

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 20 July, 2021  
**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.

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CSA21.35	Proposed Disposal of Council Land - Far Meadow  <i>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.</i>  <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>

## CSA21.36 Tenders - Public Amenity Cleaning - Building Services

*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.*

## CSA21.37 Quotations - Ground Maintenance - Building Services

*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.*

## CSA21.38 Tenders – Garden &amp; Timber Organics Shredding Service

*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, operational plan, and resourcing strategy 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 Chief Executive Officer;
- 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 Chief Executive Officer or cannot be delegated by Council;
- f. Provision of corporate direction to Shoalhaven Water 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;

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- 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 with the following exceptions (MIN17.334):
- i. Those tenders required by law to be determined by full Council (MIN17.334),
  - ii. Those tenders where the recommendation is to not accept any tender (which will be reported directly to Ordinary) (GD19.164).

## MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

**Meeting Date:** Tuesday, 8 June 2021  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

The following members were present:

Clr John Wells - Chairperson  
Clr Amanda Findley  
Clr Joanna Gash  
Clr Patricia White  
Clr Nina Digiglio  
Clr Annette Alldrick  
Clr John Levett  
Clr Andrew Guile  
Clr Mitchell Pakes  
Clr Greg Watson  
Clr Mark Kitchener  
Clr Bob Proudfoot  
Mr Stephen Dunshea - Chief Executive Officer

### Apologies / Leave of Absence

Apologies were received from Clr Gartner and Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr Gash / Clr White) MIN21.359

That the Minutes of the Strategy and Assets Committee held on Tuesday 18 May 2021 be confirmed.

CARRIED

### Declarations of Interest

Clr Pakes – CSA21.28 - Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision – less than significant non pecuniary interest declaration – Will remain in the room and will take part in discussion or vote – The parents of the owner are known to him and he has worked for them.

Clr Wells – CSA21.28 - Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision – less than significant non pecuniary interest declaration – Will remain in the room and will take part in discussion or vote – The Principals of the successful Tender are known to him and was their manager.

## MAYORAL MINUTES

Nil

## DEPUTATIONS AND PRESENTATIONS

### **SA21.116 - Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia**

Mr Terry O'Connor, representing Residents, addressed the meeting and spoke against the recommendation.

Mr Matthew O'Connor, representing Jervis Bay Boat Storage, addressed the meeting and spoke against the recommendation.

### **Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr White / Clr Pakes) MIN21.360

That the matter of item SA21.116 - Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia be brought forward for consideration.

CARRIED

### **SA21.116 Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia**

**HPERM Ref:  
D21/182527**

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

That Council:

1. Receive the Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia.
2. Continue to construct and commission the Boat Maintenance Facility in accordance with the Jervis Bay Regional Boat Ramp Master Plan (H).
3. Lease to a qualified operator the Boat Maintenance Facility on terms acceptable to the Chief Executive Officer and authorise the execution of the lease.

**RESOLVED** (Clr Watson / Clr Kitchener) MIN21.361

That:

1. Council defer the item to a Councillor Briefing to consider the issues raised and examine the possibility of sharing the space.
2. The Briefing include consideration of the request for the extension of a trailable area to the west of the main wharfage to facilitate the launching of larger boats.

CARRIED

## Procedural Motion

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

MIN21.362

That the following items be resolved en bloc:

- SA21.117 - Tenders – Albatross Aviation Technology Park – Stage 5 Subdivision
- SA21.125 - Tenders – Panel for Provision of Construction Materials
- SA21.126 - Tenders – Technical Services Consultants Capital Works Program
- SA21.127 - Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery
- SA21.128 - Tenders – Road Rehabilitation and Heavy Patch – BTU Road Nowra Hill
- SA21.130 - Tenders – Main Road Cambewarra Water Main Relocation and Stage 1 – Moss Vale Road Water Lead-in Project

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**SA21.112 Notice of Motion - Culburra Park - Potential Dog Off Leash Park**

**HPERM Ref:  
D21/222438**

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

That Council investigate the cost and suitability of the land known as Culburra Park, behind the shops at Culburra Beach Shopping Centre, for use as an off leash dog park.

**RESOLVED** (Clr Gash / Clr Pakes)

MIN21.363

That Council investigate the cost and suitability of the land known as Culburra Park, behind the shops at Culburra Beach Shopping Centre, for use as an off leash dog park.

CARRIED

**SA21.113 Notice of Motion - Access To Rotary Nature Play Park, Boongaree, Berry**

**HPERM Ref:  
D21/226478**

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

That

1. Council construct kerb & guttering and a footpath on Prince Alfred Street Berry (between Albert Street and North Street)
2. The funds be sourced if possible from the budget already allocated to Boongaree Rotary Nature Play Park project.

**RESOLVED** (Clr Wells / Clr Findley)

MIN21.364

That:

1. Council construct kerb & guttering and a footpath on Prince Alfred Street Berry (between Albert Street and North Street)
2. The funds be sourced if possible from grants or quarterly budget review savings.
3. Wayfinding signage be included in the project brief.

CARRIED

## REPORTS

### **SA21.114 Request to Vary Donation - City of Shoalhaven Eisteddfod Inc**

**HPERM Ref:  
D21/222616**

#### **Recommendation**

That Council:

1. Approve the City of Shoalhaven Eisteddfod Inc's request for a variation of purpose for the remaining \$7,630 from the 2020/21 Allocated Donation of \$10,130 as a contribution towards the costs of a project aimed at promoting and maintaining the profile of the Shoalhaven Eisteddfod for 2022.
2. Allocate an additional donation of \$2,670 towards the cost of this project bringing the total donation for the 2020/21 Financial Year to \$12,800.

#### **RECOMMENDATION (Clr Gash / Clr Findley)**

That Council:

1. Approve the City of Shoalhaven Eisteddfod Inc's request for a variation of purpose for the remaining \$7,630 from the 2020/21 Allocated Donation of \$10,130 as a contribution towards the costs of a project aimed at promoting and maintaining the profile of the Shoalhaven Eisteddfod for 2022.
2. Allocate an additional donation of \$2,670 towards the cost of this project bringing the total donation for the 2020/21 Financial Year to \$12,800.

CARRIED

### **SA21.115 Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments**

**HPERM Ref:  
D21/215900**

#### **Recommendation**

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust the Councillor Fee to \$24,810 and the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

#### **MOTION (Clr Watson / Clr Pakes)**

That the report be received for information and referred to the Call Meeting after the Local Government Elections in September, noting that the current remuneration payments will continue until that time.

FOR: Clr Wells, Clr White, Clr Pakes, Clr Watson and Clr Kitchener

AGAINST: Clr Findley, Clr Gash, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Proudfoot and Stephen Dunshea

LOST

Clr Findley raised a Point of Order against Clr Watson for making comments about the Mayor's financial assistance which call into disrepute the assistance the Mayor receives as entitlements. The Chairperson did not rule it a Point of Order and asked Clr Watson to withdraw the comment as

the assistance is not part of the Mayor's remuneration package, and the issues he had raised were extraneous. Cllr Watson did not withdraw the comment.

#### FORESHADOWED MOTION (Cllr Levett / Cllr Digiglio)

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust the Councillor Fee to \$24,810 and the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

FOR: Cllr Findley, Cllr Gash, Cllr Digiglio, Cllr Alldrick, Cllr Levett and Stephen Dunshea

AGAINST: Cllr Wells, Cllr White, Cllr Pakes, Cllr Watson, Cllr Kitchener and Cllr Proudfoot

LOST on CASTING VOTE of the Chair

#### FORESHADOWED MOTION (Cllr Proudfoot / Cllr Levett)

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust only the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

Note: Cllr Findley - significant pecuniary interest declaration – Left the room and did not take part in discussion or vote – the Motion is to vote on her own payment alone.

Note: Cllr Findley left the room at 6.34pm

#### RECOMMENDATION (Cllr Proudfoot / Cllr Levett)

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust only the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

FOR: Cllr Gash, Cllr Digiglio, Cllr Alldrick, Cllr Levett, Cllr Proudfoot and Stephen Dunshea

AGAINST: Cllr Wells, Cllr White, Cllr Pakes, Cllr Watson and Cllr Kitchener

CARRIED

Note: Cllr Findley returned at 6.36pm

**SA21.116 Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia**

**HPERM REF:  
D21/182527**

Item dealt with earlier/later in the meeting see MIN21.361.



**Items marked with an \* were resolved ‘en bloc’**

<b>SA21.117 Tenders – Albatross Aviation Technology Park – Stage 5 Subdivision</b>	<b>HPERM Ref: D21/220823</b>
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**RESOLVED\*** (Clr White / Clr Findley) MIN21.365

That Council consider a separate confidential report “Tenders – Albatross Aviation Technology Park – Stage 5 Subdivision” in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

<b>SA21.118 Consolidation of Grant Funding for Ulladulla Harbour Berthing Facility</b>	<b>HPERM Ref: D21/222107</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Accept the proposal by the Australian and NSW Governments to consolidate the various funding for the Council project at Ulladulla Harbour to build berthing facilities.
2. Authorise the CEO to sign the consolidated Deed to enable the funding to be provided for the project.
3. Terminate the previous funding deeds entered into for this project that will be usurped by the consolidated deed.

**RESOLVED** (Clr White / Clr Kitchener) MIN21.366

That Council:

1. Accept the proposal by the Australian and NSW Governments to consolidate the various funding for the Council project at Ulladulla Harbour to build berthing facilities.
2. Authorise the CEO to sign the consolidated Deed to enable the funding to be provided for the project.
3. Terminate the previous funding deeds entered into for this project that will be usurped by the consolidated deed.

CARRIED

**Procedural Motion**

**RESOLVED** (Clr Digiglio / Clr Gash) MIN21.367

That the following items be resolved en bloc:

- SA21.119 - Proposed Acquisition of Land – Moss Vale Road South Urban Release Area
- SA21.120 – Caravan Park Opportunities in the Shoalhaven
- SA21.121 – Mundamia Urban Release Area – Update

CARRIED

**Items marked with an \* were resolved ‘en bloc’**

**SA21.119 Proposed Acquisition of Land – Moss Vale Road South Urban Release Area**

**HPERM Ref:  
D21/120036**

**RESOLVED\*** (Clr Digiglio / Clr Gash)

MIN21.368

That Council, in accordance with Section 10A(2)I 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.

CARRIED

**SA21.120 Caravan Park Opportunities in the Shoalhaven**

**HPERM Ref:  
D21/203823**

**RESOLVED\*** (Clr Digiglio / Clr Gash)

MIN21.369

That Council, in accordance with Section 10A(2)(d) of the Local Government Act 1993, consider a separate confidential report in relation to caravan park opportunities in the Shoalhaven.

CARRIED

**SA21.121 Mundamia Urban Release Area – Update**

**HPERM Ref:  
D21/217369**

**RESOLVED\*** (Clr Digiglio / Clr Gash)

MIN21.370

That Council, in accordance with Section 10A(2)(d) of the Local Government Act 1993, consider a separate confidential report in relation to the Mundamia Urban Release area.

CARRIED

**SA21.122 Policy Review – Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land**

**HPERM Ref:  
D20/434459**

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

That Council:

1. Resolves to retain the existing Policy “Creation of an Asset Protection Zone (APZ) over Council owned or managed land” POL20/6; and
2. Receives separate reports to consider the creation of APZs over Council community land and Crown land (where Council is Crown Land Manager) when applications are received from adjacent property owners where such applications demonstrate “Exceptional Cases” as identified in the Council’s Plans of Management; and
3. Notes it has no power to grant or enforce the establishment of APZs on land it does not own or manage (i.e. private land or Crown Land where Council is not the Crown Land Manager).

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

MIN21.371

That Council:

1. Resolves to retain the existing Policy “Creation of an Asset Protection Zone (APZ) over Council owned or managed land” POL20/6; and

2. Receives separate reports to consider the creation of APZs over Council community land and Crown land (where Council is Crown Land Manager) when applications are received from adjacent property owners where such applications demonstrate “Exceptional Cases” as identified in the Council’s Plans of Management; and
3. Notes it has no power to grant or enforce the establishment of APZs on land it does not own or manage (i.e. private land or Crown Land where Council is not the Crown Land Manager).

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

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

CARRIED

### **SA21.123 Traffic Committee Reports – Sub Delegation of Authorisation to Director City Services**

**HPERM Ref:  
D21/170434**

#### **Recommendation**

That Council:

1. Sub-Delegates to the Chief Executive Officer (Director City Services) the functions listed below that have been delegated to Shoalhaven City Council by Transport for NSW (TfNSW – formerly RMS).

The exercising of all functions of RMS under:

- a. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999
- b. Division 2 part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Act 1999
2. Note that notwithstanding the Sub-Delegation above, that Councillors can still have a Traffic Committee item considered at an Ordinary meeting at a Councillor’s request through the following process:
  - a. Councillors will be emailed the minutes of the Traffic Committee as a matter of standard process.
  - b. If a Councillor would like a Traffic Committee item considered at an Ordinary meeting, a request is to be email to Governance within 3 days of the Traffic Committee minutes being distributed and quote the Traffic Committee item number.
  - c. The CEO (Director City Services) will discuss the issue with the Councillor. If the Councillor would still like it considered at an Ordinary meeting it will be added to the agenda of the next meeting.

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

That Council:

1. Sub-Delegates to the Chief Executive Officer (Director City Services) the functions listed below that have been delegated to Shoalhaven City Council by Transport for NSW (TfNSW – formerly RMS).

The exercising of all functions of RMS under:

- a. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999
- b. Division 2 part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Act 1999

2. Note that notwithstanding the Sub-Delegation above, that Councillors can still have a Traffic Committee item considered at an Ordinary meeting at a Councillor's request through the following process:
  - a. Councillors will be emailed the minutes of the Traffic Committee as a matter of standard process.
  - b. If a Councillor would like a Traffic Committee item considered at an Ordinary meeting, a request is to be email to Governance within 3 days of the Traffic Committee minutes being distributed and quote the Traffic Committee item number.
  - c. The CEO (Director City Services) will discuss the issue with the Councillor. If the Councillor would still like it considered at an Ordinary meeting it will be added to the agenda of the next meeting.

CARRIED

**SA21.124 Proposed Licence to land to Milton Ulladulla Railway Club Incorporated - Part Land Lot 4, DP631904, 45 Princes Highway Ulladulla**

**HPERM Ref: D21/210073**

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

That Council:

1. Approve the Licence of land at Part Lot 4, DP631904, 45 Princes Highway Ulladulla to Milton Ulladulla Railway Club Incorporated for a period of ten years commencing 1 July 2021 at a commencing rental of \$510 per annum excluding GST plus 2% annual increases.
2. Require the Licensee to be responsible for their proportion of outgoings, the maintenance of the licensed land and the buildings, collection and fixtures and fittings which are owned by them.
3. Approve the Chief Executive Officer to execute any documentation necessary to give effect to this resolution.

**RESOLVED** (Clr Findley / Clr Digiglio)

MIN21.372

That Council:

1. Approve the Licence of land at Part Lot 4, DP631904, 45 Princes Highway Ulladulla to Milton Ulladulla Railway Club Incorporated for a period of ten years commencing 1 July 2021 at a commencing rental of \$510 per annum excluding GST plus 2% annual increases.
2. Require the Licensee to be responsible for their proportion of outgoings, the maintenance of the licensed land and the buildings, collection and fixtures and fittings which are owned by them.
3. Approve the Chief Executive Officer to execute any documentation necessary to give effect to this resolution.

CARRIED

**Items marked with an \* were resolved ‘en bloc’**

<b>SA21.125 Tenders - Panel for Provision of Construction Materials</b>	<b>HPERM Ref: D21/119770</b>
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**RESOLVED\*** (Clr White / Clr Findley) MIN21.373

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

<b>SA21.126 Tenders – Technical Services Consultants Capital Works Program</b>	<b>HPERM Ref: D21/203192</b>
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**RESOLVED\*** (Clr White / Clr Findley) MIN21.374

That Council considers a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act.

CARRIED

<b>SA21.127 Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery</b>	<b>HPERM Ref: D21/218263</b>
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**RESOLVED\*** (Clr White / Clr Findley) MIN21.375

That Council considers a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

<b>SA21.128 Tenders - Road Rehabilitation and Heavy Patch - BTU Road Nowra Hill</b>	<b>HPERM Ref: D21/225879</b>
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**RESOLVED\*** (Clr White / Clr Findley) MIN21.376

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

<b>SA21.129 Thomson Street Sporting Complex - Options - Reseal Main Car Park</b>	<b>HPERM Ref: D21/124664</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Reseal the main car park at Thomson Street Sporting Complex utilising spray seal, at a cost of \$22,079, to be funded from the 2021/22 Minor Improvement Program budget.
2. Identify the design and construction of the additional car parking at the rear of the indoor sports hall in the Swim Sport Fitness Assets Management Plan and allocate funding of \$30,000 in the budget for financial year 2022/23 for the design and investigation component of this project.

3. Once a car park design is obtained, consider seed funding in future outyears of the capital works program to enable grant funding opportunities to be sought to deliver additional car parking on the site.

**RESOLVED** (Clr White / Clr Pakes)

MIN21.377

That Council:

1. Reseal the main car park at Thomson Street Sporting Complex utilising spray seal, at a cost of \$22,079, to be funded from the 2021/22 Minor Improvement Program budget.
2. Identify the design and construction of the additional car parking at the rear of the indoor sports hall in the Swim Sport Fitness Assets Management Plan and allocate funding of \$30,000 in the budget for financial year 2022/23 for the design and investigation component of this project.
3. Once a car park design is obtained, consider seed funding in future outyears of the capital works program to enable grant funding opportunities to be sought to deliver additional car parking on the site.

CARRIED

**SA21.130 Tenders - Main Road Cambewarra Water Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Project**

**HPERM Ref: D21/198161**

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

MIN21.378

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

## CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

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

MIN21.379

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CSA21.25 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

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

*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.*



- CSA21.26 Caravan Park Opportunities in the Shoalhaven  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CSA21.27 Mundamia Urban Release Area - Update  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CSA21.28 Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CSA21.29 Tenders - Panel for Provision of Construction Materials  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CSA21.30 Tenders – Technical Services Consultants Capital Works Program  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CSA21.31 Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery  
*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*  
*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business,*



*commercial, professional or financial interests.*

- CSA21.32 Tenders - Road Rehabilitation and Heavy Patching - BTU Rd Nowra Hill  
*Information that would, if disclosed, confer a commercial advantage on a competitor of the council. 10(A)(2)(d)(ii)*

*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.*

- CSA21.33 Tenders - Main Road Cambewarra Water Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Project

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

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

CARRIED

The meeting moved into confidential the time being 6.45pm.

The meeting moved into open session, the time being 7.07pm.

## REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

### CSA21.25 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

HPERM Ref:  
D21/120407

This item is a Recommendation to Council to be addressed at the Ordinary Meeting on 29 June 2021

### CSA21.26 Caravan Park Opportunities in the Shoalhaven

HPERM Ref:  
D21/202647

RESOLVED

MIN21.380C

That the Chief Executive Officer (Director, City Futures) undertake the proposed Future Actions as detailed in this report and provide a separate report back to Council in due course on the outcome of those actions.

CARRIED

## CSA21.27 Mundamia Urban Release Area - Update

**HPERM Ref:**  
**D21/209719**

### RESOLVED

MIN21.381C

That the Chief Executive Officer (Director, City Futures) undertake the proposed Future Actions as detailed in this report and provide a separate report back to Council in due course on the outcome of those actions.

CARRIED

## CSA21.28 Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision

**HPERM Ref:**  
**D21/223255**

Clr Pakes – CSA21.28 - Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision – less than significant non pecuniary interest declaration – Remained in the room and took part in discussion and voted – The parents of the owner are known to him and he has worked for them.

Clr Wells – CSA21.28 - Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision – less than significant non pecuniary interest declaration – Remained in the room and took part in discussion and voted – The Principals of the successful Tender are known to him and he was their manager.

### RESOLVED

MIN21.382C

That

1. Council (Strategy and Assets Committee accept the Tender from Pascall Group Pty Ltd for Albatross Aviation Technology Park – Stage 5 subdivision. at a total cost of \$2,144,686.53 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director, City Futures) as the Principal's Representative.
3. Council authorises the Superintendent under the contract to adjust the contract for variations under the contract, authorise a purchase order in the amount of \$2,595,070.70 (including GST) for the contract plus 10% construction contingency and adjust the funding within Council's Financial system.

CARRIED

## CSA21.29 Tenders - Panel for Provision of Construction Materials

**HPERM Ref:**  
**D21/119647**

### RESOLVED

MIN21.383C

That:

1. Council accept the Schedule of Rate tenders from Cleary Bros (Bombo) Pty Ltd, Buttai Gravel Pty Ltd T/A Daracon Quarries, and Bulk Materials Australia Pty Ltd T/A SCE.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director – City Services) as the Principal's Representative.
3. Authorise the CEO (Director – City Services) to adjust the contract for variations for components under the contract.

CARRIED

**CSA21.30 Tenders – Technical Services Consultants Capital Works Program**

**HPERM Ref:  
D21/203305**

**RESOLVED**

MIN21.384C

That:

1. Council (Strategy & Assets Committee) endorses the recommendation of the Tender Evaluation Team and appoints the specified consultants (38 in total) to the Technical Services Consultants Panel – Tender Reference 66219E (as listed in D21/227426).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director City Services), as the Principal's Representative.
3. Procurement of services under this panel be subject to the following guidelines:
  - For engagements valued at \$30,000 or under, at least one quote from a suitably qualified consultant on the Technical Services Panel
  - For engagements valued at over \$30,000, at least three quotes from suitably qualified consultants on the Technical Services Panel.

CARRIED

**CSA21.31 Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery**

**HPERM Ref:  
D21/218298**

**RESOLVED**

MIN21.385C

That:

1. Council endorses the recommendation of the Tender Evaluation Team and appoints the specified consultants to the Consultant Self Employed Project Managers Panel (the Panel). Tender Reference 65889E.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director City Services) as the Principal's Representative.
3. Consultants appointed to the Panel be engaged on an as needed basis with Consultants being invited to quote on individual projects based on their relevant experience and professional disciplines.
4. The Panel be readvertised for a second intake of Consultant Self Employed Project Managers to increase the number of available Consultants and report back to Council, given the proposed 2021/2022 Capital Works Program.

CARRIED

**CSA21.32 Tenders - Road Rehabilitation and Heavy Patching - BTU Rd Nowra Hill**

**HPERM Ref:  
D21/225039**

**RESOLVED**

MIN21.386C

1. Council endorses the recommendation of the Tender Evaluation Team and accepts the Tender from Stabilised Pavements of Australia Pty Ltd for BTU Rd Pavement Rehabilitation and Heavy Patching (CH2.27km to CH4.9km) at a total cost of \$1,851,803.26 (excluding GST). Tender reference 67016E.

2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director of City Services).

CARRIED

**CSA21.33 Tenders - Main Road Cambewarra Water Main  
Relocation and Stage 1 - Moss Vale Road Water Lead-in  
Project**

**HPERM Ref:  
D21/198171**

**RESOLVED**

MIN21.387C

That:

1. Council accept the Tender from Hisway Pty Ltd for the Main Road Cambewarra Water Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Works at a total cost of \$1,524,866.20 (GST Inclusive).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Executive Manager - Shoalhaven Water.

CARRIED

**Procedural Motion - Matters of Urgency**

**MOTION** (Clr Pakes)

That an additional item regarding the signage on the new Culburra Beach Police Station building be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent as the proposed signage change may be implemented before construction of the building is completed.

