the precise level of restrictions.

In response to this staff have developed comprehensive COVID strategies in line with State Government requirements for social distancing, to implement modified programs, access to indoor facilities, and café/retail service delivery in order to safely re-engage with the community.

As a consequence Council's indoor facilities are scheduled to reopen on Saturday 13 June 2020 at the following locations:

- Bomaderry Aquatic Centre - 25 metre indoor pool opens in addition to the 50m outdoor pool which has been operational since 15 May 2020
- Bay & Basin Leisure Centre
- Nowra Aquatic Park - extended Café services in addition to the 50m outdoor pool which has been operational since 22 May 2020
- Sussex Inlet Aquatic Centre
- Ulladulla Leisure Centre
- Shoalhaven Indoor Sports – with modified services
- Sea pools at Huskisson and Ulladulla which have been operational since 15 May 2020

### *General Aquatic Services and Aquatic Fitness Classes*

Staff are and will continue to ensure that the current advice regarding maximum venue occupancies, social distancing and restrictions on activities is adhered to:

- 1.5m physical distance or 4 metre square per person – whichever is lesser
- Programs and services will be scheduled in a manner that keeps people segregated from each other as much as possible
- Maximum of 100 person facility capacity
- Queuing strategies and pathways of travel in place via floor markings and signage
- Adequate and readily accessible supply of hand soap, hand sanitiser

As further restrictions are lifted, modified programs and services are scheduled to be brought back online in a greater capacity.

### *Reintroduction of Gym Facilities*

- 100 person maximum in the entire facility
- 10 people maximum per fitness class, indoor / outdoor



- Social distancing maintained:
  - Signage
  - Spacing of equipment to support 1.5 metres of physical distance
  - One customer per 4.0 square metres of space on gym floor
- Hand sanitising stations located at entry to gym and on gym floor
- Sanitising wipes available for patrons to clean down machine after each use

*Reintroduction of Café Services*

- 100 person maximum in the entire facility
- 50 customers per separate food / drink area, or, one customer per 4.0 square metres of space, whichever is lesser
- Social distancing maintained:
  - Signage
  - Spacing of café tables indoors to support 1.5 metres of physical distance
  - Outdoor seating available
  - Separate service areas for ordering and collection
- Hand sanitising stations located throughout café area, and at Point of Sale
- Clean frequently used areas several times per day or after each use

*Reintroduction of Creche Services*

In line with the reopening of gym facilities and modified fitness classes, both Ulladulla Leisure Centre and Bay & Basin Leisure Centre have the opportunity to reintroduce creche services. This will be in a modified capacity.

*Reintroduction of Learn to Swim and Squad Programs*

At the time of writing, Council has not received any advice from State Government on the status of resuming *Learn to Swim Programs* in any capacity. Despite this, Council's Shoalhaven Swim Sport Fitness Unit has programmed to reintroduce a modified Learn to Swim Program within its indoor aquatic facilities when restrictions allow.

It is proposed that *Squad Programs* will resume from Monday 15 June 2020. To comply with the current restrictions, reintroduction of the Squad Programs is intended to be delivered in a modified format, where session capacity is based on the number of lanes available at each location, as outlined in Table 1:

Table 1 - Squad – Modified Program Capacity	
Location	Max Participants per Session
Bomaderry Aquatic Centre	6
Bay & Basin Leisure Centre	8
Sussex Inlet Aquatic Centre	6
Ulladulla Leisure Centre	8
Notes:	<ul style="list-style-type: none"> <li>• Reduced session length of one hour</li> <li>• Mixed ability sessions for all Squad Levels</li> <li>• Maximum capacity based on number of lanes available</li> </ul>

As restrictions are eased further, staff will increase the capacity per session to allow for increased participation.

*Shoalhaven Indoor Sports Centre*

The Centre will be open for limited casual use with reduced hours of operation. This will include modified programs and services in line with current guidelines and reviewed as further restrictions are lifted in regard to indoor recreation centres and community sport.

**COVID-19 Facility Closures – Maintenance Undertaken**

Staff have utilised the closure period to bring forward essential maintenance that would have otherwise required a full facility shutdown to complete.

<b>Table 2 – Major Maintenance Completed</b>
<b>Nowra Aquatic Park</b>
All pumps and motors serviced
Pool deck bench seats sanded back and re-painted
Major service of 50m filters
Major 50m Pool maintenance <ul style="list-style-type: none"> <li>• Pool drained, pressure cleaned, refilled</li> <li>• Broken pool tiles replaced</li> <li>• Expansion seals replaced</li> <li>• Welding - Handrails repaired</li> </ul>
<b>Bomaderry Aquatic Centre</b>
25m pool solar system replaced
25m pool roof repaired
All pumps and motors serviced
50m pump impeller replaced
<b>Ulladulla Leisure Centre</b>
Window tinting in pool hall and cafe
Changing Places Changeroom construction
25m pool grout lines repaired
All pumps and motors serviced
Major service 25m filters
<b>Bay and Basin Leisure Centre</b>
All pumps and motors serviced
Repair Air Handling system
Repainted 25m pool hall
<b>Sussex Inlet</b>
25m solar replaced
UV system upgrade

SA20.84

Redeployed permanent staff (full time and part time) from the Shoalhaven Indoor Sports Centre have been undertaking facility maintenance at Nowra Aquatic Park and Bomaderry Aquatic Centre during the closure, in order to maintain meaningful duties once facilities

closed to the public and provide these staff with a professional development opportunity to broaden their skill set/experience.

### Community Engagement

During the COVID-19 close-down period SSSF have reached out to our members and patron using social media. This is a snapshot of some of the activities that have been provided over this time:

- 47 group fitness classes held via Facebook Live over the last 9 weeks - accumulating 95,000 views. Average viewership of over 2k per class
- Best performing class: 30 min Tabata Workout with 6.5k views and a reach of 15,681 which significantly impacts our brand awareness
- 6x 'How-To' instructional videos educating our community on form and technique in the gym received excellent feedback via post comments, shares and reactions, and reached a total audience of 14.5k on Facebook.
- We have achieved the highest engagement on our Ulladulla and Bay & Basin Leisure Centre pages during the shutdown - reaching both a local and international audience.

As restrictions progressively ease, all communications will be conducted in line with NSW Government messaging as per Government Gazette No 99 and NSW Public Health Orders dated 30 May 2020 – *“Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020”*.

With the reintroduction of Shoalhaven Swim Sport Fitness’ programs and services, the following communications will be issued:

- Member, Squad and LTS family communications:
  - Correspondence will be sent via e-blast emails from LINKS Modular Solutions
  - Virtual meeting / information session to be scheduled with Squad families via Zoom software
  - All communication and correspondence will direct customers to the Unit’s web site - shoalhavenssf.com.au - where they will find consolidated, detailed information and links to NSW Health Advice
- Facebook and Instagram accounts will be kept up-to-date with latest information / advice
- Printed materials:
  - Staged reopening poster – based on latest COVID-19 advice from NSW Health
  - Frequently Asked Questions (FAQ) sheets for customers regarding reopening restrictions
- Lane / pool hire bookings will not be available while social distancing and restrictions on outdoor gatherings are in place

### Policy Implications

Reintroduction of Squad Programs, gym access and café services is aligned with:

- Shoalhaven City Council’s Water Safety Policy – POL16/220
- Royal Lifesaving Australia (RLSSA) Guidelines for Safe Pool Operations
- Fitness Australia Framework for Safely Operating a Fitness Facility Under COVID-19 Restrictions
- ASCTA Swim Australia Best Practices for Restarting Swim Schools & Learn to Swim

- Department of Health COVID safe Plan (Restaurant & Café Services)
- Food Standards Australia & New Zealand - COVID-19 and Food Safety Guidelines

### **Financial Implications**

Prior to COVID-19, the annual Shoalhaven Swim Sport & Fitness Budget was developed to deliver access programs and services to the community. The Budget includes a subsidy to operate in order to provide essential community services.

During the initial period of re-opening, it is not unreasonable to assume that these services will not meet Budget while operating under restrictions. However, it is anticipated that, as restrictions continue to ease, providing opportunities for increased income, the financial outcome will revert to a position that is closer to the original Budget. This will occur as further services are either introduced or able to be delivered with less restrictions, therefore, reducing Council's overall cost to operate.

Learn to Swim and Squad Programs, for example, are important as they both form a key part of business as well as being a critical community service. Income generated from Learn to Swim and Squad Programs creates a significant income stream, making up 31% of overall income for Shoalhaven Swim Sport Fitness, equating to \$1,115,000 annually.

The performance of Shoalhaven Swim, Sport and Fitness will be reported through the quarterly budget review process, and any recommended changes identified.

### **Risk Implications**

Staff have reviewed the current procedures and are introducing modified cleaning regimes and COVID Safe operating checklists, along with additional signage and staff training.

Risk Assessments have been undertaken for all facilities proposed for reopening, to reflect relevant industry best practice along with the latest COVID-19 advice from NSW Health and Government Gazette No 99, in delivery of:

- Squad Programs
- Health & Fitness
- General Swimming
- Café / Retail Services

## **SA20.85 2019/2020 Council Borrowings - Loan Agreement - Holiday Haven**

**HPERM Ref:** D20/203949

**Section:** Finance

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

### **Reason for Report**

To seek Council approval to enter into a loan agreement with National Australia Bank Limited for Holiday Haven's borrowing requirements.

### **Recommendation**

That Council:

1. Enter into a loan agreement with National Australia Bank Limited for the amount of \$1,528,500 with a term of 10 years @ 2.177% to cover Holiday Haven's borrowing requirements that were included in 2019/20 Operational Plan.
2. Execute the following documents under the Seal of Council:
  - a. Letter of offer.
  - b. Authorised representative certificate.
  - c. Compliance certificate.

### **Options**

1. Adopt the recommendations in the report.

Implications: NIL.

2. Not adopt the recommendations and make an alternative resolution.

Implications: Council will need to seek borrowings from other financial institutions.

### **Background**

Total borrowings for General Fund of \$4.3 million were included in Council's 2019/20 Operational Plan. Council was successful in applying for loans from NSW Treasury Corporation for \$2.8 million.

It is important for the Councillors to note that even though Council successfully applied for \$2.8 million loans from T-Corp, Council has not taken up these loans yet due to change in Council priorities during bushfires and floods. LED Street Lighting Upgrade project (\$1.2 million) was delayed due to issues with the suppliers from China during COVID-19 pandemic and is expected to be complete in 2020/21.

The remainder of the 2019/20 proposed borrowings for Holiday Haven, \$1.5 million needed to be sourced from other financial institutions because TCorp's loan facilities are not available for a Council run businesses that compete with existing privately run businesses.

This loan will be used to upgrade cabins and amenities across multiple tourist parks and to fund construction of the pool in Currarong Holiday Haven.

SA20.85

Council requested quotes from four financial institutions. The lowest quote received was from National Australia Bank Limited with 2.177% fixed rate for 10 years.

The documents to be executed under the Seal of Council will not be available to view until after the Strategy and Assets Committee meeting. They will be attached to the report from the Strategy and Assets Committee to the Ordinary Meeting on 23 June 2020.

### **Financial Implications**

It is important for Council to gain the best interest rates on loan funding and locking this agreement in place will confirm a much lower rate for the full 10 years of the loan agreement. This offer of loan funds from National Australia Bank Limited requires formal acceptance by Council no later than 25 June 2020.

As loans were not taken up, Council will need to reapply for T-Corp loans when projects commence or as such need arises. Considering the low interest environment, new loans could be at the lower interest rate than the ones that were previously pre-approved.

## SA20.86 March 2020 Quarterly Budget Review

**HPERM Ref:** D20/204355

**Section:** Finance

**Approver:** Jane Lewis, Acting Director Finance Corporate & Community Services

**Attachments:** 1. March 2020 Quarterly Budget Report (under separate cover) [⇒](#)  
2. March 2020 Quarterly Budget Review Statement (under separate cover) [⇒](#)

### Reason for Report

In accordance with Regulation 203(1) of the Local Government (General) Regulation (2005), the responsible accounting officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the third quarter of the 2019/20 financial year.

### Recommendation

That Council:

1. Receive the March Quarterly Budget Review Report.
2. Adopt the adjustments, as outlined in the March Quarterly Budget Review document.
3. Approve the projects being carried forward to 2020/2021 financial year
4. Note that the net impact of Council's response to and recovery from the Currowan bushfire, the flood event and COVID-19 is currently at \$3.9M. out of which, \$3.2M is included in proposed budget adjustments to the general fund.
5. It is recommended for the Council to assess any savings achieved in completed projects at year end and to use these funds to replenish working capital to offset the unfavourable impact of \$3.2M budget adjustment reporting at this Review with this assessment to be undertaken as a part of June Quarterly Budget Review.
6. Future quarterly budget reviews will provide updated information as it becomes available, along with the necessary adjustments for the full financial impact of these disasters to be recognised.

### Options

1. Adopt the recommendation

Implications: Nil

2. Adopt an alternate recommendation

Implications: Staff will need to rework the quarterly budget review in accordance with the alternative resolution.

### Quarterly Budget Review

Section 404 of the Local Government Act 1993 requires the General Manager (Chief Executive Officer) to provide progress reports to the Council with respect to the principal activities detailed in the Delivery Program (Operational Plan) at least every 6 months. Furthermore, all Councils must continue to consider a Quarterly Budget Review report.

Clause 203 of the Local Government (General) Regulation 2005 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council a Quarterly Budget Review Statement that shows, by reference to the estimates of income and expenditure set out in the Operational Plan, a revised estimate of the income and expenditure for the full financial year.

The Responsible Accounting Officer is also required to report as to whether or not they believe the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

The March 2020 Quarterly Budget Report and Quarterly Budget Review Statement (QBRS) include an analysis of the year to date result and the reasons for the major variances from the previously adopted Budget.

The March 2020 Quarterly Budget Report also provides budgetary details for each fund and group and commentary on progress against the budget. Any proposed changes to the budget are included in the attached March Quarterly Budget Review Statement.

### **Disaster / Pandemic Relief and Recovery – Financial Impact Update**

Shoalhaven City Council continues to deal with the impact of two natural disasters and COVID-19 Pandemic all in this current financial year.

As reported in the December Quarterly Review Report, the Currowan Bushfire had immediate financial impacts for Council, along with the continued recovery and reconstruction efforts. The bushfire has had a significant negative impact on user charges and fees revenue collected by the General Fund - in particular, Holiday Haven Tourist Parks revenue. There are also costs that Council incurred during the time of the fire that we are not able to claim.

The second natural disaster was the flood event starting on 9 February. Whilst the rain from this event ensured that the Currowan fire was extinguished, our road infrastructure was damaged, including the scouring of roads, washing out of drains and landslips. Emergency work was completed to ensure the safety of Council's roads with remediation works of the scouring and drains following. The initial emergency response (category 1) and disaster relief restorations (category 2) have been completed, with the claims to be processed. Other disaster relief (category 3) restoration projects have been submitted and Council is waiting on funding approval.

The COVID-19 pandemic has seen Council businesses temporary close, staff working from home and the organisation adjusting to new ways of doing business. The major financial impact has been on our Council businesses with little or no income being received. The financial impact reported below is the estimate of the net cost that is expected to occur for this financial year. Some businesses are expecting to remain closed, whilst others may open, either fully or with restrictions.

At the Ordinary Meeting of Council, held on 26 May 2020, Council resolved to provide financial relief for ratepayers. The financial analysis of this relief was performed with consideration of the current known net costs incurred by Council. The situation remains fluid and management closely monitors financial performance of the organisation with any proposed adjustments reported to the Council during quarterly budget reviews or sooner should circumstance require.

Despite the COVID-19 pandemic, Bushfire Recovery activity continues at a steady and impressive pace. All demolition and clearance work being conducted by the State Government's contractor, Laing O'Rourke, is assured by this Tier One contractor to be compliant with all preventative and protective measures being imposed by Federal and State Government.



All Council-led Recovery activities are responsive to, and compliant with, public gathering restrictions, suspension of business and commercial operations, travel advisories and precautions in force. Shoalhaven Council's Business Continuity Team under the chair of the Chief Executive Officer remains actively engaged and focussed on maintaining compliance with COVID-19 restrictions and will do so for the foreseeable future.

### **Financial Implications**

Council staff have worked closely with our insurers, State and Federal Government agencies to recover whatever costs we can through insurance claims, section 44 Natural Disaster provisions, disaster recovery funding and grants. Unfortunately, not all the expenditure or forgone income can be recovered due to insurance claims limits and specific types of expenditures that can be claimed under Disaster Recovery Funding Arrangement.

The March Quarterly Budget Review process has identified some operational savings that can be used to offset the forgone income and additional costs. These operational savings have arisen due to a freeze on filling vacant positions during the COVID-19 pandemic, training and conference funding not being spent during this time and reduced fuel costs due to staff not travelling.

Future quarterly budget reviews will provide updated information as it becomes available, along with the necessary adjustments for the full financial impact of these disasters to be recognised.

Below is a summary table estimating the financial implication for the three events. It is important for the Councillors to note that this represents the impact for what has occurred to the date of writing this report and there are still funding applications for asset remediation works awaiting approval from the relevant funding bodies. The full extent will not be known until the COVID-19 pandemic is over or has settled. In addition, a summary below outlines financial implication that can be measured and estimated.

The estimation outlined below does not include indirect costs including disruptions to economic activity in the region and increase of unemployment rate leading to potential decrease in Council's revenue and other intangible costs associated with the damage to social wellbeing and the natural environment.

### **Impact on Operational Expenses and Revenue**

	<b>Currowan Fire</b>	<b>Flood Event</b>	<b>COVID-19</b>	<b>Total</b>
<b>Loss of Revenue</b>				
Tourist Parks	3,140,000	50,000	2,842,924	6,032,924
Cemeteries	15,000		50,000	65,000
Swim, Sport and Fitness			1,040,046	1,040,046
Entertainment Centre			453,257	453,257
Room and Venue Hire			49,000	49,000
Rental			145,088	145,088
Libraries			103,458	103,458
Fee Waivers	66,899			66,899
	<b>3,221,899</b>	<b>50,000</b>	<b>4,683,772</b>	<b>7,955,672</b>
<b>Operating Cost</b>				
Section 44 expenses	2,319,016			2,319,016
Emergency Repairs	758,661	546,853		1,305,514
Reconstruction	365,260	269,330		634,590
Council funded costs	491,480			491,480
Dept Justice / Office Emergency Management	70,636			70,636
Facility closures	(100,000)	(5,000)	(1,832,466)	(1,937,466)
	<b>3,905,053</b>	<b>811,183</b>	<b>(1,832,466)</b>	<b>2,883,770</b>

**Additional repairs and works to be funded from grants and other external funding**

*Disaster Assistance Rebuild*

Toomboolomobah Bridge	472,056			472,056
Wheelbarrow Rd Bridge	199,348			199,348
School Creek Bridge	674,393			674,393
Yerriyong Bridge	43,996			43,996
Road asset data collection	149,210			149,210
	<b>1,539,002</b>			<b>1,539,002</b>

<b>Total Expected Cost</b>	<b>8,665,954</b>	<b>861,183</b>	<b>2,851,306</b>	<b>12,378,444</b>
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**Amount Expected to Recover**

Bushfire recovery phase funding (DRFA)	758,661	546,853		1,305,514
Bushfire reconstruction phase funding (DRFA)	365,260	269,330		634,590
Dept Justice / Office Emergency Management Claim (est.)	70,636			70,636
Insurance Claim (est.)	1,700,000			1,700,000
Section 44 Claim (est.)	2,154,610			2,154,610
Disaster Assistance Rebuild	1,539,002			1,539,002

<b>Operational Savings Identified</b>			1,067,756	1,067,756
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<b>Total Expected Recovery and Savings</b>	<b>6,588,169</b>	<b>816,183</b>	<b>1,067,756</b>	<b>8,472,108</b>
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<b>Net Cost</b>	<b>2,077,785</b>	<b>45,000</b>	<b>1,783,550</b>	<b>3,906,336</b>
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The March Quarterly Budget Review recommends the following to reflect the impact of these disasters:

1. Income reduction of \$7.9M (unfavourable): for Holiday Haven \$6M, Cemeteries \$65k, Swim, Sport and Fitness \$1.04M, Shoalhaven Entertainment Centre \$453k, Venue Hire \$49k, Rentals \$145k and Libraries \$103k.
2. Expenditure reduction of \$1.9M (favourable): for Holiday Haven \$1.15M, Swim, Sport and Fitness \$611k and Shoalhaven Entertainment Centre \$174k.
3. Recognition of the expected insurance claim for Holiday Haven business interruption \$1.7M (favourable).
4. Operational Savings Identified \$1.07M (favourable)

The net impact of budget adjustments as outlined above is a \$3.2M (unfavourable) variance in the general fund budget.

The remaining cost of natural disasters and pandemic of \$700k (\$3.9M estimated total cost less proposed budget adjustment of \$3.2M) mainly relates to hazard reduction activities (\$125K) and indirect costs associated with bushfires (\$325k) such as overtime incurred by Customer Service, Communications, Rates and Revenue, IT, etc. these costs were absorbed by the existing budgets of the relevant units and at this stage, do not require budget adjustments. In addition, \$140k of Natural Disaster bridge reconstruction program shortfall was funded by the untied bushfire recovery grant.

Council has a few options to address the \$3.2M net impact of proposed budget adjustment that reflects impact of bushfires, floods and COVID-19 pandemic.

Option 1

Council can draw down on unrestricted cash to fund \$3.2M general fund deficit. This will reduce working funds and Council's budget for this year will no longer be balanced, i.e., Council moves forward to June year end with a deficit budget. This means that Council's

closing working capital balance (or funds available for contingency event such as we have experienced) will be \$3.2M lower than at the beginning of this financial year – BUT still considered to be at an acceptable level.

It is important for the Councillors to note that even though working capital and unrestricted cash are forecast to remain at an acceptable level, such a significant decrease in unrestricted cash naturally increases liquidity risk. This risk has also increased due to the COVID-19 pandemic when it is impossible to predict when Council's cash generating businesses, such as Holiday Haven Tourist Parks, will return to pre-disaster events levels.

Option 2

Council can fund \$3.2M deficit of general fund by drawing down funds from Internal Reserves that are not committed to fund employee provisions or any specific capital projects for the next couple of years. Potential suitable internal reserves are the Property Reserve and Industrial Land Development Reserve.

Option 3 (Recommended)

It is recommended for the Council to assess savings achieved in completed projects at year end and to use these funds to replenish working capital. This assessment to be undertaken as a part of June Quarterly Budget Review.

**General Fund Budget and Quarterly Review Movements**

The net operating result before capital grants and contributions of the General Fund as at the March 2020 QBR was a surplus of \$15.1M, a \$817k unfavourable variance to the year to date adopted budget of \$15.9M surplus. This is 5% unfavourable year to date variance, largely driven by reduced income from Holiday Haven as a result of the Currowan bushfire.

The 2019/20 current budget adopted by Council forecasted an operating deficit before Capital Grants and Contributions of \$13.8M, and a reduction in cash and investments of \$34.5M.

The following table presents a high-level summary of the budget and movements for the General Fund for 2019/20.

\$'000	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	March Actuals
Operating Result	18,024	16,870	(2,871)	13,999	25,881
Operating Result before Capital Grants and Contributions	(3,209)	(13,813)	(662)	(14,475)	15,129
Net Cash & Investments Movement	(2,000)	(34,492)	3,560	(30,932)	(4,689)
Unrestricted Cash Movement	(0)	(50)	(3,402)	(3,452)	2,736

The main contributing factor for the change to the operating result is a decrease in the forecast for capital grants due to timing (\$2.45M).

Capital grants that were deferred to 2020/21 financial year included: Placemaking for Vincentia Village \$605k, Tumblebar Ck bridge \$500k, Far North Collector Road \$440k, Shoalhaven Head rural fire station extension \$350k, Princes Hwy South St Ulladulla Pedestrian Improvements \$110k and other small grants.

March Quarterly Review adjustments resulted in favourable Net Cash and Investments Movement of \$3.56M. This is due to reserve funded capital works being phased into future years and additional income for waste management.

The commentary on the recommended changes can be found in March 2020 Quarterly Budget Report presented as **Attachment 1**.

### **Water Fund Budget and Quarterly Review Movements**

The net operating result before capital revenue of the Water Fund is a \$827k surplus when comparing to the year to date budgeted surplus of \$242k. The main reason for this favourable variance due to additional income received for the communication towers.