**SA21.131 Culburra Beach Police Station - Signage**

**RESOLVED** (Clr Pakes / Clr Digiglio)

MIN21.388

That Council make urgent representations to The Hon Shelley Hancock, MP, and the NSW Police Force, to request the signage on the Police Station reflect "Culburra Beach Police Station".

CARRIED

There being no further business, the meeting concluded, the time being 7.15pm.

Clr Wells  
CHAIRPERSON

## SA21.132 Notice of Motion - Jindelara Cottage - 59 Nurrawallee Street, Ulladulla

HPERM Ref: D21/288978

Submitted by: Cllr Patricia White  
Cllr Mark Kitchener

### Purpose / Summary

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

### Recommendation

That Council:

1. Fund all costs and provide necessary works required to relocate existing water and/or sewer services/mains on a portion of Nurrawallee Street (road reserve) that abuts the northern boundary of Jindelara Cottage (59 Princes Highway, Ulladulla) – subject Resolution MIN20.804.
2. Work with the Lions Ulladulla District Community Foundation to resolve any further issues.
3. Provide a report back to Council on any further issues that may arise.

### Background

Council will recall at the Ordinary Meeting in October 2020 Lions Ulladulla District Community Foundation (LUDCF) made a request to Council to acquire a portion of Nurrawallee Street to the north of the existing Jindelara Cottage for respite accommodation units in the Southern Shoalhaven.

The following recommendation was resolved:

*RESOLVED (Cllr White / Cllr Kitchener) MIN20.804*

*That Council:*

1. *Support the Lions Ulladulla District Community Foundation (LUDCF) to acquire, by boundary variation, a portion of Nurrawallee Street (road reserve) that abuts the northern boundary of Jindelara Cottage (59 Princes Highway, Ulladulla) – map attached prepared by Council Staff.*
2. *Negotiate with LUDCF a reasonable nominal amount for the purchase of the road reserve due to future use of the land for increased community services for respite care and Disability accommodation.*
3. *Work with LUDCF to resolve the issues identified by the notifiable authorities and submission from notifications.*
4. *Receive a report back on any further issues that may arise.*

### CARRIED

LUDCF has been working with Council and Shoalhaven Water for the acquisition. Part 3 of the resolution was to resolve issues identified. Shoalhaven Water has identified that there is a requirement for watermain relocation which was noted in the previous Notice of Motion in the background notes. LUDCF has requested Council to fund the costs of the relocation.

SA21.132

Current updates on this project: LUDCF are finalising plans and have indicative costs for the build. Disability buildings are not cheap, and LUDCF anticipate needing \$1.2 million. They are anticipating dollar for dollar grant and looking to fund \$600,000. LUDCF and Jindelara Services are looking at having Yumaro run the new facility, given their experience in the Eurobodalla LGA.

## **SA21.133 Notice of Motion - Pedestrian Facility - Emmett Street Callala Bay**

**HPERM Ref:** D21/288998

**Submitted by:** Cllr Patricia White

### **Purpose / Summary**

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

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

That Council:

1. Investigate options to provide a pedestrian device on Emmett Street Callala Bay adjacent to the shopping complex and skate park area.
2. Provide a further report back to Council.

### **Background**

Residents are calling for a pedestrian device on Emmett Street Callala Bay adjacent to the shopping centre complex and skate park area. Residents advised that there are increased pedestrians using several different spots to cross Emmett Street to go to the Community Gardens, Skate Park, Ovals and Community Centre and are concerned about safety in this area with cars entering the Shopping Centre and people crossing the road.

SA21.133



## SA21.134 Notice of Motion - Myna Birds – Ulladulla Commercial Business Area

HPERM Ref: D21/289157

Submitted by: Cllr Patricia White

### Purpose / Summary

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

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

That Council:

1. Investigate options for Council to establish a pilot program to eradicate the current myna bird problems in and around South Street Ulladulla, and Council's South Street Carpark.
2. Engage with local businesses to provide education program assistance for eradication of myna birds in their buildings and rooftops.
3. Provide further education programs for local residents regarding the myna bird problems and action plans for eradication.

### Background

Local residents have brought to my attention the serious Myna bird problem in and around South Street Ulladulla. There is a pack of around one to two hundred myna birds that have established in the Council Carpark and surrounding commercial buildings (Woolworths) and become a great nuisance. They are gathering early evening on rooftops, trees in the carpark and front of 86 South Street and making shocking disturbance of noise and activity disturbing the local residents. Residents have been up at night trying to move the birds on.

Where there is favourable habitat, Indian mynas:

- reduce the breeding success of some native parrot species - Indian mynas compete aggressively for nesting hollows and can evict native parrots from nest boxes or tree hollows and even kill eggs and chicks
- compete for tree hollows with other native wildlife (e.g. possums and gliders) - Indian mynas can kill small mammals and remove sugar gliders from tree hollows
- act as a potential reservoir for diseases that affect native birds (e.g. avian malaria)
- damage fruit, vegetable, and cereal crops
- spread weeds such as lantana (*Lantana camara*) and fireweed (*Senecio madagascariensis*)
- form large communal roosts in suburban areas - this generates noise complaints
- cause dermatitis, allergies, and asthma in people by nesting in the roofs of houses - Indian mynas carry mites and lice that can affect humans, and nests built in roofs are a possible fire risk.

I understand this is not necessary a Local Government issue and this matter has been raised and discussed in Council prior, raised by Cllr Levett. Other Councils do have Action Plans for the eradication of Myna birds. If we fail to assist residents with this current problem, then larger communal roosts will form, and the problem will become worse in the commercial business area of Ulladulla. I seek support from all Councillors.

SA21.134

## **SA21.135 Notice of Motion - Sussex Inlet Thompson Street Carpark**

**HPERM Ref:** D21/289291

**Submitted by:** Cllr Patricia White

### **Purpose / Summary**

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

### **Recommendation**

That Council:

1. Fully seal the whole carpark located at the Community Centre in Thompson Street; this includes the current unsealed section (gravel) and driveway into the centre.
2. Work with the Thompson Street Management Committee on this project to ensure all work is carried out.

### **Background**

This matter has been reported to Council previously and an onsite meeting was held with Staff, Management Committee Executive and Councillors. The intention of the previous report and onsite meeting was for the complete sealing of the whole carpark located adjacent to the Community Centre. Recently, the Management Committee has been advised that only the current small seal section is to be replaced and not the gravel section. This recommendation is to seal the whole carpark including the gravel section as this was the previous intention of Council.

### **Note by the CEO**

The June Strategy and Assets Meeting considered a report on this matter with the following being adopted (MIN21.377):

*"That Council:*

1. *Reseal the main car park at Thomson Street Sporting Complex utilising spray seal, at a cost of \$22,079, to be funded from the 2021/22 Minor Improvement Program budget.*
2. *Identify the design and construction of the additional car parking at the rear of the indoor sports hall in the Swim Sport Fitness Assets Management Plan and allocate funding of \$30,000 in the budget for financial year 2022/23 for the design and investigation component of this project.*
3. *Once a car park design is obtained, consider seed funding in future outyears of the capital works program to enable grant funding opportunities to be sought to deliver additional car parking on the site".*

Should Council be of a mind to bring this project forward and increase the scope of the construction work, it is suggested that funding of \$50,000 be allocated in FY 2021/22 through a quarterly review budget process to undertake the investigation and design works.

Prior to commencing the investigation and design works, further consultation will be undertaken with the Thomson Street Management Committee to understand and confirm the

SA21.135

scope of works. Staff will continue to liaise with the Thomson Street Management Committee to keep them informed on progress. Once the investigation and design works are completed a quantity survey will be undertaken to establish a probable cost for construction.

A report will be submitted to Council for consideration and allocation of funding to construct and seal the car park in financial year 2022/23.

Noting the above comments, it is suggested in the interests of clarity for the community, that the following additional Recommendation be added to the NoM:

3. Note that the full construction and seal of a newly designed Thompson Street Carpark is a longer-term project that is not funded in Council's current adopted budget or the long-term financial plan.

## SA21.136 Application for Community Consultative Body Council Accreditation - Kangaroo Valley Community Consultative Body

**HPERM Ref:** D21/219858

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

**Attachments:** 1. KVCCB Application Letter [↓](#)

### Reason for Report

Shoalhaven City Council to consider the application from Kangaroo Valley Community Consultative Body (KVCCB) to become a Council Community Consultative Body.

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

That Council:

1. Support in principle the application from Kangaroo Valley Community Consultative Body (CCB) to be recognised by Council as a formal CCB.
2. Advertise the proposal for public comment.
3. In considering public comment,
  - a. if no significant adverse feedback is received, accept the Kangaroo Valley Community Consultative Body as formally recognised and staff advise the community group accordingly.
  - b. if significant feedback is received, staff will submit a report to Council for final determination of the formal Community Consultative Body status.

### Options

1. Shoalhaven City Council supports, in principle, the application from KVCCB to be recognised by Council as a CCB.

#### Implications:

As per Section 7.1 of the *Guidelines for the Conduct of Community Consultative Bodies Policy* (POL12/296), following Council's in principle support, for consultation purposes, Council staff will then:

- a. Advertise the proposal for public comment.
- b. Considering public comment;
  - i. if no significant adverse feedback is received, accept the Kangaroo Valley Community Consultative Body as formally recognised by Council.
  - ii. if significant feedback is received, submit a report to Council for final determination

Staff will seek community feedback on Kangaroo Valley having a formal Community Consultation Body.

2. Shoalhaven City Council not support in principle the application from KVCCB to be a recognised by Council as a CCB.

Implications:

Kangaroo Valley will remain to be an area within Shoalhaven that does not have direct CCB representation.

## Background

The newly formed Kangaroo Valley Community Consultative Body (KVCCB) has applied to become a Council recognised CCB to represent the geographical area of Kangaroo Valley and surrounds in Shoalhaven. Application letter at **Attachment 1**.

The area KVCCB proposes to represent includes Kangaroo Valley, Barrengarry and part of Moollattoo. The area currently represented by Budgong Community Group CCB has been specifically excluded from the areas KVCCB propose to represent.

The Kangaroo Valley area is a significant Shoalhaven tourist destination and the KVCCB proposed that this warrants a group to represent the views and feedback from residents and ratepayers to Shoalhaven City Council. The KVCCB proposed that the formation of their group will also facilitate communications from Council to the wider community rather than specific special interest groups.

The choice of the name for the CCB reflects its primary purpose, as they are covering the Kangaroo Valley Area.

The Kangaroo Valley Community Consultative Body Incorporated name has been reserved with NSW Fair Trading (reservation number 19004).

KVCCB membership will be automatic and free to any resident, ratepayer and other persons within the Community Consultative Body geographic area including onsite holiday van owners and business owners.

KVCCB have stated in their application that it will abide by the current Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296).

## Community Engagement

As per Section 7.1 of the Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), if Council provides in principle support for the application - in adherence with the Guidelines for the Conduct of Community Consultative Bodies, Council staff will then:

- a. Advertise the proposal for public comment
- b. Consult with any other organisation that is recognised as a CCB within any part of the same geographic area (not applicable with this application)
- c. Following public comment submit a report to a Council meeting for determination (if needed).
- d. Take into consideration any comments received when determining the application.
- e. Inform the applicant of Council's determination.

## Policy Implications

KVCCB will be bound by the Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296) if they become recognised by Council as a CCB.

**Financial Implications**

As per Section 2.3 of the Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), Council provides financial assistance to help meet CCBs' administrative costs and/or hall hire expenses.

The amount determined in Council's budget process is currently \$500 per CCB, and is paid each financial year after the CCB provides a copy of their financial statement for the previous 12 months.

General Manager  
Shoalhaven City Council  
P.O. Box 42  
Nowra NSW 2541

Attention: Sandy Sturgiss and Madelaine North – Community Engagement Team

26<sup>th</sup> May 2021

**RE: Application for Kangaroo Valley Community Consultative Body**

The recently formed group known as Kangaroo Valley Community Consultative Body (KVCCB) would like to formally apply to become an accredited Council Community Consultative Body.

The area to be included in the proposed KVCCB are the suburbs (localities) of Kangaroo Valley and Barrengarry. It also includes the part of Moollattoo that is not currently covered by the Budgong CCB.

The individuals involved in the precursor to KVCCB have met on three occasions: 30 March (17 Attendees), 20 April (17 Attendees) and 18 May 2021 (10 Attendees). Invitations to the community to attend these meetings were via Facebook Community Group page, Community Notices emails and the local publication "Kangaroo Valley Voice" and were enthusiastically attended (as well as strong interest shown by a number of residents who sent apologies). We have commenced a Register of both Attendees and all those so far who have also requested involvement in participating in the proposed KVCCB.

It was initially proposed to include Upper Kangaroo River; Red Rocks and some of Beaumont; as well as Broger's Creek, and some of Woodhill and Wattamolla; however community consultation with members of the various community groups and residents has resulted in these areas stating they wish not to be included in the proposed KVCCB at this time.

A map of the proposed area to be covered by the KVCCB is shown below.

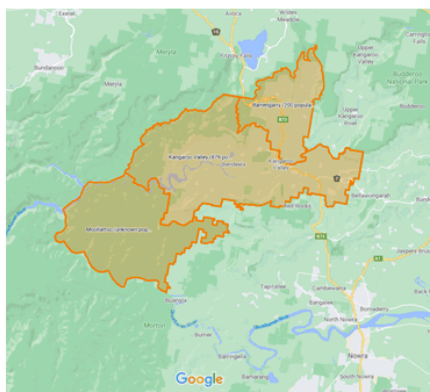


Figure 1 - Suburb Boundaries

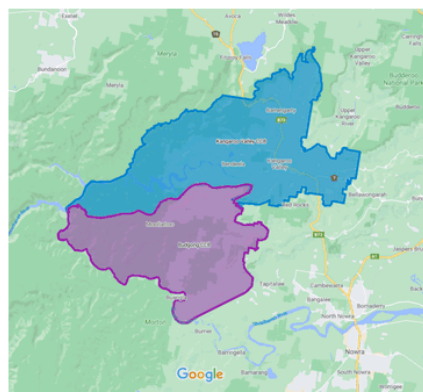


Figure 2 - CCB Boundaries

An interactive version of these maps is available in Google Maps by following the link below:

<https://www.google.com/maps/d/edit?mid=1PJLrUMra4E!988x5LoGotFkEYLL-0ZDL&usp=sharing>

The areas included are the suburbs of:

- Kangaroo Valley
- Barrengarry
- Moollattoo



The part of the Kangaroo Valley area currently covered by the Budgong Community Group CCB is specifically excluded from the Kangaroo Valley CCB so as to avoid any overlap.

The Kangaroo Valley area, as a significant Shoalhaven tourist destination, warrants a group to represent the views and feedback from residents and ratepayers to Shoalhaven City Council. The formation of this group will also facilitate communications from Council with the wider community rather than specific special-interest groups.

The choice of name for the CCB reflects its primary purpose, as we are covering the Kangaroo Valley area. We have reserved the name Kangaroo Valley Community Consultative Body Incorporated with NSW Fair Trading (reservation number 19004). This reservation will expire on 29 July 2021 if we do not proceed.

The KVCCB will respect and abide by the Shoalhaven City Council's Guidelines for the Conduct of Community Consultative Bodies (Policy Number POL12/296 as amended) by adopting those Guidelines as part of the association's structure of operation when conducting meetings and interacting with council and its representatives.

Membership of KVCCB is automatic and free to any resident, ratepayer and other persons within the Community Consultative Body geographic area such as onsite holiday van owners and business owners.

Please contact the undersigned if you require further information.

Regards,

Mrs Brenda Sambrook



## SA21.137 Application to Name a Place of Significance - Canoe Tree Timbers - Sassafras

**HPERM Ref:** D21/92440

**Department:** Information Services

**Approver:** Kevin Voegt, Director - City Performance

**Attachments:**

1. Original Email Request - Formal Place Name - Canoe Tree Timbers - Bob Sneddon [↓](#)
2. Supporting Documentation - Military Standing Orders 1971 [↓](#)
3. Letter of Support - James Sturgiss [↓](#)
4. Letters of Support - Andrew Mackenzie & Leslie Walters [↓](#)

### Reason for Report

Seeking a decision to endorse a submission to the Geographical Names Board to name a place of significance as “Canoe Tree Timbers”, in Sassafras.

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

That Council endorse a submission to the Geographical Names Board to name a place of significance in the Sassafras area as Canoe Tree Timbers.

### Options

1. Support the request made by Mr Sneddon and proceed with an application to the GNB
2. Decline the request made by Mr Sneddon.

### Background

A request was made to Council by Mr Bob Sneddon to support and make a submission to the Geographical Names Board (GNB) to name a wooded area in Sassafras. Mr Sneddon proposed to formally have the place named “Canoe Tree Timbers” recognised and gazetted as a place of significance. Mr Sneddon has demonstrated a keen interest in the history of Sassafras and its surrounding areas and has also provided Council with a comprehensive history and reasoning to support his request which are all attached.

Below is an extract of Mr Sneddon’s written submission to Council and the GNB:

**“Canoe Tree Timbers”** are the forested slopes of land adjacent to the Sassafras entrance of Morton National Park / Budawang Wilderness. i.e., Portion 27 old Sassafras subdivision.

The Canoe Tree was a relic of the severe bushfires that swept much of eastern Australia in 1939. After the fire, Sassafras resident James Henry Sturgiss discovered a large log, burned, and hollowed into the shape of a “Dug-Out Canoe”. Thereafter the locality and the forested slopes became known to residents as the “Canoe Tree Timbers”, a name that has remained now for the past 81 years.

The name has been preserved and recorded on documents included herein with this application. It appeared on maps i.e.

- The topographic 1-50,000 of 1959

SA21.137

- The “Nowra Project Map” which was prepared in c1972 covering the forestry districts of Southern NSW and served also to support the regional tourism industry

The name “Canoe Tree Timbers” as a known locality, was adopted by the military, as the name for the sentry point on official Range Standing Orders and is found in other military records, after the land was formally gazetted under Permissive Occupancy as a Military Artillery Training Area in 1942, known as the Tianjara Artillery Range.

The name refers to the timbered slopes immediately adjacent to and leading to the entrance of Morton National Park on the Endrick Trail at Sassafras Mountain. Immediately to the west in the headwaters of the Endrick / Beulee River the lands are known locally as “West Canoe Tree”. The actual site of the “Canoe Tree” is on the southern edge of the “Canoe Tree Timbers” and is now just within National Park. The burnt-out log has long since disappeared, but the name has survived. Today it is important to note that it was only the circumstance of location that left the “Canoe tree” inside the National Park boundary. In 1970, the then Minister for Lands Hon Tom Lewis extended Morton National Park across the Shoalhaven River to include the lands south to Pigeon House Mountain. As the park boundary followed the southern limit of the Sassafras subdivision this caused the relic to be inside the National Park.

James Sturgiss, the discoverer of the log, was a resident of Sassafras Mountain, for much of his life. Born in 1890 he arrived at Sassafras in 1895 with his parents. Eventually he took up land around the headwaters of the Endrick / Beulee River and Beulee Brook and where he ran cattle and sheep for much of his life until the land was included into Morton National Park c1970. His land holdings also included land to the north on the Ettrema Plateau which he called his “New England Run.” (James passed away in 1983).

James Sturgiss had a keen interest in the local history and was well known as bushman, raconteur, and poet. His great love of the area is reflected in his prose and poetry. Many of the place names of the lands surrounding Sassafras were coined by Jim Sturgiss. Several of his poems are recorded in his own memoir “The Man from Misty Mountain” Pub 1987 and the local history “Sassafras the Parish of Sixty Farms” 1995 by Robert Snedden.

It should be noted that the NPWS Regional Advisory Committee had concern over the name thinking it might be mistakenly related to local Aboriginal activity.

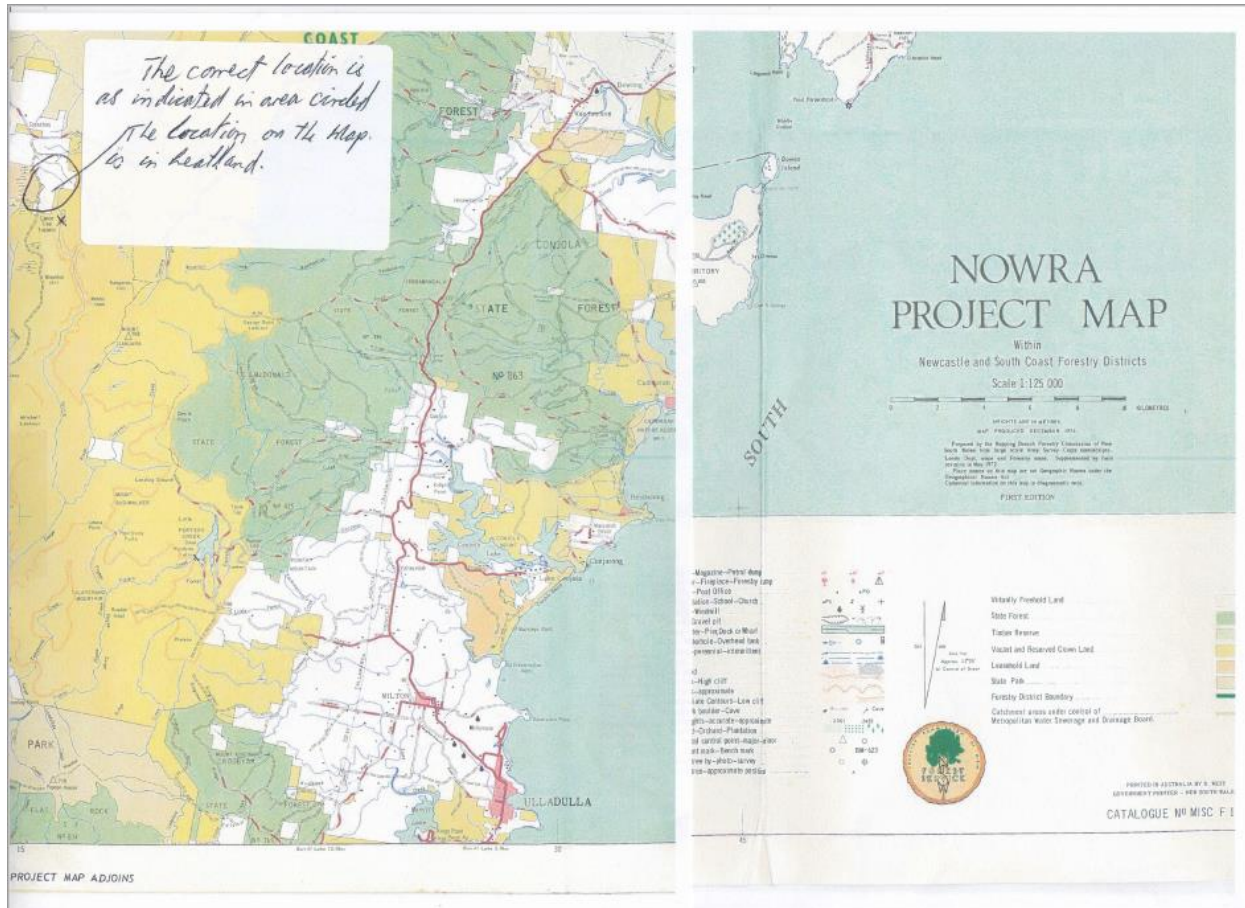
However, it should also be noted, firstly, that historically “Dugout Canoe” technology was never practised in Southern Australia, and most certainly not in SE Australia. It was first introduced into Northern Australia by the “Trepang” Harvesters around 1640 but was never adopted throughout the rest of Australia.

It should also be noted that while the NPWS Advisory Committee expressed reservation over the name, Senior NPWS Managers at the time, i.e., the Regional Manager, the Senior NPWS Planner and Project Manager and the Ulladulla Local Area manager all expressed a positive attitude to the name while acknowledging its acceptance and use by the Sassafras community. Other individual committee members also appreciated the name as one recording an item of cultural interest and one that gave the location “character”. (These comments have been recorded and are available).

And secondly, and of equal importance, it should also be noted that the lands in question, which are locally referred to as “The Canoe Tree Timbers” and “West Canoe Tree” are located within the Sassafras Mountain subdivision and, therefore, within part of the Shoalhaven Local Government Area. It was only due to the circumstances of the creation of the park boundary that caused the original relic, i.e., the fire-hollowed log, to be located within the National Park.

The maps provided by Mr Sneddon are set out below along with the corresponding area on Council’s GIS.

SA21.137



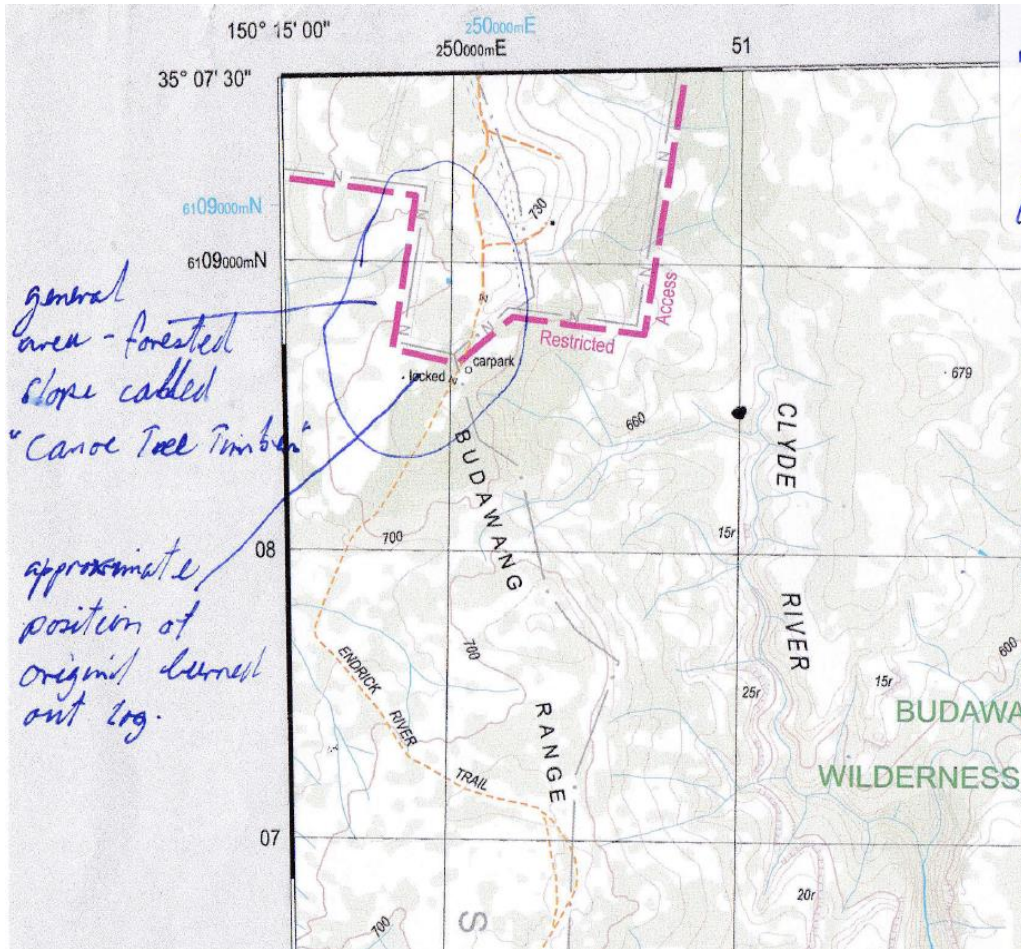
SA21.137





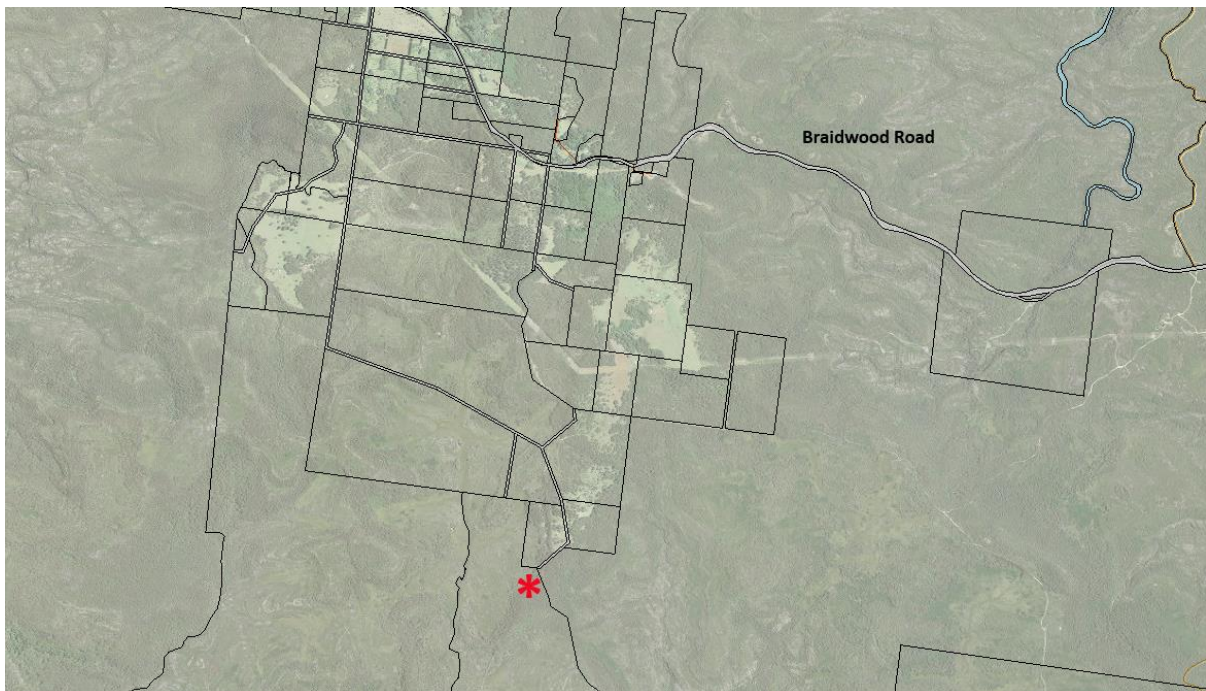
SA21.137





SA21.137

Council's GIS:



Mr Sneddon has also provided letters of support from residents of the area including, James Sturgiss Jnr, Andrew Makenzie and Lester & Pam Walters. Military Standing Orders from 1971, identifying the name Canoe Tree Timbers, have also been included.

**Community Engagement**

The Geographical Names Board have confirmed that in line with standard procedure that any community consultation of the proposal will be undertaken by them with a specific request from Council to include the Aboriginal Advisory Committee in their consultation process.

## Mr Sneddons' Original Email Request

CEO Shoalhaven City Council  
G I System  
PO Box 42 Nowra NSW 2541

2<sup>nd</sup> February 2021

To Whom it May Concern - Re - "Canoe Tree Timbers"

Good morning,

I am writing to Shoalhaven City Council seeking support for the name "Canoe Tree Timbers" a location at Sassafras Mt. in the Shoalhaven LGA, to be formally assigned as a place name.

"Canoe Tree Timbers" are the forested slopes of land adjacent to the Sassafras entrance of Morton National Park / Budawang Wilderness, ie Portion 27 old Sassafras subdivision.

"The Canoe Tree" was a relic of the severe bushfires that swept much of eastern Australia in 1929. After the fire Sassafras resident James Henry Sturgis discovered a large log, burned and hollowed into the shape of a "Dug - Out Canoe". Thereafter the locality and its forested slopes became known to residents as the "Canoe Tree Timbers". Although the original log hollowed out by the fires into the shape of a canoe has gone, the name has remained now for the past 81 years.

The name has been preserved and recorded on documents in maps included herein with this application. The name, as a known locality, was also adopted by the military as the name for the Sentry Point on official Range Standing Orders when the land was gazetted as a PERMISSIVE OCCUPANCY for use as an artillery range in 1942. It is also found in other military records.

The name refers to the timbered slopes immediately adjacent to and leading to the entrance of Morton National Park on the Endrick Trail at Sassafras Mt. Immediately to the west in the headwaters of the Endrick / Beulee River the lands are known locally as "West Canoe Tree".

Following the procedures of the Geographical Names Board I have also sought the support of Shoalhaven Historical Society. I have also provided testimonial letters from a number of residents and landowners of Sassafras Mt. who are familiar with the local history and the name of this location. This includes a letter from James Sturgis Jr, eldest son of the late James Henry Sturgis. Support has also been sought from NPWS (Please see formal application).

This name, in the fullness of time has become recognised as part of the cultural fabric of the Sassafras Mt. In keeping with this, should this proposal be accepted I would like to recommend the installation of an interpretive sign to explain the significance.

I trust the SCC will give this proposal favourable consideration.

I look forward to your reply.

Kind Regards

[Redacted Signature]

[Redacted Name] Completed GNB Application

## Geographical Names Board of New South Wales naming proposal



**Proposed name:** Canoe Tree Timbers

Pronunciation if not obvious (use Macquarie Dictionary symbols): .....

**Local Government Area :** Shoalhaven

**Parish:** .Sassafras.....

**County:** St. Vincent

Latitude: ..... Longitude: ..... Lot DP or Por:

**Tianjara 1-25000 Grid reference 050 900**

**Other reference:** Topographic Map 1-50,000 Series 1959  
 Forestry Map SE Coast NSW  
 Range Standing Orders Australian Army 1971 – 1975 – 1983.

**Description of feature, including location and extent**

**“Canoe Tree Timbers”** are the forested slopes of land adjacent to the Sassafras entrance of Morton National Park / Budawang Wilderness. ie Portion 27 old Sassafras subdivision.

**Reason for choice of name**

The Canoe Tree was a relic of the severe bushfires that swept much of eastern Australia in 1939. After the fire Sassafras resident James Henry Sturgiss discovered a large log, burned and hollowed into the shape of a “Dug - Out Canoe”. Thereafter the locality and the forested slopes became known to residents as the “Canoe Tree Timbers”, a name that has remained now for the past 81 years.

The name has been preserved and recorded on documents included herein with this application. It appeared on maps ie;

- The topographic 1-50,000 of 1959 and,
- the “Nowra Project Map” which was prepared c1972 covering the Forestry districts of southern NSW and served also to support the regional tourism industry.

The name, as a known locality, was adopted by the military as the name for the Sentry point on official Range Standing Orders and is found in other military records after the land was formally gazetted under Permissive Occupancy as a Military Artillery Training Area in 1942, known as the Tianjara Artillery Range.

The name refers to the timbered slopes immediately adjacent to and leading to the entrance of Morton Nation Park on the Endrick Trail at Sassafras Mt. Immediately to the west in the headwaters of the Endrick / Beulee River the lands are known locally as “West Canoe Tree”.

The actual site of the “Canoe Tree” is on the southern edge of the “Canoe Tree Timbers” and is now just within MNP. The burnt out log has long since disappeared but the name has survived. Today it is important to note that it was only the circumstance of location that left the “Canoe tree” inside the MNP boundary. In 1970, the then Minister for Lands Hon Tom Lewis extended MNP across the Shoalhaven River to include the lands south to Pigeon House Mt. As the park boundary followed the southern limit of the Sassafras subdivision this caused the relic to be inside the National Park.

James Sturgiss, the discoverer of the log was a resident of Sassafras Mt. for much of his life. Born in 1890 he arrived at Sassafras in 1895 with his parents. Eventually he took up land around the headwaters of the Endrick / Beulee River and Beulee Brook and where he ran cattle and sheep for much of his life until the land was included into Morton National Park c1970. His land holdings also included land to the north on the Ettrema Plateau which he called his “New England Run.” (He passed away in 1983.)

James Sturgiss had a keen interest in the local history and was well known as bushman, raconteur and poet. His great love of the area is reflected in his prose and poetry. Many of the place names of the lands surrounding Sassafras were coined by Jim Sturgiss. Several of his poems are recorded in the his own memoir “The Man from Misty Mountain” Pub 1987 and the local history “Sassafras the Parish of Sixty Farms” 1995 by Robert Snedden.

It should be noted that the NPWS Regional Advisory Committee had concern over the name thinking it might be mistakenly related to local Aboriginal activity.

However, it should also be noted, firstly, that historically “Dugout Canoe” technology was never practised in southern Australia, and most certainly not in SE Australia. It was first introduced into northern Australia by the “Trepang” harvesters around 1640 but was never adopted throughout the rest of Australia.

It should also be noted that while the NPWS advisory committee expressed reservation over the name, senior NPWS managers at the time; ie the Regional Manager, the Senior NPWS Planner and Project Manager and the Ulladulla Local Area manager all expressed a positive attitude to the name while acknowledging its acceptance and use by the Sassafras community. Other individual committee members also appreciated the name as one recording an item of cultural interest and one that gave the location “character”.

(These comment items I have on record and are available.)

And secondly, and of equal importance, it should also be noted that the lands in question, which are locally referred to as “the Canoe Tree Timbers” and “West Canoe Tree”, are located within the Sassafras Mt. subdivision and therefore within and part of the Shoalhaven Local Government Area. It was only due to the circumstances of the creation of the park boundary that caused the original relic, ie the fire-hollowed log, to be located within the National Park.

To support this application, I include letters from Sassafras residents with a long association with area and region.

- [REDACTED]
- [REDACTED]
- [REDACTED]

In addition to,

- The 2 maps (noted above) topographic map and Forestry Map, and
- Military records ie Range Standing Orders 1970 – 1975, 1981 and 1983.

Additional reference,

- “Tianjara” History of the former Artillery Training Area, published in 2016 printer in Bathurst by the Land and Property Information Panorama Ave Bathurst NSW.

Although the burnt out log was not an actual “canoe” the name is a significant and long-standing tradition within the local cultural record, having particular reference as it does to the fires that swept through and devastated this and many other parts of Eastern Australia on Black Saturday in 1939.

The reconsideration of the name CANOE TREE TIMBERS to be assigned and gazetted will be greatly appreciated.

*If the name commemorates a person, biographical details must be supplied: NIL*

*Naming proposals approved by the Geographical Names Board will be advertised in local newspapers.*

**Name of local newspaper(s):**

South Coast Register – Milton Ulladulla times- Goulburn Post

**Applicant’s name:** This application has been prepared by Bob Snedden on behalf of James Sturgiss jnr, Lester and Pam Walters of “Meadow Grove” Sassafras and Andrew Mackenzie,

**Address:** [REDACTED]

Telephone: [REDACTED]

Facsimile: .....

Contact person if not stated above:

[REDACTED]

.....

Signature: ..... Date: .....22<sup>nd</sup> February 2021..... Your Reference:

.....  
Send this completed form with attached maps to:  
The Secretary  
Geographical Names Board  
PO Box 143  
Bathurst NSW 2795

R. S. O's '71

- 13 -

STANDING ORDERS FOR TIANJARA RANGE (1971)

PART 5

SENTRIES AND RANGE CLEARANCE

General

501. Tianjara Training Area presents a number of problems in sealing it off from the public during live firing. There are a number of roads leading into the area which are well used by sightseers. The area is also popular with bushwalkers.

502. Although HQ E Comd publishes warnings of live firing practices, user units are responsible for ensuring that impact areas are clear of persons before firing commences.

Overflying by Army Aircraft

503. To make clearance of the area easier, it is suggested that units bid for an army light aircraft to overfly the area on live firing days. This aircraft can fly from Sydney, fly the area and return to Sydney without refuelling. It also can communicate by VHF radio to ground parties should civilians be found within the training area.

504. G (Air) HQ Eastern Command will give sympathetic attention to bids for aircraft to overfly the training area.

Sentry Posts

505. Eight Sentry Posts are located in and around the area, and seal the area from entrance by vehicle. Sentry posts are to be located in the general vicinity of:

- a. Post Number 1. GR98100535 Canoe Tree Timbers.
- b. Post Number 2. GR00010650 Road Junction.
- c. Post Number 3. GR02400750 " "
- d. Post Number 4. GR03530770 " "
- e. Post Number 5. GR06300826 " "
- f. Post Number 6. GR08210110 Lookout Tower.
- g. Post Number 7. GR07279148 Pointer Gap Road (not marked on maps)
- h. Post Number 8. GR96109820 Bridge over creek.

506. Each sentry requires a VHF radio set and a red flag. A red lantern is to be shown when sentries are on duty at night.

Orders for Sentries

507. Each sentry is to be given written orders, showing his duty at a particular post. These orders are shown at Annex B.

.../508.

SA21.137 - Attachment 2

Mount Junat  
Braidwood

To Whom It May Concern:

Re an area of land at Braidwood known as the  
Cane Tree Timbers.

I first rode through this place in 1944  
with my father, Jim Sturgeon, who told  
me the reason for the name.

It is a belt of timbered land on the  
eastern side of the Endrick River, (about 2km from  
its very head) and extends in an easterly and north  
easterly direction covering both crown and freehold  
land. It extends over the ridge and onto the water  
shed of the Clyde River.

The smaller area of timber on the western side of the  
Endrick River is known as west Cane Tree. All of  
the local landowners of Braidwood at that time  
knew of this place, it was also known to  
sawmills, who harvested its timber, the axe  
men who cut the logs, bullock drivers and later  
dozer operators.

The army used its name when training in this area  
which should be on record.

For any further information on this area I would  
be pleased to help.

FW: Canoe Tree Timbers



Reply Reply All Forward ...

Mon 02/05/2016 10:23 AM

Sent from Mail for Windows 10

Sent: Monday, 2 May 2016 9:08 AM

Subject: Canoe Tree Timbers

The secretary,  
N.S.W Geographical Names Board.

Dear Sir,

We are farming residents at Sassafras N.S.W and have owned property here for some 40 years. We are aware that Robert (Bob) Snedden (an author who has written a comprehensive history of Sassafras) is seeking to formalise the name "Canoe Tree Timbers" for a locality adjacent to Morton National Park and including portion 27 and adjacent forested slopes in the parish of Sassafras near the access road to the Morton National Park.

We support such a formalisation. The name originated, we understand, from a log burnt out in the 1930s bushfires and which resembled a canoe. The name was coined, most probably, by the late Major Jim Staggles who was a large local landowner and holder of local Crown grazing leases prior to the creation of the Tjanjara Training Area in 1943. The name was used by the Staggles and Alley families and other locals in the region. It was also used by the military and was shown on ordnance and forestry maps.

The Staggles and Alley families are no longer at Sassafras. Ourselves and the Mackenzie family and two other individuals are the only landholders who go back to the time of those families and current landowners are unaware of old names, their location, or reason for existing but are interested when made aware of them. Jim Staggles is now a resident of the Brinkwood district and a well known entity in this area for almost 80 years has only ever known the location by this name.

Bob Snedden, himself associated with the area for almost 60 years, is well known for his efforts to research, carefully corroborate and record these elements of information which are contributing to retaining the fabric and character of our local history. He was a member of the Bundawing Nomenclature Committee established in 1965 to research the history of this area, record established local names and prepare the submission for the GNEB of place names now appearing on bushwalker's sketch maps and the 1:25000 series topographical maps of this region. Where possible, the Sassafras and local community are anxious to assist in this process.

We would be obliged if you could take these comments into consideration.



Re:Canoe tree Timbers



[Redacted]

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Thu 19/05/2016 8:45 PM

The Secretary, NSW Geographical names Board

Dear Sir ,

My name is [Redacted] Along with my wife [Redacted] have been a landowner at Sassafras for well over 30 years.

When I first moved to the area I was ignorant of all the local history and the rich wealth of knowledge that resides in the area in the form of several local people

My two sons were raised there and grew up with stories of all the local area and place names and their relative historical significance. These names were as usual to us as the streets of Sydney would be to a resident of that town.

I am led to believe there is a desire to formalise some of the local names, among them "Canoe tree Timbers". This is a well known place to me. I believe that our block of land is possibly the closest to that location.

I think for historical, social and cultural reasons it is vital to maintain the local place names. It gives residents a sense of familiarity with their own area, of continuity and commitment to the well-being of the land. Formalising the name "Canoe Tree Timbers" would be a further step in that direction.

I make no claims of great local knowledge, I bow to the much greater experience of Bob Snedden and others like him who have invested decades of their lives learning of the area. Such experience is not to be treated lightly. I simply say that these old names mean a lot to me and I imagine, others as well.

[Redacted]



## SA21.138 Council Decision Making Prior to the September 2021 Local Government Elections - Caretaker Period

**HPERM Ref:** D21/223261

**Department:** Business Assurance & Risk

**Approver:** Kevin Voegt, Director - City Performance

**Attachments:** 1. Office of Local Government Circular 21-17 [↓](#)

### Reason for Report

To advise Councillors of the timing and requirements relating to the “Caretaker Period” prior to the September 2021 Council Elections in accordance with the Office of Local Government’s *Circular 21-17 Council decision-making prior to the September 2021 Local Government Elections*.

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

That the information in relation to Council decision making prior to the September 2021 Local Government Elections be noted.

### Options

1. To adopt the recommendation to note the information outlined in the report.
2. To adopt the recommendation to note information outlined in the report with additional recommendations as considered appropriate by the Council. It should be noted that any amendment to delegations is outside the delegations of the Strategy and Assets Committee.

### Background

Clause 393B of the Local Government (General) Regulation 2005 limits Councils’ ability to exercise some of their functions in the four weeks preceding the date of an ordinary local government election (the caretaker period).

Councils are expected to assume a “caretaker” role during election periods to ensure that major decisions are not made which would limit the actions of an incoming Council.

The caretaker period for the September 2021 ordinary Local Government Elections commences on Friday 6 August 2021 and ends on Saturday 4 September 2021.

On 8 July 2021 the Office of Local Government released *Circular 21-17 Council decision-making prior to the September 2021 local government elections* (Attachment 1) which sets out the provisions that apply during this period.

Councils, the General Manager (CEO) or any other delegate of the Council (other than a Joint Regional Planning Panel) must not exercise the following functions during the caretaker period:

- Entering into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger); (Note: 1% of Council’s revenue from rates = \$799,000)

- Determining a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. “Controversial development application” means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under section 79(5) of that Act by way of objection.
- Appointing or reappointing the Council’s General Manager (CEO) (except for temporary appointments).

In certain circumstances, these functions may be exercised with the approval of the Minister.



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	21-17 / 8 July 2021 / A755930
<b>Previous Circular</b>	21-12 "Electoral matter" and use of council resources prior to local government elections
<b>Who should read this</b>	Councillors / General Managers / All council staff
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Council decision-making prior to the September 2021 local government elections

#### What's new or changing

- Councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.
- Councils, general managers and other delegates of councils (other than a joint regional planning panel, a local planning panel or the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:
  - entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger)
  - determining a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period
  - appointing or reappointing the council's general manager (except for temporary appointments).
- In certain circumstances, these functions may be exercised with the approval of the Minister.

#### Key points

- "Controversial development application" means a development application for designated development under section 4.10 of the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions during community consultation.
- The caretaker period for the September 2021 local government elections commences on Friday 6 August 2021 and ends on Saturday 4 September 2021.