\$'000	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	March Actuals
Operating Result	1,222	1,325	382	1,707	1,989
Operating Result before Capital Grants and Contributions	722	575	(118)	457	827
Net Cash & Investments Movement	(12,032)	(3,529)	2,647	(882)	3,513

The main proposed budget adjustment relates to a \$500k increase in Section 64 Capital Contributions.

March Quarterly Budget Review adjustments resulted into favourable Net Cash and Investments Movement of \$2.65M, due to the phasing capital works into future years.

### **Sewer Fund Budget and Quarterly Review Movements**

The net operating result before capital revenue of the Sewer Fund was \$8.3M (surplus), a \$2.5M favourable variance comparing to the budgeted year to date surplus of \$5.95M. This is principally due to under expenditure, in particular materials and contracts, additional income received for private works the levying of effluent charges at the start of the year on the rates notice.

\$'000	Original Budget	Current Adopted Budget	March QR Adjustments	March QR Proposed Budget	March Actuals
Operating Result	8,769	8,712	899	9,611	9,602
Operating Result before Capital Grants and Contributions	8,019	7,962	199	8,161	8,296
Net Cash & Investments Movement	(2,887)	(22,957)	2,460	(20,497)	(8,797)

The main proposed budget adjustment relates to a \$700k increase in Section 64 Capital Contributions and a \$203k increase in private works income.

Favourable adjustment to Net Cash and Investments Movement is proposed to reflect decrease in forecasted capital expenditures for the year.

Detailed explanations of the key variances for both the quarter and the full year forecast result are outlined in the March 2020 Quarterly Budget Report presented as **Attachment 1**.

### **Projects Requiring Funding**

The following outstanding Council resolution items were addressed in 2020/21 Draft Budget:

- MIN19.61: Cattle Exhibition Precinct - \$306k
- MIN19.181: Vincentia Placemaking - \$1,744k

The following Council resolutions and reports have been noted as priority items for consideration/inclusion in future quarterly budget reviews.

### Summary of outstanding Council Resolutions requiring funding

Minute / Report	Group	Title	Requested Amount (\$'000)	Funding Obtained (\$'000)	Outstanding (\$'000)
MIN17.739	Planning & Development	LP406 - Falls Ck / Woollamia Deferred areas planning proposal	400	-	400
MIN17.797	Planning & Development	Hoarding & Domestic Squalor	50	-	50
MIN18.111	Finance & Corporate	SCARP update of Master Plan	300	-	300
MIN18.204	Finance & Corporate	Warden Head Lighthouse Ulladulla	75	-	75
MIN18.290	Assets & Works	Huskisson Traffic Control - roundabout intersection Owen/Sydney/Tomerong Streets	800	25	775
CL18.123	Assets & Works	Repay Land Decontamination Reserve (Berry RFS)	400	-	400
MIN19.502	Planning & Development	Narrawallee Beach - Victor Avenue Beach Access	Unknown	-	unknown
MIN19.711	Planning & Development	Additional Costs - VPA South Nowra	124	-	124
MIN19.711	General Manager /Planning and Development	St Georges Basin & River Entrance Sussex Inlet CMP contribution	30	-	30
<b>Total</b>			<b>2,179</b>		<b>2,154</b>

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### Conclusion

This report on the March Quarterly Budget Review presents details of the impact that the natural disaster events of fire and flood and now the COVID-19 Pandemic crisis have had on Council's financial position to date. What has been presented in the report shows the total estimate cost of these events to date and the extent to which staff have been actively seeking all available funding opportunities and avenues to minimise the net financial impact on Council's financial position.

The Management and Executive Teams continue to monitor closely what is still very much an evolving situation and ongoing developments will be reported to Council through future Quarterly Budget Review or sooner should circumstance warrant.

## SA20.87 Proposed Lease of Part Lot 55 DP 1188161 & Part Lot 1 DP 1139157 - Berry Tennis Courts

HPERM Ref: D19/390898

Section: Technical Services

Approver: Paul Keech, Director Assets & Works

### Reason for Report

To provide Council with an opportunity to consider entering into a five (5) year lease with a five (5) year option with the Berry Tennis Club over Part Lot 55 DP 1188161 & Part Lot 1 DP 1139157 at Woodhill Mountain Road Berry.

### Recommendation

That Council:

1. Enter into a Five (5) year lease agreement, with a Five (5) year option period over Part Lot 55 DP 1188161 & Part Lot 1 DP 1139157, Woodhill Mountain Road, Berry to Berry Tennis Club at a commencement rent of \$3,466 plus GST per annum with annual CPI increases. Noting that
  - a. The estimated Whole of Life costing of the facility is approximately \$22,000 per annum.
  - b. The Berry Tennis Club will be responsible for routine maintenance and repairs at the facility.
2. Restrict the rent received, via a Restricted Asset Account established for Berry Tennis Club, with the funds contributing towards the cost of resurfacing of the four tennis courts, repair/replacement of existing fencing and floodlighting (8 poles).
3. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. Resolve as Recommended.

Implications: Council will receive annual rental income for the premises in the amount of \$3,466 in the first year that will be allocated to the Restricted Asset Account for resurfacing of the four tennis courts.

2. Not adopt the Recommendation.

Implications: Berry Tennis Club will continue to operate the facility without a legal tenure including the uncertainty of agreed terms for rent and maintenance responsibilities. The execution of a lease will clearly define these items for the term of the occupancy and provide security for both Council and Berry Tennis Club. No rent will be received and therefore no funds will be allocated to the restricted asset account for future maintenance and capital works such as resurfacing when required.

SA20.87

## Background

The subject land is Council owned land and has a dual classification of Community and Operational land. The Berry Tennis Club and Council provided funding and this along with Community Volunteer efforts allowed the courts to be constructed in 1984.

Berry Tennis Club is run by a volunteer committee and has occupied the Tennis facility at the Berry Sporting Complex since the Management Committee (MC) disbanded in 2013. The management of the sporting complex defaulted to Council at this time.

It was agreed that Berry Tennis Club, who requested to maintain autonomy, agree to undertake maintenance and operational costs associated with the tennis courts and ancillary structures including resurfacing of the courts.

There are four (4) courts at the Berry Complex; two (2) at the northern end of complex (3 & 4) and two (2) at the southern end of the complex (1 & 2). Each court has two (2) floodlight poles. This is a total of eight (8) poles for the complex.

The two southern courts (1 & 2) were due for resurfacing in 2024 based on current condition and utilisation at an estimated cost of \$56,000.

In 2019 the club was able to secure grant funding of \$28,000 to resurface one of the northern courts and Council received grant funding (Stronger Country Communities Funds) to resurface the second northern court. Courts 1 & 2 now have a surface that is expected to last until 2039.

Courts 3 & 4 require resurfacing in 2039.



### Rent Analysis

The Market Rent was not assessed as no reliable market comparison exists

### The whole of Life Cost Analysis

Asset replacement cost \$897,186 - the dominant asset, i.e. the concrete slabs that are the courts, have a design life of 60 years.

Remaining Capital (Written down Value) life costs of \$433,640 over 29 years equate to approximately \$17,944 pa (say \$18,000).

Estimated Annualised Total capital, Operating & M&R	
Capital Cost/ Depreciation	\$ 18,000
Annualised Operating costs	\$ 1,000
Annualised Minor M&R - Not covered by the Tennis Club volunteers (ie replacement of doors, painting, light switches, gutter cleaning and roof repairs)	\$ 3,000
<u>Total Estimated Annualised capital, Operating &amp; M&amp;R</u>	<u>\$22,000</u>

Proposed terms subject to Council approval are: -

Lessee	Berry Tennis Club Incorporated
Lessor	Shoalhaven City Council
Premises	The building, improvements and curtilage associated with the tennis courts on Part Lot 1 DP 1139157 & Part Lot 55 DP 1188161
Term	Five (5) Years
Option	Five (5) years
Rent	\$3,466 (\$866.50 per court) plus GST per annum, payable monthly in advance
Rent Review	Annually to CPI
Percentage of Outgoings to the club	100% of separately metered utilities fully paid by the club 100% of garbage charges
Permitted Use	Sports Ground
Public Risk Insurance	Twenty million dollars (\$20,000,000)

The tenant's offer is based on an ability to pay, determined by membership and utilisation rates.

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### **Community Engagement**

The land has a dual classification, part Operational Land, part Community. The proposed lease to the Berry Tennis Club was advertised for 28 days as per the Local Government Act with no submissions received.

### **Policy Implications**

The proposed lease terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy.

### **Financial Implications**

Council will receive annual rent for the premises leased to Berry Tennis Club Incorporated.

If the Berry Tennis Club's offer is accepted the following whole of life funding shortfall will need to be met by the General Fund;

Total Estimated Annualised capital, Operating & M&R	\$22,000
<u>Tennis Club Offer</u>	<u>\$ 3,466</u>
Approximate Shortfall	\$18,534

Rental income will be held by Council in a Restricted Asset Account and will be available for major maintenance and capital works such as court resurfacing, fencing, and floodlighting. Major capital repairs under the lease terms and conditions are still the responsibility of Council, as is the standard for any tenant/landlord arrangement.

As the Club is yet to enter into this lease, the restricted asset account currently has a zero balance.

## SA20.88 Proposed Lease of Part Lot 1 DP629175, 21 Meriton Street, St Georges Basin

**HPERM Ref:** D20/76196

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Plan - Lease Areas - 21 Meriton Street St Georges Basin [↓](#)  
2. S355 Management Committee Guidelines (under separate cover) [⇒](#)

### Reason for Report

This report provides Council with an opportunity to consider entering into lease agreements with

- Illawarra Shoalhaven Local Health District (ISLHD); and
- Bay & Basin Community Resources Limited (BBCR)

for their continued use of the Community building located at 21 Meriton Street, St Georges Basin as depicted on Attachment 1 (D20/107448).

### Recommendation

That Council:

1. Enter into lease agreements for the areas depicted in Attachment 1 (D20/107448) for the use and occupation of the community building located on Part Lot 1 DP 629175, 21 Meriton Street, St Georges Basin with:
  - a. Illawarra Shoalhaven Local Health District (ISLHD) for a term of five (5) years at an initial annual gross rental of \$66,211 Ex GST with annual CPI increases
  - b. Bay & Basin Community Resources Limited (BBCR) for a term of five (5) years at an initial annual gross rental of \$2,823 Ex GST with annual CPI increasesnoting that the estimated Whole of Life costs for the facility are estimated to be approximately \$61,300
2. Increase St Georges Basin Community Centre Management Committee quarterly payment for loss of rent and office space to \$4,569.25 (GST free) with annual CPI increases.
3. Authorise the Chief Executive Officer to finalise the lease terms and conditions that may not yet be determined.
4. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. To resolve as recommended

Implications: Council can proceed to enter into a five (5) year lease agreement with ISLHD and BBCR which will allow both groups to continue to hold guaranteed tenure over the property for a further period of five (5) years and continue to provide the

valuable service to the community within the Bay & Basin area. Clearer and fairer responsibilities for costs will be provided.

2. Not resolve as recommended

Implications: ISLHD current lease agreement will continue on a monthly holding over phase at the current rental amount (no provisions in the current lease for rent increases). BBCR will also continue to occupy the respite room with no legal documentation in place. ISLHD have advised they will no longer pay contributions directly to the MC for cleaning of the common foyer/toilet. This will result in the Council requiring additional costs towards the cleaning. The rights and responsibilities of each party will remain unclear and both groups will not have guaranteed tenure which may result in a failure to obtain future grant funding to continue the community services within the Bay & Basin area.

**Background**

The facility at 21 Meriton Street St Georges Basin is a Council owned Community facility comprising:

- Community Centre/Hall run by a Section 355 Management Committee (MC);
- a 334.6m<sup>2</sup> of floor space occupied by ISLHD as a Community Health Centre
- a 134.2m<sup>2</sup> of floor space occupied by BBCR (sub-tenant of ISLHD) as a Respite Day Care Centre.



Current occupancy arrangements

Illawarra Shoalhaven Local Health District (ISLHD)

- ILSHD is a State Government Funded organisation who provides health services for the residents of the Illawarra Shoalhaven region. ISLHD operates eight hospital sites

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and provides community health services from approximately 58 locations across the region, one being 21 Meriton Street, St Georges Basin.

- ISLHD currently lease the whole of the Community Health building including the Adult Day Care Centre occupied by BBCR and have been in occupation since shortly after the building was constructed in 1983. State Government funded services provided from the facility include community nursing, early childhood, counselling services, regional assessment service for aged care, physiotherapy and Aboriginal women's health services.
- Their current agreement is a 5 + 5-year lease; the initial term expired on 31 December 2016 whereby they chose not to exercise the option, defaulting to a monthly tenancy so they could negotiate a new lease to better reflect the costs and responsibilities of each occupant. This would require BBCR to enter into a head lease directly with the Council and contribute to outgoings, which they don't do under the sub-tenant arrangements.
- ISLHD currently pays \$57,324.97 pa ex GST, (75% of market rent based on incremental annual increases whereby they were to be at full market rent by the end of the option period – this has not happened) plus an additional sum of \$4,992.00 pa directly to the Management Committee for cleaning of the public common foyer and toilets, whilst also paying for all electricity & garbage costs associated with their occupation of the Community Health Centre.

#### Bay & Basin Community Resources (BBCR)

- BBCR is a community-based, not-for-profit organisation, operating as a non-government independent entity. The purpose of BBCR is to consult with the community to identify the gaps in community services and, where possible, establish and support services and programs that will enhance the health and wellbeing of residents.
- BBCR currently sub-lease directly from ISLHD (no formal agreement signed).
- BBCR utilise the leased space for a respite room, dementia care, carers' support groups, family interviews, training and office space for the coordination of the service. These services are aimed at improving the quality of life for seniors, their carers and family and provide a venue for people with dementia to have social interaction and quality activities with specialised care.
- No contributions are made by BBCR towards maintenance or costs associated with the facility.

#### Management Committee (MC)

- Management Committees are established in accordance with Section 355 of the *Local Government Act 1993*.
- The Management Committee is run in accordance with Council's Management Committee Guidelines as per Attachment 2 (D16/334838). The MC has full responsibility for the running of the community centre/public hall including all common areas and ground maintenance. They currently pay all water, sewer, ground maintenance and external building maintenance costs for the whole of the premises. They also make payment for electricity for the common areas and the community centre component of the building.
- The MC receive a quarterly payment of \$2,647.43 for loss of rent and office space. Major renovations to the Health Centre took place in 1990 which resulted in ISLHD

taking over the MC's office and sole use of the group room located at the front of the building. To compensate the MC for the loss of space and rental income, it was negotiated that the Council pay the MC a quarterly amount from the rental income received from ISLHD to cover these losses.,

## Options

### 1. Maintain Existing Arrangements

- ISLHD will continue on a monthly holding over the tenancy and pay 75% of market rent as there are no provisions for rental increases under the current lease agreement.
- ISLHD will cease payments made directly to the MC for cleaning of the common area/toilets as there is no contractual obligation for this to occur. This may result in Council making contributions to the MC to cover these costs.
- BBCR will continue to occupy the respite room with no formal agreement in place resulting in no rental or outgoings being paid.
- MC will continue to utilise the group room located within the Community Health Building for meetings and hire to external groups.
- Security will continue to be jeopardised to the ISLHD & BBCR occupied areas. Currently, the MC utilised the group room for meetings and hire to other groups. The security of this room is linked with the whole of the Community Health building. Each time this room is utilised by the MC or other group, the security for the whole of the community health building is turned off. Engagement of the security system after the use of the room is relied upon by these groups. ISLHD have raised this matter as a high concern and risk to their facility.
- Responsibilities surrounding the cleaning of the group room will remain unresolved.
- Outgoings will remain unresolved.
- Maintenance and cleaning will remain unresolved for common areas
- Future funding may not be able to obtain due to the groups not being able to provide evidence of secure tenancy of the facility, which may result in loss of services to the community

### 2. Separate Lease Arrangement for the current three users

In an attempt to provide a more efficient and equitable use and occupation of the building, Council staff have proposed an arrangement whereby all occupants would have control and cost responsibility for each part of the building they occupy, with the Management Committee to have responsibility for the common areas, ground maintenance and external building maintenance costs.

This arrangement would allow for a greater understanding of maintenance responsibilities and also allow Council staff to recover outgoing costs associated with the facility. Due to the current electricity and water metering situation (neither are separately metered) and common areas of the building, a gross rental for each of the tenants to cover all outgoing charges against the property (excluding garbage) is proposed. Each occupant will pay for garbage bins which are in their possession. The rental and outgoing costs have been calculated on a square meter basis to ensure an equitable outcome for all occupiers.

The market rent for the Community Health Centre was determined by Walsh & Monaghan Valuers in June 2017 at \$185/m<sup>2</sup> pa Exc GST. Given the age of the valuation, verbal advice

from the valuer was obtained confirming the rate of \$185/m<sup>2</sup>pa was still applicable given little to no market movement over the past three years in the St Georges Basin/Sanctuary Point locales. Applying the valued rate to each tenant sqm occupied gives the market rate to each “tenant” as shown below:

Tenants	Floor space occupied m <sup>2</sup>	Market Rent
ISLHD	334.6	\$61,901
BBCR	134.2	\$24,827
Total	468.8	\$86,728

### Rent Calculations & Lease Terms

ISLHD have proposed to pay a market rent of \$61,901 per annum Ex GST based on their area of occupation (334.6m<sup>2</sup> @\$185/m<sup>2</sup>pa) with an additional \$4,310 per annum Ex GST for outgoings.

BBCR have proposed to pay a subsidised rent being the statutory minimum (as set by State Government body, Department of Planning, Industry & Environment – Crown Lands) of \$498 per annum Ex GST with an additional \$2,325 per annum Ex GST for outgoings.

The proposed terms subject to Council approval are as follows:

Lessee	ISLHD	BBCR
Premises	Community Health Centre 21 Meriton St, St Georges Basin	Adult Day Care Centre 21 Meriton St, St Georges Basin
Term	Five (5) Years	Five (5) Years
Commencement Date	TBA	TBA
Termination Date	TBA	TBA
Estimated Market Rent pa.	\$61,901	\$24,827
Annual Rent proposed	Net - \$61,901 (Ex GST) O/G's - \$4,310 (Ex GST) <b>Gross - \$66,211.00 (Ex GST)</b>	Net - \$498 (Ex GST) (Stat Min) O/G's - \$2,325 (Ex GST) <b>Gross - \$2,823.00 (Ex GST)</b>
Rent Review	CPI	CPI
Approx. Area	334.6m <sup>2</sup>	134.2m <sup>2</sup>
Percentage of Outgoings	100% - Garbage	100% - Garbage
Permitted Use	Illawarra Shoalhaven Local Health District Centre	Respite Facility & associated activities
Public Risk Insurance	\$20 million	\$20 million

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3. Seek new Tennants

Not considered feasible given the value of the community service currently being provided.

**Community Engagement**

Lot 1 DP 629175, 21 Meriton Street, St Georges Basin is classified as Operation Land. The Local Government Act does not require public notice due to this classification.

Extensive discussions have been undertaken between council staff and the current occupiers to ensure that the tenants have consulted with ISLHD, BBCR and Management Committee.

**Policy Implications**

The proposed lease terms are in accordance with Council’s Occupation of Council Owned or Managed Land Policy.

**Financial Implications**

The tables below provide an overview of the current and proposed new payments.

**Rental & Outgoings Income**

	ISLHD		BBCR	
	Rent	Outgoings	Rent	Outgoings
Current Annual payments	\$57,324.97	\$4,992 (paid to MC)	\$0	\$0
New Annual payments	\$61,901.00	\$4,310	\$498	\$2,325

**Contribution to the Management Committee**

Current Annual Contribution	\$10,589.88
New Annual Contribution	\$18,277.00

The contribution to the MC is paid by Council from the gross rental income received by the occupiers (ISLHD & BBCR). Occupiers gross rental income includes contributions for cleaning, ground maintenance and water usage.

This payment in 2020 is proposed to be \$18,277 annually and payable \$4,569.25 per quarter. The increase in contributions to the MC will ensure that Councils facility will continue to be maintained at a high standard. This contribution will cover water & sewer charges, maintenance and cleaning of the grounds and common areas and general external upkeep of the premises.

**Market Rent Analysis**

Market Rent (expert Valuers)	\$86,580
Proposed Rental Income ISLHD	\$61,901
Proposed Rental Income BBCR	\$ 498
Difference (Shortfall)	\$24,329

**The whole of Life Cost Analysis**

Asset (building) replacement cost \$1,615,000 with a design life of 60 years.

Remaining Capital (Written down Value) life costs of \$619,083 over 23 years equate to \$32,300pa.

Capital, Operating & M&R	
Capital Cost/ Depreciation	\$ 32,300
Operating costs (Cleaning Community Centre/Hall)	\$ 24,000
M&R	\$ 5,000
<b>Total</b>	<b>\$61,300</b>
Total capital, Operating & M&R	\$61,300
Proposed Rental Income ISLHD	(\$61,901)
Proposed Rental Income BBCR	<u>(\$ 498)</u>
Difference (Surplus)	(\$ 1,099)

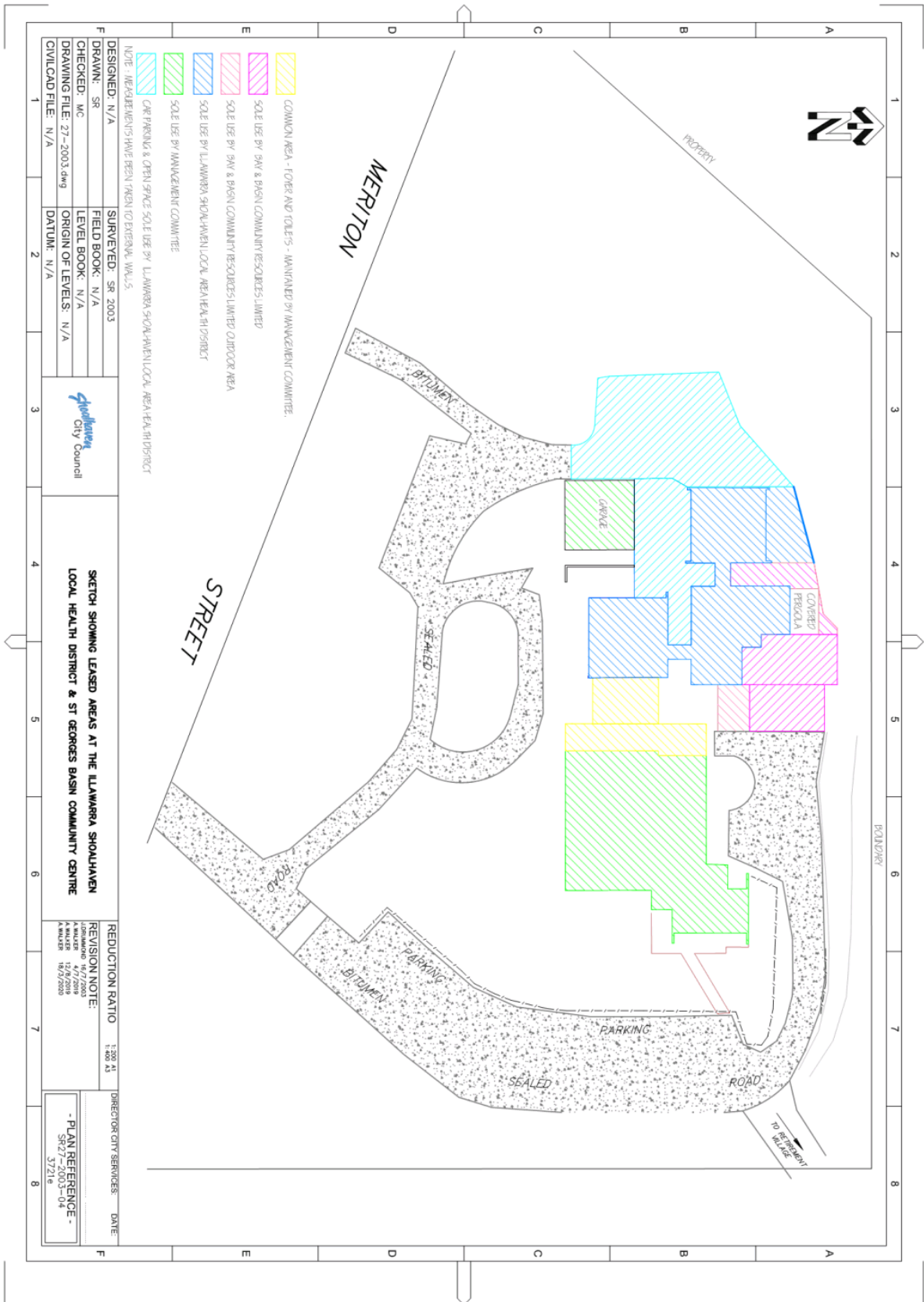
The rental income collected over the life of the building, at the current agreed rental value will cover the annualised whole life cost which includes capital operating and repairs and maintenance.