#### Where to go for further information

- For further information, contact the OLG's Council Governance Team on 4428 4100.

**Kiersten Fishburn**  
Coordinator General, Planning Delivery and Local Government

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

## **SA21.139 Restriction as to User over Council Land - Part lot 17 DP 857006, Huskisson Waste Depot.**

**HPERM Ref:** D21/227793

**Department:** Economic Development

**Approver:** Robert Domm, Director - City Futures

### **Reason for Report**

A Restriction as to User is required to be placed over Council land to provide an environmental corridor between the Jervis Bay National Park and land covered by a Biobanking agreement on the land operated by Council as the Huskisson Waste Depot.

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

That Council resolves to create a Restriction as to User (60m wide) over that part of Lot 17 DP 857006 fronting Huskisson Rd and that the CEO be authorised to sign the documentation to bring this about.

### **Options**

1. Approve the recommendation as printed.

Implications: Council's surveyor can place a RATU on the current plan of subdivision

2. Propose an alternate resolution for consideration.

Implications: The 60m wide strip on the Huskisson Waste Depot lot may or may not be protected as a connecting corridor between the Biobanking agreement land and the Jervis Bay National Park

3. Not to adopt the recommendation.

Implications: The RE1 land will remain as it currently is now. Subdivision SF 10653 cannot deliver condition 80 a) and may need to have this clause deleted from this Consent.

### **Background**

In 2017 Council resolved to excise out the area of land zoned industrial IN1 from Lot 17 DP 857006 and add this to the Woollamia Industrial Estate for development into industrial lots for sale.

**RESOLVED\*** (Clr Pakes / Clr White)

MIN17.815

*That Council:*

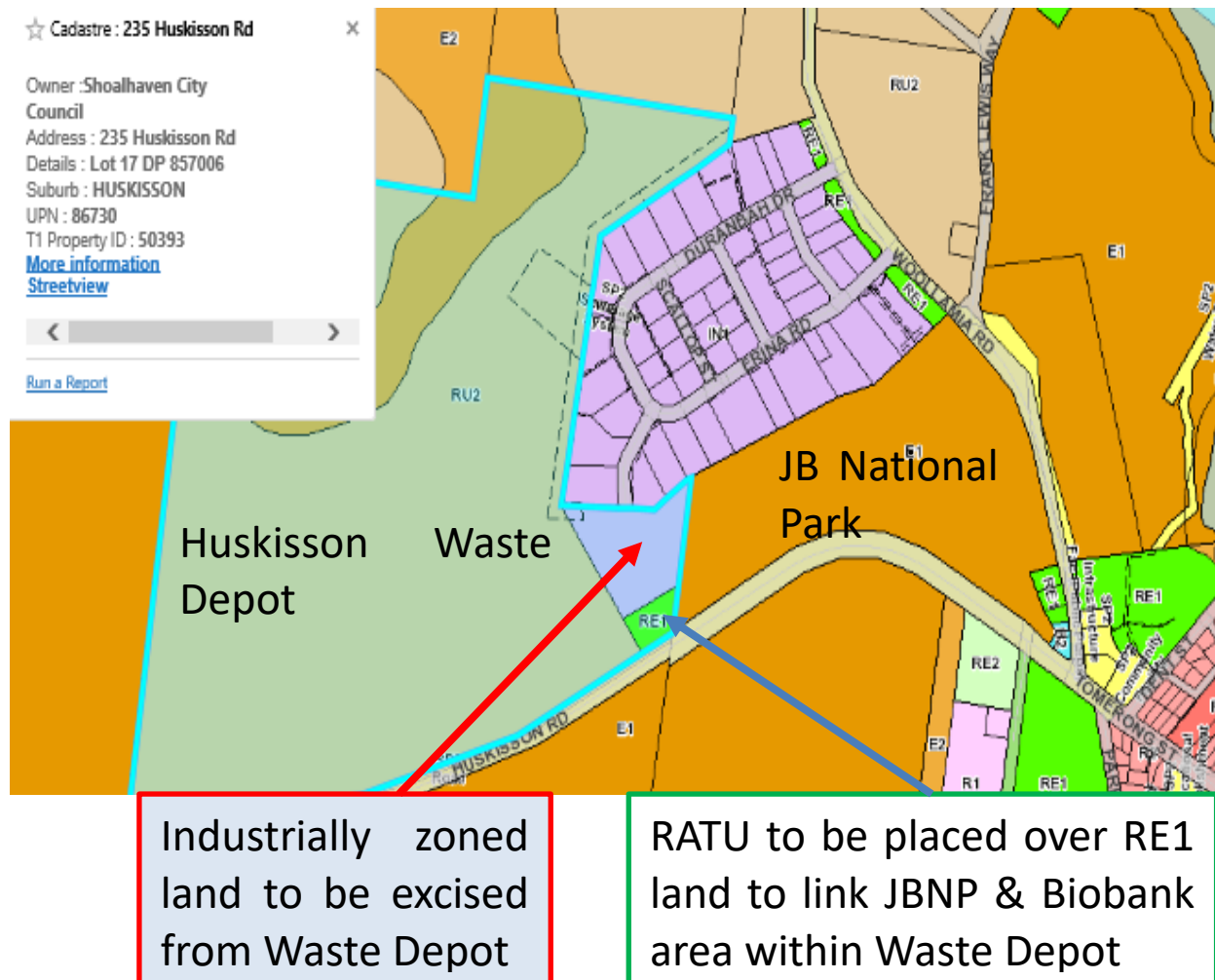
1. *Excise by subdivision the area of IN1 zoned land within Lot 17 DP 857006 to be incorporated into the industrial area.*
2. *Prepare and submit a subdivision application over this land to compliment the subdivision of Lot 18 DP 1096605 (stage 5) in the adjoining Woollamia Industrial Estate owned by Council.*
3. *Authorise the General Manager to sign the necessary documents to affect the subdivisions and to execute under the Seal of Council the plan of subdivision.*

**CARRIED**

SA21.139

Consent SF9228 was first granted for the Woollamia Industrial Estate in 2004 and since that time several stages have been constructed and occupied by a variety of industrial businesses.

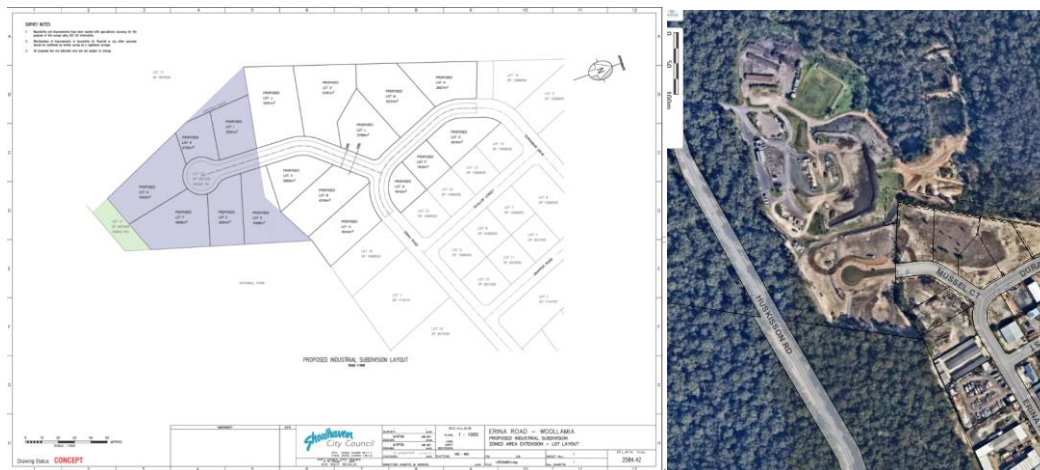
In 2020 Council's Economic Development Office lodged a subdivision application (SF 10653) to give effect to the above resolution.



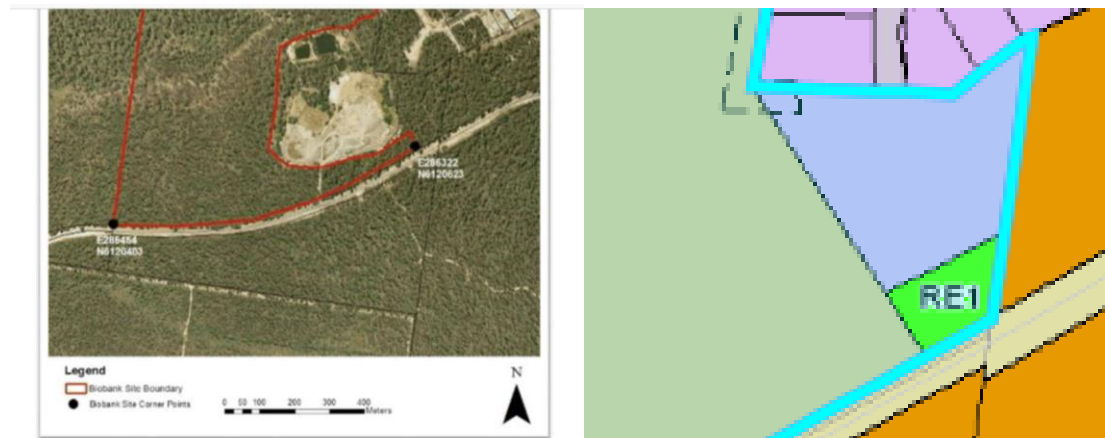
As part of subdivision application, the environmental consultant for the project picked up on the fact that the Biobanking Agreement site on the Huskisson Waste Depot lot (Lot 17 DP 857006) did not link to the Jervis Bay National Park to the east.

Ecoplaning, author of the applicant's Flora and Fauna Assessment reported that *"the retention of 60 m wide vegetated corridor (~0.48 ha) along Huskisson Road will allow for the migration of passage from west to east from areas of reserved land (Biobanked land and National Park)."*

As applicant for the subdivision, the Economic Development Office does not object to a Restriction as to User being applied to the subject RE1 land and this can be readily undertaken when the plan of subdivision is being prepared.



The approved development under SF 10653 (above left) is the final stage of the development of the land zoned for industrial purposes in Woollamia as shown in the picture above right. The development has the strip of land approx. 60m wide zoned RE1 between its southern boundary and Huskisson Road.



Consistent with the Flora and Fauna Report prepared for the subdivision, the current SF 10653 Consent Condition 80 a) requires a Restriction as to User be placed upon this 60m strip of land to link the Biobanking area (above left) and the Jervis Bay National Park across the RE1 zoned land (above right) however the land is on a lot different to the approved SF10653 development and that different lot is not under the management or control of the applicant.

#### 80. **Restrictions**

The following must be created as restrictions-as-to-user under Section 88B of the Conveyancing Act:

- a) A Restriction as to user over that part of the road, *60m wide vegetated corridor along Huskisson Road* as per the EcoPlanning Flora & Fauna Assessment dated 11 April 2019.

As the 60m strip of land is not in the care and control of the applicant (Economic Development Office) it is not reasonably possible for the applicant to place the Restriction as to User of the land as required by the consent condition. The applicant has suggested that Consent Condition 80 a) be deleted.

SA21.139

Council's surveyors are currently preparing the plan to subdivide out the industrial IN1 portion of Lot 17 and it is opportune to place the 60m wide Restriction as to User along the frontage to Huskisson Rd at this time.

Any future development on the RE1 zoned land whether it be an independent lot or part of the larger Waste Depot Site lot, will be subject to a planning approval process. That planning approval process must include an assessment of the environmental significance of the land.

There is no Council Resolution to place a RATU on the RE1 land and this report to Council has been prepared to allow that to occur.



## SA21.140 Bushfire Local Economic Recovery Fund - Stage 2 funding approvals

**HPERM Ref:** D21/271302

**Department:** Economic Development

**Approver:** Robert Domm, Director - City Futures

**Attachments:** 1. BLERF Media Release - 30 June 2021 [↓](#)  
2. BLERF Stages 1 & 2 approvals for Shoalhaven [↓](#)

### Reason for Report

Council submitted applications under the Bushfire Local Economic Recovery Fund in January 2021 and successful projects have now been advised to Council under the Stage 2 approval notifications.

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

That Council:

1. Accept the grants offered by the Australian and NSW Governments under the Bushfire Local Economic Recovery Fund program for the following projects:
  - a. BLERF – 0111 Improve Resilience of four Showgrounds in Shoalhaven for \$3,835,367
  - b. BLERF – 0166 Refurbish the Huskisson Mangrove Boardwalk for \$2,443,605
  - c. BLERF – 0208 Design and Construct new Bendeela Reservoir and Fire Water Tanks for \$990,000
  - d. BLERF – 0263 Upgrade Major Telecommunication Sites for \$489,000
  - e. BLERF – 0628 Extend and Improve Lake Conjola Fire Station for \$717,303
  - f. BLERF – 0629 Construct a Fire Station for Manyana and Bendalong for \$1,752,930
  - g. BLERF – 0644 Supporting Lake Conjola Tourism Access for \$775,349
  - h. BLERF - 0658 Create Bridge with Shared User Path on Lake Conjola Entrance Road for \$1,000,000
2. Allocate \$1,609,697 from various Council budgets to provide the co-contributions as outlined in the report.
3. Authorises the CEO, or his delegates, to sign the Deeds to support each of the grant allocations.
4. Thank all staff involved in the mammoth effort to prepare and lodge the 19 applications under BLERF over the December 2020 / January 2021 period.
5. In its public acknowledgements, thank the hundreds of individuals and organisations that provided letters of support across the range of projects submitted.
6. Write to relevant State and Federal Members of Parliament and Ministers thanking them for the generous support provided to the Shoalhaven through the allocation of this significant funding.



## Options

1. Adopt the recommendation as printed

Implications: Allows the administrative process to commence to accept, plan and deliver Local Economic Recovery projects across the City

2. Propose and consider an alternate recommendation

Implications: Could delay the implementation of the projects and jeopardise delivery schedules

## Background

The Bushfire Local Economy Recovery Fund is a \$250 million fund established jointly by the Australian and NSW Governments to stimulate and sustain business, employment and economic recovery within bushfire affected communities.

The objective of the Bushfire Local Economic Recovery Fund (BLER Fund) is to support economic and social recovery at a local and regional level in areas impacted by the 2019-2020 bushfires. The BLER Fund will support job retention and job creation in these regions, strengthen community resilience and reduce the impact of future natural disasters. The majority of funding should be committed to the areas most impacted by the fires. Forty-seven (47) NSW councils are eligible for a share of the \$250 million, including Shoalhaven. Funding will be prioritised to support applications from areas most impacted by bushfires.

The NSW Deputy Premier, John Barilaro and Australian Minister for Agriculture, Drought and Emergency Management, David Littleproud, recently announced 195 successful projects for \$283 million under the Bushfire Local Economic Recovery Fund (BLER Fund) – Stage Two. The Joint Announcement is attached. Further details including a map of all successful projects are available on the [BLER Fund website](#).

Details of the Stage 1 & 2 announcements that apply to the Shoalhaven have been attached to the report.

The BLER Fund supports medium and long term social and economic recovery by funding projects that support job retention and creation in bushfire impacted regions, strengthen community resilience and reduce the impact that future natural disasters will have on our communities.

The BLER Fund is one part of the total \$4.5 billion bushfire support package co-funded by the Australian and NSW Governments for bushfire response, recovery and preparedness in NSW. The NSW BLER Fund Package is investing more than \$500 million in bushfire impacted communities in NSW and is being delivered in a staged approach:

## Council Projects

Following a briefing and a report to Strategy and Assets Committee in November 2020 the list of projects was refined and the following projects were submitted as applications for funding:

- 19 Projects in all were submitted
- The total value of projects to be nominated is \$64,274,459
- Total funds requested from BLER Fund = \$48,378,631

Project	BLER Fund Request	Council Contribution	Total Project Estimate
Shoalhaven State of the Art Regional Materials Recovery Facility	\$13,386,145	\$5,192,522	\$18,578,667
Northern Shoalhaven Reclaimed Water Management Scheme (REMS) Stage 2	\$7,488,546	\$7,488,546	\$15,727,092
Activating and Remediating Employment Land - Ulladulla	\$7,616,447	\$500,000	\$8,116,447
Livestock Yard Holding Improvements @ 4 Showgrounds	\$3,848,172	Nil	\$3,848,172
Huskisson Mangrove Boardwalk Refurbishment	\$2,443,605	Nil	\$2,443,605
Underground Power to Bamarang Water Facilities	\$2,000,000	Nil	\$2,000,000
Supporting Lake Conjola Tourism Access (Boat Ramp)	\$775,349	\$961,000	\$1,736,349
Construct New RFS Station at Manyana	\$1,670,000	Nil	\$1,670,000
Citywide K&G Renewal Program	\$1,500,000	Nil	\$1,500,000
Shoalhaven Water Recovery & Resilience Project (Generators)	\$950,000	\$300,000	\$1,250,000
Design and Construction of a New Bendeela Reservoir & Fire Water Tanks	\$990,000	\$260,000	\$1,250,000
Lake Conjola Entrance Rd – New SUP Bridge	\$1,000,000	Nil	\$1,000,000
Construct portion of Riversdale Road, Joint Application with Bundanon	\$892,240	\$28,750	\$921,000
SCC Development Assessment Personnel	\$813,127	Nil	\$813,127
Undertake Renovations and Alterations to the Existing RFS Station at Conjola	\$750,000	Nil	\$750,000
Worrigeer Cemetery APZ & Asset Protection	\$650,000	\$100,000	\$750,000
Shoalhaven Heads Boat Ramp	\$495,000	\$165,000	\$660,000
Additional generators & PV @ Telecommunications Sites	\$495,000	\$150,000	\$645,000
Low-cost Sealing of Prosperity Rd, South Nowra	\$615,000	Nil	\$615,000
<b>GRAND TOTAL</b>	<b>\$48,378,631</b>	<b>\$15,145,818</b>	<b>\$64,274,459</b>

SA21.140

Regional NSW has now advised that the following projects have been approved under Stage 2 of the BLERF program:

Project	Grant Amount	Council Contribution Required	Project Estimated Cost
BLERF - 0111 Improve Resilience of Four Showgrounds in Shoalhaven	\$3,835,367	\$200,000 (General Fund)	\$4,035,367
BLERF - 0166 Refurbish the Huskisson Mangrove Boardwalk	\$2,443,605	Nil	\$2,443,605
BLERF – 0208 Design and Construct New Bendeela Reservoir and Fire Water Tanks	\$990,000	\$260,000 (Water Fund)	\$1,250,000
BLERF – 0263 Upgrade Major Telecommunication Sites	\$489,000	\$156,000 (Communications Towers Reserve)	\$645,000
BLERF – 0628 Extend and Improve Lake Conjola Fire Station	\$717,303	\$32,697 (General Fund)	\$750,000
BLERF - 0629 Construct a Fire Station for Manyana and Bendalong	\$1,752,930	Nil	\$1,752,930
BLERF – 0644 Supporting Lake Conjola Tourism Access	\$775,349	\$961,000 (already allocated in in current budget)	\$1,736,349
BLERF – 0658 Create Bridge with Shared User Path on Lake Conjola Entrance Road	\$1,000,000	Nil	\$1,000,000
<b>TOTALS</b>	<b>\$12,003,554</b>	<b>\$1,609,697</b>	<b>\$13,613,251</b>

SA21.140

It is important for the Councillors to note that out of the \$1.6m of Council contributions required, \$961k was already allowed for in 2021/22 budget, \$233k of additional funding required from General fund, \$260k from Water Fund and \$156k from Communication Towers Reserve. Management is currently exploring the most suitable funding strategy for the \$233k of the General Fund co-contribution with the details to be reported in the next Quarterly Budget Review Report.

Details are not yet to hand about the conditions of the Grants but applicants when preparing the submissions undertook to have the projects physically commenced within 6 months of signing of the deed and completed by 30 June 2023.

The \$12m in grant funding will assist Council as it works towards Local Economic Recovery. The \$1.6m committed by Council demonstrates the leverage that local funds can achieve by working with the other levels of Government in a joint manner.

**Community Engagement**

Projects were discussed and publicised at the time of the applications being made but there was a high degree of noise and activity surrounding resilience and recovery at the time.

Each of the projects have their own communities of interest and communication regarding the success of Council with the BLERF program should be made with recognition to both the Australian and NSW Governments for this \$12m of jointly funded Local Economic Recovery assistance following the devastating 2020 Currowan Bushfire.

**Risk Implications**

Delivery times are short for these projects – around 12-24 months. Local contractors should be used wherever possible to maximise local benefit.

If these targets are not met, Council could well be criticised by the community and Government.



**The Hon. David Littleproud MP**  
Minister for Agriculture, Drought and  
Emergency Management  
Deputy Leader of the Nationals

**The Hon. John Barilaro MP**  
Deputy Premier  
Minister for Regional New South Wales,  
Industry and Trade

Wednesday, 30th June 2021

### **\$283 MILLION FOR NSW BUSHFIRE RECOVERY PROJECTS**

NSW communities impacted by the 2019-20 Black Summer bushfires will benefit from \$283 million in funding for 195 projects through Stage Two of the Bushfire Local Economic Recovery Fund.

Minister for Emergency Management David Littleproud said the \$283 million announced today will continue the bushfire recovery efforts.

"The Australian Government has invested \$2.3 billion in the recovery of communities, businesses and industries impacted by the devastating Black Summer bushfires," Minister Littleproud said.

"We are injecting \$103 million into tourism support and economic development and almost \$100 million into community and social recovery.

"More than \$13 million will provide opportunities for Indigenous employment and support Indigenous initiatives such as cultural burning programs."

NSW Deputy Premier and Minister for Disaster Recovery John Barilaro said applications were from 47 Local Government Areas impacted by the bushfires.

"Due to the high demand and quality of applications in this round, the Australian and NSW Governments agreed to bring forward an additional \$33 million from Stage 3 to fund more projects," Mr Barilaro said.

"The funded projects are community-led initiatives, meeting a diverse range of local needs – such as the Youth Beyond the Flame program in Lithgow and a community recovery and regeneration centre for South East NSW."

The Department of Regional NSW led the merit-based assessment of applications. The process was overseen by independent probity advisors from both the Australian and NSW Governments.

Applicants who were unsuccessful will be offered an opportunity for feedback and advice about other funding options they might wish to consider, including the Australian Government's \$280 million Black Summer Bushfire Recovery Grants, opening in July.

For more information about the Bushfire Local Economic Recovery Fund in NSW, visit: [www.recovery.gov.au/our-community/local-bushfire-recovery-projects](http://www.recovery.gov.au/our-community/local-bushfire-recovery-projects) or [www.nsw.gov.au/blerfund](http://www.nsw.gov.au/blerfund)

**Media contact:**

Minister Littleproud: Douglas Ferguson 0455 448 985

NSW Deputy Premier: Jennifer Lugsdin 0427 930 922

**Funding announcements under Stages 1 & 2 of the Bushfire Local Economic Recovery Fund (BLERF) that have coverage over the Shoalhaven City area.**

**Stage 1 approvals (announced November 2020)**

Council approvals

1. \$8 million for the first stage of a new sporting and recreation facility for residents on the south coast in the Shoalhaven. This project will provide facilities to host major regional and national sporting tournaments, as well as a space to support social recovery and build community connections.
2. \$1.75 million to fund 19 new boat berths in Ulladulla Harbour for commercial and recreational craft, improving access for visitors and locals to the natural tourism the region has to offer. The project's outcome will enhance its tourism assets and address a local recovery priority.
3. \$2 million to improve resilience of power and communications in the Shoalhaven region, by facilitating development of micro-grids in place of existing and fire-damaged power infrastructure and delivering back-up communication connectivity through satellite digital communication.