### Risk Implications

Failure to resolve as recommended may result in the current services provided by both occupants potentially being displaced from the Bay & Basin area which will have an impact on the community. This will potentially result in Council having a vacant community health building.

This community-building having been built in 1983 has a life expectancy of about 60 years (2043) of which 23 years are remaining. The cost to the Council the remaining life is approximately \$1,420m. However, the proposed leases are for five years which only guarantees a return to Council of approximately \$312,000 plus CPI increases.





SA20.88 - Attachment 1

## **SA20.89 Classification of Land - Lot 2 DP 591885 - 3 Schofields Lane, Nowra**

**HPERM Ref:** D20/149017

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Plan - 3 Schofields Lane [↓](#)

### **Reason for Report**

To provide the Council with an opportunity to consider the classification of land described as Lot 2 DP 591885.

### **Recommendation**

That Council classifies the land described as Lot 2 DP 591885 known as 3 Schofields Lane, Nowra as Operational Land.

### **Options**

1. Resolve the recommendation.

Implications: The operational classification will provide Council with flexibility in its use and future dealings.

2. Not resolve as recommended.

Implications: The land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

### **Background**

Late in 2019 an opportunity to consolidate Council land holdings in the Schofields Lane and Stewart Place precinct arose that would facilitate future development opportunities within the Nowra CBD.

Given the above, Council at its Ordinary Council meeting on 28 January 2020 resolved to (MIN20.82):

1. *Delegate authority to the CEO (or his nominee) to bid at auction up to a maximum of \$XXXXXXX plus GST for the purchase of Lot 2 DP 591885, 3 Schofields Lane, Nowra.*
2. *Delegate authority to the CEO to make minor adjustments to the purchase price if necessary, in accordance with settlement figures determined by Council's solicitor.*
3. *Fund all associated costs with the purchase from the Industrial Land Development Reserve.*
4. *Grant authority to fix the Common Seal of the Council to any documents required to be sealed & that the CEO be authorised to sign any document necessary to give effect to this resolution.*
5. *The recommendation remains confidential in accordance with Section 10A(2)(c) of The Local Government Act until all transactions have been settled.*

The purchase of the property was completed on 4 April 2020.

Under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014), the land is currently zoned Business – B3 Commercial Core.

Given the Commercial zoning and the tenancy mixture contained therein classification as Operational land will make the management of and renewals of tenancies more efficient and effective. Not classified as recommended would require management of the property under Section 46 & 47 of the Local Government Act 1993 that would add complexity, time and costs to both Council and existing tenancies.

### **Community Engagement**

In accordance with Section 34 of the Local Government Act 1993, a public notice of Council's intention to classify the land as Operational was placed in the *South Coast Register* on Wednesday 29 April 2020 allowing 28 days for written submissions.

### **Policy Implications**

Section 31(2) of the Local Government Act 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – land in Council's ownership which is held for and on behalf of the Community subject to the Community Land provisions of the Local Government Act 1993.

A resolution of Council, within the time frame prescribed in the Local Government Act 1993, is required to finalise the classification of land as Operational.

### **Financial Implications**

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a time-consuming and costly exercise with no budget having been provided.

### **Risk Implications**

N/A



SA20.89 - Attachment 1

## SA20.90 Classification of Land - Lot 1 DP 1256763 - Yalwal Road, Yalwal

HPERM Ref: D20/150873

Section: Technical Services

Approver: Paul Keech, Director Assets & Works

Attachments: 1. Survey Plan - DP 1256763 - Yalwal [↓](#)

### Reason for Report

To provide the Council with an opportunity to consider the classification of the land described as Lot 1 DP 1256763 (refer to Attachment 1).

### Recommendation

That Council classifies the land described as Lot 1 DP 1256763 known as Yalwal Road, Yalwal as Operational Land.

### Options

1. Resolve the recommendation.

Implications: The operational classification will provide Council with flexibility in its use and future dealings.

2. Not resolve as recommended.

Implications: The land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

### Background

In mid to late 2019 Council committed to the upgrade of the informal Danjera Dam Camping area and supporting infrastructure, including the replacement and upgrade of the timber bridge that crosses Yarramunmun Creek located on Yalwal Road, Yalwal.

During preliminary investigations, it was identified that the existing bridge crossing departed from the road reserve and encroached adjoining land owned by Mr Edward McPartland. The most logical explanation for this departure was due to the topography of steep and undulating terrain, impacting road reserves in the area.

Council's Engineering Design Unit identified the most suitable location for the new bridge to be on the southern side of the existing bridge structure; however, the location remained outside the road reserve and encroached private land (McPartland).

Given the above, at Council's Ordinary meeting dated 29 October 2019, Council resolved (MIN19.802C):

*That to allow the construction of a replacement bridge across Yarramunmun Creek, Yalwal Road, Yalwal to provide practical and legal access to Danjera Dam camping area, Council:*

1. Acquire 5,420m<sup>2</sup> of land identified as Lot 1 DP 1256763 (excluding road reserve and forming part Lot 6 DP 252335), from Edward James McPartland by agreement for \$1.00 plus GST if applicable;
2. Sell Lot 1 DP 217080 and Lot 1 DP 874512 to Edward James McPartland for \$1.00 plus GST if applicable;
3. Fund all costs associated with the acquisition from Job Number 78913;
4. Affix the common seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise the Chief Executive Office is authorised to sign any documentation necessary to give effect to this resolution.
5. Maintain the resolution as confidential until all transaction have been completed.

The property transfers under points 1 & 2 above were completed on 31 March 2020.

To allow for the future dedication of the replacement bridge and realigned Yalwal Road as a public road under the Roads Act, Lot 1 DP 1256763 (the land acquired) needs to be classified as Operational land as Section 47F of the Local Government Act 1993 states:

“Community land may not be dedicated as a public road under section 10 of the [Roads Act 1993](#) unless the road is necessary to facilitate the enjoyment of the area of community land on which the road is to be constructed.”

Under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014), the land is currently zoned E3 – Environmental Management.

### **Community Engagement**

In accordance with Section 34 of the Local Government Act 1993, a public notice of Council’s intention to classify the land as Operational was placed in the *South Coast Register* on Wednesday 6 May 2020 allowing 28 days for written submissions. No submissions have been received.

### **Policy Implications**

Section 31(2) of the Local Government Act 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – land in Council’s ownership which is held for and on behalf of the Community subject to the Community Land provisions of the Local Government Act 1993.

A resolution of Council, within the time frame prescribed in the Local Government Act 1993, is required to finalise the classification of land as Operational.

### **Financial Implications**

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a time-consuming and costly exercise with no budget having been provided.

### **Risk Implications**

N/A

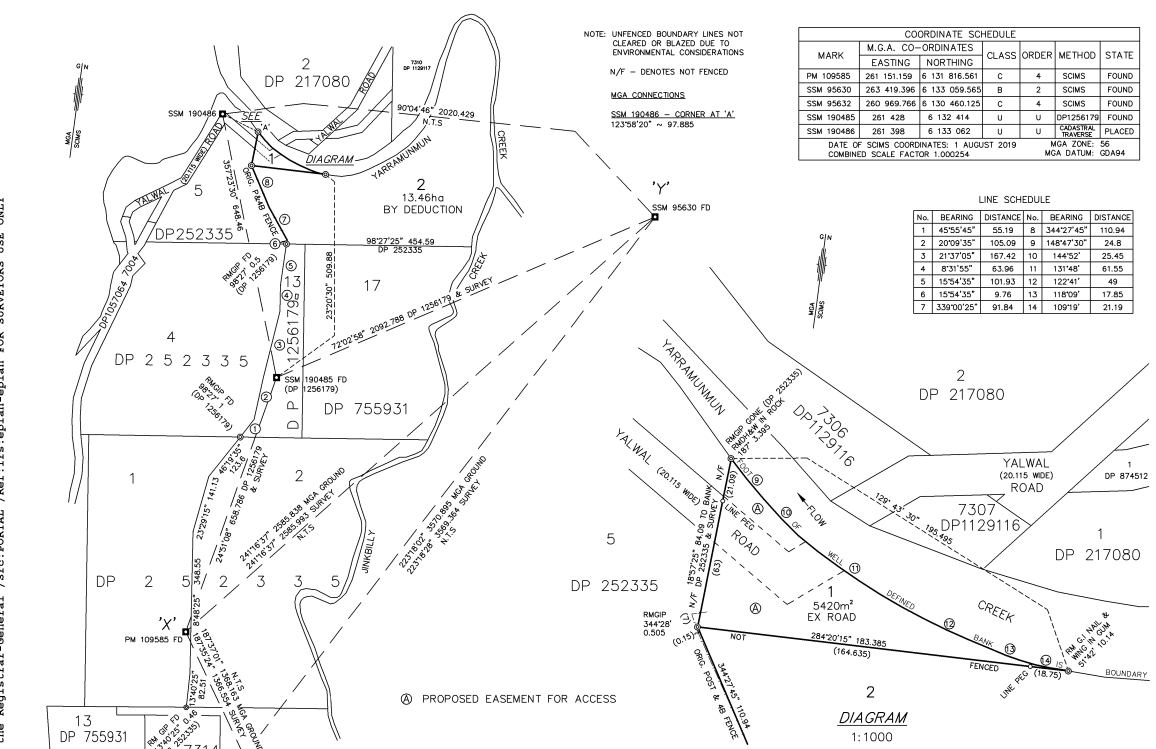
SA20.90

PLAN FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets

Req:R948149 /Doc:DP 1256763 P /Rev:12-Sep-2019 /NSW IRS /Fgs:ALL /Frt:1:33 /Sec:1 of 3  
© Office of the Registrar-General /Src:PORTAL /Ref:1:rs:ep:lan-ep:lan FOR SURVEYORS USE ONLY



NOTE: UNFENCED BOUNDARY LINES NOT CLEARED OR BLAZED DUE TO ENVIRONMENTAL CONSIDERATIONS  
N/F - DENOTES NOT FENCED  
MGA CONNECTIONS  
SSM 190486 - CORNER AT 'A'  
123°58'20" - 97.885

COORDINATE SCHEDULE						
MARK	M. G. A. CO-ORDINATES		CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING				
PM 109585	261 151.159	6 131 816.561	C	4	SCMS	FOUND
SSM 95630	263 419.396	6 133 059.565	B	2	SCMS	FOUND
SSM 95632	260 969.766	6 130 460.125	C	4	SCMS	FOUND
SSM 190485	261 428	6 132 414	U	U	DP1256763	FOUND
SSM 190486	261 398	6 133 082	U	U	DP1256763	PLACED
					TRANSER	56
DATE OF SCMS COORDINATES: 1 AUGUST 2019						MGA DATUM: GDA84
COMBINED SCALE FACTOR: 1.000254						

LINE SCHEDULE					
No.	BEARING	DISTANCE	No.	BEARING	DISTANCE
1	45°55'45"	55.19	8	344°27'45"	110.94
2	20°09'35"	103.09	9	148°47'30"	24.8
3	21°37'08"	167.42	10	144°32'	23.45
4	8°31'55"	63.96	11	131°48'	61.55
5	15°54'35"	101.93	12	122°41'	49
6	15°54'35"	9.76	13	118°09'	17.85
7	339°00'25"	91.84	14	109°17'	21.19

Surveyor: SIMON H APPERLEY Date of Survey: 6 August 2019 Surveyors Ref: 103752 LRS Ref: 2019M710(X950)Partial Survey	<b>PLAN OF ACQUISITION UNDER THE LOCAL GOVERNMENT ACT 1993, AFFECTING LOT 6 DP 252335</b>	LGA: SHOALHAVEN Locality: YALWAL Subdivision No: _____ Length are in metres. Reduction Ratio: 1:5000	REGISTERED 12.9.2019 <b>DP1256763</b>
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SA20.90 - Attachment 1

## SA20.91 Proposed Lease to Mollymook Beach Hut - Lot 7038 DP 1061116

HPERM Ref: D20/152174

Section: Technical Services

Approver: Paul Keech, Director Assets & Works

Attachments: 1. Plan - Location [↓](#)  
2. Plan - Building & Outdoor Area Breakdown [↓](#)

### Reason for Report

To provide Council with an opportunity to consider granting a 5-year lease with 2 x 5-year options to the existing Lessees, Bruce Maxwell Yalden and Maria Teresa Yalden trading as Mollymook Beach Hut, for the premises known as Shops 1 & 2, 83 Ocean Street Mollymook.

### Recommendation

That Council:

1. As the Crown Land Manager of R52790 (Mollymook Beach Reserve) enter into a 5-year lease plus 2 x 5-year options for shops 1, 2 & outdoor dining area, 83 Ocean Street, Mollymook with Bruce Maxwell Yalden and Maria Teresa Yalden (T/A Mollymook Beach Hut) at a commencement rent of \$43,000 (excl GST) pa + outgoings with annual CPI increases and market reviews in years 5, 10 & 15.
2. Require each party to pay their own legal costs in this matter.
3. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. The recommendation be adopted.

Implications: Council can proceed to enter into a lease for 5 years plus 2 x 5-year option terms with Bruce Maxwell Yalden and Maria Teresa Yalden and continue to receive rental income for the property.

2. Not adopt the recommendation.

Implications: The Lessees would remain on a lease holdover, month by month term.

### Background

Lessees Bruce Maxwell Yalden and Maria Teresa Yalden currently trade as Mollymook Beach Hut and have occupied Shops 1 & 2, 83 Ocean Street, Mollymook since 2008. Their existing lease is due to expire 31/07/2020.

The Lessees have requested a further long-term lease, seeking security for themselves and staff as a retail trade and also enabling them to carry out cosmetic fit-out works to increase the asset's immediate & long-term appeal.



Mollymook Beach Hut employs approximately 26 casual staff members including long term senior employees. The kiosk caters to numerous groups and clubs in the local area including swimming, walking, maternity and retirees, to name a few, and is a popular tourist meeting spot throughout all seasons.

The kiosk runs as a takeaway service; providing food, coffee, ice-cream, souvenirs and accessories, and is based within the same complex as Mollymook Surf Life Saving Club. Located on Mollymook Beach Reserve R52790, this location has direct beach access and views.

Located to the west of the complex is the newly redesigned Livvi's Place playground which draws interest from both locals and tourists. Refer Attachment 1 - Plan – Location.

The existing tenancy consists of 100.5sqm retail with a licence contained within the lease to occupy the outdoor area of 200sqm. The licensed outdoor area seats 56 persons maximum. Refer Attachment 2 - Plan - Building & Outdoor Area Breakdown.

Current rental for the final year of the existing Lease is \$41,711.54 per annum, payable monthly in advance. A valuation was obtained in February 2020 with proposed rental for the commencement of the new Lease term recommended at \$43,000 per annum + Outgoings + GST.

A bank guarantee is currently held totalling \$3,132.25 which is not equivalent to one month's current rent. An increase to this amount is suggested to total \$7,166.66 + GST (\$7,883.33 including GST) (equivalent to two month's deposit based upon the first year's annual rental).

The negotiated agreement, subject to Council approval has been agreed to in writing by Bruce Maxwell Yalden and Maria Teresa Yalden and is based on the following:

<b>Lessee</b>	Bruce Maxwell Yalden and Maria Teresa Yalden
<b>Lessor</b>	The State of NSW (Crown Lands) with Shoalhaven City Council as Crown Land Manager
<b>Premises</b>	Part 7038 DP 1061116, Mollymook Beach Reserve R52790 known as Shops 1 & 2, 83 Ocean Street, Mollymook NSW
<b>Lease Breakdown</b>	Crown Land Lease for the building with embedded Licence for the outdoor dining area
<b>Area</b>	Shop: 100.5sqm Outdoor Dining: 200sqm
<b>Zoning</b>	RE1 – Public Recreation
<b>Permitted Use</b>	Eat-in & takeaway food outlet – seating for 56 persons (maximum) in the outdoor area
<b>Commencement</b>	1 <sup>st</sup> August 2020
<b>Initial Term</b>	5 years
<b>Options</b>	5 + 5 years
<b>Rent</b>	\$43,000 pa + GST Paid by monthly instalments of \$3,583.00 + GST
<b>Increases</b>	CPI annually on the date of lease commencement
<b>Market Review</b>	At the end of each 5-year term (years 5, 10 & 15)
<b>Outgoings</b>	Water will be separately metered & invoiced quarterly Rates ( <i>currently non rateable</i> ) Proportionate share of Building Insurance (based upon occupancy % within complex - approx 15% of total cost)  <i>*Note these costs are on top of rent</i>
<b>Operating Costs</b>	Own business running costs Utilities – Electricity & Gas Grease Trap / Trade Waste (if installed throughout the lease term) Rubbish / Waste

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	Air Conditioning servicing Fire equipment maintenance & servicing Gardening and garden maintenance Pest Control Cleaning Security
<b>Interest Rate</b>	12%
<b>Security Deposit / Bank Guarantee</b>	\$7,166.66 + GST (\$7,883.33 including GST) (2 months' rent)
<b>Insurance</b>	Public Risk Insurance - Twenty Million Dollars (\$20,000,000.00) Plate Glass insurance (if applicable) Noting Shoalhaven City Council & Crown Lands as Interested Party

**Community Engagement**

In accordance with Section 47 of the Local Government Act 1993, Council advertised the proposed lease to Bruce Maxwell Yalden and Maria Teresa Yalden with 28 days public notice expiring 15 April 2020. Zero (0) submissions were received.

**Policy Implications**

The agreement is in accordance with Council's Occupation of Council Owned and/or Managed Land policy.

Under Regulation 70 (2)(c) Crown Land Management Regulation, Council as Crown Land Manager is authorised to grant a new lease for up to twenty-one (21) years for the purpose of a kiosk in effect over reserved Crown Land prior to the commencement of the CLM Act on 1 July 2018 where there are no additional permitted uses of the land or change in area under the lease.

**Financial Implications**

Council will receive a monthly rental income for a maximum term of fifteen years with annual CPI increases plus Outgoings.

After consultations with Shoalhaven City Council's Asset Strategy Manager the below should also be noted:

- Asset Life: 60 years
- Year Built: 1976
- Asset Expiry Date: 2036
- Age: 44 years
- Remaining Life: 16 years

Building Asset Replacement

Cost of building replacement: \$577,500

(Note: This does not include the Land Value but includes 15% of Surf Club Building value based on floor area. Note asset building asset replacement component is 50% as the building is located in a highly aggressive environment within the 2050 coastal hazard line.

Cost of ancillary assets to buildings \$525,000

(Note: such as carpark, outdoor dining area, underground services and percentage of seawall to protect assets and fire hydrant)

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			Annualised (Annual) cost	Remaining Life cost
<b>Component renewals</b>	% of (RC)	50%		
<b>Total Capital cost over life of Asset/s</b>		\$1,391,250		
<b>Capital Cost/ Depreciation</b>			\$23,188	\$371,000
<b>Operating costs (Not recovered)</b> Utilities, Building Insurance, Fire protection			-	-
<b>Repairs &amp; Maintenance (M&amp;R)</b> Painting, general repairs Doors, light switches			\$5,000	\$180,000
<b>Total capital, Operating &amp; M&amp;R</b>			\$28,188	\$451,000
<b>Proposed Annual Rent</b>			\$43,000	\$688,000

The proposed rent reflects the market cost (i.e. location and facility) and covers the commercial building costs. There is no cost recovery on the land as it is Crown land. Council has invested funds from the profit back into crown lands in the Shoalhaven including the adjoining Mollymook Beach reserve.

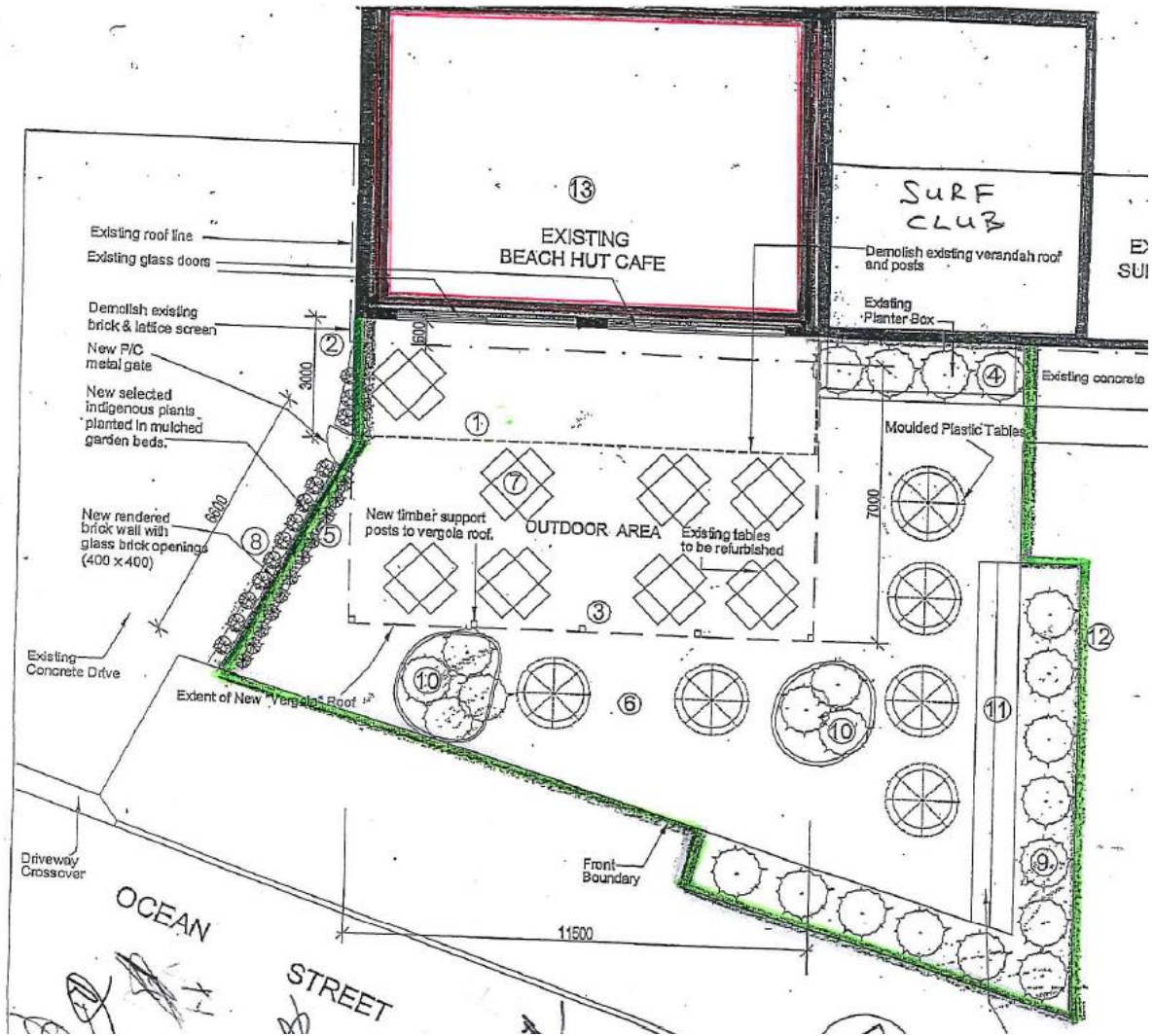
#### Risk Implications

No risks identified.

SA20.91



SA20.91 - Attachment 1



SA20.91 - Attachment 2

## SA20.92 Classification of Land - Lot 8 DP 1255835 Currarong Road Kinghorne

HPERM Ref: D20/173414

Section: Technical Services

Approver: Paul Keech, Director Assets & Works

Attachments: 1. Extract of DP1255835 showing Lot 8 [↓](#)

### Reason for Report

To provide the Council with an opportunity to consider the classification of land described as Lot 8 DP 1255835 Currarong Road Kinghorne.

### Recommendation

That Council classify the land described as Lot 8 DP 1255835 Currarong Road Kinghorne, as Operational Land.

### Options

1. Resolve as recommended

Implications: The operational classification will provide Council with flexibility in its use and any future dealings.

2. Not resolve as recommended

Implications: The land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA 1993).