Other Approvals specific to Shoalhaven

4. More than \$137,000 to Boral Timber in the Shoalhaven region, for a project to install a second docking and packing line at the Nowra sawmill, specifically designed to produce short length green timber products. By diversifying the production at the mill it is increasing market opportunities and providing new employment for the region, driving economic growth and recovery.

**Stage 2 approvals (announced 30 June 2021)**

An additional 195 projects were approved across NSW. The Shoalhaven related projects are:

Council Approvals

1. Up to \$3,835,367 will upgrade four showgrounds in Shoalhaven, adding new bathroom and laundry facilities; a camp kitchen; dining spaces; meeting and office spaces; and stock holding yards and stables. The improved showgrounds will support community responses to local emergencies; generate ongoing tourist, community, and business activities; and support economic recovery.
2. Up to \$2,443,605 will be provided to upgrade the existing Huskisson Boardwalk, a wooden structure built over the mudflats and mangroves. A wider pathway, improved accessibility features, educational bays, intermittent seating, and interpretative signage will be provided. This will make the boardwalk, already a popular local site, more welcoming to individuals, families, school groups, and tourists.
3. Up to \$990,000 will be provided to design and construct new Bendeela Reservoir and five water tanks. The reservoir at Bendeela Water Treatment Plant (WTP) has a small capacity (0.1ML) and risks delivering an inadequate water supply during natural disasters and times of increased demand. This project will increase the

water supply through the provision of an additional 0.5ML reservoir and five static water tanks located in the Kangaroo Valley. These will be used by the Rural Fire Service (RFS) and NSW Fire and Rescue Services in times of need.

4. The project will receive up to \$489,000 to improve the resilience of major council-managed telecommunication sites through the installation of remote power generation; expanded battery storage; flood protection; and remote monitoring of key performance indicators. These improvements will minimise the impact of fire and ensure continual power after major environmental disasters.
5. Up to \$717,303 will be provided for the construction of a tanker bay, installation of a multifunction room, and to make other improvements at Lake Conjola Fire Station.
6. Up to \$1,752,930 will be provided for the construction of a four-bay fire station for Manyana and Bendalong, based on standard Rural Fire Service design. It will include an access driveway and six vehicle parking spaces. This project will deliver significant additional resources and capability to help future-proof the Shoalhaven area against future disasters
7. Up to \$775,349 will be provided for this project. Lake Conjola is a significant tourist attraction in the area and the project will create employment by boosting regional tourism and visitation. This project will fund a larger, and higher standard car and trailer parking area to cater for expected demand; improvement of internal roads, the construction of retaining walls and landscaping.
8. Up to \$1,000,000 will be provided for this project. The community of this area was significantly impacted by the 2019-2020 bushfires. A shared user path bridge on Lake Conjola Entrance Road provides an opportunity to connect and improve community liveability and safety through road infrastructure. This project will also promote tourism and enhance visitation to the area.

#### Other Approvals specific to Shoalhaven

9. Up to \$951,875 will upgrade and refurbish sections of the PCYC Shoalhaven Club to improve safety and better serve the Shoalhaven community, providing critical infrastructure to address the community's need for youth services, community sports, and use as an evacuation point in times of crisis. This project includes the construction of a large covered area for court sports programs and outdoor activities, as well as the purchasing of equipment for health and well-being programs.
10. The 2019-20 bushfires last year had a major environmental impact, much of it on public land in Eurobodalla and Shoalhaven Local Government Areas. This project will receive funding up to \$949,840 to implement anti-erosion and sediment measures; control weeds; manage fires; provide training; run workshops; and build land management contract businesses. Batemans Bay Local Aboriginal Land Council's land management crew has established strong working partnerships with other local and state organisation to expand their team and work toward environmental and economic recovery in affected areas.
11. Positive Futures is a recovery program designed to build resilience, mental health and networks for bushfire-affected young people and communities. Delivered in the Bega Valley and Shoalhaven, it will help young people connect to their region, connect with each other, participate in local events, and celebrate their region's natural endowments. Funding up to \$573,395 will provide a program which

includes outdoor activities, mentorship opportunities, cultural guidance, digital content, and local events.

12. Up to \$962,400 will be provided for the Bawley Point and Kioloa microgrid energy project. The project will play a vital role in improving the resilience of power and communication infrastructure in the Shoalhaven area. This project will deliver a microgrid energy solution to the towns of Bawley Point and Kioloa, which will allow the towns to maintain power during main grid outages. It will involve the incentivised installation of 100 solar and battery systems within the community.
13. Up to \$900,974 will be provided for Anglicare's Road to Recovery Program as a focused approach to engaging communities across the Shoalhaven, Queanbeyan-Palerang, and New England Local Government Areas. It will focus on hard-to-reach areas and provide individualised case management; the employment of local recovery workers; and community information sessions about post-trauma support.
14. Up to \$225,000 will be provided for this project. This project is a partnership between Milton Rural Landcare and rural landholders, whose properties were significantly damaged in the 2019-20 bushfires. These properties are classified as riparian zones, wildlife corridors, and habitat sites, often adjoining state forests and national parks. The project will provide practical assistance to regenerate tracts of devastated forest land; regenerate habitats for important species; oversee natural regeneration; reduce fire risk and treat weed incursions; and collect data on forest regeneration and post-fire biodiversity.
15. Up to \$2,759,486 will be provided to establish an Aboriginal-led land management team in Shoalhaven. The project will provide a year of full-time employment and training to 12 Aboriginal jobseekers. The project will be delivered by Local Aboriginal Land Councils (LALCs) in Nowra, Jerrinja and Ulladulla.

Other Approvals that may relate to Shoalhaven

16. Up to \$1,730,515 will be provided for the development of an accessible, inclusive, and culturally sensitive play and support hub for local children, particularly Aboriginal children and those living with disabilities. The hub will connect families with diverse and complex needs to a multidisciplinary team of professionals in a single location.
17. Up to \$999,570 will deliver an in-depth business support to 90 of the most promising bushfire-affected startups. This will involve evidence-based training and international networking opportunities. Building off of the success of the Bega Valley Innovation Hub, the University of Wollongong will bring its iAccelerate program to 10 bushfire affected regions, including four Local Aboriginal Land Council areas.
18. Up to \$211,000 will be provided for this project. Regional Development Australia Far South Coast (RDAFSC) will partner with NSW Rural Fire Service and local high schools to deliver nationally accredited training for up to \$300 students. The project will be coordinated by RDAFSC and delivered over a 2 year period. The training will qualify students to become members of their local NSW Volunteer Bushfire brigades. The project will boost the number of young volunteer firefighters in local communities, develop the skills and employability of young people in the region.
19. Up to \$2,780,632 will be provided for this project. The Blueprint for a Resilient South East NSW project will assist councils and communities in fire-affected areas

Bushfire Local Economic Recovery Fund announcements, Stages 1 & 2



assess which wellbeing factors are most impacted by disasters in their area. This will support more resilient communities that are able to prepare for and recover from natural disasters more quickly while maintaining relative wellbeing. Councils and communities will design, prioritise and deliver targeted training programs, communication tools and projects to support resilience in the region. The project involves networking events, the employment of council liaison officers, the publication of reports, and more.

## SA21.141 Preparation of Motor Sports DA by Council

**HPERM Ref:** D21/288157

**Department:** Economic Development

**Approver:** Robert Domm, Director - City Futures

### Reason for Report

Councillors requested a briefing on this matter which was presented on 8 July 2021. This report summarises the outcome.

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

That the preparation of the Development Application by Council for a Motor Sports complex at Yerrilyong (part Lot 7309 DP 1148878 & Lot 7308 DP 1147573) be discontinued as it would appear to be not feasible on environmental grounds.

### Options

1. Approve the recommendation as printed

Implications: Council staff will discontinue work to prepare a specific DA. Investigations will still continue to find a suitable site.

2. Propose an alternate recommendation for consideration

Implications: Council staff will discontinue work to prepare a specific DA. Other options will need to be assessed for investigation.

### Background

In October 2017 Council resolved that (MIN17.807):

1. *In recognition of the strategic importance and economic value of developing a motor sports complex in our area, that Council, after reviewing the previous development application (DA) by Motorcycling NSW, prepares and submits a DA as proponent for this project.*
2. *Council establish a project working group to oversee the process, comprising relevant Council staff and representatives of the South Coast Motor Sports Club Inc.*
3. *Council continue to explore and where applicable apply to both Federal and State Government programs to facilitate funding for the project and private partnership.*
4. *That initial costs associated with the review and DA submission be funded through the economic development budget*

No exact budget was approved but in the Council reports an anticipated budget of around \$300,000 was anticipated. As at end of June 2021 costs of about \$230,000 had been expended or committed.

A site selection study was undertaken with the parameters being:

- North of Conjola National Park (or not south of Sussex Inlet Road) / not in Kangaroo Valley area / not west of Morton National Park (along Braidwood Road – i.e. not Sassafras or Nerriga)

SA21.141

- Not Environmentally zoned / not Residentially zoned
- Land that did not contain Endangered Ecological Communities or threatened species records
- Not flood prone
- Minimum of 50ha in size (or adjoining lands that can be amalgamated to this size)
- Avoids steep slopes / Reasonably flat
- Avoid major watercourses – though with enough land this can be avoided
- Minimum 1km buffer to any residential dwellings from boundary

Forests NSW were also approached by EDO but were using their land as offsets and a motor sports activity did not fit within their management planning regime.

At the conclusion of this analysis one site at Yerriyong was identified.

In preparing a DA, a series of studies were undertaken, mainly to deal with the environmental issues of Flora and Fauna as required under the Biodiversity Conservation Act. Surveys were conducted in autumn and spring of 2018, 2019, 2020 and in Autumn of 2021.

During this period in May/June 2019 there was a major bushfire event on the site and adjoining Yerriyong lands. The spring surveys of 2019 found the area to be extremely scorched with no regrowth due to lack of any rain. Advice was sought from the Environmental section within the Department of Planning who ruled that the previous work by MNSW was not compliant with the BCA and Council needed to continue with the studies.

The surveys in 2020 identified additional orchids but within the existing area of known orchids but because of the scorched earth, little rain and lack of a tree canopy the local ecosystem was changing and the Botanists were seeing things happening for the first time. These findings were consistent with findings in other bushfire affected areas.

In April/May 2021, with the same conditions prevailing, additional orchids were found and the environmental consultant concluded and advised ED staff that the restrictions would not allow for a motor racing circuit to be located on the 50 Ha site.

Other studies required for a DA submission had not been commenced.

### Looking Forward

The advisory group, South Coast Motor Sports Club Inc, have been advised of the recommendation by the consultant. They have indicated that they wish to have the possibility open to investigate an alternate site for the purposes of establishing a motor sports facility within Shoalhaven should a suitable site be identified.

The Economic Development Office will continue to seek out such a potential site.

### Community Engagement

This time around, it was not timely to seek out the feelings of the community until a proposal had been fully worked up. Previously the DA from Motorcycling NSW raised community interest. The reaction was well polarised and it is expected that the reaction would be the same.

### Financial Implications

The preparation of the DA for a Motor Sports facility has cost Council almost \$230,000 over the period 2017-2021. The anticipated budget was \$300,000.

## SA21.142 Future Directions - Nowra CBD Revitalisation

**HPERM Ref:** D21/278527

**Department:** Strategic Planning

**Approver:** Robert Domm, Director - City Futures

**Attachments:**

1. Revitalising Nowra Action Plan 2021-23 (under separate cover) [⇒](#)
2. Report: Understanding Nowra 2021 (under separate cover) [⇒](#)
3. Engagement Summary Report - Revitalising Nowra Action Plan 2021-23 (under separate cover) [⇒](#)

### Reason for Report

Following a 'strategic directions' workshop in late 2020, the Nowra CBD Revitalisation Strategy Committee engaged Place Score Pty Ltd to work with them on an Action Plan to guide their revitalisation activities over the next three years (2020 / 2021 to 2022 / 2023) and provide a focus for their annual budget.

This report presents, for endorsement, the outcomes of this work (the Action Plan – **Attachment 1**) and also other additional revitalisation initiatives and activities that the Committee will pursue over the next three years.

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

That Council

1. Receive the report for information.
2. Endorse the 'Revitalising Nowra Action Plan 2021-23' (Attachment 1) as the basis for the Nowra CBD Revitalisation Strategy Committee's activities for the period 2021-2023.
3. Maintain the annual budget allocation of \$500,000 to support the implementation of the Action plan over the next three years and the principle that any unspent funds from the yearly allocation is rolled over to the next financial year to enable the Committee to strategically plan, respond flexibly and also undertake other relevant activities.
4. Commend the Nowra CBD Revitalisation Committee on the initiative of preparing the Action Plan.

### Options

1. As recommended

Implications: This is the preferred options as it completes the Action Plan process undertaken for the Committee and guides their revitalisation activities for the 2020/2021 year and beyond.

2. Alternate recommendation

Implications: Will depend on the nature of the recommendation, but it could delay or impact on ongoing and planned revitalisation activities in the Nowra CBD.

### Background

The Committee funded (January 2021) and has been actively involved in the preparation of the 'Revitalising Nowra Action Plan 2021-23' (the Action Plan).

The Action Plan was prepared by Place Score Pty Ltd utilising current information and data gathered about the CBD during the process and also input from the community through a survey and workshops.

The Action Plan builds on and seeks to take forward the intentions within Council's adopted Nowra CBD Revitalisation Strategy. It focusses on the intended actions that the Committee will focus on for the next three years utilising their existing budget of \$500,000 per year.

The Action Plan was most recently discussed by the Committee at their May 2021 meeting where it was resolved to:

1. *Adopt the Revitalising Nowra Action Plan 2021 – 23, in accordance with the contents of this report and its attachments (revised budget), and discussions at the meeting and the plan be finalised accordingly.*
2. *Commence the relevant early preparatory work required to support the new Action Plan, including:*
  - a. *2020-21 Preparation Work – obtain a fee proposal from Place Score Pty Ltd to assist in this regard (Action A2).*
  - b. *Action Plan Manager for Nowra CBD – commence required discussions regarding the position logistics/arrangements (Action A3).*
3. *Commit to undertake the annual Action Plan Impact Review (Action A10) over each of the three years and obtain a fee proposal from Place Score Pty Ltd for this work.*
4. *Action Plan Package be reported to Council for endorsement when ready.*
5. *Notes that the Working Groups continue operation to assist with the delivery of the Action Plan.*
6. *Chair and relevant Council Staff work together to establish the scope and role expectations of the Action Plan Manager for \$80,000 (up to a maximum of \$100,000).*

This report seeks the Council's endorsement of the Action Plan and also additional initiatives to be undertaken and funded by the Committee over the next three financial years.

### **Action Plan – Overview**

The Action Plan (**Attachment 1**) was prepared in early 2021 and followed a two-stage process:

Stage 1 – Research: Understanding what is working well and what is not working well in the Nowra CBD study area. This research set the foundation for developing the Action Plan.

Stage 2 – Action Plan Development: Preparation of an aligned 3-year Action Plan for the Nowra CBD study area through a collaborative process involving inputs from the Committee, Councillors and Council staff, stakeholders, retail and hospitality business owners and Nowra's customers.

The Action Plan is based around three key directions:

**Celebrate Nowra:** *Build a good story – Share what is working well in Nowra and develop a positive identity to improve its experience, perception and place attraction.*

**Something for All:** *Attract more diversity and get people to stay longer – Offer more things to do for different audiences across day and night, weekdays and holidays.*

**A Great Place to Hang Out:** *Make it a walkable and stay-able town - Improve the comfort and safety of Nowra CBD and make it a great place to sit, walk, stay, play and socialise.*

Building on the directions, the Action Plan outlines actions for investment in the CBD over the next three years. The following graphic from the plan is an overview of the actions and their grouping under the key directions.



SA21.142

The following is the Actions Overview from the Plan:

*This Action Plan proposes actions for investment in Nowra CBD over the next three years. The distribution of actions over three years is based on what is achievable within the existing and proposed resources and what will have the most benefit.*

*The focus of Year 1 will be setting up the right systems for governance and marketing, delivering upgrades to Junction Court and a program of regular events, and undertaking scoping studies for Year 2 and 3 actions. Year 1 is also the starting point for ongoing actions associated with the upkeep and greening of Nowra CBD.*

*Year 2 will see the continuity of many of the actions from Year 1 in addition to new programs such as fresh food markets, parklet dining and a Try Local Campaign. Delivering artworks and lighting features will be the focus of physical improvement works in this year.*

*In addition to ongoing projects, Year 3 will also involve the delivery of a major legacy activation project in Nowra CBD.*

The Action Plan contains detail on each of the actions, including an indicative timeline and budget. The table on page 15 of the Action Plan (**Attachment 1**) provides an overview

summary the intended Actions over the next three years: name, description, timing and budget.

Action A3 Place Manager for the CBD is a significant initiative under the Plan and Council staff will continue to work with the Committee on this to ensure that the scope of the role, budget and other details are refined and clarified before it is actioned.

### **Additional Committee Initiatives**

The current Action Plan is intended to focus on the key impact area within the CBD. The funding to support the Action Plan comes from the annual \$500,000 budget allocation, commencing in 2021/2022.

To also enable the Committee to consider the needs of the broader CBD and maintain a number of its existing/desired focusses, existing held/retained funds in the Committee budget from earlier years are intended to be allocated to other initiatives that may sit outside the Action Plan. More detail in this regard is included in the 'Financial Implications' section of this report.

### **Conclusion**

The *Revitalising Nowra Action Plan 2021-23* provides a good base for the activities of the Nowra CBD Revitalisation Strategy Committee over the next three years and is presented to Council for endorsement.

The Committee will also use retained funds to undertake other activities or maintain existing programs as required/relevant.

### **Community Engagement**

This Action Plan has been developed from a strong research foundation and an iterative process of engagement with stakeholders and the community. It considers the inputs of over 1,200 participants.

The following engagement and research was undertaken by Place Score Pty Ltd:

- Desktop Review and Analysis (500+ past engagement responses)
- First Impressions Audit
- Business Audit
- Town Centre Care Factor (CF) Survey (83 engagement responses)
- Street Place Experience (PX) Assessments in 5 locations in Nowra CBD (132 engagement responses)
- Face to face workshops (37 participants)
- Online feedback survey (540 engagement responses)

Findings from the above are included in the 'Understanding Nowra 2021' Report (**Attachment 2**). In addition, the Nowra CBD Impact Maximiser Report provides a summary of the baseline Place Score data collected for the CBD in early 2021.

Findings from the workshops and online feedback survey can be found in the Engagement Summary Report (**Attachment 3**)

### **Policy Implications**

The NSW Government's new Illawarra-Shoalhaven Regional Plan was finalised and released in early June 2021. It identifies Nowra as a 'regional' centre and has a focus on activating and transforming the centre, including a specific Action to 'Activate the Nowra City Centre'. The Action Plan builds on and helps support the outcomes sought under the Regional Plan.



The Action Plan and activities of the Committee are also generally consistent with and build on / implement Councils adopted Nowra CBD Revitalisation Strategy (adopted 2014) and earlier Nowra CBD Urban Design Masterplan (finished 2011, adopted 2014).

The Action Plan includes provision for an annual impact review that will enable improvement opportunities to be identified. The cost of this has been factored into the Action Plan budget.

### Financial Implications

The Action Plan provides direction for the Committee's activities for the current 2021/2022 Financial Year and also the subsequent two years. The Committee's established annual budget allocation of \$500,000 is included in the Council Budget for 2021/2022.

The Action Plan envisages the following:

- 2021-2020 \$470,000
- 2022-2023 \$665,000
- 2022-2023 \$480,000

In addition to the budget allocated for the Action Plan it is also planned (at the Committee discretion) to also:

- Undertake designs and costings (shovel ready projects) in preparation for future grant funding opportunities.
- Allocate \$5,000 per year for the Shopfront Façade program
- Allocate \$50,000 per year for CBD promotions
- Allocate \$10,000 per year to improve disabled access

The ability to fulfil the objectives above and to have flexibility to identify and invest in designs/projects for grant opportunities outside of the Action Plan is predicated on the continuation of the current funding arrangement for the Committee being:

- An annual budget allocation of \$500,000
- Any unspent funds from the yearly allocation is rolled over to the next financial year. i.e. The Committee budget for each year will be \$500,000 + any unspent funds from the year before.

The maintenance of this approach will enable the Committee to strategically plan spending over a 3-year period.

## SA21.143 Acceptance of Grant Funding - Wine and Whales Campaign - Destination NSW - Tourism Marketing Promotional Activities 2021

**HPERM Ref:** D21/284548

**Department:** Tourism

**Approver:** Robert Domm, Director - City Futures

### Reason for Report

To inform Council of a successful funding from Destination NSW for the 2021 Tourism Marketing Campaign, Wine and Whales.

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

That Council:

1. Accept the grant offered by the NSW Government under the Destination NSW Tourism Recovery Marketing Grant Fund program to amplify the existing 2021 Tourism Marketing Campaign, Wine and Whales.
2. Authorises the CEO, or his delegates, to sign the agreement for this grant.
3. Write to Destination NSW and to the Minister for Jobs, Investment, Tourism and Western Sydney, The Hon Stuart Ayres MP, expressing Council's appreciation for the funding allocation.

### Options

1. Adopt the recommendation.

Implications: This will allow for amplification of the existing tourism marketing campaign by adding \$50,000 to the budget for outdoor and television advertising.

2. Council adopts and alternate recommendation.

Implications: Depending on the nature of the recommendation, this campaign may not be able to reach a broader audience and potentially result in the funding being withdrawn.

### Background

The [Wine and Whales campaign](#) promotes visitation to the Shoalhaven during the off-season period of May to November. Both the wine sector and whale watching product are high quality visitor experiences but have little brand awareness in source markets. The promotion links to multi day itineraries (encouraging longer stays with overnight visitation) that feature a range of food and wine experiences across the region.

The existing campaign includes publicity familiarisations, digital advertising across google and social media, advertising in print and online.

### Destination NSW Grants

Destination NSW announced a Tourism Recovery Marketing Grant in April 2021. The aim of the grants program is to drive demand for NSW businesses during Winter / Spring 2021. A total of \$1 million ex GST in grants was available. Grants could be between \$10,000 - \$50,000. The grant round was highly competitive and available to all New South Wales tourism businesses, Local Governments, and co-operatives.

The funding application submitted identified opportunities for the amplification the campaign with the addition of outdoor advertising and television commercials to regional NSW and Canberra audiences.

It is proposed additional marketing activity will consist of Channel 7 running 15 second commercials during the Tokyo Olympics and Paralympics in the South Coast, Regional NSW, and Canberra Region, as well as billboard advertising in Sydney and / or Canberra.

### Community Engagement

The annual Tourism Marketing Plan is created in partnership with the Shoalhaven Tourism Advisory Group and features Wine and Whales for Winter. The Wine and Whales campaign is one of four approved campaigns as endorsed by the Shoalhaven Tourism Advisory Group (STAG).

### Policy Implications

The campaign targets can be adjusted dynamically to *exclude* or *include* Greater Sydney pending on COVID restrictions. Weighting of bought media includes Regional NSW, and Canberra along with Greater Sydney markets. The COVID situation will be monitored, and the campaign adjusted accordingly.

### Financial Implications

The grant is designed to amplify existing promotion within operational budgets. The funding from Destination NSW is \$50,000 and requires no additional funding allocation outside of existing approved budgets.

## SA21.144 Proposed Land Acquisition - Part Lot 1 DP823269, The Wool Road Worrowing Heights

**HPERM Ref:** D21/86520

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Draft Administration Sheet & Plan of Acquisition - D21/86567 [↓](#)

### Reason for Report

To provide Council with an opportunity to consider the partial acquisition of Lot 1 DP 823269 known as 81 The Wool Road Worrowing Heights, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Wool Road and Mernie Street, Old Errowal Bay intersection upgrade. Agreement has been reached with the owners.

### Recommendation

That Council:

1. Acquire an area of 619.1m<sup>2</sup> being part Lot 1 DP823269 for the requirement of intersection upgrade, by agreement with the owners for \$5,420 plus GST (If Applicable);
2. Fund all costs associated with the acquisition from Funds Granted through the Federal and State Government Stimulus Commitment – Safety Works program - Work Finance Number 105262 Land Acquisition – The Wool Rd Mernie St CHR Project;
3. Delegate authority to the Chief Executive Office (Director City Services) to make minor adjustment to the purchase price, if necessary, in accordance with the settlement figure determined by Council Solicitor;
4. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution;
5. Upon registration of the acquisition plan and settlement, authorise by notice in the Government Gazette, the dedication of Part Lot 1 DP 823269 in the proposed acquisition plan as public road in accordance with Section 10 of the Roads Act 1993.

### Options

1. Adopt as recommended

Implications: Council can acquire the land to facilitate the delivery of the upgrade of the intersection.

2. Not adopt as recommended

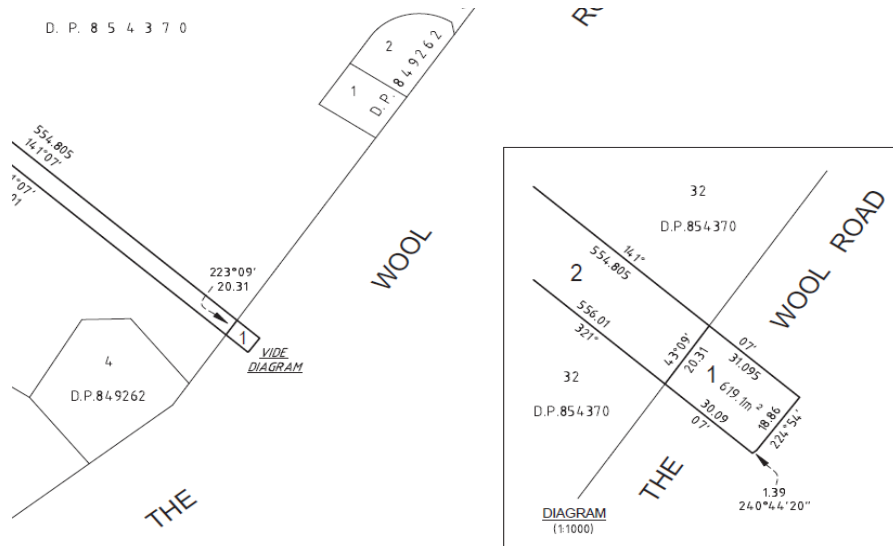
Implications: The proposed upgrade work of the intersection will not be able to commence, and a possible redesign would need to be investigated which will increase costs and delay the project.

## Background

The project was nominated as a proactive proposal, following completion of a formal road safety audit that supported the improvements proposed.

Grant funding was approved for a Safer Roads project to design and install a protected right turn lane CHR from The Wool Rd into Mernie St, Old Errol Bay. This includes painted CHR, road widening and associated works at the intersection.

Investigations for the project identified a small section of privately owned land (619.1m<sup>2</sup>), is necessary to be acquired.



Council engaged the services of Walsh and Monaghan Valuers who assessed the compensation at \$5,420 plus GST, if applicable. Council successfully negotiated with the owners the compensation amount of \$5,420 plus GST (If applicable). This amount is in addition to the reasonable legal and ancillary costs for the pending transfer to Council in accordance with the Land (Just terms Compensation) Act, 1991.



## Community Engagement

Not required for this Land Acquisition which is for operational purposes.

SA21.144

**Policy Implications**

This matter was identified through a safety audit and funding granted under the Safer Roads project for design and construction of identified Blackspots.

**Financial Implications**

If approved, Council will pay on settlement the agreed compensation of \$5,420 (plus GST if applicable), determined by the Valuation prepared by Walsh and Monaghan Valuers.

Compensation will be funded from Federal and State Government Stimulus Commitment – Safety Works Program Funding (100%) - The Wool Rd / Mernie - CHR's  
- Blackspot – Available 2020 / 2021 - Project No 105262.

**Risk Implications**

Failure to acquire the land for the purposes of upgrading the intersection of The Wool Road and Mernie Street would be unable to be delivered.

PLAN FORM 6 (2020) DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 Sheet(s)
Office Use Only		Office Use Only
Registered :  Title System :		<b>DRAFT</b> AS AT 15/02/2021
<b>PLAN OF</b>  LAND TO BE ACQUIRED FOR THE PURPOSES OF THE ROADS ACT 1993	LGA : SHOALHAVEN Locality : WORROWING HEIGHTS Parish : BHERWERRE County : ST VINCENT	
<p align="center">Survey Certificate</p> <p>I, <u>LEE MICHAEL SCHMALFELDT</u> of <u>MAKER ENG LVL 4 25 ATCHISON STREET WOLLONGONG NSW 2500</u> a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:</p> <p><del>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017 accurate and the survey was completed on ....., or</del></p> <p><del>*(b) The part of the land shown in the plan (*being/excluding ** .....) was surveyed in accordance with the .....</del> <del>Information Regulation 2017, the part surveyed is accurate and the survey was completed on ....., and the part not surveyed was compiled in accordance with that Regulation, or</del></p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017</p> <p>Datum Line: <u>N/A</u></p> <p>Type: *Urban /#Rural</p> <p>The terrain is *Level-Undulating / <del>*Steep-Mountainous</del></p> <p>Signature: ..... Dated: .....</p> <p>Surveyor Identification No: <u>SU-8499</u></p> <p>Surveyor Registered under the Surveying and Spatial Information Act 2002</p> <p>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p align="center">Crown Lands NSW / Western Lands Office Approval</p> <p>I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: .....</p> <p>Date: .....</p> <p>File Number: .....</p> <p>Office: .....</p>	
	<p align="center">Subdivision Certificate</p> <p>I, ..... *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s 6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: .....</p> <p>Registration number: .....</p> <p>Consent Authority : .....</p> <p>Date of endorsement: .....</p> <p>Subdivision Certificate number: .....</p> <p>File number: .....</p> <p>*Strike through if inapplicable.</p>	
Plans used in the preparation of survey/compilation  D.P.823269 D.P.849262	<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p align="center">LOT 1 IS REQUIRED FOR ROAD WIDENING AND AFTER ACQUISITION WILL ULTIMATELY BE DECLARED PUBLIC ROAD</p> <p align="center">If space is insufficient continue on PLAN FORM 6A</p>	
Surveyor's Reference: MKR00084_DP01 CAD REF: MKR00084_DP01a	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

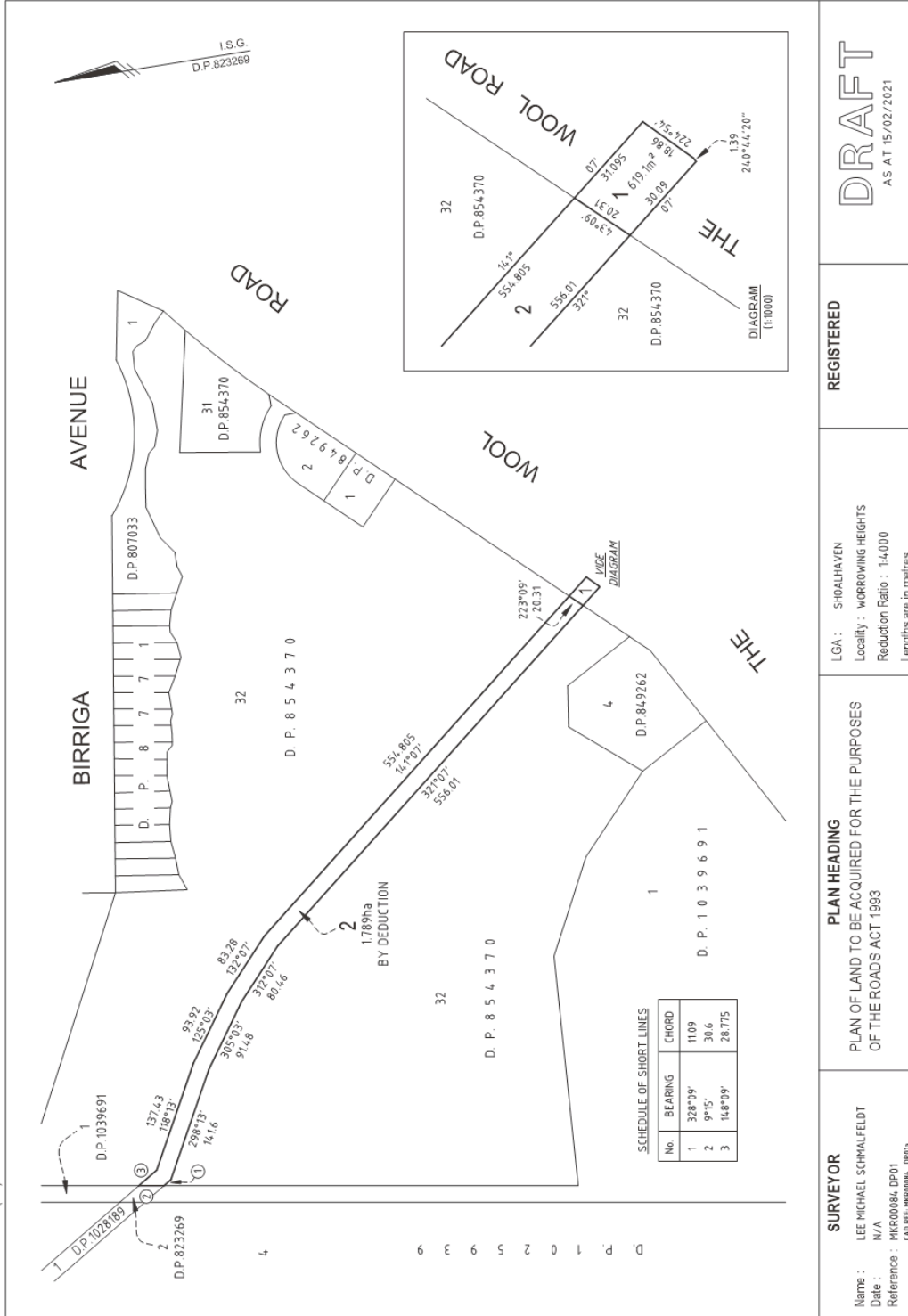


PLAN FORM 6A (2019)		<b>DEPOSITED PLAN ADMINISTRATION SHEET</b>		Sheet 2 of 2 Sheet(s)																			
<div style="text-align: right; font-size: small;">Office Use Only</div> <p>Registered:</p>		<div style="text-align: right; font-size: small;">Office Use Only</div> <div style="text-align: center; font-size: 2em; font-weight: bold; margin: 10px 0;">DRAFT</div> <p style="font-size: small;">AS AT 15/02/2021</p>																					
<p><b>PLAN OF</b></p> <p>LAND TO BE ACQUIRED FOR THE PURPOSES OF THE ROADS ACT 1993</p>		<p style="font-size: x-small;">This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> <li>A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i></li> <li>Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>Signatures and seals - see 195D <i>Conveyancing Act 1919</i></li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>																					
<p>Subdivision Certificate number: .....</p> <p>Date of Endorsement: .....</p>																							
<table border="1" style="width: 100%; border-collapse: collapse; margin: 0 auto;"> <thead> <tr> <th style="width: 15%;">LOT NUMBER</th> <th style="width: 15%;">SUB-ADDRESS NUMBER</th> <th style="width: 15%;">ADDRESS NUMBER</th> <th style="width: 20%;">ROAD NAME</th> <th style="width: 15%;">ROAD TYPE</th> <th style="width: 20%;">LOCALITY NAME</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">THE WOOL</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">WORROWING HEIGHTS</td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">THE WOOL</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">WORROWING HEIGHTS</td> </tr> </tbody> </table>						LOT NUMBER	SUB-ADDRESS NUMBER	ADDRESS NUMBER	ROAD NAME	ROAD TYPE	LOCALITY NAME	1		N/A	THE WOOL	ROAD	WORROWING HEIGHTS	2		N/A	THE WOOL	ROAD	WORROWING HEIGHTS
LOT NUMBER	SUB-ADDRESS NUMBER	ADDRESS NUMBER	ROAD NAME	ROAD TYPE	LOCALITY NAME																		
1		N/A	THE WOOL	ROAD	WORROWING HEIGHTS																		
2		N/A	THE WOOL	ROAD	WORROWING HEIGHTS																		
<p>Certified correct for the purposes of the <i>Real Property Act 1900</i> by the Corporation named below, the Common Seal affixed pursuant to the Authority specified and in the presence of the Authorised Person(s) whose signature(s) appear(s) below:</p> <p>CORPORATION: <b>Shoalhaven City Council</b>            AUTHORITY: <b>section 220 <i>Local Government Act 1993</i></b></p> <p>Signature of Authorised Person: .....</p> <p>Name of Authorised Person:</p> <p>OFFICE HELD:</p>   <p style="text-align: center; font-size: small;">If space is insufficient use additional annexure sheet</p>																							
<p>Surveyor's Reference: MKR00084_DP01  <small>CAD REF: MKR00084_DP01a</small></p>																							

Sheet 1 of 1 Sheets

WARNING : CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 1 (A3)



# SA21.144 - Attachment 1

## **SA21.145 Proposed Road Closure - Part Unnamed Council Public Road R1234b160 and Proposed Road Opening Lot 74 DP 604846 - Milton**

**HPERM Ref:** D21/146512

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Road Closure & Opening Plan - Road Closures - Milton - Wilfords Lane  
[↓](#)  
 2. Highlighted DP 60486 - Road Closure & Opening - Wilfords Land Milton  
[↓](#)

### **Reason for Report**

This report provides Council with an opportunity to consider the closure of part of the unformed public road known as R1234B-1603 Milton (off Wilfords Lane) shown as Lot 741 in Attachment 1 (D21/249529), which severs the privately owned land being Lot 74 DP 604846. It is also proposed that Council acquire part of Lot 74 DP 604846 shown as Lot 742 in Attachment 1, for road purposes to provide access to Lot 73 DP 604846 (Wilford).

### **Recommendation**

That Council:

1. Acquire Part Lot 74 DP 604846, being 10.06m wide and approximately 738m<sup>2</sup>, shown in Attachment 1 (D21/249529) as Lot 742 for the purpose of public road in accordance with the Roads Act 1993;
2. Resolve to close part of public road - R1234b160, Milton, being 10.06m wide and approximately 881m<sup>2</sup>, shown in Attachment 1 (D21/249529) as Lot 741 in accordance with the Roads Act 1993;
3. Authorise the transfer of proposed closed road (Lot 741) with the adjoining property owner, in exchange for proposed road (Lot 742);
4. Upon registration of transfer, authorise by notice in the Government Gazette, dedication the acquired land identified in Attachment 1, Lot 742, as public road in accordance with Section 10 of the Roads Act 1993;
5. Require the closed road to be consolidated with Lot 74 DP 604846 following transfer to adjoining property owner;
6. Note that all costs associated with the road closure application will be paid in equal shares by the landowners in accordance with a Deed of Agreement (LD8125);
7. Authorises 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. Resolve as recommended

Implications: This will allow for the portion of the road reserve that severs Lot 74 to be closed. Additionally, that portion of the requested road reserve be consolidated with the

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adjoining landowners property resulting in an increased usable land holding and continued access to Lot 73.

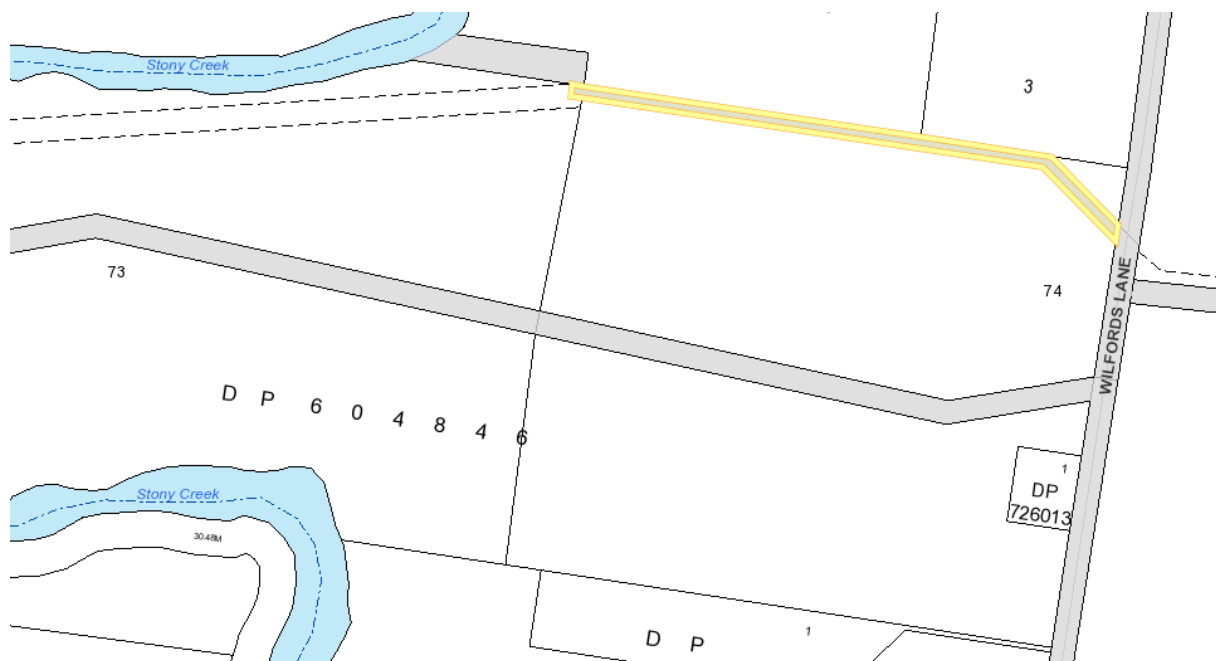
2. Not resolve as recommended

Implications: The use of the severed land is void and provides no benefit to the owner and detracts value of the subject property.

## Background

Development Application - DA17/2496 was received from Philip Brown (Land Surveyor) on behalf of Ian Dale Wilford to construct a road in road reserve R1234B-160 Milton. The application was for access to Lot 73 in Deposited Plan 604846.

The road (in yellow below) starts approximately 53 metres from the north-eastern boundary of Lot 74, runs in a north-westerly direction to the northern boundary of Lot 74 and follows the northern boundary of Lot 74, entering Lot 73 at its north-eastern boundary corner.



The submitted DA was to construct a road within the original road reserve to access Lot 73. The applicant and neighbour both agree that that a better outcome would be to straighten the access that serves Lot 74.

On 12 April 2018 a request was made from Ian Wilford to construct the road in a straight line across the northern boundary rather than severing the adjoining lot 74.

The owners of Lot 73 & 74 have agreed by a Deed of Agreement (LD8125 – attached), dated 24 December 2019, to extend the road in a straight line along the northern boundary of Lot 74. The owner of Lot 74 has agreed to dedicate the part of lot 74 required to open the road to run directly along the northern boundary of Lot 74. This would then require the closure of that section shown as Lot 741 in Attachment 1 (D21/249529).

Department of Planning Industry & Environment - Crown Lands, as a notifiable authority, advised Council they have no objection to the closure of the public road and the proposed vesting in Council upon closure.

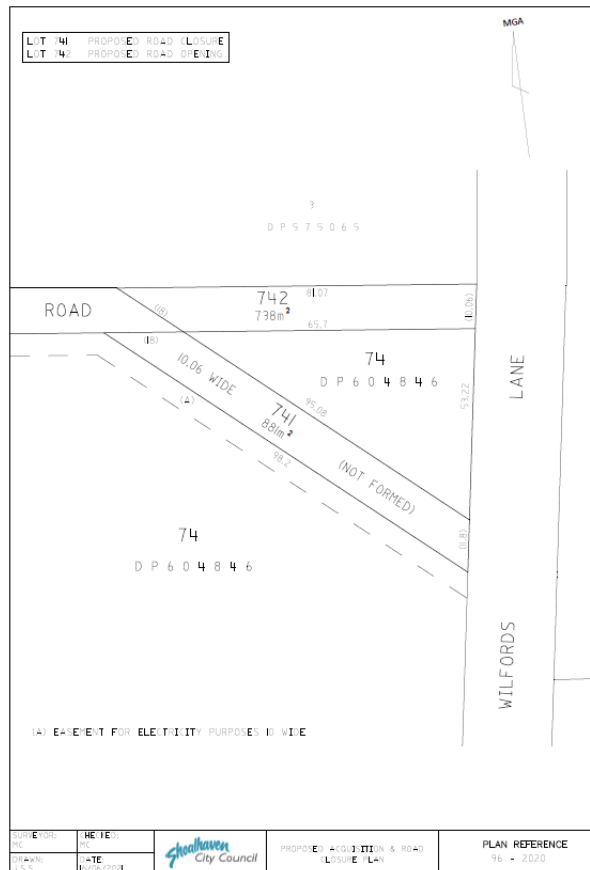


Fig 1 - D21/249529

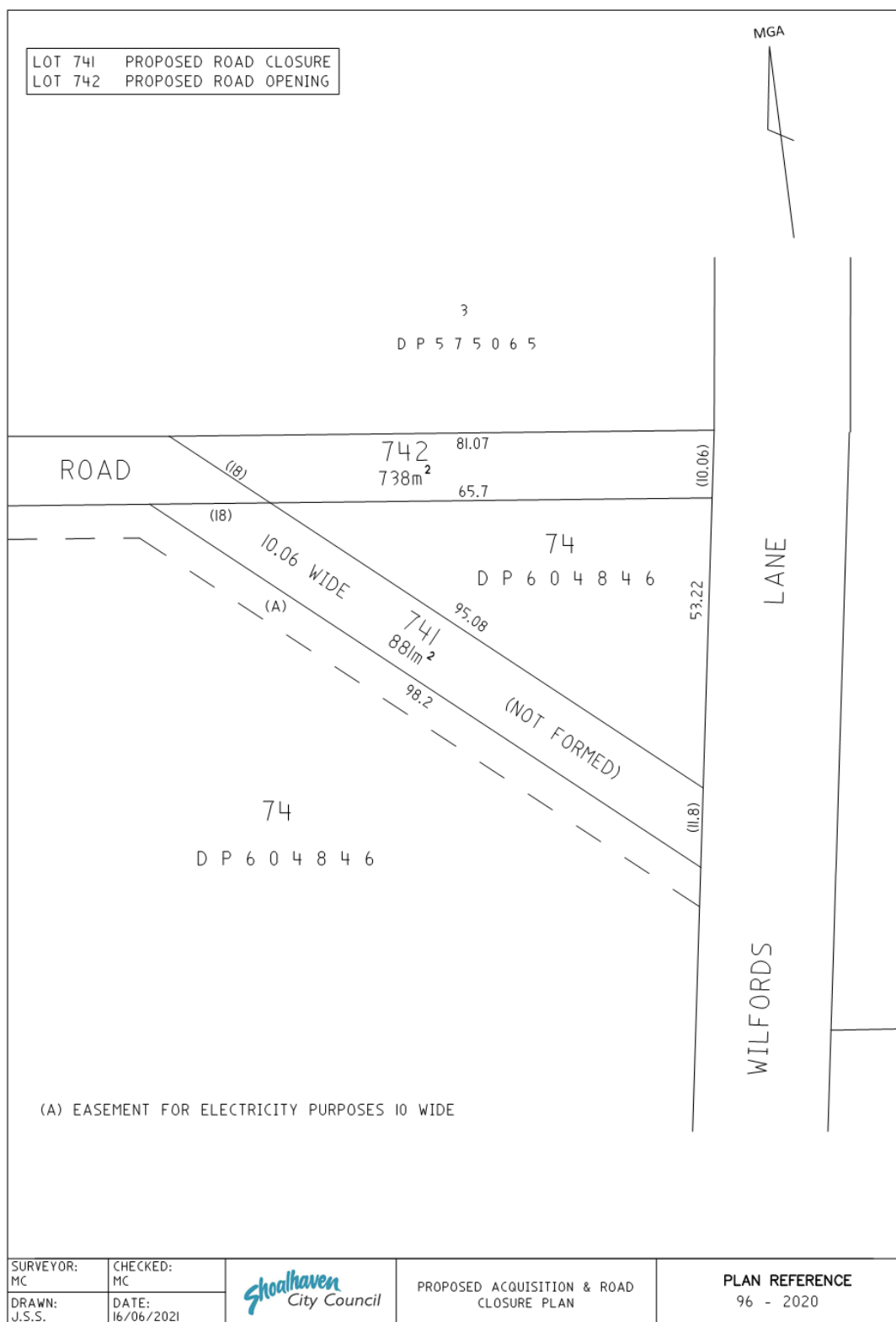
## Community Engagement

In accordance with Roads Act 1993, Sec 38B, Council notified all adjoining landowners and Notifiable Authorities. An advertisement was placed in the South Coast Register on 6 November 2020 allowing 28 days for submissions. The only submission received was from the notifiable authority Endeavour Energy on 18 March 2021 requiring an easement over the existing transmission line. No other objections received.