### Background

Council resolved at its Ordinary meeting dated 18 December 2018 (MIN18.1046C) in part the following:

2. *Council resolve to execute an agreement with the Halloran Trust (or their company, agent or similar) to achieve the following outcome:*
  - c. *The part of Seaford Road that has been used for the construction of a sewage pump station is lawful public road in Council's ownership.*

Upon execution of the agreement, and preparation of transfer documentation, Lot 8 DP1255835, Currarong Road Kinghorne being part of Seaford Road Kinghorne containing existing sewer pump station was transferred to Council as freehold land.

The site also includes additional land to include a sewer rising main.



Lot 8 DP1255835 highlighted blue in the aerial photo above



Lot 8 DP1255835 highlighted blue in aerial photo above

As the land contains Shoalhaven Water infrastructure it will require an operational classification.

Under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014), the zoning of the land is currently 'deferred'. Council's Strategic Planning Section is currently working with the Halloran Trust (Sealark) on a Planning Proposal to resolve the zoning of land in their ownership in the broader Culburra Beach and Calalla Bay localities, including Kinghorn Point.

SA20.92

### **Community Engagement**

In accordance with Section 34 of the LGA 1993, a public notice of Council's intention to classify the land as Operational was placed in the *South Coast Register* allowing 28 days for written submissions. No submissions have been received.

### **Policy Implications**

Section 31(2) of the LGA 1993 provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – land in Council's ownership which is held for and on behalf of the Community subject to the Community Land provisions of the LGA 1993.

A resolution of Council, within the timeframe prescribed in the LGA 1993, is required to finalise the classification of land as Operational.

### **Financial Implications**

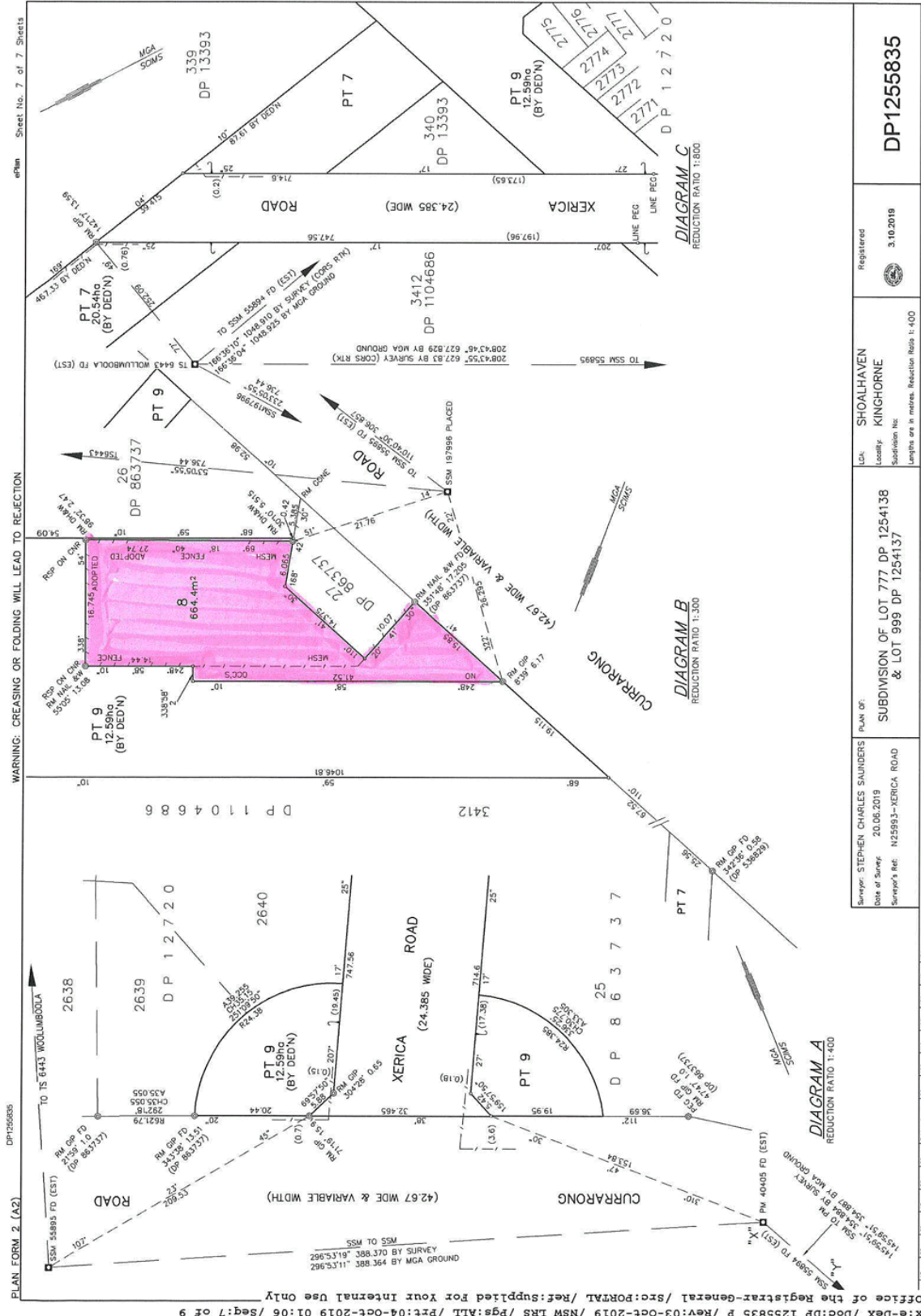
Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a time-consuming and costly exercise with no budget having been provided.

### **Risk Implications**

Nil.







Surveyor: STEPHEN CHARLES SAUNDERS Date of Survey: 20.06.2019 Surveyor's Ref: N25993-XERICA ROAD	PLAN OF: SUBDIVISION OF LOT 777 DP 1254138 & LOT 999 DP 1234137	Registered: 3.10.2018	DP1255835
Surveyor: SHOALHAVEN Locality: KINGHORNE Subdivision No:		Registered: 3.10.2018	
Lengths are in metres. Reduction Ratio 1:400			

SA20.92 - Attachment 1

## **SA20.93 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area**

**HPERM Ref:** D20/173871

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

### **Reason for Report**

This report is to provide the Council with the opportunity to consider a confidential report for the acquisition of land within the Moss Vale Road South Urban Release Area.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(c) of the Local Government Act 1993; if the information was disclosed, this would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

### **Recommendation (Item to be determined under delegated authority)**

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Moss Vale Road South Urban Release Area.

### **Options**

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report for the proposed acquisition of land associated with the Moss Vale Road South Urban Release Area.

2. Not adopt as recommended.

## SA20.94 Nowra Golf Course - Proposed Leases to Bomaderry Bowling Club Ltd

**HPERM Ref:** D20/186416

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:**

1. Letter - Bomaderry Bowling Club - request for alternate rent or management arrangement dated 19 May 2020 [↓](#)
2. Overview of Golf Course - Council and Crown land [↓](#)
3. Letter - Bomaderry Bowling Club Limited Rental Approval - Lease Negotiations - SCC & CL dated 31 March 2020 [↓](#)
4. Lot & DP Aerial overlays [↓](#)

### Reason for Report

To provide Council with an opportunity to enter into dual leases with Bomaderry Bowling Club Limited (previously known as Nowra Golf Club Limited) for 86 Fairway Drive, North Nowra, broken down into two (2) separate agreements between Council and Council as Crown Land Manager over R68919 (being Crown Land) for the purpose of a Golf Course, Car Parking & Access.

Note: the Nowra Golf Club Limited and now the Bomaderry Bowling Club Limited owns the Golf Club House on land under a special arrangement with the State Government.

### Recommendation

That Council

1. Accept the surrender of the licence between Council and Nowra Golf Club Limited over Lot 2 DP 540883 & Lot 3 DP 528318 dated 11 October 2001.
2. As Crown Land Manager accept the surrender of the licence between the Greys Beach (R68918) Reserve Trust (the affairs of which were formerly managed by Council) and Nowra Golf Club Limited over Lot 7303 DP 1164490 dated 11 October 2001.
3. Enter into a twenty (20) year lease agreement with Bomaderry Bowling Club Limited over Lot 2 DP 540883, Lot 3 DP 528318 (Nowra Golf Course - 86 Fairway Drive, North Nowra) for an initial rent of \$5,000pa (excl GST) with annual CPI increases.
4. As Crown Land Manager of R68919 (known as Greys Beach Reserve) enter into a twenty (20) year Crown lease agreement with Bomaderry Bowling Club Limited over Part Lot 7303 DP 1164490, Part Lot 239 DP 728005 & Part Lot 7302 DP 1164490 for an initial rent of \$1,500pa (excl GST) with annual CPI increases.
5. Note that Council maintains Fairway Drive to the benefit of the general community, but the latter part (approximately 415 metres) of Fairway Drive is more akin to a dedicated driveway to the Golf Club. Periodic maintenance (pothole filling) and resealing on an eight to ten-year cycle costs Council in the order of \$15,000pa and this is funded from standard road maintenance allocations.
6. Require each party to pay their own legal costs in this matter.
7. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

## Options

### Option 1 – New Arrangement (Recommended).

Implications: The Bomaderry Bowling Club will pay an annual rent as first agreed.

### Option 2 – In the spirit of the existing expired arrangement.

Parts 1 and 2 and 5 and 6 and 7 as above and new items 3 and 4 as follows (Note: Item 3 could be \$1pa if Council resolve this way; the \$504 is as per Council Policy);

Item 3: Enter into a twenty (20) year lease agreement with Bomaderry Bowling Club Limited over Lot 2 DP 540883, Lot 3 DP 528318 (Nowra Golf Course - 86 Fairway Drive, North Nowra) for an initial rent of **\$504pa** (excl GST) with annual CPI increases.

Item 4: As Crown Land Manager of R68919 (known as Greys Beach Reserve) enter into a twenty (20) year Crown lease agreement with Bomaderry Bowling Club Limited over Part Lot 7303 DP 1164490, Part Lot 239 DP 728005 & Part Lot 7302 DP 1164490 for an initial rent of **\$504pa** (excl GST) with annual CPI increases.

Implications: Minimal income for Council.

### Hybrid Option – some value possibly between Option 1 and 2.

Parts 1 and 2 and 5 and 6 and 7 as above and new items 3 and 4 as follows:

Item 3: Enter into a twenty (20) year lease agreement with Bomaderry Bowling Club Limited over Lot 2 DP 540883, Lot 3 DP 528318 (Nowra Golf Course - 86 Fairway Drive, North Nowra) for an initial rent of **\$XXXXpa** (excl GST) with annual CPI increases.

Item 4: As Crown Land Manager of R68919 (known as Greys Beach Reserve) enter into a twenty (20) year Crown lease agreement with Bomaderry Bowling Club Limited over Part Lot 7303 DP 1164490, Part Lot 239 DP 728005 & Part Lot 7302 DP 1164490 for an initial rent of **\$YYYYpa** (excl GST) with annual CPI increases.

Implications: As Option 2:

## Background

### A Brief History (As recalled by Clr Greg Watson)

*Towards the end of 1952, the Nowra Golf Club approached Shoalhaven Shire Council asking Council to assist in the purchase of a farm which had been placed on the market by its owners. The property was located on the northern side of the Shoalhaven River adjacent to the Nowra Bridge.*

*At that time Nowra Golf Club had a nine-hole course off Albatross Road which utilised "sand greens".*

*The Council agreed to join with the Nowra Golf Club in the purchase of the subject land and its development into an 18-hole Golf Course.*

*From memory the purchase price was approximately £15,000, the Council intended to raise a loan to meet the purchase price.*

*The arrangement between Council and Golf Club was the club would pay the loan off by way of a lease payment to Council. The loan repayments were to be made by equal payments of principal and interest throughout the period of the loan to simplify lease payment.*

*The Golf Club also transferred the nine-hole golf course at no cost to Council. Following the transfer, Council subdivided the site and sold most of the allotments. (Calamea Street) the subdivision plan was drawn up by the Shire Clerk Mr William Batt.*

*The development of the golf course was funded primarily by debentures raised from the members of the club.*

*The house located on the farm was on a separate parcel of land and the Club purchased this as a temporary clubhouse.*

*There may have been other loans made to the club which were rolled into the lease as well?*

*When the loan had been repaid the Lease, the arrangement was no longer necessary and after discussions, it was decided in recognition the club had met all its obligations of funding acquisition, the Council appointed the directors of the Club as a committee by delegation to operate the facility (a 355 committee).*

*In about 2000 Council staff started recommending to the Council that we should get rid of the 355 committees in favour of leases and at this time Council negotiated the one dollar per year lease with the Nowra club and a similar amount for the Crown lease to regularise the parking area which was also to remain open to the general public.*

*One issue which caused a degree of consternation among some of the older members who knew the history of the purchase; was the subdivision which Council undertook on the top of the escarpment (Yulungah Drive) which formed part of Daley's farm. The older members were strongly of the opinion that the course was to be transferred to the Nowra Golf Club after the loan had been repaid and they believed the club should have a share of the profits.*

#### Recently Expired Lease Arrangements

A review of Council's records reveals that the Nowra Golf Club Limited initially entered into two (2) separate Licence agreements, dated 11 October 2001, both for twenty (20) years, expiring 10 October 2021 for the dual parcels of land at Fairway Drive, North Nowra, broken up into Crown Land and Council owned land.

##### Council Land:

Lot 2 DP 540883 known as the Golf course (25.68 ha)

Lot 3 DP 528318 known as the Golf course & road access (1479 sqm)

Part Lot 1 DP 438034 was on the "current" lease, however this parcel of land is now in the ownership of the State Government (RMS as part of the Shoalhaven River Bridge Crossing), and thus this parcel of land is no further part of the "Golf Club" discussions.

*Licence Purpose: Golf Course in conjunction with Clubhouse on adjoining Special Lease 1966/51 and all matters ancillary thereto.*

Fairway Drive from Illaroo Road to the Golf Clubhouse is for all intents and purposes a public road; however, it is not located within a road reserve as defined by the Roads Act 1993. In practical terms, the road built on Crown Land that provides traffic movements within the Greys Beach Reserve and access to the boat ramp, car parking areas and the Golf Club.

##### Crown Land:

Lot 7303 DP 1164490 known as part Greys Beach Reserve 68919 (3.28 ha)

*Licence Purpose: Carpark for Golf Course and matters incidental including ingress and egress to Carpark & Golf Course.*

In addition to the above, Nowra Golf Club has a Special Lease 1966/51 directly with Crown Lands for the clubhouse which commenced on 1 August 1967 (NSW Government Gazette No 10, 24 January 1969). Council is not a party to this agreement. As the clubhouse assets on this special lease were transferred to the Bomaderry Bowling Club as part of the amalgamation it would not be feasible to lease the golf course fairways (located on Council land) to another party, for example, St Georges Basin Country Club. It is for this reason that Council has dealt directly with Bomaderry Bowling Club in this matter.

For a high-level overview of Crown Land and Council owned land see Attachment 2.

Nowra Golf Club and Bomaderry Bowling Club Amalgamation

Nowra Golf Club Limited entered into a Memorandum of Understanding with Bomaderry Bowling Club Limited on Thursday 9 March 2017 to amalgamate in accordance with the memorandum, the registered Clubs Act, The Liquor Act, and the Corporations Act. The amalgamation was affected by the continuation of Bomaderry Bowling Club Limited and the dissolution of Nowra Golf Club Limited.

Part of the amalgamation terms was that Nowra Golf Club Limited would transfer all assets, debts and liabilities to Bomaderry Bowling Club Limited.

Bomaderry Bowling Club Limited has a substantial track record within the local area of providing services to the community and has previously amalgamated with Berry Bowling Club (2002), Bomaderry RSL Club (2015) and now Nowra Golf Club (2017).

Since the amalgamation with Nowra Golf Club Limited, Bomaderry Bowling Club Limited has contacted Council to request a transfer of Licence from Nowra Golf Club Limited to Bomaderry Bowling Club Limited. However, due to the Licence agreements excluding a transfer clause to enable the transaction to proceed, the existing agreements are required to be surrendered with new agreements put in place.

**Options**

The following options are presented as viable options given the current lease arrangement has come to an end and the Nowra Golf Club (a 355 Committee come legal entity operating in the spirit of a 355 committee) has now dissolved. With all options the following terms are considered consistent:

	<b>Council Owned Land</b>	<b>Crown Land</b>
Lessee	Bomaderry Bowling Club Limited	Bomaderry Bowling Club Limited
Lessor	Shoalhaven City Council	Shoalhaven City Council as Crown Land Manager
Premises	Lot 2 DP 540883, Lot 3 DP 528319	Part Lot 7303 DP 1164490, Part Lot 239 DP 728005 & Part Lot 7302 DP 116449
	Refer to Attachment 4 (D20/123221) for Lot & DP aerial overlays for the above	
Area	25.84 ha	3.34 ha
Term	Twenty (20) Years	Twenty (20) Years

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Commencement Date	TBA	TBA
Option	Nil	Nil
<b>Rent</b>	<b>See options analysis below</b>	<b>See options analysis below</b>
Rent Review	Annually to CPI	Annually to CPI
Percentage of Outgoings	Met by the Lessee	Met by the Lessee
Permitted Use	Golf Course in conjunction with Clubhouse on adjoining Special Lease 1966/51 and all matters ancillary thereto	Carpark for Golf Course and matters incidental including ingress and egress to Carpark & Golf Course.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)	Twenty million dollars (\$20,000,000.00)

**Option 1:** Assumes that with the winding up of the Nowra Golf Club all obligations, considerations, apportionments and arrangements cease, and Council is now dealing with a new Commercially structured entity, and thus should seek a Commercial lease payment. That is, Council is no longer dealing with the Nowra Golf Club in the original “Not For Profit Partnership” that commenced in 1952.

Council staff had originally discussed terms under such arrangements and the Bomaderry Board considered the following as appropriate:

Rent – Option 1	\$ 5,000.00 excl GST per annum, payable quarterly in advance	\$ 1,500.00 excl GST per annum, payable quarterly in advance
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Given the dearth of comparable Golf Club rental information available publicly and the fact that no other party could logically lease the land, Council and the Bomaderry Bowling Club had discussed what appeared to be a mutually acceptable rent that achieves an increase in the previous peppercorn rent paid whilst not placing an undue financial burden on the Bomaderry Bowling Club.

**Option 2:** Assume that despite the winding up of the Nowra Golf Club and the Bomaderry Bowling Club being a Commercially structured entity the Bomaderry Bowling Club will operate the Golf Club in the same spirit as the Nowra Golf Club, and thus consistent with the history recognise all past obligations, considerations, apportionments and arrangements and seek a lease payment that reflects the spirit of terms of the recently expired lease.

Bomaderry Bowling Club have reconsidered their position given a better understanding of the history of the Golf Club (see Attachment 3):

Rent – Option 2	Minimum as per Council Policy (currently \$504pa)	Crown Lands Statutory Minimum (currently \$504pa)
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**Option 3:** reinstate a Section 355 committee to run the Nowra Golf Club and run the Golf Course as a Community Facility. This could only really be feasible if the Bomaderry Bowling Club returned all the assets (i.e. Club House etc) to the Council’s ownership. It is assumed

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that this would require a degree of negotiation and consideration and this has not been explored further in this report. See Guidelines elsewhere on this Agenda and at <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=d14/117536>

### **Community Engagement**

In accordance with Section 47 of the Local Government Act 1993, Council advertised the proposed agreement to Bomaderry Bowling Club Limited with 28 days public notice expiring 6 September 2019. Zero (0) submissions were received.

### **Policy Implications**

The proposed Lease terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy.

Council's Policy "Occupation of Council Owned or Managed Land" provides for the minimum rent to be the statutory minimum. This is a rent set by State Government body, Department of Planning, Industry & Environment – Crown Lands.

State Government body, Department of Planning, Industry & Environment – Crown Lands sets a statutory minimum rent to be applied to Crown Land. Council's Policy "Occupation of Council Owned or Managed Land" provides for this minimum rent to be applied to Council land too. Council can however, by resolution, apply a different minimum on its own land for a specific site.

### **Financial Implications**

Council will receive annual rent for the Leased premises.

In addition to the rent received, the Golf Club pays Council approximately \$36,000 in water rates and approximately \$1,700 in Council rates.

Council maintains Fairway Drive to the benefit of the general community, but the latter part (approximately 415 metres) of Fairway Drive is more akin to a dedicated driveway to the Golf Club. Periodic maintenance (pothole filling) and resealing on an eight to ten-year cycle costs Council in the order of \$15,000pa and this is funded from standard road maintenance allocations.

Any income for the lease arrangement could contribute to this cost.

### **Risk Implications**

Should Council not agree to this proposal the Bomaderry Bowling Club Limited will be forced to surrender the existing Licence agreements between Shoalhaven City Council, Crown Lands and Nowra Golf Club Limited.

There are no Council-owned assets on land in the ownership of Council comprising the golf course fairways.



# Bomaderry Bowling Club Ltd

Locked Bag 3008  
Nowra NSW 2541  
[bbc@bomaderrybowling.com.au](mailto:bbc@bomaderrybowling.com.au)  
ABN 93 000 952 705

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council

19<sup>th</sup> May, 2020

Attention Trevor Cronk  
Attention Paul Keech



CC...ed Mr Greg Watson and Mr John Wells

Stephen,

Firstly, I would like to apologise for the original letter of agreement to a lease. The Board and Management was not aware of many of the factors that have evolved since 1952 when the Shoalhaven Shire Council and Nowra Golf Club joined in a partnership to acquire the Daley Farm on the Banks of the Shoalhaven River to create the Nowra Golf Course.

The Nowra Golf Club, that has amalgamated with the Bomaderry Bowling Club Ltd. has been contacted to further negotiate the 20-year lease of the 18 Hole Nowra Golf Course.

This is not the lease to the Club House or Car Park which is covered by other leases and is Crown Land. The Golf Course is owned by the Shoalhaven City Council and the History of the members indicates that it was paid for by the members of the Nowra Golf Club over the last 67 years.

The proposed lease that was presented at the previous Shoalhaven City Council was for \$5,000 per year for 20 years, \$100,000. This Document is to ask the SCC councillors to reconsider this lease and to take into consideration the lease that has just expired of \$1 per year for 20 years, \$20.

There are five different sections that have a bearing on the lease of the Golf Course.

1. History
2. Financial
3. Community
4. Council facility
5. Health and Wellbeing

### History

The Nowra Golf Course was at Calymea Street off Albatross Road and in the early 1950's. The Nowra Golf Course and the Shoalhaven Shire Council purchased the Daley's Farm. There was a deal done here where the Calymea Street was given to the Shoalhaven Shire and they also gained the land on the escarpment above the Nowra Golf Course as part of the agreement. The Shoalhaven Shire had to change their bank to the Rural Bank to accommodate the loan for the land. Over a period of years with the profit from Calymea Street and the land on the escarpment and the loan being repaid to the Shoalhaven Shire Council the Shire was repaid. Why the land was not put in the Nowra Golf



Bomaderry Bowling Club Ltd 4421 2733 | Berry Bowling Club Ltd 4464 2995 | Bomaderry RSL Club 4421 4888 | Nowra Golf Club 4421 3900

Club's name could have been for many reasons but the most significant was the trust in the relationship of both parties to assist each other to form a facility for the community of the Shoalhaven.

This partnership is what is being questioned today with the negotiations of another 20-year lease.

In 1980 the history of the members, records that the Shoalhaven Shire Council by delegation gave the appointment of the management and operations of the golf course to the Board of Directors of the Nowra Golf Club at no fees and no rates.

In 2000, a 20-year lease was implemented at the cost of \$1 per year for 20 years. The club does pay rates along with a list of other operational expenses.

Today, we ask the Shoalhaven City Council Councillors to again implement a lease that represents the past relationship, the time and effort that is put into the golf course by the volunteers since the inception of the golf course, the attraction of this golf course to the Shoalhaven as a tourist attraction and the amount of money that it takes to maintain the facility.

The Nowra Golf Club Board has managed the golf course for 64 years and eventually due to the changing environment of Licensed Clubs could not maintain the financial income to support the golf course. Many Licensed Clubs may disappear in these changing times unless help is given to the sporting bodies to remain viable. The Nowra Golf Club Board sort assistance in an amalgamation partner that had a record of supporting clubs for the core purpose and not to profiteer.

Bomaderry Bowling Club Ltd has the reputation of an excellent amalgamation partner who had their first amalgamation with Berry Sports and Recreation Club in 2002. The Nowra Golf Club was amalgamated as a community minded partnership in 2017.