## Financial Implications

Nil cost to Council as all associated costs are to be shared equally in accordance with the terms of the Deed of Agreement.

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SA21.145 - Attachment 1

[illegible]



## SA21.146 Proposed Road Closure & Sale - Unnamed Road Off Woodburn Road Morton

**HPERM Ref:** D21/156342

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:**

1. Area of proposed road Closure - Off Woodburn Rd Morton [↓](#)
2. Public Notice [↓](#)
3. Signed Letter of Acceptance - Road Closure - Council Sale to adjoining owner [↓](#)

### Reason for Report

This report provides Council with an opportunity to consider approving the closure and sale of the unnamed road having access off Woodburn Road, Morton adjoining Lot 5 DP 705574, Lots 1 & 2 DP 791631 as shown in Attachment 1 (D20/422440).

### Recommendation

That Council:

1. Close the unnamed road off Woodburn Road Morton, being approximately 7,500m<sup>2</sup> as shown in attachment 1 (D20/422440), by a notice published in the Government Gazette;
2. Authorise the sale of the closed road to the adjoining property owner for \$9,000 excluding GST (if applicable) with the proceeds from the sale to be allocated to the Property Reserve;
3. Require all costs associated with the road closure and sale to be borne by the adjoining property owner.
4. Authorises 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. Resolve as recommended

Implications: Council will receive the nominated financial compensation and the closed road reserve would be sold to the adjoining landowner.

2. Not resolve as recommended

Implications: The responsibilities for maintenance of the surplus road reserve will remain in Council ownership and financial responsibility.

### Background

In March 2020, Council received a request to close and purchase part of a surplus road reserve by the owners of 141C Woodburn Rd Morton.

A road status search revealed the road reserve is a Public Council Road under the Police Offences Act 1901 and will vest in Council upon closure.

The road reserve commences at the western end, off Woodburn Road, traversing the land to a closed Crown Road Reserve that is now in the ownership of the applicant. The northern and southern properties are also owned by the applicant.

The portion of road reserve is not used by the general public for vehicular access although it does currently adjoin the Right of Footway to the National Park and contains endeavour energy overhead powerlines.

Lot 3 DP 791631 shares a point of intersection on the south-eastern corner of the road reserve; however it does not currently have a shared boundary to enable access from the road reserve in question. Access to Lot 3 DP 791631 is currently via adjoining lots to the west and south owned by the same landowner. Therefore, closure of the road reserve will not impact the current owner's access to Lot 3 DP 791631.



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Objections to the road closure and proposed conditions that would be required for the objection to be withdrawn are shown below.

- SCC – Land Management Unit – Requires a right of footway to access Morton National Park
- SCC – Strategic Planning Department – Requires a right of footway to access Morton National Park
- Endeavor Energy requires an easement 9m wide centred on the existing overhead powerlines
- Endeavor Energy requires an easement for overhead powerlines of variable width

The applicant has agreed to the above conditions and as part of the closure a Right of Footway and an Easement for powerlines will be created.

Upon closure, the road reserve will be sold to the adjoining property owners for a sum of \$9,000 excluding GST (if applicable) as recommended in the valuation report by Walsh and Monaghan Valuers dated 30 November 2020. Those owners have agreed via email dated 19 May 2021 (D21/224031) to pay the compensation amount and all associated costs with the road closure and sale.

### **Community Engagement**

In accordance with The Roads Act 1993, Council notified all adjoining landowners and Notifiable Authorities. An advertisement was placed in the Milton Ulladulla Times on 14 October 2020 allowing 28 days for submissions.

An objection was received from Endeavour Energy with a requirement to create easements over Endeavour Energy infrastructure.

The owner of Lot 3 DP791631 was notified of the proposed road closure via letter on 1 October 2020 in addition to advertising in the Milton Ulladulla Times on 14 October 2020. No responses were received.

### **Financial Implications**

Council will receive compensation in the amount of \$9,000 excluding GST (if applicable) as determined by the Valuation prepared by Walsh and Monaghan Valuer dated 30 November 2020. Council will no longer be financially and operationally responsible for the maintenance and upkeep of the road reserve.

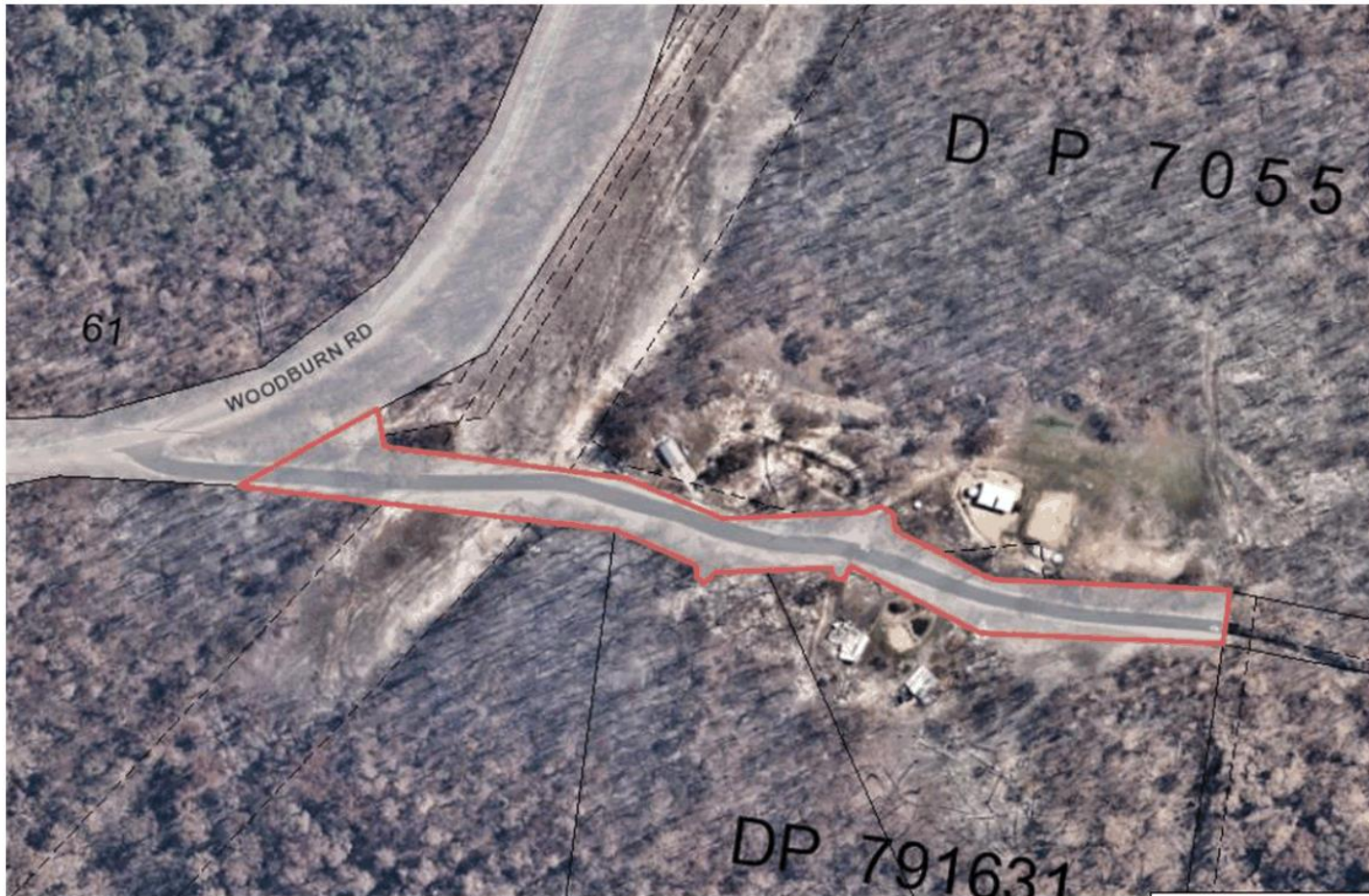
All costs associated with the Road Closure process and sale are payable by the applicant at no cost to Council.

### **Risk Implications**

Nil.



Area of proposed road closure



<b>Leonards</b>		p 02 9698 5266 f 02 9699 2433		<b>CLIENT PROOF</b>	
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f t i y

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### Public Notices

#### Proposed Road Closing Under Section 38B Roads Act 1993

In pursuance of the provisions of the Roads Act 1993, notice is hereby given that Shoalhaven City Council proposes to close the council public road listed in Schedule 1.

**Schedule 1:**

- Unnamed Road heading in an easterly direction off Woodburn Road, Morton.

Upon closure of the road, council intends to sell the land to an adjoining landowner.

All interested persons are hereby invited to make submissions concerning the proposal to the Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541 or email [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au), within twenty eight days of the date of this advertisement. Please note that under the provisions of the *Government Information (Public Access) Act 2009*, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Shoalhaven City Council will consider all duly made submissions before deciding whether to continue with the road closure proposal.

**Council Ref:** 55814e  
**Enquiries:** Melissa Boundy on 02 4429 3626.  
For the Chief Executive Officer, Stephen Dunshen.

#### Development Consents

This Notice is published in accordance with the *Environmental Planning & Assessment Act 1979* (Act), Section 4.59 and Schedule 1, Clause 20.

Details of the Development Applications can be accessed via DA Tracking on Council's website at [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

The following determinations and modifications are now available for public inspection, without charge, at the Council Offices (Northern Area – Nowra Office and Southern Area – Ulladulla Office) during normal office hours.

The applications were assessed as required by Section 4.15 of the Act. Where an approval has been granted, the assessment has determined that the Application it is permitted by and consistent with the relevant environmental planning instruments and Shoalhaven DCP 2014.

As a result of the assessment undertaken as prescribed under the Act, conditions have been imposed to address identified impacts. The assessment has determined that the development:

- Will not have unacceptable adverse impacts; and
- Will not be contrary to the public interest.

Having regard to Council's Community Consultation Policy, the views of the community have been considered in the assessment of the applications. Submissions have been considered as prescribed by Section 4.15 of the Act and particularly in relation to the provisions of Shoalhaven Local Environmental Plan and Development Control Plan.

**JULY – Southern Area**

**CD20/1332** 21 Voyager Cr, BAWLEY POINT  
Residential. Alterations and additions.

**DA20/1459** 12 Oriole St, BAWLEY POINT  
Residential. Alterations and additions.

**DA20/1500** 135 Malibu Dr, BAWLEY POINT  
Residential. Alterations and additions.

**DA20/1493** 23 Como Ave, BURRILL LAKE  
Residential. Single new dwelling.

**DA20/1074** 19 Thistleton Dr, BURRILL LAKE  
Residential. Alterations and additions.

**CD20/1257** 26 Como Ave, BURRILL LAKE  
Residential. Alterations and additions.

**DA20/1591** 91 Myrtle Gully Rd, CONJOLA  
Residential. Alterations and additions.

**DA20/1315** 8 Sandra St, CONJOLA PARK  
Residential. Alterations and additions.

**CD20/1334** 86 Lake Conjola Entrance Rd, CONJOLA PARK  
Residential. Alterations and additions.

**DA20/1512** 15 Bowness Ct, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1487** 6 Huddle Ct, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1536** 3 Stewart St, CONJOLA PARK  
Residential. Single new dwelling.

**CD20/1314** 9 Kurrajong Cr, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1321** 12 Kurrajong Cr, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1570** 6 The Quarterdeck, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1549** 63 Lake Conjola Entrance Rd, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1574** 8 Windemere Dr, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1572** 8 Wheatley Pl, CONJOLA PARK  
Residential. Single new dwelling.

**DA20/1328** 46 Durras Rd, DURRAS NORTH  
Residential. Single new dwelling.

**DA20/1419** 52 Anglers Pde, FISHERMANS PARADISE  
Residential. Single new dwelling.

**DA20/1012** 140D Narrawallee Creek Rd, LAKE CONJOLA  
Residential. Single new dwelling.

**DA20/1423** 140C Narrawallee Creek Rd, LAKE CONJOLA  
Residential. Alterations and additions.

**DA20/1447** 35 Spinks Ave, LAKE CONJOLA  
Residential. Single new dwelling.

**DA20/1461** 12 Venus Ave, LAKE TABOURIE  
Residential. Alterations and additions.

**DA20/1516** 77 Little Forest Rd, LITTLE FOREST  
Residential. Alterations and additions.

**DA20/1232** 45 Little Forest Rd, LITTLE FOREST  
Residential. Alterations and additions.

**CD20/1373** Lot 2 Church St, MILTON  
Commercial/retail/office.

**CD20/1348** 101 Croobay Rd, MILTON  
Residential. Alterations and additions.

**DA20/1341** 9 Whatman Pl, MILTON  
Residential. Single new dwelling.

**DA19/2167** 71 Croobay Rd, MILTON  
Commercial/retail/office.

**DA20/1358** Lot 1 Wilfords Lane, MILTON  
Industrial.

**CD20/1387** Lot 413 Porter Cct, MILTON  
Residential. Single new dwelling.

**DA20/1561** 19 Bendoura St, MOLLYMOOK  
Residential. Single new dwelling.

**DA20/1022** 15 The Meadows, MOLLYMOOK  
Residential. New second occupancy.

**DA20/1575** 19 The Meadows, MOLLYMOOK  
Residential. Single new dwelling.

**DA20/1501** 32 Bannister Head Rd, MOLLYMOOK BEACH  
Residential. Alterations and additions.

**DA18/1709** 5 Valley Dr, MOLLYMOOK BEACH  
Residential. Alterations and additions.

**CD20/1379** 13 Carroll Ave, MOLLYMOOK BEACH  
Residential. Alterations and additions.

**DA20/1538** 30 Bannister Head Rd, MOLLYMOOK BEACH  
Residential. Alterations and additions.

**CD20/1354** 498 Woodburn Rd, MORTON  
Residential. Alterations and additions.

**DA20/1422** 1 Macleay St, NARRAWALLEE  
Residential. New second occupancy.

**DA20/1540** 75 Leo Dr, NARRAWALLEE  
Residential. Single new dwelling.

**DA20/1546** 22 Amaroo Dr, NARRAWALLEE  
Residential. Single new dwelling.

**CD20/1378** 4 Iluka Cr, NARRAWALLEE  
Residential. Alterations and additions.

**CD20/1395** 47 Iluka Cr, NARRAWALLEE  
Residential. Single new dwelling.

**CD20/1333** 22 Bexhill Ave, SUSSEX INLET  
Residential. Single new dwelling.

**DA20/1009** Lot 101 Jacobs Dr, SUSSEX INLET  
Residential. Alterations and additions.

**DA18/1214** Lot 2 Sussex Inlet Rd, SUSSEX INLET  
Residential. Single new dwelling.

**DA18/1216** Lot 52 Sussex Inlet Rd, SUSSEX INLET  
Residential. Single new dwelling.

**CD20/1353** 11 Lancing Ave, SUSSEX INLET  
Residential. Single new dwelling.

**DA20/1188** 110 Jacobs Dr, SUSSEX INLET  
Residential. Alterations and additions.

**DA20/1444** 131 River Rd, SUSSEX INLET  
Residential. Alterations and additions.

**DA20/1458** Lot 174 Wason St, ULLADULLA  
Commercial/retail/office.

**DA18/2029** 33 Timbs St, ULLADULLA  
Residential. Alterations and additions.

**CD20/1358** 23 Booyong Ave, ULLADULLA  
Residential. Alterations and additions.

**CD20/1331** 16 Wattlevale Pl, ULLADULLA  
Residential. Alterations and additions.

**DA20/1566** 5 Pitman Ave, ULLADULLA  
Residential. Alterations and additions.

**DA20/1620** 120 South St, ULLADULLA  
Residential. Alterations and additions.

**CD20/1389** 64 Porters Creek Rd, YATTE YATTAH  
Residential. Alterations and additions.

**DA20/1530** 186 Egans Farm Lane, YATTE YATTAH  
Residential. Single new dwelling.

**SF10796** 1 Valley View Ct, MILTON  
Subdivision only.

**SF10792** 19 Wolseley St, MILTON  
Subdivision only.

#### Section 4.55 Modifications

**D520/1303** 12 Michigan Way, BURRILL LAKE  
Allow interim occupation certificate.

**D520/1346** 10 Esme St, CONJOLA PARK  
Replace shed destroyed by fire.

**D520/1297** 88 Collier Dr, CUDMIRRAH  
Modify staircase.

**D520/1309** 44 Wattle St, FISHERMANS PARADISE  
Modify floor plan.

**D520/1186** 9 Sunset Strip, MANYANA  
Modify balcony and construction material.

**D520/1138** 12 Slaughterhouse Rd, MILTON  
Modify civil conditions.

**D520/1180** Princes Hwy, MILTON  
Modify driveway/drainage

**D520/1232** 52 Buckland St, MOLLYMOOK  
Modify window position.

**D520/1265** 23 Jones Ave, MOLLYMOOK BEACH  
Modify entry door and louver windows.

**D520/1269** 65 Lockhart Ave, MOLLYMOOK BEACH  
Modify shed dimensions.

**D520/1279** 45 Lockhart Ave, MOLLYMOOK BEACH  
Minor changes to design.

**D519/1355** Matron Porter Dr, MOLLYMOOK BEACH  
Modify consent.

**D520/1272** 28 Cormorant Ave, SUSSEX INLET  
Modify design.

**D520/1281** 5 Wunda Ave, SUSSEX INLET  
Modify windows.

**D520/1330** 7 Golfcourse Way, SUSSEX INLET  
Modify description and condition.

**D520/1282** 168 Slaughterhouse Rd, ULLADULLA  
Add awning/modify window glass.

**D520/1294** 27 Tulip Oak Dr, ULLADULLA  
Modify shed.

**D518/1238** 154 Princes Hwy, ULLADULLA  
Modify design and finishes.

Note: DA – Development Application CD – Complying Development SF – Subdivision Application



Bridge Rd, Nowra NSW 2541 | 02 4429 3111  
Deering St, Ulladulla NSW 2539 | 02 4429 8999

**Address all correspondence to**

The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia  
council@shoalhaven.nsw.gov.au | DX5323 Nowra | Fax 02 4422 1816

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)     

Council Reference: 55814E (D21/155713)  
11/05/2021

Dear David & Renee,

### **Proposed Road Closure and Sale**

Council investigations have concluded that the Road Closure of the unnamed Road off Woodburn Road Morton may proceed to a Council meeting for its consideration to Close the Road for the purpose of selling the road reserve to yourselves.

The area of the road has been calculated at 7,500 sqm which is based on the valuation report by Walsh & Monaghan. On recommendation, Council expects to be compensated for the area in the amount of \$9,000 (excluding GST), calculated as follows:

.75Ha @ \$12,500/ha = \$9,375 and Rounded to \$9,000

Please note the area is subject to final survey and compensation will be adjusted accordingly at time of transfer. Easement terms are also included in this offer.

Because a full meeting of Council must approve the closure of the road and sale of this land, this offer to purchase is conditional upon a resolution being passed by Council.

Should you accept Council's above offer, please sign and return a copy of this letter, to be received no later than 5pm Monday 25th May 2021.

If you need further information about this matter, please contact Anthony Nee, on (02) 4429 3370. Please quote Council's reference 55814E (D21/155713).

Yours faithfully

**Anthony Nee**  
AAPI CPV  
Property Officer

Shoalhaven City Council  
02 4429 3370  
Bridge Rd (PO Box 42) Nowra NSW 2541  
[Anthony.Nee@shoalhaven.nsw.gov.au](mailto:Anthony.Nee@shoalhaven.nsw.gov.au)

Confirming we accept the offer  
and would like to proceed...

David Greiner

Renee Greiner

SA21.146 - Attachment 3



## **SA21.147 Transfer of Lot 1 DP 821499 Lynburn Ave Bomaderry to Community Association DP270517**

**HPERM Ref:** D21/174776

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Plan - Proposed Transfer - Lot 1 DP 821499 Lynburn Ave Bomaderry [↓](#)  
2. Plan - Lot 2 DP817278 Lynburn Ave, Bomaderry [↓](#)

### **Reason for Report**

To provide Council with an opportunity to consider the transfer of Lot 1 DP 821499 Lynburn Ave, Bomaderry as shown in red on Attachment 1 (D21/198816) to the adjoining landowner, Community Association DP270517.

### **Recommendation**

That Council:

1. Advertises its intention to transfer Lot 1 DP 821499 Lynburn Ave, Bomaderry and if no objections are received, authorise the transfer of Lot 1 DP 821499 at NIL compensation to Community Association DP270517;
2. Notes that each party be responsible for their own costs associated with the transfer;
3. Funds all of Council's costs associated with the transfer from Project Finance Number 102364; and
4. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the Chief Executive Officer be authorised to sign any documents necessary to give effect to this resolution.

### **Options**

1. Resolve as recommended.

Implications: Lot 1 DP 821499 legal title will transfer to Community Association DP270517 which will in turn release Council from any liability from the land and transfer ownership as intended in 1991.

2. Not resolve as recommended

Implications: Council will remain the registered proprietor of Lot 1 DP 821499.

### **Background**

In 1990 Council reached an agreement with the then owners of Lot 1 DP 270517 Goody Goody Yum Yum Pty Limited to transfer a portion of Lot 1 DP 718531, now known as Lot 2 DP 817278 as shown in blue at Attachment 2, in exchange for section 94 contributions, extension of sewerage system and closure of part of Lynburn Avenue, Bomaderry as part of a development consent for cluster housing for the Defence Housing Authority.

SA21.147



It was agreed that the closed section of Lynburn Avenue, Bomaderry would be transferred to the owners at a nominal amount.