#### Financial.

The Bomaderry Bowling Club amalgamated with the Nowra Golf Club as the facility was an asset to the community that should not be lost. The club considered the amalgamation on emotional grounds first then trying to make the figures add up. It was always going to be difficult to change the club from being financially non-viable.

There is no secret to the way it is made to be viable in an amalgamation. The Administration and Management at the Nowra Golf Club was made redundant. The Administration and Management of the Bomaderry Bowling Club Ltd. takes on that role. Therefore, saving the cost of administration and management of the Nowra Golf Club which was about what the club was losing annually. Other savings can be added by better buying power, greater efficiencies and the utilisation of expertise in staff.

Bomaderry Bowling Club Ltd Group of Clubs had a loss of around \$188k for the year ending 2019. The Bomaderry Bowling Club lost \$303k, Berry Bowling Club lost \$48k, Bomaderry RSL made a profit of \$151k and the Nowra Golf Club made a profit of \$12k. The Club Industry is going through a difficult time and things change and it is normally a negative on profitability.

This year, the drought, fires, floods and now the Corona Virus is causing the hardest financial hardship in the history of all our clubs. This year is expected to lose as a group around \$300k because the clubs have been in shut down since 23<sup>rd</sup> March 2020 with no income from the Licensed Clubs. On top of this, it is the Board and Management's thoughts that the Club Industry will take a long time to recover if ever to the days we have seen in the past.

When the amalgamation was considered by the Bomaderry Bowling Club Board the lease on the golf course was a major consideration in supporting the two clubs amalgamating. A 20-year lease at \$1 a year did send strong messages to the Board that the Shoalhaven City Council was a partner, supporter and considered the golf course as an asset to the community of the Shoalhaven.

The first draft lease for renewal of the Nowra Golf Course was for \$19,000 +GST per year. After negotiations with the property section different arguments were arranged to the point of a lease for \$5,000 +GST per year. The Board and Management were shocked at first, then disappointed that a relationship that has been accrued over 65 years could implement an increase of so much, clearly something has been forgotten in the history of the two parties.

The Nowra Golf Course is fully insured under the Bomaderry Bowling Club Group policy with the Insurance Broker Macey Insurances.

The Club pays for land rates of \$823 +GST per year and water rates of \$33,009 +GST per year in 2019 on the golf course to the Shoalhaven City Council.

The club paid in 2019 \$24,760 on the course fertilisers and chemicals, \$6,647 on machinery, \$25,789 on fuel, oil and other repairs and maintenance.

The wages and on cost for 2019 for the Greens Staff was \$168,483 to maintain the golf course.

#### Community

The Nowra Golf Club like most other clubs that started in this period was motivated by the members and then had to be funded by them as well. When we look at the Nowra Golf Club it is a community asset that is rated very highly in the Shoalhaven.

Golf is a sport that has been through its ups and downs. The Nowra Golf Club has 380 members and is predominately supported by the older section of the community. Due to the Nowra Golf Club having financial difficulties over a long period the membership has dropped with members seeking other cheaper options to play golf.

Other Golf Clubs have opened over the years. The Old Worrigeer Golf Course opened and closed. Shoalhaven Heads opened then the new Shoalhaven Ex-servicemen's Sports Club Golf Course opened with a new club house with gambling facilities that can subsidised the membership fees has put pressure on the Nowra Golf Course's viability.

Also, the financial difficulties have influenced junior members. The club has not had the resources to coach or attract the junior member to the club. This has been raised many times at members meetings but has lacked the funding to implement.

The Nowra Golf Course is also an attraction as a park area. It has a public walk that winds through the escarpment. The community also use the golf course area for walking outside the golf playing times. The view of the golf course is an eye-catching asset to people on the southern side of the Shoalhaven River. The golf course would also increase the value of residential properties overlooking it from Illaroo Road and Daley Crescent as well as houses on the southern bank of the river.

The Club has a group of volunteers that assist with the course on a weekly basis. Some volunteers are spending many hours at the club emptying the bins, mowing of areas that the Greenkeepers do not have time to mow, building paths, painting, signage and maintaining all the gardens. The Nowra

Ladies Golf Members are known for their flower beds and garden maintenance. And like any volunteers they do this to support their club and this all helps financially.

Council Facilities

The Shoalhaven City Council has many facilities and must fund these assets as part of their charter of work just like a Licensed Club.

In our negotiation the Nowra Golf Course was compared to many of the other SCC facilities and compared other sporting club leases. And therefore, it is important to consider the history of the Nowra Golf Club, the members funded it. The Shire and the SCC have not put any money towards the Nowra Golf Club and has profited from the partnership with land developments. For 67 years the Nowra Golf Club has not been a financial burden to the SCC and now the new generation of Councillors and Council staff consider self-funded sporting bodies like the Nowra Golf Course must pay.

Let's consider some of the SCC Sporting Facilities in Nowra;

1. Nowra Golf Course – is fully self sufficient from Insurance to rates, no cost to SCC
  - a. I am led to believe these other facilities are at a cost to the SCC in some way!
2. Nowra Show Ground
3. The Shoalhaven River reserve
4. Harry Sawkins Park
5. Hanging Rock Lookout (has spectacular view of the manicured Golf Course below)
6. Grey's Beach Reserve and Boat Ramp
7. Bomaderry Creek Walk
8. Bernie Regan Sports Complex
9. Artie Smith Oval
10. Shoalhaven Basketball Stadium
11. Lyrebird Oval
12. Bomaderry Lions Park
13. Bomaderry Oval
14. Bomaderry Sporting complex
15. Bomaderry Pool
16. West Street Oval

The argument would be the SCC either established these facilities or maintains these facilities and may receive income from leases. There is expenditure that the SCC must supply in maintenance of some of these facilities. Nowra Golf has received 40 years of minimal lease cost and in return has cost the SCC nothing.

One would ponder on what would the Councillors do if the Nowra Golf Club were surrendered to the SCC. Would this be a position that the staff have considered and therefore factor how much the Nowra Golf Club is saving the SCC in maintaining a quality golf course.

Health and Wellbeing

All sports give a benefit in fitness and mind. During this period of the Corona Virus many members have voiced an opinion of suffering in isolation. The need for golfers to return to the golf course has been supported by the statement of “to assist in the members mental health”.

Golf is a sport the elderly can play on equal terms due to the element of each golfer having his or her own handicap rated on ability and not age. This allows a competitive situation between any standard of golfer which is not available in all sports.

Nowra Golf Club has managed to supply this facility for 67 years through the good times and bad and seek the support of the SCC Councillors to continue to do what it has in the past and support a sport that is self-sufficient and not increase the expenditure or the way it has been charged for the last forty years.

Conclusion

The Nowra Golf Course has paid \$20 for the last forty years to lease the golf course and the first twenty years the club did not have to pay rates. There is a relationship between the Council and the Club that has been supported since the early 1950s till now and there is a reason for it in our history as partners.

I would ask the Shoalhaven City Council Councillors to appoint the Nowra Golf Club under the amalgamation company of Bomaderry Bowling Club Ltd. to be appointed as the 355 committee that manages the Nowra Golf Course land on behalf of the Shoalhaven City Council and the members of the community as the club has done for 67 years.

Or approve a lease in line with the last forty years at a minimal cost to the club in partnership with the Shoalhaven City Council.

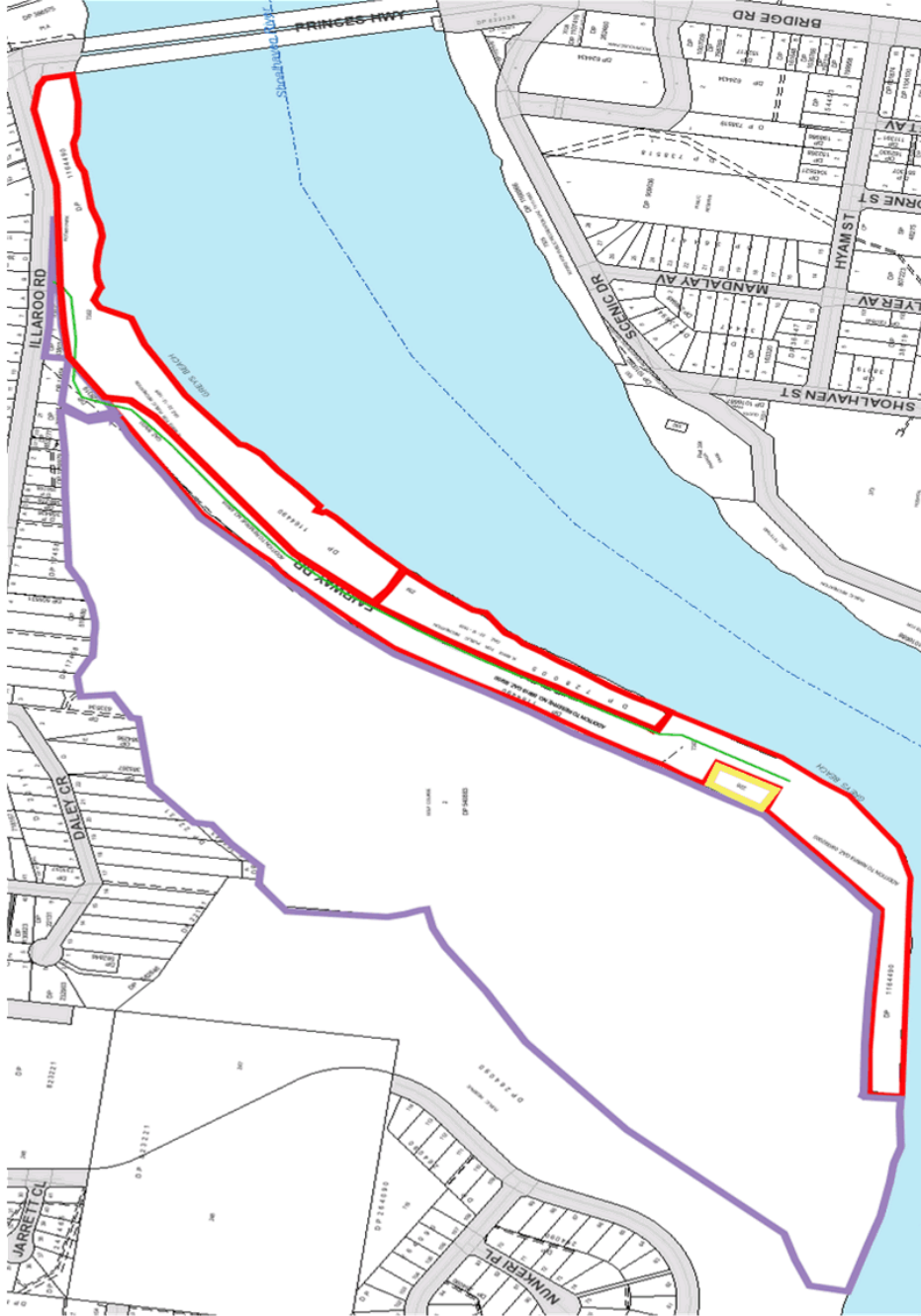
Yours sincerely,



Garry Wilbraham  
Secretary Manager  
Bomaderry Bowling Club  
Berry Bowling Club  
Bomaderry RSL  
Nowra Golf Club

**Attachment 1: Overall Site Plan (Council & Crown Land):**

- Purple outline - Council Owned Land
- Red outline - Crown Land
- Yellow outline - Golf Club House Site on Special Lease between the Club and Crown Lands (Council not a party to this agreement)
- Green outline - Fairway Drive road reserve access off Illaroo Road





# Bomaderry Bowling Club Ltd

ABN 93 000 952 705

Locked Bag 3008  
Nowra NSW 2541  
bbc@bomaderrybowling.com.au  
Phone 02 4421 2733  
Fax 02 4423 0758

Chairman: Peter Ingram  
Secretary Manager: Garry Wilbraham

**Sarah Cremona**  
Property Officer

Shoalhaven City Council  
Bridge Rd (PO Box 42) Nowra NSW 2541

31 March, 2020

Dear Sarah,

The Board of the Bomaderry Bowling Club held their monthly Board meeting on Monday 30<sup>th</sup> March, 2020. At this Board meeting the matter of approving the rental agreement for the Nowra Golf Club between Bomaderry Bowling Club and Shoalhaven City Council was approved.

In the minutes of this Board Meeting it is recorded that the Board have agreed to accept the negotiated rental agreement as per the following costs and terms;

Council Land	\$5,000.00 pa	
Crown Land	\$1,500.00 pa	
<b>TOTAL</b>	<b>\$6,500.00 pa</b>	Figures exclude GST.

Additional items:

- CPI Annual Increases
- 20-year term (please confirm your preference for 20-year term or 2 x 10 year terms) **20 year term is the club's preference.**
- Existing lease responsibilities for both parties
- Each party to bear own legal costs

The Board and Management would like to thank the Property Department for the manner these negotiations were held.

Regards

Garry Wilbraham  
Secretary Manager  
On Behalf of the Board of Directors



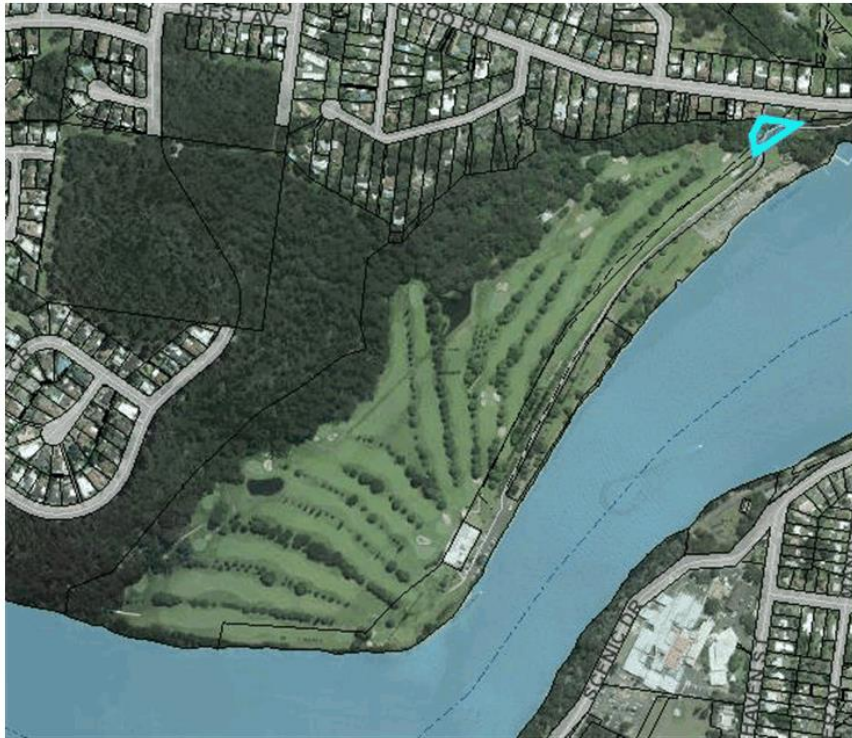
Nowra Golf Club – Lot Breakdown

Ownership: Shoalhaven City Council

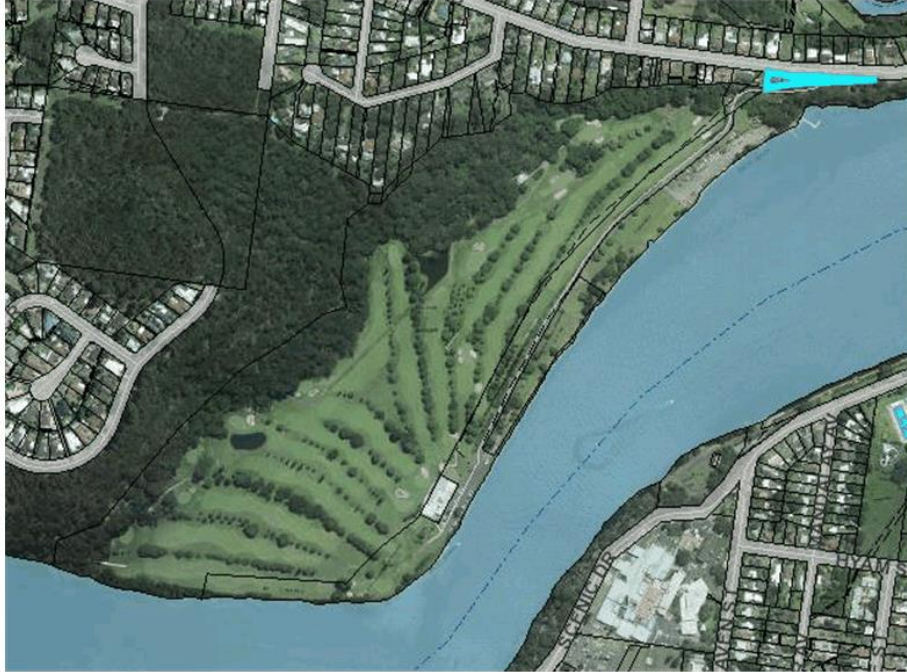
Lot 2 DP 540883



Lot 3 DP 528318



Part Lot 1 DP 438034 (northern road access only)

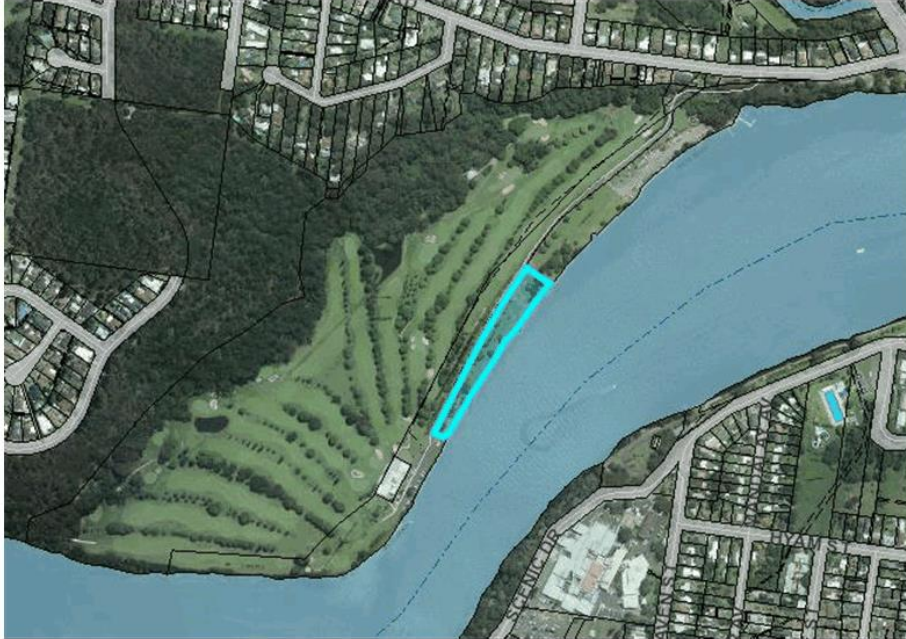


Ownership: Crown Lands  
SCC as Crown Land Manager

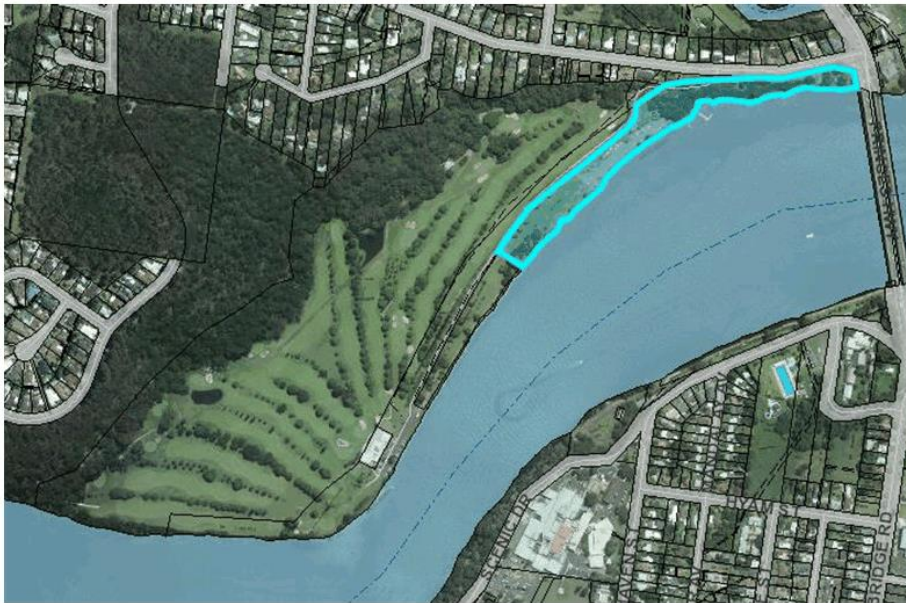
Part Lot 7303 DP 1164490



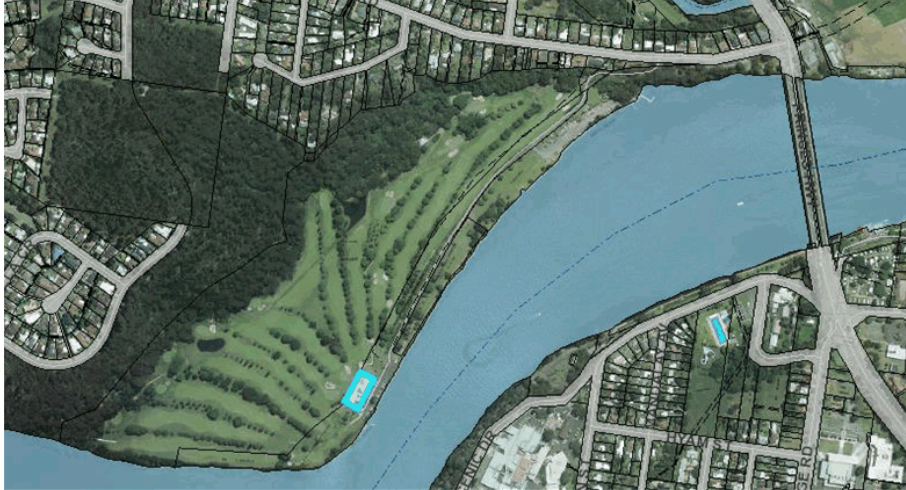
Part Lot 239 DP 728005



Part Lot 7302 DP 1164490 (northern road access only)



Special Lease between Crown Land & Nowra Golf Club  
Ownership: Nowra Golf Club Pty Ltd  
Lot 226 DP 751258



## SA20.95 Greenwell Point Boat Ramp - Public Amenity

HPERM Ref: D20/85918

Section: Technical Services  
Approver: Paul Keech, Director Assets & Works

Attachments: 1. Public Amenities - Priority List [↓](#)  
2. Plans & Elevations - Moona Moona Creek Public Amenities [↓](#)  
3. Master Plan - Greenwell Point [↓](#)  
4. Plan of Management - Greenwell Point Foreshore Reserve (under separate cover) [⇨](#)

### Reason for Report

This report provides Council with information on the proposed public amenity located within Titania Reserve, Greenwell Point (boat ramp area). The following items noted in MIN19.55 will be addressed in this report:

- The ranking of this amenity on the Public Amenity Priority List
- The proposed location of the proposed amenity
- The cost of the new amenity
- The cost of Port-a-loos in that location during peak holiday periods.

### Recommendation (Item to be determined under delegated authority)

That Council notes that:

1. The Greenwell Point public amenity (Titania Reserve) is currently ranked sixth on the Public Amenity Priority List (in the proposed draft Public Amenity Priority Listing for 2020).
2. An amount of \$30,000 for design is proposed in the 20/21 FY and \$400,000 for construct is proposed in the 21/22 FY as per of Draft 10 Year Capital Program Listing.
3. Port-a-loos cost approximately \$170 per unit per week (based on a 6-week hire during peak holiday periods). This includes delivery, pump-out and cleaning. The CEO (Director Assets and Works) will monitor the need for this temporary service and take action accordingly.

### Options Summary

Nil – this is a report for information.

This report may generate to need for a Councillor Briefing/Workshop as it has been over 15 years since the Master Plan was developed. If that is the case Councillors may wish to add an additional item as follows:

*That the CEO arrange a Councillor Briefing for interested Councillors to discuss contemporary thinking in relation to this facility.*

### Background

Council resolved at the Strategy & Assets Committee meeting dated 12 February 2019 (MIN19.55) as follows:

“That the General Manager

- Prepare a report on the costing of toilet facilities at the boat ramp in Greenwell Point
- The report advise
  - (1) Where this proposed facility, at this location, is, in the priority listing; and
  - (2) The cost of portaloos in that location during peak holiday periods.

Greenwell Point Boat Ramp – A proposed new public amenity

- Priority ranking and type - The proposed new public amenity at Greenwell Point is to be located in Titania Reserve, within proximity to the boat ramp. This facility is currently ranked sixth on the Public Amenity Priority List (proposed draft 2020) and is due to be designed in 2020/21 financial year and constructed the year after. (Refer to Attachment 1 for the full priority list).

Design - The proposed design will include four unisex facilities, with two of the four catering for persons with disabilities. The design will be similar to that of the Moona Moona Creek amenity as shown in Figure 1 and drawings in Attachment 2.



Figure 1

- Proposed location- The Greenwell Point Master Plan (Attachment 3) was developed in 2004 detailing future development of the foreshore (which includes Titania Reserve). This Master Plan has earmarked a suitable location for the public amenities to be built.

A site visit was undertaken by staff in March 2020 which confirmed that the site had been developed following the Master Plan. Figure 2 below highlights several location options to place the new amenity with labels showing distances from the existing amenity at the Greenwell Point Pool. Staff concluded the most appropriate location for a new public amenity was at the turning circle, which aligned with the location earmarked in the Master Plan (labelled in Figure 2 below is approx. 260m from the exiting amenity). Section 4.10 of the Greenwell Point Foreshore Reserve, Plan of Management (2006) (Attachment 4) also supports the need for additional



public toilets to be built in this reserve. This location will be the preferred option when community consultation is undertaken.



Figure 2.

- Existing amenities in the immediate area - The existing public amenity located at the Greenwell Point Pool (accessed from outside the pool complex) was constructed in 1972. The asset is due to expire in 2022 and is in poor condition. The Master Plan notes that the existing amenity is to be refurbished "...and upgrade of pool amenities" (public toilet shares a common roofline with the pool amenity). A decision needs to be made on the future of this public amenity once the new amenity is constructed in Titania Park (from the Greenwell Point Pool amenity).
- Construction cost - The capital cost for the design and construction of the proposed new amenity in Titania Park has been budgeted at an approx. \$430,000. Pricing will be refined during the design phase.

No costing has been estimated for the refurbishment of existing amenity at the pool but will be investigated further once the construction of the new amenity has been completed.

- Cost of port-a-loos - Council currently uses port-a-loos during peak periods to service high tourist areas within the Shoalhaven. Using the port-a-loos installed at Hyams Beach as an example, they cost approximately \$170 per unit per week, which includes delivery, pump-out and cleaning (based on a 6-week hire). The

Council could consider placing port-a-loos in Titania Reserve during peak periods before the construction of the new amenity if required.

### **Community Engagement**

The Master Plan for Greenwell Point was developed in 2004 and development at that location has been in accordance with this plan. Although community engagement has not been undertaken at this stage for the construction of the public amenity, it will be conducted during the design phase, planned for 2020/21.

### **Policy Implications**

Nil.

### **Financial Implications**

The budgeted costs to design and construct this amenity have been allowed for in the 10 year financial plan for 2020/21

### **Risk Implications**

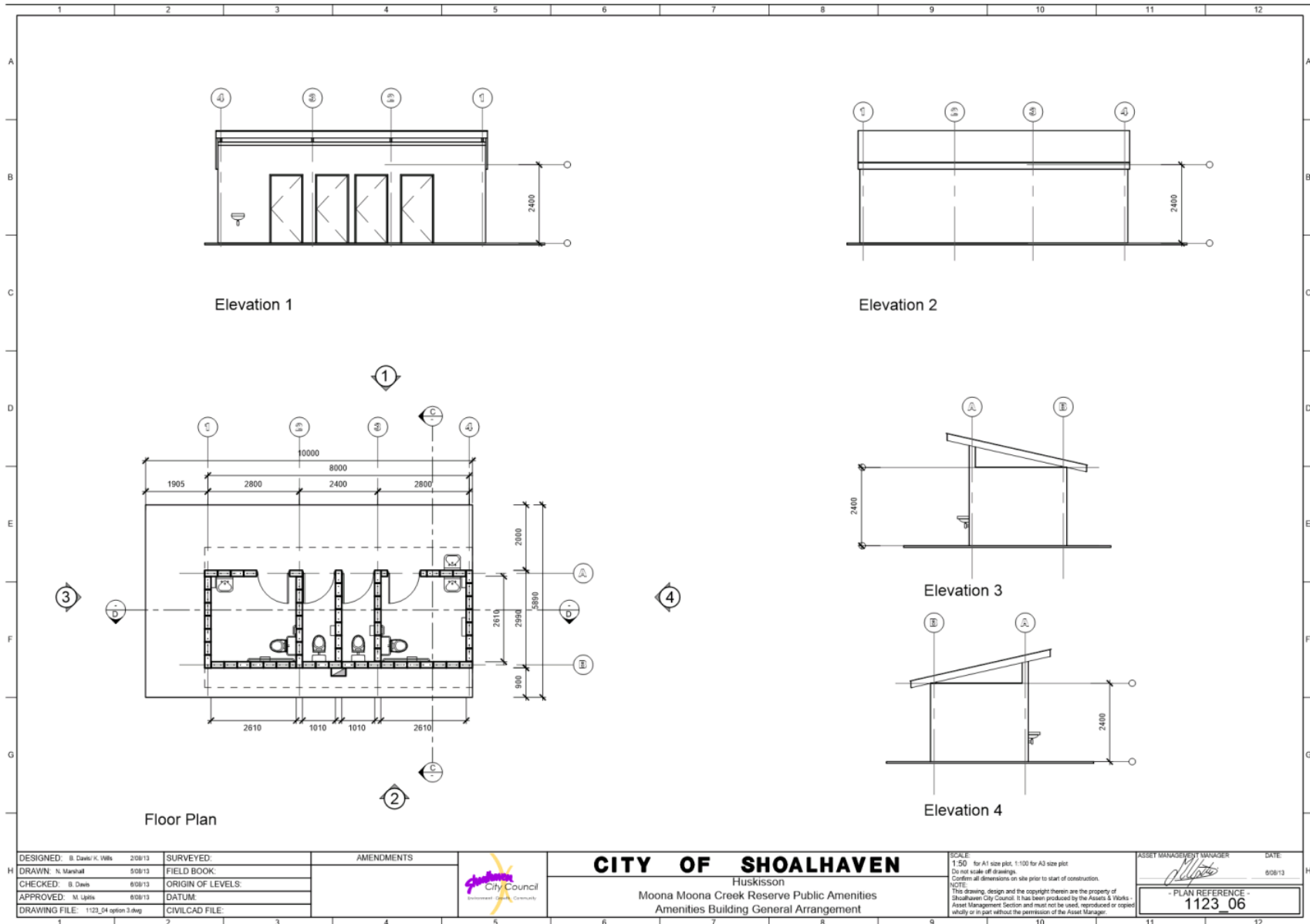
There may be some issues raised by residents that have views impacted as a result of the construction of the amenity. This is to be expected and will be managed through the design and community engagement process.


**Priority list for public amenities 2020**

Priority List	Suburb	Location	Proposal	Proposed strategy	Construction Year
1	Tomerong	Tomerong park	Single unisex facilities for persons with disabilities	New	2020/21
2	Vincentia	Plantation Point Parade Plantation Point	Four unisex facilities with two for persons with disabilities including a lift and change facility	Replace - Improved	2020/21
3	Shoalhaven Heads	Jerry Bailey oval/ reserve	Twin unisex facilities for persons with disabilities	New	2021/22
4	Hyams Beach	Hyams reserve/ Chinamans beach	Twin unisex facilities for persons with disabilities	New	2021/22
5	Nowra	Endeavour park	Replace new location - single use unisex facility	Replace new location	2021/22
6	Greenwell Point	Titania Reserve	Four unisex facilities with two for persons with disabilities	New	2021/22
7	Erowal Bay	Fire Station Reserve	Twin unisex facilities for persons with disabilities	Replace - Improved	2021/22
8	Shoalhaven Heads	Surf Club (Gumley Reserve)	Refurbish and extend Twin unisex facilities for persons with disabilities	Extend & Refurbish	2022/23
9	Hyams Beach	Boat ramp	Four unisex facilities with two for persons with disabilities	Replace	2022/23
10	Nowra	Marriot Park	Four unisex facilities with two for persons with disabilities	Replace	2022/23
11	Narrawallee	Adj Lake Entrance	Four unisex facilities with two for persons with disabilities	Replace - Improved	2022/23
12	Ulladulla	Boree Carpark	Four unisex facilities with two for persons with disabilities including a lift and change facility	Replace - Improved	2023/24
13	Ulladulla	Green Street	Decommission when Boree Street public amenities are replaced	Decommission	2023/24
14	Huskisson	White sands park	Refurbish and extend to include additional unisex toilet for persons with disabilities and adult Lift & change & facilities for persons with disabilities	Replace - Improved	2023/24
15	Myola	Myola breakwall	Single use unisex facility for persons with disabilities	New	2020/21
16	Mollymook Beach	North end - Beach Road	Four unisex facilities with two for persons with disabilities and storage for lifeguards & Carspace & path	Replace - Improved	2023/24
17	Culburra Beach	Surf Club	Twin unisex facilities for persons with disabilities	Extend & Refurbish	2024/25
18	Burrill Lake	McDonald Parade	Single use unisex facility for persons with disabilities , Carpark & path	Replace	2024/25
19	Callala Beach	Callala Beach Rd - Beach Access	Twin unisex facilities for persons with disabilities	Replace - Improved	2024/25
20	Culburra Beach	Ocean Street - Beach Access	Twin unisex facilities for persons with disabilities & Path	Replace - Improved - new location	2024/25
21	Shoalhaven Heads	Celia Parade - Curtis Reserve	Convert male to single unisex for persons with disabilities. Separate single unisex for persons with disabilities.	Refurbish	2025/26
22	Nowra	Recreation park - Near Hospital	When park no longer required.	Decommission	2025/26
23	Sanctuary Point	Francis Ryan Reserve (part of sporting complex)	Refurbish	Refurbish	2025/26

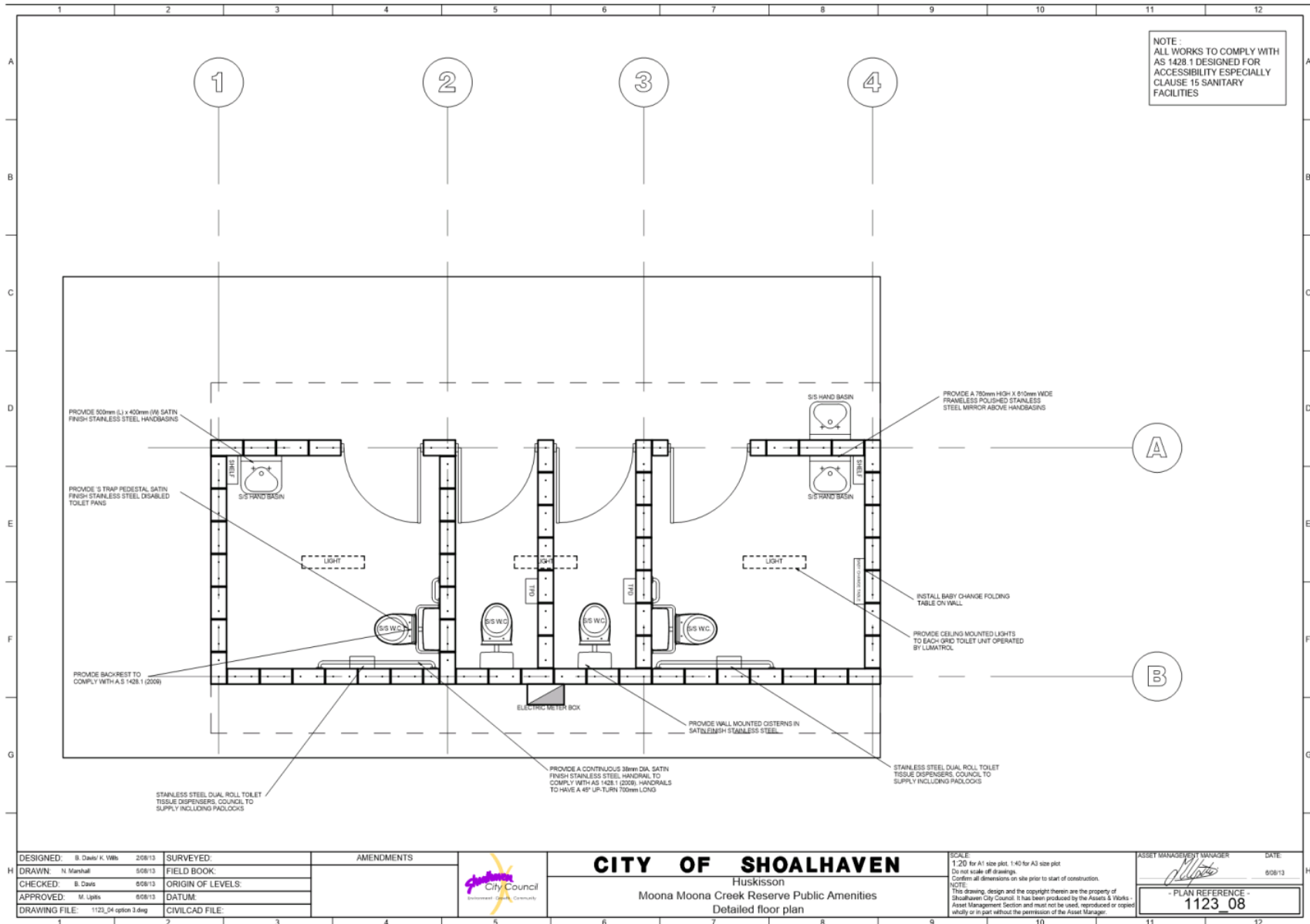
**Priority list for public amenities 2020**

24	Culburra Beach	Crookhaven Heads Boat Ramp	Twin unisex facilities for persons with disabilities	Replace - Improved	2025/26
25	North Nowra	Rotary park	Decommission when new Nowra Bridge is constructed	Decommission	2026/27
26	Culburra Beach	CBD	Twin unisex facilities for persons with disabilities	Replace - Improved	2026/27
27	Vincentia	Boat Ramp - Holden Ave	Twin unisex facilities for persons with disabilities	Replace - Improved	2026/27
28	Greenwell Point	Swimming Pool Foreshore	Refurbish	Refurbish	2026/27
29	Nowra	Stewart Place	Refurbish	Refurbish	2027/28
30	Greenwell Point	Gordon Ravell Park	Twin unisex facilities for persons with disabilities & carpark & paths	Replace - Improved	2027/28
31	Berry	Mark Radium Park	Twin unisex facilities for persons with disabilities	Replace - Improved	2027/28
32	Berry	Berry District Park	Four unisex facilities with two for persons with disabilities including a lift and change facility	New	2028/29
33	Sussex Inlet	Neilson Lane	Single unisex facilities for persons with disabilities & Carpark	Replace - Improved	2028/29
34	Sussex Inlet	Surf Club Pacificana Drive	Twin unisex facilities for persons with disabilities	Replace - Improved	2028/29
35	Shoalhaven Heads	Hay Avenue	Decommission - if utilisation levels remain low.	Decommission	2028/29
36	Nowra	Davis Park	Decommission - if utilisation levels remain low.	Decommission	2029/30
37	Swanhaven	Dybal Reserve	Twin unisex facilities for persons with disabilities & carpark & paths	Replace - Improved	2029/30
38	Mollymook Beach	Edith Twynam reserve - Bogey Hole	Twin unisex facilities for persons with disabilities & carpark & paths	Replace - Improved	2029/30
39	Nowra	Cemetery	Twin unisex facilities for persons with disabilities & carpark & paths	Replace - Improved	2029/30
40	Berringer Lake	Berringer lake Boat ramp	Single unisex facilities for persons with disabilities & Carpark	New	2030/31
41	Curragong	Bosom Beach	Four unisex facilities with two for persons with disabilities & carpark & paths	Replace - Improved	2030/31
42	Huskisson	Huskisson Picture Theatre	Twin unisex facilities for persons with disabilities	Replace - Improved	2030/31
43	South Nowra	Rotary park	Decommission - if utilisation levels remain low.	Decommission	2030/31
44	Shoalhaven Heads	River Entrance Road	Twin unisex facilities for persons with disabilities	Replace - Improved	2031/32
45	Narrawallee	South Narrawallee Beach	Single use unisex facility for persons with disabilities, Carpark & path	New	2027/28



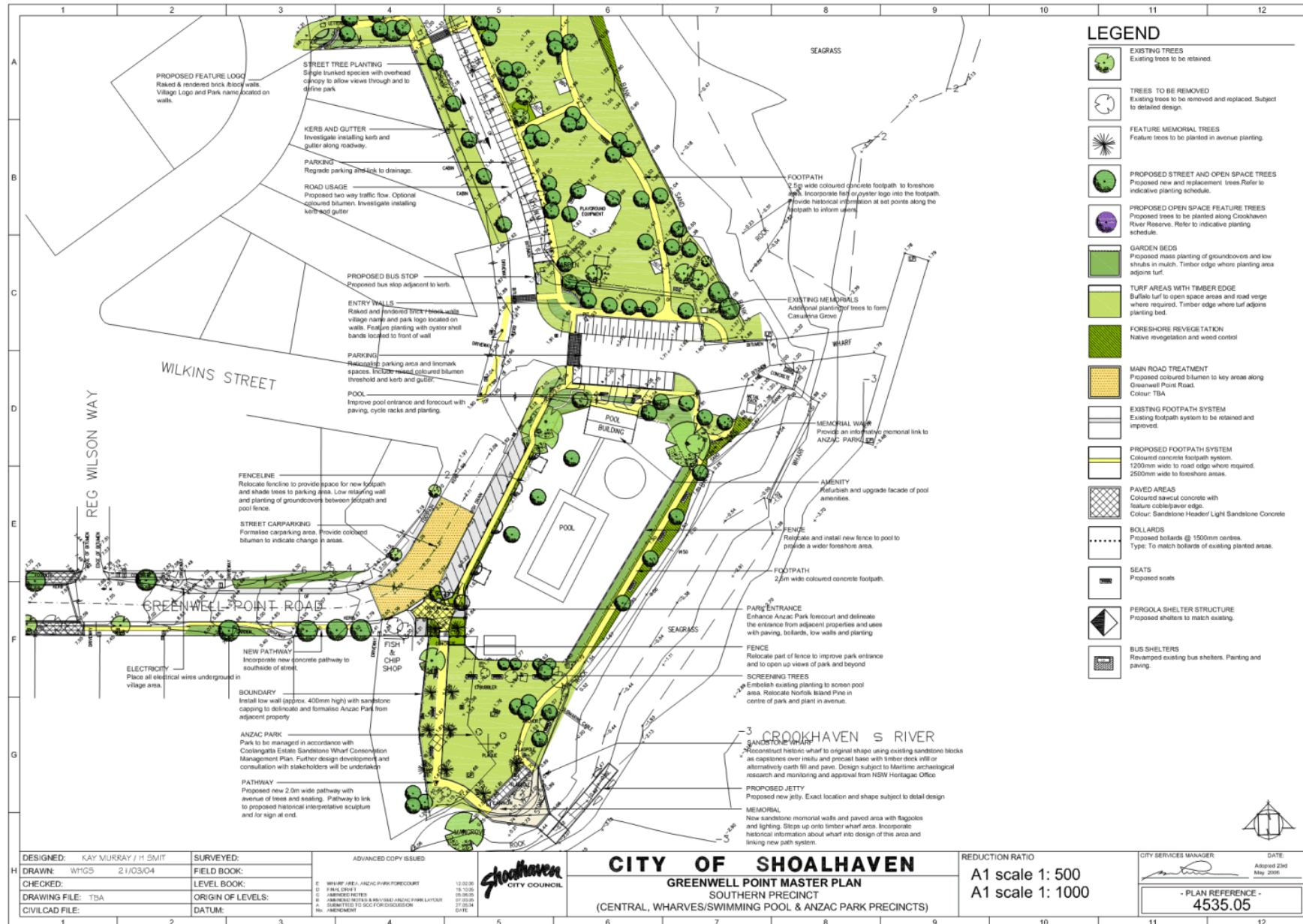
DESIGNED: B. Davis / K. Wells	2/08/13	SURVEYED:			<p><b>CITY OF SHOALHAVEN</b> Huskisson Moona Moona Creek Reserve Public Amenities Amenities Building General Arrangement</p>	<p>SCALE: 1:50 for A1 size plot, 1:100 for A3 size plot Do not scale off drawings. Confirm all dimensions on site prior to start of construction. NOTE: This drawing, design and the copyright therein are the property of Shoalhaven City Council. It has been produced by the Assets &amp; Works Asset Management Section and must not be used, reproduced or copied wholly or in part without the permission of the Asset Manager.</p>	ASSET MANAGEMENT MANAGER	DATE:		
DRAWN: N. Marshall	9/08/13	FIELD BOOK:								
CHECKED: B. Davis	6/08/13	ORIGIN OF LEVELS:								
APPROVED: M. Lipins	6/08/13	DATUM:								
DRAWING FILE: 1123_04 option 3.dwg		CIVILCAD FILE:								
							<p>PLAN REFERENCE: <b>1123_06</b></p>			

SA20.95 - Attachment 2



SA20.95 - Attachment 2





SA20.95 - Attachment 3



## SA20.96 Tenders - Processing of Kerbside Recycling Materials

**HPERM Ref:** D20/186523

**Section:** Commercial Services

**Approver:** Paul Keech, Director Assets & Works

### Reason for Report

To inform Council of the tender process for the provision of an interim service to accept and process materials collected by the waste collection contractor from kerbside commingled recycling bins.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### Recommendation (Item to be determined under delegated authority)

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation and consider the matter in a confidential setting
2. Defer the matter to a Councillor Briefing

### Details

Council has adopted a business case to establish its own material recovery facility (MRF) at the West Nowra recycling and waste facility for the processing of commingled recycling materials collected by Council's waste collection contractor from yellow lid recycling bins. Subject to consideration of public comment on and an independent peer review of the business case, the design and construction of the West Nowra MRF is expected to take between 12 and 24 months.

The current novated MRF Service contract is with South Coast Plant Hire Pty Ltd (SCPH) utilising QSSR Pty Ltd trading as Shoalhaven Recycling. The contract was extended in 2017 from a 6-year term to 9 years and will expire on 30 June 2020.

An interim contract is necessary to ensure the continued processing of materials to be collected from 1 July 2020.

Council called for tenders to process kerbside commingled recyclables for the interim period, initially for 12 months with an option for Council to extend the contract for up to 4 additional terms of 4 months each (maximum 28 months).

The arrangement tendered is for a Contractor to pick up recyclables in the yellow lidded bin and either take them to a recycling facility directly OR take them to West Nowra for storage and reloading in bulk transport trucks then delivery to the Contractor’s facility. Council intends to do this bulk transport arrangement inhouse until the transfer process is better understood. Once the transport operation is better understood Council may continue this arrangement or seek external transport services in accordance with Council’s purchasing policy.

Council advertised its invitation to tender for the Recyclables Processing Service (domestic kerbside recycling) in the *Sydney Morning Herald* and Tenderlink on 4 April 2020, with a closing date of 30 April 2020.

Tenders Received

Tenders were received from the following:

Tenderer	Location(s)
Polytrade Pty Ltd t/as Polytrade Recycling	Head office: Campbellfield, VIC MRF: Enfield, NSW
QSSR Pty Ltd t/as Shoalhaven Recycling	Office: Bomaderry, NSW MRF: Bomaderry, NSW
Suez Recycling & Recovery Pty Ltd	Head office: Rhodes, NSW Local office: South Nowra, NSW MRFs: Moruya and Spring Farm, NSW

SA20.96

Details relating to the evaluation of the tenders are contained in the confidential report.

**Community Engagement:**

No community consultation is required.

**Policy Implications**

There are no policy implications.

**Financial Implications:**

Subject to the adoption of the 2020/21 budget funds are available for the service.

## SA20.97 Shoalhaven Coastal Management Program - Stage 1 - Citywide Scoping Study Report - Community Feedback - Adoption

**HPERM Ref:** D19/444132

**Section:** Environmental Services

**Approver:** Phil Costello, Director Planning Environment & Development Group

**Attachments:**

1. Prioritisation and costing (under separate cover) ➡
2. Public exhibition outcomes - detailed summary of issues raised and how these have been addressed (under separate cover) ➡

### Reason for Report

To report on the submissions received as a result of the public exhibition of the Coastal Management Program (CMP) – Draft Scoping Study and to consider the findings, in accordance with Council resolution MIN19.956 and to present the final CMP Scoping Study for adoption.

### Recommendation (Item to be determined under delegated authority)

That Council adopt the Final Shoalhaven Coastal Management Program Scoping Study (referred as The Scoping Study) with amendments following public exhibition taking into considerations community submissions, as detailed in the report and proceed with the following:

1. Formation of the proposed North, Central, and Southern Coast and Estuary Management Committees and coastal management program working groups; and
2. Seek additional grant funding where required to undertake assessments as detailed in the Scoping Study to inform the Shoalhaven Coastline/Jervis Bay, Lake Conjola, and the St Georges Basin/Sussex Inlet as priority 1 for the Shoalhaven Coastal Management Program; and
3. Council consider allocating the additional \$397,500 matching funds over 2 years, \$238,750 in 2020/21 and \$158,750 in 2021/22 budgets, to provide 50% contribution to the above grants; and
4. Commence preparation of Tender documentation for the preparation of the Shoalhaven Coastline and Jervis Bay, Lake Conjola, and St Georges Basin/Sussex Inlet Coastal Management Programs.

### Options

1. As recommended

Implications: Council will complete the first stage of the CMP and continue with the process to develop CMPs for the identified high priority locations in accordance with requirements of the NSW *Coastal Management Act 2016*. The existing certified Coastal Zone Management Plan (CZMP) for the Open Coast is due to expire in December 2021, and the estuaries do not have certified CMPs in place. Adopting the CMP Scoping Study would allow the Shoalhaven CMP to proceed at the high priority locations as a basis for ongoing and future coastal management in the Shoalhaven. Provide funding of \$397,500 matching funds over 2 years, \$238,750 in 2020/21 and \$158,750 in 2021/22 budgets, to provide 50% contribution to the CMP priority 1 grants

2. Council choose to fund the entire amount of \$397,500 next financial year 2020/21 to aim to fast track preparation of all the priority 1 CMPs.

Implications: All tasks required to inform the preparation of each priority 1 CMP could be completed by 2022.

3. Council could choose to maintain the existing priority 1 CMP project amounts and not make-up the shortfall in budget to address all issues and priorities identified during the community consultation process and only allocate \$70,000 matching contribution and a grant variation of \$70,000 to the Shoalhaven Coastline/Jervis Bay and St Georges Basin/Sussex Inlet CMP to top up this project to the original \$200,000 (\$140,000 from this grant allocated to the citywide Scoping Study as per previous Council resolutions). Maintain existing project budgets of \$280,000 for Lake Conjola and \$150,000 for Lower Shoalhaven River estuary.

4. Reject the CMP Scoping Study

Implications: This will result in further delays in completing the Scoping Study and will delay preparation of subsequent Coastal Management Programs (CMPs). Without certified management plans in place Council will not be eligible for grant funding through the Department of Planning, Industry & Environment's (DPIE) Coast & Estuaries program.

5. Alternative recommendation

Implications: Unknown

## **Background**

NSW has developed a new coastal management framework through the Coastal Management Act 2016 (CM Act), State Environmental Planning Policy (Coastal Management) 2018 and the Coastal Management Manual 2018. The NSW Coastal Management Manual 2018 sets out the framework in detail and defines the requirements for a CMP. The purpose of a CMP is to set the long-term strategy for the coordinated management of the coastal zone with a focus on achieving the objects of the CM Act.

This Citywide Scoping Study document is Stage 1 of the 5 Stage process in the development of the Shoalhaven Coastal Management Programs (CMP) for the coastline and estuaries. It sets the scene for Shoalhaven City Council's coastal planning process leading to the development of CMPs, as required by the NSW Coastal Management Act 2016.

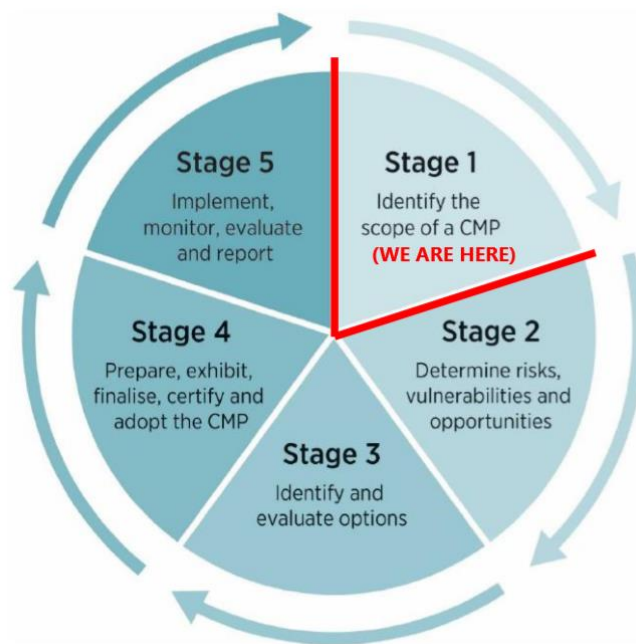


Figure 1 – Stages in preparing and implementing a CMP (Coastal Management Act 2018)

The overall aim of the Scoping Study is to identify priority issues and management gaps in preparation for the development of the CMPs.

On 17 December 2019, Council resolved (MIN19.956) to:

1. Place the Coastal Management Plan Draft Scoping Study on public exhibition from 16 December 2019 – 14 February 2020; and
2. Council at its Strategy & Assets Committee meeting on Tuesday 11 February resolved to extend the Community Consultation until Friday 28 February (inclusive).
3. Receive a report following the exhibition period outlining submissions received and any recommended amendments to the Draft Policy prior to adoption by Council.

This report has been prepared for Council to summarise the submissions received during the exhibition period and recommended amendments to The Scoping Study for adoption. The adoption of The Scoping Study will enable Council to move forward in progressing the formation of the Coast and Estuary Management Committees and working groups, apply for grant funding variations as identified below and commence with the tenders for the preparation for the Shoalhaven CMP for the Shoalhaven Coastline and Jervis Bay, Lake Conjola, Lower Shoalhaven River and St Georges Basin/Sussex Inlet CMPs.

The Scoping Study final draft is contained within Council's Shoalhaven Coastal management program 'Get involved page' by following this link:

<https://getinvolved.shoalhaven.nsw.gov.au/CMPStage1ScopingStudy>

### Community Engagement

The Scoping Study was publicly exhibited for a period from Monday 16 December 2019 to Friday 28 February 2020 (inclusive).

The draft policy was exhibited via the following:

- Council's Community Engagement platform, *Get Involved Shoalhaven* - <https://getinvolved.shoalhaven.nsw.gov.au/CMPStage1ScopingStudy>;

- Council's website - *On Exhibition* page <https://www.shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition>;
- Community engagement programs, comprising six workshops and drop-in information sessions held in September/October 2019;
- Questionnaire was open to the public to provide insight into their key values;
- Letters and emails sent to residents and community organisations to notify of exhibition;
- Letters and emails sent to residents and community organisations to notify of extension to exhibition;
- Notice sent to all CCBs;
- Request for comment sent to all relevant Agencies;
- Council's Facebook page;
- Poster advertising the exhibition in the foyer of Nowra Administration Building;
- Council's newsletter; and
- Hardcopies of the document were placed in Council's Administration Buildings in Nowra and Ulladulla.

The main outcomes that emerged from the public exhibition process included:

- 66 submissions received during public exhibition period;
- 270 survey responses received;
- Range of submissions and survey responses from local community groups, CCBs, individuals and agencies;
- Strong community passion for their areas;
- Some community submissions wanted an improvement of the Vision statement and inclusion of natural values;
- Collingwood Beach Preservation Group - dune vegetation (i.e. inappropriate use of banksias), Jervis Bay requires a separate CMP (i.e. not part of the Open Coast);
- Suggestions for Sussex Inlet to have a separate CMP (i.e. not part of St Georges Basin);
- Some submissions called for more recognition of bird habitat and Key Biodiversity Areas;
- Management of estuary entrances e.g. Lake Conjola was a key issue;
- Some submissions wanted consideration of recent bushfires;
- There were suggestions regarding the structure of the proposed Coastal and Estuary Management Committee e.g. three committees, northern, central, and southern;
- There is a lack of up to date information for some areas;
- Concern from some in the community regarding Council's adopted sea level rise projections;
- Comments on coastal hazard mapping;
- Comments on recreational facilities;
- Suggestions for additional key risks to be included – additional specific local issues to be included; and

- Status of existing actions.

Attachment 1 contains a register summarising the submissions and where they have been addressed in the Scoping Study. A hard copy of each of the full submissions was made available to Councillors prior to this Committee meeting.

### Policy Implications

The future review of Council’s Sea Level Rise Policy, required every 7 years in accordance with Council’s adopted policy, would have implications on the level of risk that has been assessed for Council’s coastal areas; this would need to be considered when formulating future CMPs.

Review of Council’s policies would need to be in accordance with the *NSW Coastal Management Manual 2018* and the *NSW Coastal Management Act 2016*.

### Financial Implications

Adopting the Scoping Study would trigger a review of some of Council’s coastal and estuary studies and undertaking new geotechnical hazard mapping for the cliffs and bluffs in the short-term. The cost implications of proceeding with the recommended actions to progress the CMPs is outlined in Table 7.2, Section 7 of The Scoping Study document, contained in Attachment 2. The majority of costs would be expended by 2023 for the higher priority CMPs, with ongoing costs to 2030 for medium and lower priority CMPs.

Without certified CMPs in place Council would not be eligible for grant funding for implementation of actions through Department of Planning, Industry & Environment (DPIE), which provides two-thirds of the cost for new applications. Without certified CMPs in place it also means that many actions Council and the community would like to implement within the Shoalhaven coastal zone would require additional approvals including development consent as these actions would not be provided exemption from development consent under the State Environmental Planning Policy (Coastal Management) 2018, which may include implementation of emergency action subplans following storm, inundation and erosion events.

The Shoalhaven Coastline and Jervis Bay CMP must be complete and adopted by Council by December 2021 as this is when the current certified CZMP for the Shoalhaven Coastline expires.

The total range of costs contained in Section 7 (attachment 2) of the Scoping Study for the completion of each of the CMPs and the required upper limit of Council’s 50% contribution to funding is summarised in Table 1 below.

**Table 1.** Completion costs and timelines for Shoalhaven’s CMPs

Coastal Management Program	Total cost range for completion	50% Council contribution upper limit	Existing Funding (incl. council commitment of 50%)	Timeline for completion
Lake Conjola Estuary	\$225,000 to \$340,000	\$170,000	\$280,000	2022
Shoalhaven Coastline & Jervis Bay	\$145,000 to \$220,000	\$110,000	\$200,000 Combined including citywide Scoping Study \$60,000 remaining	December 2021
St Georges Basin & Sussex Inlet	\$135,000 to \$240,000	\$120,000		2022

Coastal Management Program	Total cost range for completion	50% Council contribution upper limit	Existing Funding (incl. council commitment of 50%)	Timeline for completion
Lower Shoalhaven River	\$285,000 to \$435,000	\$217,500	\$150,000	2022 - 2023
Burrill Lake, Lake Tabourie & Willinga Lake	\$135,000 to \$255,000	\$127,500	To be allocated	2025
Lake Wollumboola	\$110,000 to \$185,000	\$92,500	To be allocated	2025
Currambene Creek and Moona Moona Creek	\$120,000 to \$215,000	\$107,500	To be allocated	2025
Swan Lake & Berrara Creek	\$80,000 to \$130,000	\$65,000	To be allocated	2030
Shoalhaven Urban & Rural Estuaries	\$100,000 to \$165,000	\$82,500	To be allocated	2030

NSW DPIE has awarded Council 50% grant funding to complete Lake Conjola, Shoalhaven Coastline (including Jervis Bay), St Georges Basin/Sussex Inlet and Shoalhaven River CMPs. Council will need to contribute the remaining 50% of these costs. Council will also apply to DPIE for grant funding for development of the remaining CMPs. For existing grants, Council can apply for variations to 50% of the costs, for the remaining CMPs new applications will be eligible for up to two-thirds of the costs under the new NSW DPIE coast and estuary grant program guidelines.

The increased costs of the CMPs compared to the original grant applications are detailed in Section 7 of the Scoping Study (Attachment 2). The priority CMPs have been broken down into tasks and costings provided for each. The need for information or studies to prepare the CMPs was informed by the community and stakeholder consultation.

Table 2 below details Council's current grant funding arrangements. Noting that the cost of the Scoping Study of \$140,000 has come from the Shoalhaven Coastline & St Georges Basin/Sussex Inlet CMP grant in accordance with recommendation from the NSW DPIE, the NSW Coastal Council and Council resolution to undertake a Citywide Scoping Study. There is approximately \$60,000 remaining within the grant budget. This has been factored into the shortfall for the future development of these CMPs.

**Table 2.** Current funding arrangements and additional funding to be sought

Grant	Existing funding (incl. council commitment of 50%)	Total upper limit of cost for completion (from Table 1)	Total Shortfall in funds (Council to provide 50%)	Additional Council 50% contribution
Lake Conjola Estuary CMP	\$280,000	\$340,000	\$110,000	\$55,000 over 2 years 2020/21 and 2021/22
Shoalhaven Coastline (incl. Jervis Bay) and St Georges Basin/Sussex Inlet CMPs	\$200,000 (\$140,000 allocated to the Scoping Study, \$60,000 remaining)	\$460,000 (\$220,000 Coastline/Jervis Bay \$240,000 St Georges)	\$400,000	\$200,000 (\$50,000 coastline/JB 2020/21 + \$60,000 over 2 years)



		Basin/Sussex Inlet)		SGB/Sussex 2020/21 and 2021/22)
Lower Shoalhaven River CMP	\$150,000	\$435,000	\$285,000	\$142,500 over 2 years 2020/21 and 2021/22

**Total additional Council contribution required = \$397,500 over 2 years with the following breakdown:**

**2020/21 = \$238,750**

**2021/22 = \$158,750**

Alternatively, Council could choose to fund the entire amount next financial year (2020/21) to aim to fast track preparation of all the priority CMPs by 2022.

### Risk Implications

The existing certified CZMP for the Open Coast is due to expire in December 2021, and the estuaries do not have certified CMPs in place. Adopting the Scoping Study would allow the Shoalhaven CMP to proceed at the high priority locations as a basis for ongoing and future coastal management in the Shoalhaven.

As the coastal environment is dynamic, an expected risk for adoption of the Scoping Study is that not all future coastal management issues are easily identifiable. This risk is mitigated by appointment of local community representatives to the Coastal and Estuary Management Committees and Working Groups, to provide oversight to the process going forward to ensure that additional risks in key areas are captured in Stage 2 of the Coastal Management Process.

There is also a risk of significant effort being expended on studies or additional mapping where existing studies are still current and can be adopted in the interim. To mitigate this risk, the CMP Scoping Study has recommended reviewing these studies where necessary and provided justification/prioritisation for the proposed actions to enable the CMPs to progress in a timely fashion. The recommended fast-tracking process for the Shoalhaven Coastline (including Jervis Bay) CMP would enable this process to be well underway prior to the expiration of the existing CZMP in December 2021.

There is a risk of locking-in coastal management arrangements that are not working as well as intended. The risk of this is mitigated by providing oversight of the process from the CMP working groups, and reviews to the CMPs as required by the *Coastal Management Act 2016*.

The risks of not adopting the CMP Scoping Study and therefore not proceeding with CMPs at the high priority locations include:

- Risk of damage to infrastructure or impact on safety from lack of agreed management actions;
- Risk of a lack of agreement on management actions from responsible Government Agencies, which could delay their implementation and result in damage to the environment or infrastructure;
- Risk of ad-hoc management actions being undertaken without approval that can cause environmental damage, impact safety or place infrastructure at risk;
- Risk of inappropriate development being allowed in highly vulnerable areas where safety, the environment and infrastructure is at threat;

- Ongoing worsening of existing risks, leading to damage to the local economy and environment; and
- Risk of de-engaging and de-educating the community on coastal management issues, leading to political conflict.

## SA20.98 Request - Refund DA Fees - Seventh Day Adventist Church (South NSW Conference) - DA19/1944

HPERM Ref: D20/147035

Section: Development Services

Approver: Phil Costello, Director Planning Environment & Development Group

Attachments: 1. Refund Request - All Associated Development Application Lodgement Fees - Australian Charities & Not-For Profits Commission Registration - [↓](#)

### Reason for Report

This report is to enable Council to consider the request made by Seventh-Day Adventist Church (South NSW Conference) for the reimbursement of fees in relation to Development Application DA19/1944 for Lot 8 DP 30788 – 169 McKay Street, Nowra in accordance with Council's Policy POL20/11 (*Fees – Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups*).

### Recommendation (Item to be determined under delegated authority)

That Council:

1. In accordance with Council's Policy POL20/11, reimburse the relevant development application fees as identified in the report for DA19/1944 lodged by Roger G Kerr amounting to \$244.00.
2. Fund the reimbursement from the Planning, Environment & Development Group (PE&D) budget.

### Options

1. Adopt the recommendation.

Implications: Council would be required to reimburse the relevant development application (DA) fees paid in relation to DA19/1944. In accordance with the Policy the Council can resolve that the refund be made from an alternate source of funding.

2. Not refund the relevant application fees.

Implications: All relevant fees would be retained and not refunded.

3. Alternative recommendation

Implications: Council would need to specify an alternative recommendation and advise staff accordingly.

### Background

Seventh Day Adventist Church (SDA Church) is a not-for-profit organisation that provides charitable programmes for the community. SDA Church is a registered charity and has been active since 1 September 2004.

On 26 September 2019, Council received DA19/1944 for the construction of a 1.8m tubular front boundary fence. The development was to ensure the ongoing protection of the Church site as they had been having previous issues with security – break-ins. The fees paid are outlined in the table below:

Particulars	Amount	Eligible Refund?
Occupation Certificate (OC) fees	\$319.00	No
<b>Development Application (DA) fees</b>	<b>\$244.00</b>	<b>Yes</b>
Construction Certificate (CC) fees	\$274.56	No
Archive Fee	\$43.00	No
Advertising	\$205.00	No
<b>Total fees eligible for refund</b>		<b>\$244.00</b>

The applicant has requested for the full amount of \$1,085.56 to be refunded. In accordance with this policy, the fees eligible for refund are the DA fees highlighted above.

DA19/1944 was approved subject to conditions of consent on 29 November 2019.

The applicant has submitted a written request for the waiver of relevant DA fees for DA19/1944.

Clause 2.1 POL20/11 (*Fees – Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups*) provides the fee exemption criteria:

### 2.1. Exemption criteria

The following exemption criteria apply:

- a) The applicant is a non-profit organisation, such as:
  - a registered charity and evidence of registration as a charity has been provided to Council; or
  - a local community or sporting group; or
  - a Council project of a “community” nature.
- b) The application does not involve any ongoing commercial or business type venture such as an event, nursing home, childcare centre, educational establishment, registered club, etc. whether or not they meet the exemption criteria in clause 2.1(a).

SDA Church is a registered not for profit charity organisation and evidence has been provided of SDA Church’s registrations with the Australian Charities and Not-for-profit Commission (ACNC). The development is for a front boundary fence for providing ongoing security to the site and is considered to not result in any ongoing commercial or business type venture of a similar nature as identified in 2.1b) above.

### Community Engagement

Nil.

### Policy Implications

It is unlikely that the adoption of the recommendation of this report will have any substantial policy implications.

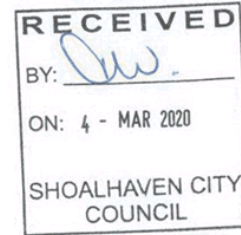
### Financial Implications

Council’s support of the requests would require reimbursement of fees amounting to a total of \$244.00 from the Planning Environment & Development budget. The Policy allows the Council to identify an alternate source of funding by resolution.

**Risk Implications**

There are no inherent risks associated with the adoption of the recommendation of this report.

Shoalhaven City Council  
Received - 5 MAR 2020  
Bridge Road  
Nowra 2540  
File No. OC20/1174  
Referred to: JP



3 March 2020

RE DA 19/1944 Property SDA Church 169 McKay Street Nowra

Dear Sir,

The fence for the above property has been completed and Council issued the final inspection and Occupation Certificate NO: OC20/1174 recently.

As requested, I enclose a copy of registration from the Australian Charities and Not-for-profits Commission which I received from the Registered owners, Australasian Conference Association Ltd., South New South Wales Conference.

We are applying for a refund of the Lodgement fee paid to Council on 25<sup>th</sup> September 2019 for the above DA 19/1944, the amount being \$1085.56.

Thank you for your attention to this matter.

Roger G Kerr (Applicant)

8 Paruna Place  
North Nowra 2541

SA20.98 - Attachment 1



SA20.98 - Attachment 1

## SA20.99 Request - Refund DA Fees - CareSouth - DS20/1113

HPERM Ref: D20/184916

Section: Development Services

Approver: Cathy Bern, Development Services Manager

### Reason for Report

This report is to enable Council to consider the request made by CareSouth for the reimbursement of fees in relation to Development Application DS20/1113 for Lot 323 DP 1242856 – 5-9 Enterprise Ave South Nowra in accordance with Council's Policy POL20/11 (*Fees – Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups*).

### Recommendation (Item to be determined under delegated authority)

That Council:

1. In accordance with Council's Policy POL20/11, reimburse the relevant development application fees as identified in the report for DS20/1113 lodged by MMJ Real Estate Wollongong amounting to \$650.00.
2. Fund the reimbursement from the Planning, Environment & Development Group (PE&D) budget with an appropriate adjustment made to the budget at a future quarterly budget review.

### Options

1. Adopt the recommendation.

Implications: Council would be required to reimburse the relevant development application (DA) fees paid in relation to DS20/1113. In accordance with the Policy the Council can resolve that the refund be made from an alternate source of funding.

2. Not refund the relevant application fees.

Implications: All relevant fees would be retained and not refunded.

3. Alternative recommendation

Implications: Council would need to specify an alternative recommendation and advise staff accordingly.

### Background

CareSouth is a not-for-profit organisation that provides care services for children, youth, individual families and people with disabilities in a residential and non-residential environment. CareSouth is a registered charity and has been active since 1999.

On 20 March 2020, Council received DS20/1113 for a section 4.55(1A) modification to DA17/1849 relating to various aspects of the building. The following fees were paid:

Development Application (DA) fees	\$645.00	Yes
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SA20.99



<b>Total fees eligible for refund</b>	<b>\$650.00</b>
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The applicant has requested for the full amount of \$850.00 to be refunded. In accordance with this policy, the fees eligible for refund are the DAs fees highlighted above.

DS20/1113 was approved subject to conditions of consent on 30 April 2020.

The applicant has submitted a written request for the waiver of relevant DA fees for DS20/1113.

Clause 2.1 POL20/11 (*Fees – Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups*) provides the fee exemption criteria:

**2.1. Exemption criteria**

*The following exemption criteria apply:*

- a) *The applicant is a non-profit organisation, such as:*
  - *a registered charity and evidence of registration as a charity has been provided to Council; or*
  - *a local community or sporting group; or*
  - *a Council project of a “community” nature.*
- b) *The application does not involve any ongoing commercial or business type venture such as an event, nursing home, childcare centre, educational establishment, registered club, etc. whether or not they meet the exemption criteria in clause 2.1(a).*

CareSouth is a registered not-for profit charity organisation and evidence has been provided of CareSouth’s registrations with the Australian Charities and Not-for-profit Commission (ACNC). The development is for an administration office for the organisation and it is considered that the use does not involve any ongoing commercial or business type venture of a similar nature as identified in 2.1b) above.

**Community Engagement**

Nil.

**Policy Implications**

It is unlikely that the adoption of the recommendation of this report will have any substantial policy implications.

**Financial Implications**

Council’s support of the requests would require reimbursement of fees amounting to a total of \$650.00 from the PE&D budget or another source identified in Council’s resolution. The Policy allows the Council to identify an alternate source of funding by resolution.

**Risk Implications**

There are no inherent risks associated with the adoption of the recommendation of this report.

SA20.99

## **SA20.100 Next Steps - Proposed Affordable Housing Development - Council Land, Coomea Street, Bomaderry**

**HPERM Ref:** D20/11340

**Section:** Strategic Planning

**Approver:** Phil Costello, Director Planning Environment & Development Group

**Attachments:** 1. Attachment 1 - Process Overview - Coomea Street Affordable Housing Project [↓](#)

### **Reason for Report**

Enable Council to formalise its approach to realise the intended affordable housing development on its site at Coomea Street, Bomaderry, or alternatively the approach that will be taken to make this site available for the desired affordable housing development.

### **Recommendation**

That Council:

1. Engage at no cost via a Memorandum of Understanding (MOU) the NSW Department of Communities & Justice (DCJ) to assist Council in the delivery of Council's vision of an affordable housing development consistent with the Shoalhaven Affordable Housing Strategy.
2. Contribute land known as 44-50 Coomea Street, Bomaderry via an Assistance/Funding Agreement with DCJ (the Secretary of the Department of Family and Community Services (FACS) – as the 'Housing Agency') to be used to construct an affordable housing development, conditional upon:
  - a. The land being used for long term Affordable Housing;
  - b. The capital contribution by Council being retained in perpetuity within the Shoalhaven Local Government Area;
  - c. Any change in use of the land must be approved by Council;
  - d. DCJ agreeing to Council staff, as nominated by the CEO, constituting part of any tender committee and ongoing steering committee established under the assistance/funding agreement; and
  - e. The Minister for DCJ directly appoint Southern Cross Housing as the Tier One registered Community Housing Provider (CHP) to build, own, manage and operate the affordable housing development as defined in the Community Housing Assistance Agreement entered into between the Secretary of the Department of Family and Community Services (FACS) – as the Housing Agency and Southern Cross Housing as the provider
3. Grant authorisation to DCJ (Housing Agency) to register an Interest in the Council land restricting dealings in the land without the consent of the Minister of DCJ (Housing Agency) consistent with Clause 14 of the Community Housing Providers (Adoption of National Law) Act 2012 (CHP Act)
4. Transfer as and when identified in the Assistance/Funding Agreement (Point 2 above) the ownership of 44-50 Coomea Street, Bomaderry to Southern Cross Housing for \$1.00

5. Approve the Common Seal of the Council of the City of Shoalhaven to be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. Adopt the recommendation as presented.

Implications: Council, with the assistance of NSW Department of Communities & Justice (DCJ), will be able to provide an expedient pathway to realise Council's vision of an affordable housing development on its land at 44-50 Coomea Street Bomaderry. This option utilises the expertise of DCJ in the delivery of affordable housing and removes Council from risks associated with triggering a PPP, funding the development, ongoing management responsibility and future capital contributions.

This option arose following the previous briefing and potentially provides a cleaner more direct way of ensuring a beneficial affordable housing outcome on the site that is consistent with Council's desired outcome, is likely to be realised in a timelier manner, and it enables access to the government funding for the actual development. Council also maintains a level of control over the final affordable housing outcome through the funding/assistance agreement whereby a project steering committee is established that has Council staff membership. The terms of reference for the steering committee also defines the inputs and accountabilities of each involved party.

Should Council want further detail on this option at this point it may be possible for staff to arrange a briefing between the Strategy & Assets Committee meeting and the Council meeting. This would provide an opportunity for more discussion on the matter and also not unduly delay its progress.

2. Adopt one of the alternate options detailed in the report to make the Council land in question available for an affordable housing development.

Implications: This option is open to Council to consider; the preference is however to proceed with the preferred option detailed in the report (Option 1 above).

3. Not proceed further in this regard.

Implications: This option is not recommended as it would be inconsistent with the adopted Shoalhaven Affordable Housing Strategy and the most recent November 2019 resolution.

### Background

Options to realise this key affordable housing opportunity were considered by Council on 12 November 2019 and it was resolved (MIN19.844) that Council:

1. *Restate its commitment to make the land that it owns in Coomea Street, Bomaderry available for an affordable housing development consistent with the adopted Shoalhaven Affordable Housing Strategy*
2. *Arrange a Councillor Briefing to discuss the options that are available in this regard and to help identify the preferred option to take this key opportunity forward in a timely manner, with the aim of making the site available for the proposed intended use in early 2020 (or sooner).*

### Site and Project Recap

The adopted Shoalhaven Affordable Housing Strategy (2018) identifies that the direct creation of affordable rental housing on Council land is the most effective strategy in the

current and projected local housing context Partnering with a registered Community Housing Provider (CHP) and/or the private sector to realise this is the most effective way of delivering actual additional affordable housing.

The Council-held site at Coomea Street, Bomaderry is identified as the initial key 'short term' (within 3 years) opportunity site in this regard. As outlined in the November 2019 report the four housing lots that Council now owns in this location are the focus, and for ease of delivery, the existing small public car park (No.42) has now been excluded.

Numbers 44, 46, 48 and 50 Coomea Street now make up the proposal site (3,236 sqm) – these are shown on the following map. Council has also made a further approach to the owner to acquire 52 Coomea Street, with no response from the owner as this point in time.



SA20.100

## Councillor Briefing

The resolved Councillor Briefing was held on 12 December 2019. This provided an opportunity for Council staff and Councillors to discuss the following:

- What we want to achieve:
  - Outcome consistent with Council’s adopted Shoalhaven Affordable Housing Strategy.
  - An ‘exemplar development’ – good design, showing what can be achieved and is needed (e.g. One-bedroom units/dwellings).
  - Delivered with the right partners - Registered Tier 1 ‘Not for Profit’ CHP with proven experience in the delivery of affordable housing products and services in Shoalhaven and a proven track record partnering with local Non-Governmental Organisations (NGOs) and support providers.
- Key questions to consider:
  - What level of involvement does Council want to have in the actual affordable housing development?
  - Does Council ultimately expect to make a profit?
  - What is the best way to make the site available (focus of the briefing and discussions)?
- Options to make site available and achieve the desired outcome:
  - Previous November 2019 report – included a legal commentary on the ‘pros’ and ‘cons’ of the different options.
  - Options Recap (November 2019 report) in order of least to most desirable:
    - Option 5      **Partnership Approach – Public Private Partnership (PPP) – Not Recommended.**  
*Comment – complexity around the PPP process and joint financing, uncertain outcome and potentially the longest delivery timeframe. Highest potential for disputes and conflict. Should be avoided if there are other options available.*
    - Option 4      **Sell with no restriction placed on use – Not Recommended.**  
*Comment – the least certain option to actually provide affordable housing. Once sold Council loses control over the future use of the site as there is nothing binding the purchaser to actually develop and deliver affordable housing.*
    - Option 3      **Sell with use restrictions – Not Recommended.**  
*Comment – May limit interested parties and any restrictions could be open to challenge. In 2019 the Inner West Council was unable to sustain the same position when challenged by developers.*
    - Option 1(a)    **Council develop and own with commercial lease with CHP – Not recommended**  
*Comment - Managing the debt and being certain that income is sufficient to cover expenses including debt, management fees and other outgoings. Government grant/Council funding dependant, commercial rent charged to the CHP renders project financially unviable.*

Option 2 **Council retain land. CHP lease or shared equity, fund/construct and manage – Not recommended**

*Comment – Clean option with Council owning the land and a CHP undertaking the rest. Dependent on Government grants or funding (e.g. through the National Housing Finance & Investment Corporation) and CHP ability to fund and/or borrow against a shared equity or lease interest.*

*If shared equity, Council's land contribution would convert to a percentage ratio as a Tenant in Common (TIC) on title with the CHP being the other TIC. Development can be strata subdivided at an agreed future date with proceeds distributed per TIC percentages. High risk for Council as there is no protection if CHP goes into administration or de-registered.*

*If lease interest, the CHP would rely on cash flow only to secure funding to undertake the development. This raises issues with the reversion of the improvements at the end of the lease agreement and potential capital cost impediments for Council to recycle the property for ongoing affordable housing.*

Option 1(b) **Council develop and own with peppercorn lease (and management agreement) to CHP – Not recommended**

*Comment - Managing debt with no revenue, dependent on either Government grant or Council funding. Council is not eligible for funding through the National Housing Finance & Investment Corporation as Council is not a CHP. Council would need to borrow 100% of the construction costs. Full development risk attributed to Council with a depreciating asset and ongoing responsibility for maintenance, monitoring and management.*

Following the December 2019 Councillor briefing, Council staff had the opportunity to meet earlier this year with senior staff from the “Community Housing & Pathways” Section within the NSW Department of Communities & Justice (DCJ) to discuss the site, the options discussed with Councillors (Options 1 to 5 above) and any other options available to Council to assist in the timely realisation and development of an exemplar affordable housing outcome on the subject site.

During this meeting, the senior staff from DCJ expressed a high desire to be collaborate and be part of this project to assist Council in bringing this desired development to fruition. As a result of this meeting the following additional Option 6 is now also presented:

Option 6 **Partnering with NSW Department of Communities & Justice (DCJ) – Recommended as Preferred Option**

Having DCJ involved brings solutions to a number of gaps identified in the five options presented at the December 2019 briefing (summarised above). These solutions take the form of:

1. Protection under the “Community Housing Providers (Adoption of National Law) Act 2012

Note: This is legislative protection as the CHP Act 2012 is the defining legislation that all CHP's must operate under. The Act establishes the ‘Registrar’ who ensures CHP compliance and can deregister a CHP if needed. The Act also contains other relevant provisions including how the Housing Agency can place an interest on the land. The Housing Agency is essentially the

- Secretary of the NSW Department of Family & Community Services.
2. Restricting dealings in the land, subject to Ministerial consent  
 Note: This is similar to a notation on the title to Crown Land that is reserved under Part 5 of the Crown Land Act. It enables restrictions to be placed on land transfer or other dealings without the consent of the Housing Agency.
  3. Guaranteeing Council's capital investment remains within the Shoalhaven LGA in perpetuity
  4. Note: This is because the funding/assistance agreement and the community housing assistance agreements require any capital investment by Council to be retained in Shoalhaven. This offsets transferring the land for \$1 to the CHP.
  5. Direct dealing with Southern Cross Housing and assistance with well-defined outcomes including details of the project, delivery timeline, CHP debt & equity; leverage targets and tenancing identification and ratios
  6. Mandatory "Community Housing Agreement" between the Secretary of the NSW Department of Family & Community Services and the CHP. This document sets out the conditions precedent to the CHP being entitled to assistance and the terms on which the assistance may be used.
  7. In this instance the assistance provided is Council's Coomea Street properties offered under the Funding/Assistance Agreement entered into between Council and the Secretary of the NSW Department of Family & Community Services.
  8. The CHP are able to progress the project through their ability to access funding from the Department. The CHP has expertise in delivery of this form of housing and it is the core service that they provide.
  9. Ongoing CHP performance monitoring by the Secretary of the NSW Department of Family & Community Services
  10. Protection in the event that the CHP becomes insolvent or has their registration cancelled, the Housing Agency can vest the property to themselves or a new specified CHP. The new CHP must sign a Community Housing Assistance Agreement within 40 days
  11. Land transfer to the CHP will enable maximum debt and equity contributions from the CHP to facilitate the construction of a modern mixed tenure development. Title transfer may also enable the CHP to receive other grant funding from State or Commonwealth governments
  12. Note: transfer of the land would not occur until all other funding is obtained by the CHP. The timing of the transfer is ultimately dictated by Council and detailed in the funding/assistance agreement.
  13. No risk of a public private partnership (PPP) being triggered  
*Comment:* This is essentially because the land is transferred to a CHP under a funding/assistance agreement between Council

and DCJ; there is an interest placed on the title by DCJ under the CHP Act 2012; and the eventual affordable housing development is an undertaking between DCJ and the CHP under a Community Housing Assistance Agreement.

14. Council would be able to use DCJ's existing infrastructure around CHP contract management/ compliance and procurement etc.
15. Once debts are paid, under the contract the CHP can be required to leverage any surpluses from the project to deliver more affordable housing off site within the LGA. This means that any surpluses generated are reinvested to support tenants and supply new social and affordable housing.
16. Note: Any surplus can be used as cash flow to fund other affordable housing projects within Shoalhaven and this is again stipulated within the funding/assistance agreement and the community housing assistance agreement.

The diagram provided as **Attachment 1** to this report provides an overview of the process that would be involved or followed in the recommended Option 6 is accepted and pursued.

### **Conclusion - Preferred Option/s**

There seemed to be some consensus from those present at the Councillor Briefing in December 2019 that the two favoured options at that point were Option 1(b) and Option 2.

Both options would see Council retaining ownership of the land in the long term, but Option 1(b) is dependent on being able to obtain Government funding to assist in the realisation of the project.

It was further discussed that if no external funding is available to realise Option 1(b) then it was agreed that Option 2 would also provide a suitable way forward.

However, as a result of the subsequent meeting with DCJ and on further review Council staff consider that the most expedient and risk adverse way to deliver the actual outcome outlined in the adopted Shoalhaven Affordable Housing Strategy is to proceed with the recommended (Option 6) delivery methodology.

### **Community Engagement**

Given that 44 to 50 Coomea Street, Bomaderry is 'operational' land there is no specific requirement under the NSW Local Government Act 1993 to undertake community consultation to implement the specific actions outlined in the report.

Notwithstanding this, the Shoalhaven Affordable Housing Strategy was prepared with detailed community engagement and was adopted by adoption by Council in late 2017 and formally released in early 2018. Strategy 2 within this document is as follows:

*“Council will dedicate one Council owned site for affordable housing partnerships in the short term in Nowra-Bomaderry, with the potential to expand development opportunities on additional land in this precinct; and will investigate other Council or publicly owned sites that could be dedicated to affordable housing partnerships in the medium- and longer term.”*

Once the tenure mechanism is resolved, the actual future development of the site will be subject to a detailed planning process.



## Policy Implications

There are no immediate policy implications; however, the recommended actions are in line with:

1. The adopted Shoalhaven Affordable Housing Strategy 2018; and
2. Community Housing Providers (Adoption of National Law) Act 2012

Note: the above act is administered jointly by Melinda Pavey MP, NSW Minister for Water, Property and Housing and Gareth Ward MP, NSW Minister for Families, Communities and Disability Services (who is also the Member for Kiama the electorate within which the subject land sits).

## Financial Implications

In proceeding as recommended (Option 6), Council needs to be cognisant that this will result in the transfer of 44 to 50 Coomea Street, Bomaderry to Southern Cross Housing for \$1.

This will result in a financial write down by Council of the assets at the following book values:

Land:	\$1,125,450
Buildings:	\$623,563
<b>Total:</b>	<b>\$1,749,013</b>

This could also be considered financially assisting others under Section 356 of the NSW Local Government Act 1993.

Outside the above, in proceeding with the recommendation (Option 6) there are no other financial costs attributed to Council other than:

- legal costs associated with the land transfer; and
- potentially any legal advice should Council wish to seek same; and
- Survey and associated costs in undertaking a plan of consolidation of titles across the site.

It is noted that the DCJ in aiding in this process will not charge Council any fees. Their mandate is the delivery of affordable housing and the provision of support to organisations to achieve that.

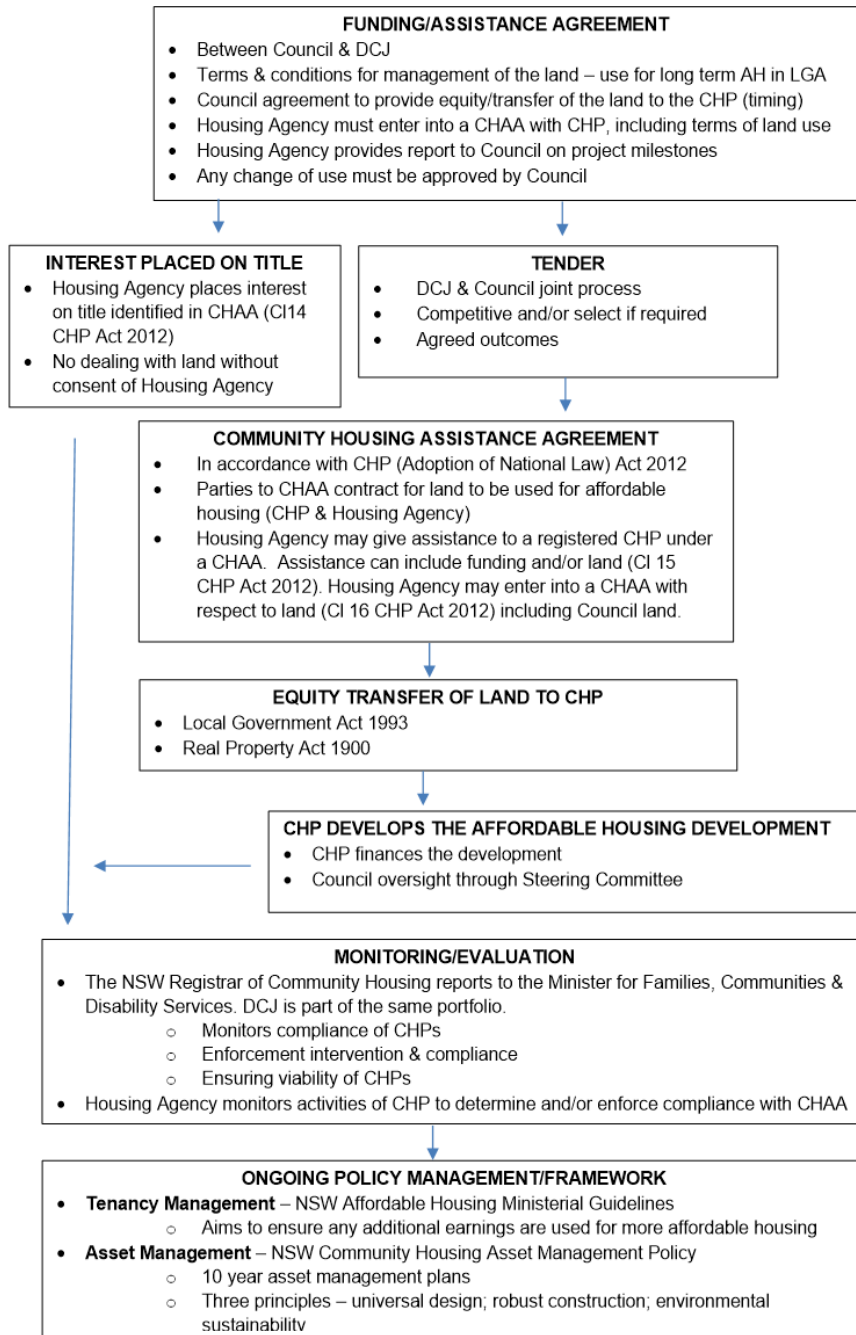
## Risk Implications

Council is not set up as housing agency and direct provision of housing is not its core business. By using the facility available under the CHP Act and using existing CHP procurement and contract management infrastructure within the Department of Communities and Justice (DCJ) significant risk can be avoided whilst engaging with the right partner/s - with proven experience in the delivery of affordable housing products and services in Shoalhaven and a proven track record partnering with local Non-Governmental Organisations (NGOs) and support providers.

DCJ has overseen the delivery of more than 5000 affordable housing units through its contractual relationships with CHPs under various programs including Commonwealth's National Rental Affordability Scheme (NRAS).

### Attachment 1 – Overview of the Process

Outlined below are the steps with DCJ involvement needed to achieve an Affordable Housing development on Council's Coomea Street:



**Legend:**  
 DCJ – NSW Department of Communities & Justice  
 FACS – Family & Community Services (Part of DCJ)  
 Housing Agency – Secretary of FACS  
 CHP – Community Housing Provider  
 CHAA – Community Housing Assistance Agreement  
 AH – Affordable Housing Development

## **SA20.101 Companion Animals - Management of Feral and Infant Cats and Dogs POL18/40**

**HPERM Ref:** D20/159117

**Section:** Building & Compliance Services

**Approver:** Phil Costello, Director Planning Environment & Development Group

**Attachments:** 1. Report Attachment - Companion Animals - Management of Feral and Infant Cats and Dogs Policy [↓](#)

### **Reason for Report**

Obtain endorsement of the review of the Companion Animals – Management of Feral and Infant Cats and Dogs Policy.

### **Recommendation (Item to be determined under delegated authority)**

That Council adopt the reviewed Companion Animals – Management of Feral and Infant Cats and Dogs Policy.

### **Options**

1. Resolve as recommended

Implications: Nil.

2. Council propose an alternative resolution

Implications: to be considered and implemented.

### **Background**

This policy has been updated to remove reference to the RSPCA as they no longer manage or have an active role in the Shoalhaven Animal Shelter.

The policy has also been amended to provide authorisation for euthanising feral and infant cats and dogs that cannot otherwise be rehomed.



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For more information contact the Planning, Environment & Development Group

## Companion Animals – Management of Feral and Infant Cats and Dogs

**Policy Number:** POL18/40 • **Adopted:** 22/2/2011 • **Reaffirmed:** 21/06/2013 • **Amended:** 19/07/2016, 24/01/2017 • **Minute Number:** MIN11.149, MIN13.638, MIN16.554, MIN17.24 • **File:** 32667E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/12/2020

### 1. PURPOSE

The purpose of this policy is to comply with the Guideline on the Exercise of Functions (the Guideline), the *Companion Animals Act 1998* (the Act) and the *Companion Animals Regulation 2008* (the Regulation).

~~It also supports the contractual arrangements for managing the Shoalhaven Animal Shelter and Pound Facility.~~

### 2. MANAGEMENT OF FERAL AND INFANT COMPANION ANIMALS

#### 2.1. Definitions

**Companion animal** means each of the following:

- (a) a dog,
- (b) a cat,
- (c) any other animal that is prescribed by the Regulations as a companion animal.

**Infant animal:** Is an animal generally under 800 grams and still totally reliant on its mother to eat, drink and for evacuations.

**Feral animal:** Is an animal in wild state, especially after escape from captivity domestication. It is an unidentified, aggressive animal that has had no demonstrable human, social interaction.

#### 2.2. Context

The Shoalhaven Animal Shelter receives feral and infant animals, mostly cats, from members of the public in person or via Ranger Services officers. The public may trap feral cats or manage to catch unowned litters without their mother or pet owners may leave litters in the overnight kennels without their mother. The Shelter will only take surrendered kittens without their mother if the kittens are old enough and able to survive without their mother. As feral animals are unowned, multiply readily and are destructive to wildlife, they pose a nuisance to the community and a threat to the environment. Feral cats received at the

*Shoalhaven City Council – Companion Animals - Feral and Infant Dogs and Cats Policy*

shelter suffer from capture stress which is considered by animal welfare organisations to be inhumane. As these animals are not suitable for rehoming, the earlier a decision is made to euthanise the more humane for the animal.

As infant animals are totally reliant on their mother, an educated decision must be made by staff as to the viability of the animal. In relation to eating and drinking, infants may require bottle feeding every two hours. However, these infants do not have the capacity to evacuate unless stimulated by their mother or by a foster carer.

Section 64(5) of the Act requires that, before destroying a seized animal, Council considers whether there is a possible alternative and, if practicable, adopt this alternative. It is Council's policy to comply with Section 64(5) wherever possible, and in the case of healthy infant animals and as resources permit, Council endorses that the animals be placed:

- a) In temporary care with a **RSPCA NSW**-sanctioned foster carer until such time as the animal's legislated holding period is surpassed; or
- b) In the permanent care of an associated organisation. Associated organisations include other animal welfare organisations and like-minded community groups (which are sometimes referred to as 'rescue groups').

Council **acknowledges RSPCA NSW** will retain sufficient control over infant animals placed into temporary care.

**2.3. Euthanasia of feral and infant companion animals**

In accordance with Section 64(2) of the Act, feral and infant companion animals seized or surrendered to Council's pound may be destroyed prior to the standard holding period as set out in Section 64(1) of the Act. Any policy adopted by the council for the purposes of subsection (2) must comply with such guidelines as may be issued by the Director-General.

Council authorises the humane euthanasia of feral and infant animals that are unsuitable or unlikely to be rehomed, or **when** it is in the best interest for the welfare of the animal following any advice provided by a veterinarian, **the Royal Society for the Prevention of Cruelty to Animals (RSPCA)** or the Shoalhaven Animal Shelter **Supervisor**.

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The Section Manager, Building and Compliance or Unit Manager, Ranger Services **or in the absence of the Manager, a Ranger Services Team Supervisor** may authorise such euthanasia.

**3. IMPLEMENTATION**

This Policy will be implemented by the Ranger Services Unit.

**4. REVIEW**

The policy will be reviewed within twelve (12) months of the election of Councillors, or earlier should circumstances arise to warrant revision.

**5. APPLICATION OF ESD PRINCIPLES**

This policy supports Council's commitment to ESD principles through social integrity and animal welfare management.

## 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.