Land Valuations obtained by Council in October 1990 were as follows:

- Lot 2 DP 817278 land transferred into Council's ownership \$50,000.00.
- Lot 1 DP821499 area of Lynburn Avenue Road Closure \$500.00

Council paid the then owners, Goody Goody Yum Yum an amount of \$49,500.00 for Lot 2 DP 817278 being the valued amount less the value of Council's road closure area.

In accordance with the agreement, Council's records indicate Lot 2 DP 817278 was transferred into Council's ownership on 16 July 1992.

The small section of Lynburn Avenue, Bomaderry was officially closed by way of NSW Government Gazette on 5 March 1993, however no records can be located indicating that this land was transferred to the adjoining landowners as per the original agreement.

September 2018, Council staff made representation to the current adjoining landowners, Community Association DP 270517, to seek confirmation if they would be interested in proceeding with the transfer of Lot 1 DP 821499.

Community Association DP 270517 have provided written concurrence to the transfer of the land at Nil compensation with both parties responsible for their own costs associated with the transfer.

### **Community Engagement**

In accordance with Council's Development and/or Disposal of Council lands Policy (POL16/256), Council will advertise its intention to transfer the land to Community Association DP270517 via local newspaper and on Council's website. Any objections received will be subject to a further report to Council.

### **Policy Implications**

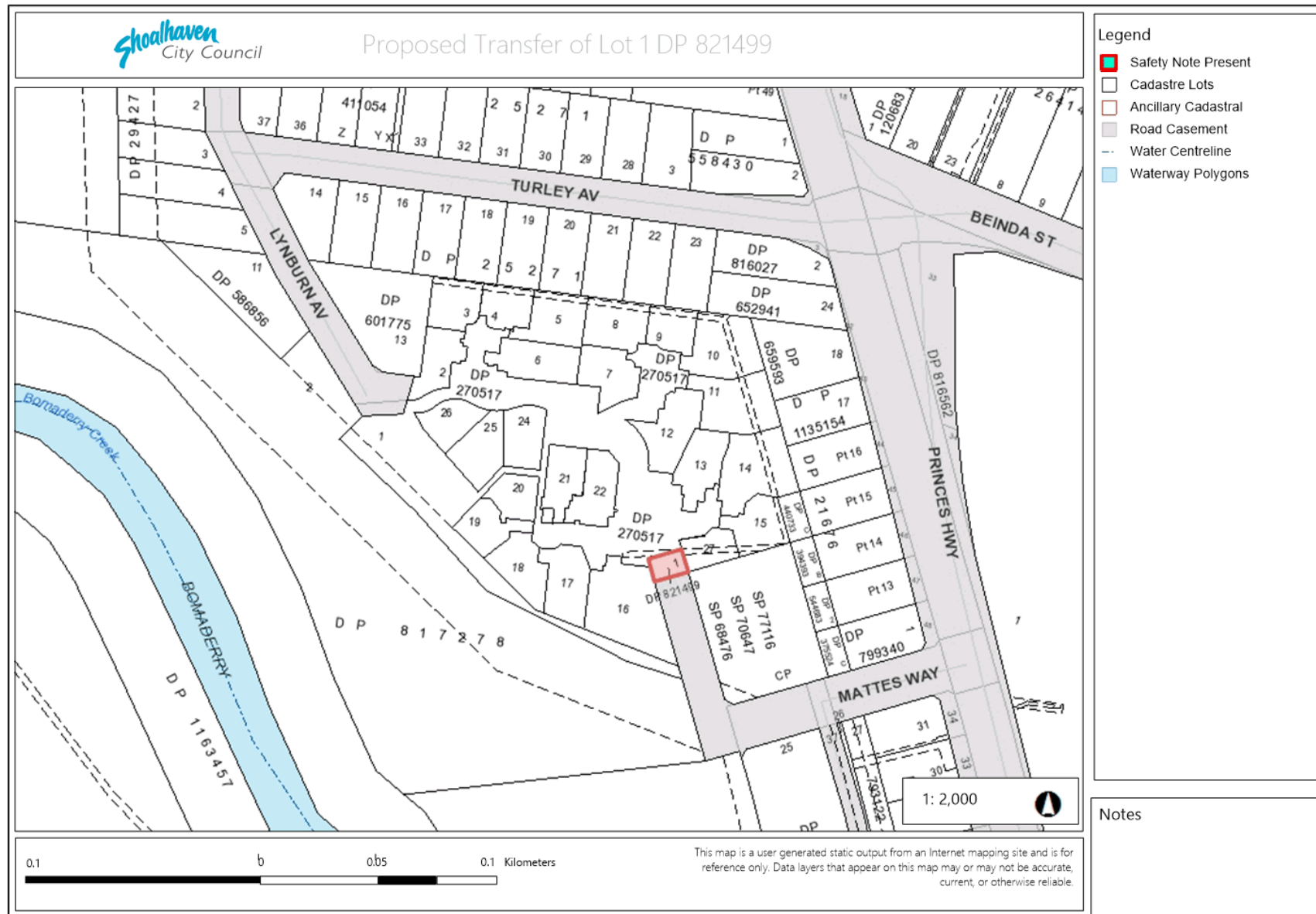
Not applicable

### **Financial Implications**

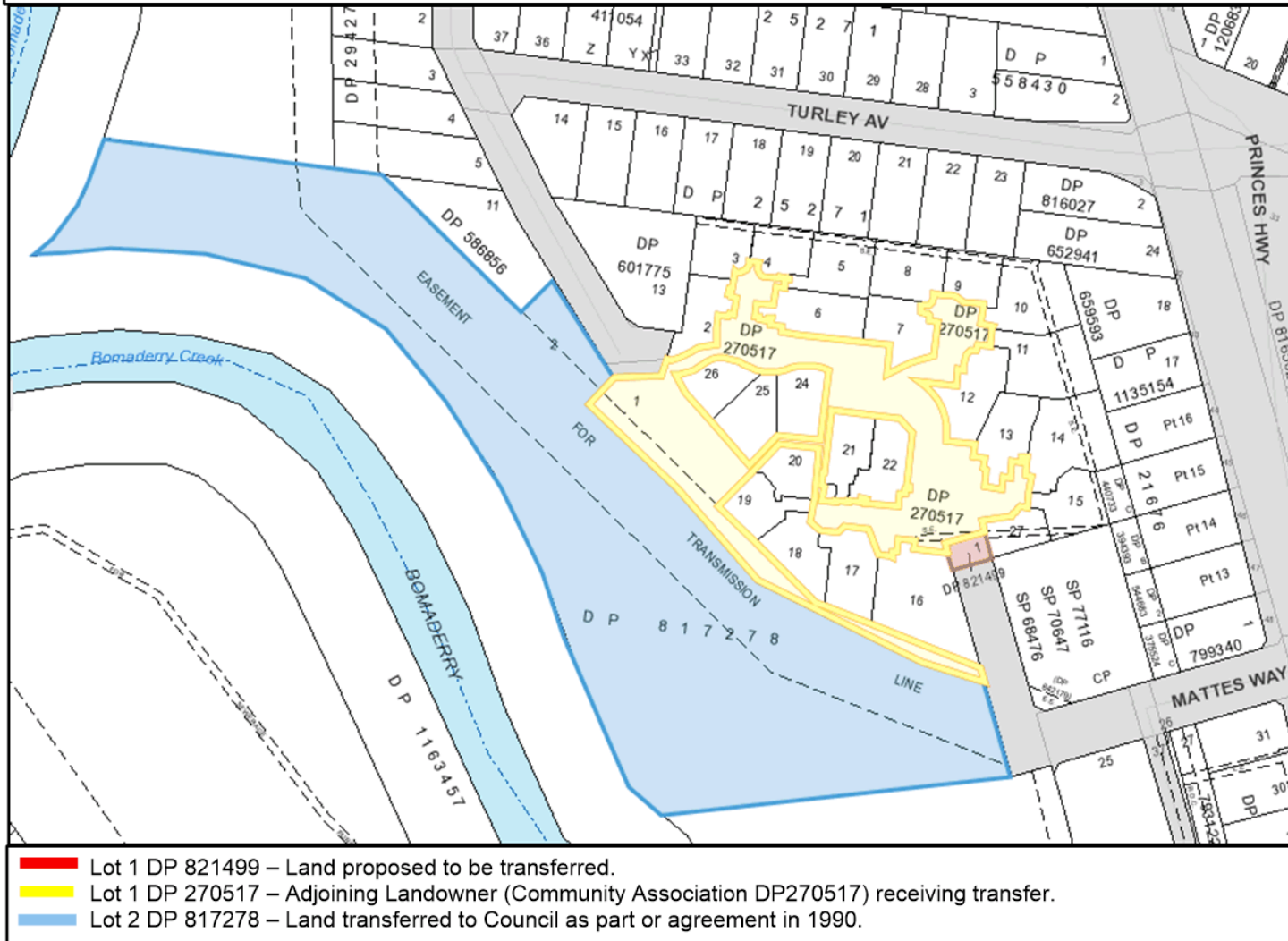
It is anticipated that Council's costs to resolve the transfer will be in the vicinity of \$500 plus GST plus disbursements. Disbursements include the production of title fees and PEXA fee of \$120.00.

### **Risk Implications**

Not applicable



Attachment 1 – Plan – Proposed Transfer of Lot 1 DP 821499 Lynburn Avenue, Bomaderry



## SA21.148 Proposed Disposal of Council Land - Far Meadow

**HPERM Ref:** D21/200102

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

The purpose of this report is to allow Council to consider a confidential report on the proposed disposal of Council land in Far Meadow.

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

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, considers a separate confidential report on the proposed disposal of Council's vacant land in Far Meadow.

### Options

1. Council accepts the recommendation as presented.

Implications: Proposed property disposal will be considered by Council.

2. Not adopt as recommended.

Implications: Proposed property disposal will not commence.

### Background

This report deals with a proposed disposal of Council's vacant land located in Far Meadow, as identified in the confidential report, which has been identified as surplus land.

### Community Engagement

Not applicable

### Policy Implications

Not applicable

### Financial Implications

Not applicable

### Risk Implications

Not applicable

## **SA21.149 Grant of Easement for overhead power lines to Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) - 333 Illaroo Road Bangalee and Lot 4 West Cambewarra Road North Nowra**

**HPERM Ref:** D21/260796

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Plan of Easement for overhead power supply - Lot 13 & 15 DP 1261805 (D21/260723) [↓](#)

### **Reason for Report**

This report provides Council with the opportunity to consider granting an Easement for overhead power lines variable width in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) over Council owned property known as 333 Illaroo Road, Bangalee and Bernie Regan Sporting Complex known as Lot 4 West Cambewarra Road North Nowra as shown highlighted orange in Attachment 1.

### **Recommendation**

That Council:

1. Grant an Easement in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) for overhead powerlines variable width over 333 Illaroo Road Bangalee and Bernie Regan Sporting Complex known as Lot 4 West Cambewarra Road North Nowra;
2. Fund all costs associated with the creation of the Easement from the Far North Collector Road Project;
3. Authorise the Chief Executive Officer to sign all 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. Resolve as recommended.

Implications: This easement is required to provide Endeavour Energy with legal access for the operation and maintenance of its essential public infrastructure.

2. Not resolve as recommended

Implications: Endeavour Energy will not have legal access to repair and maintain their infrastructure such as electricity power poles / lines and public lighting. This may cause delays in responding to local electrical outages and jeopardise the future maintenance of those critical assets.

**Background**

Council recently completed the initial stage of the Far North Collector Road, being the Southern roundabout connection. As a result of the newly constructed intersection at Illaroo Road Bangalee and West Cambewarra Road North Nowra, Council was required to undertake an asset relocation of the existing electrical power pole infrastructure.

The relocation of the electrical power poles has resulted in the overhead powerlines burdening the adjoining properties at 333 Illaroo Road Bangalee and Bernie Regan Sporting Complex. Endeavour Energy now require an easement to allow for future access, repair and maintenance.

**Community Engagement**

Not required for operational purposes.

**Policy Implications**

Nil.

**Financial Implications**

All costs will be funded from the Far North Collector Road Project. This Project is fully funded by the Federal Government's Australian Government Infrastructure Investment Program.

**Risk Implications**

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





## SA21.150 Land Acquisition Matter - Bangalee & Cambewarra Localities

**HPERM Ref:** D21/277957

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

This report is to provide the Council with the opportunity to consider a confidential report for the acquisition of land in the Bangalee and Cambewarra localities.

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

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 Bangalee and Cambewarra localities.

### Options

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report for the proposed acquisition of land in the Bangalee and Cambewarra localities.

2. Not adopt the recommendation.

## SA21.151 Tenders - Public Amenity Cleaning - Building Services

**HPERM Ref:** D21/225699

**Department:** Building Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To allow Council to consider the Tender process for Public Amenity Cleaning Contract – Building Services.

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 regarding Tenders - Public Amenity Cleaning - Building Services, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

2. Council make a different recommendation.

Implications: This is not recommended as an extensive tender evaluation has been undertaken.

### Background

Cleaning activities have traditionally been undertaken by a combination of casuals, contractors and predominantly Council's Parks and Open Space staff. Recent restructuring arrangements (the precinct model) have resulted in the Parks and Open Space Asset Custodianship being managed by three Departments as follows:

1. Swim Sport and Fitness – Iconic Parks, Showgrounds and Sporting fields
2. Works and Services - Town Parks, Reserves, Natural Area Infrastructure, Asset Protection Zones and Road Reserves
3. Building Services – Commercial Buildings and Properties, Community Buildings, Admin Centres & Depots, and Public Amenities (Note: zero Parks and Open Space staff have been reassigned to Building Services Department)

The Building Services team now manages 99 of Council's 132 public amenities facilities throughout the Local Government Area (LGA). This includes the provision of all cleaning and

maintenance activities as well as renewal or replacement of facilities as needed. With winter upon us the facilities are currently being managed by a “skeleton crew” predominately made up of casual employees.

Additionally, cleaning requirements and services levels of amenities buildings have increased in recent times due to a combination of COVID-19 safety measures, and in response to increased visitation of the LGA. Providing the necessary staff to meet these increased requirements has become difficult and this has seen an increase in reliance on temporary and contracted workers. This workforce requires more training and higher supervision to maintain cleanliness to an acceptable standard. These factors have meant the cost of maintaining existing service levels is now beyond the current allocated budget for this activity.

This Tender has been prepared to reliably service these Public Amenities and not “distract” staff in the Swim Sport and Fitness and Works & Services Departments. No staff redundancies will occur as part of this process and the use of casual labour hire and fixed term contracts within these operational areas will diminish. If this tender is adopted, the provision of these services will be undertaken by specialist contractors, being focused and thus more responsive and flexible to the seasonal cleaning needs, hence, offering greater performance and cost efficiencies.

Council called tenders for the provision of Public Amenities cleaning on the 17 April 2021 and at the closing date (11 May 2021) five (5) tenders had been received and were then assessed.

#### Tenders Received

Tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
J & M Campbell	Greenwell Point
Joshua Moore	Chester Hill
Principle Asset Services	Ultimo
Solo Services	Crows Nest
Storm International	Fairfield

Details relating the evaluation of the tenders are contained in the confidential report.

#### **Community Engagement:**

Given the purely technical and operational characteristics of this service community consultation has not been undertaken. Consultation may occur in the future if levels of service prove to be vastly different to community expectations.

As some of these facilities have been serviced by staff, casuals and contractors in the past this proposal has been discussed at the staff Consultative Committee (CC) as part of an overall resourcing strategy for the Building Services Department. This strategy does not require any staff redundancies and has been supported in principle by the CC.

The United Services Union has advised Council that it is opposed to the use of contractors.

#### **Policy Implications**

Nil. The tender process has followed the requirements of the provisions of the Local Government Act.

SA21.151

**Financial Implications:**

This contract will be funded by the existing Public Amenities cleaning budget and the savings proposed provide flexibility that may be required in light of recent increases in facility utilisation observed over peak periods. Service levels are to be monitored and adjusted as needed once the contract commences.

At this stage, an additional financial allocation is not anticipated – and in fact substantial savings could be achieved depending on the outcome of this tender. However, if additional funding is required as a result of any increased level of service, this will be monitored and managed as budget variations (or service level adjustments) during the quarterly budget review process.

The expected achievements of the Public Amenity Cleaning have been confirmed in that there are real cost savings proposed. The contract management framework provides the discipline to accurately and consistently allocate resources and monitor service levels.

**Risk Implications**

Details relating to the Risk Implications are contained in the confidential report.

## SA21.152 Quotations - Grounds Maintenance - Building Services

**HPERM Ref:** D21/226665

**Department:** Building Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To allow Council to consider the Quotation process for Grounds Maintenance Contract – Building Services.

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 regarding Quotations - Grounds Maintenance - Building Services, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

2. Council make a different recommendation.

Implications: This is not recommended as an extensive quotation evaluation has been undertaken.

### Background

Recent restructuring arrangements have resulted in the Parks and Open Space Asset Custodianship being managed by three Departments as follows;

1. Swim Sport and Fitness – Iconic Parks, Showgrounds and Sporting fields
2. Works and Services - Town Parks, Reserves, Natural Area Infrastructure, Asset Protection Zones and Road Reserves
3. Building Services – Commercial Buildings and Properties, Community Buildings, Admin Centres & Depots, and Public Amenities (Note: zero Parks and Open Space staff have been reassigned to Building Services Department)

The Building Services now manages the following assets:

	ID	Address	Type	Lot(s) (m <sup>2</sup> )
1	R# 38660	22 Greenwell Point Rd, Greenwell Point	Vacant Lot	876
2	R# 38660	20 Greenwell Point Rd, Greenwell Point	Vacant Lot	884
3	R#38027	888 Greenwell Point Road, Greenwell Point	Pyree Hall, Old School, Toilet Block & Toilet Block	9720
4	R#38005	46 Paradise Road, Sanctuary Point Lot 7 DP 805351	Sanctuary Point Library	661
5	N/A	REMOVED	N/A	N/A
6	R#38363	5 Kean Avenue Sanctuary Point – Lot 23 DP 803826	Vacant Land	812
7	R#38307	19 Nowra Hill Road Nowra Hill – Lot 1 DP 1229955	Nowra Animal Shelter	7057
8	R#38719	109 Cambewarra Road Bomaderry – Lot 1 DP 544264	Vacant Land	1218
9	R# NBE002	19 Alexandria Street Nowra – Lot 8 DP 924675	Berry School of Arts	2329
10	R#28894	10 Pleasant Way Nowra – Lot 1 DP 1010062	Graham Lodge & VIC	10076
11	R#18615	39-43 Bridge Road Nowra – Lot 1 DP 797111, Lot 2 DP 199958 & Lot 1 DP 199958	Vacant Land	2215
12	R#38329	Berry Street Nowra – Lot 20 DP 801794	Nowra School of Arts	1490
13	N/A	REMOVED	N/A	N/A
14	R#CNO326	12 Berry Street Nowra – Lot 1 DP 565610	Shoalhaven Regional Art Gallery	1963
15	R#38720	Terara Road – Lot 1 DP 1224568	Wondalga Farm	670578
16	R#38018	73 Princes Highway – Lot 2 DP 514129 – Milton Multi Cultural Centre	Milton Library & Milton Theatre	2503
17	R#CNO329Admi	42 Bridge Road Nowra	Council Administration	39689
18	R#SUL943a	Princes Hwy – Ulladulla	Ulladulla Civic Centre	12617
19	R#SBL	Princes Highway Burrill lake – Lot 273 DO 415059	Burrill Lake Hall	1775

SA21.152

Quotations for the Provision of Ground Maintenance Works (at the above locations) were called on the 24 April 2021 and at the closing date (18 May 2021) four (4) quotations were received and were then assessed.

#### Quotations Received

Quotations were received from the following:

Tenderer	Location
Fulton Hogan Construction Pty Ltd	Kembla Grange
Green Options Pty Ltd	Botany
Programmed Property Services Pty Ltd	Unanderra
Suregreen Pty Ltd	Nerriga

Details relating to the evaluation of the Quotations are contained in the confidential report.

**Community Engagement:**

Given the purely technical and operational characteristics of this service community consultation has not been undertaken. Consultation may occur in the future if levels of service prove to be vastly different to community expectations.

As some of these facilities have been serviced by staff, casuals and contractors in the past this proposal has been discussed at the staff Consultative Committee (CC) as part of an overall resourcing strategy for the Building Services Department. This strategy does not require any staff redundancies and has been supported in principle by the CC.

The United Services Union has advised Council that it is opposed to the use of contractors.

**Policy Implications**

Nil. The quotation process has followed the requirements of the provisions of the Local Government Act.

**Financial Implications:**

The overall Parks and Open Space maintenance budget is currently being reshared across the Swim Sport and Fitness, Works and Services and Building Services departments. At this stage, an additional financial allocation is not anticipated however if additional funding is required as a result of the increased level of service, this will be monitored and managed as budget variation (or service level adjustment) during the quarterly budget review process.

The preferred quotation allows for a substantial increase in service levels for the reshared budget (actual expenditure on these facilities had been difficult to quarantine). Additionally, the provision of ad-hoc services under this contract would be at a fixed rate, offering better budget control over these items when required.

The expected achievements of the Grounds Maintenance Contract has been confirmed in that there are real cost savings proposed. The contract management framework provides the discipline to accurately and consistently allocate resources and monitor service levels.

**Risk Implications**

Details relating to the Risk Implications are contained in the confidential report.



## SA21.153 Tenders - SCC Administration Building Lift No.2 Replacement

**HPERM Ref:** D21/208125

**Department:** Building Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To allow Council to consider the tender process for SCC Administration Building Lift No.2 Replacement.

### Recommendation

That:

1. Council note that no conforming tender submissions were received.
2. In accordance with Regulation 178(3)(e) of the Local Government (General) Regulation 2005, Council commences negotiations with industry leading companies with a view to enter into a contract for the Replacement of the SCC Administration Building Lift No.2.
3. Council authorise the CEO (Director City Services) to negotiate and execute the contract documents and any other associated documents on behalf of Council in accordance with cl 165 of the Local Government Regulation.

### Options

1. Council accept the recommendation.

Implications: A contractor for the works can be sought in a timely manner allowing the Replacement of SCC Administration Building Lift No.2 to commence sooner than if fresh applications were invited.

2. Council call tenders again

Implications: Likely to land the same result.

### Details

Council called Tenders for the Replacement of SCC Admin Building Lift No.2 on 1 April 2021. The tender closed at 10.00 am on 4 May 2021.

No tenders were received and pursuant to Regulation 178(3) of the *Local Government (General) Regulations 2005* Council must resolve to undertake the next steps with respect to the proposed contract.

These next steps may include postponement or cancellation of the proposal for the contract; invitation of fresh applications; or entering into negotiations.

Having received no tenders it is recommended that Council proceed with direct negotiations with industry leading companies in undertaking the works within the project estimated cost.

SA21.153

## SA21.154 Hyams Beach Draft Masterplan

**HPERM Ref:** D21/219937

**Department:** Building Services

**Approver:** Paul Keech, Director - City Services

**Attachments:**

1. Hyams Beach Draft Masterplan - Plan Ref No: 5518 [↓](#)
2. Summary of Feedback - Hyams Beach Draft Masterplan - Community Consultation 30 Sept 2020 to 02 Nov 2020 [↓](#)
3. Survey Responses and Consultation Submissions - Hyams Beach Draft Masterplan Feedback - 30 Sept 2020 to 02 Nov 2020 (councillors information folder) [⇒](#)
4. Further Submission – Amenities Block – Foreshore Reserve - Hyams Beach (councillors information folder) [⇒](#)

### Reason for Report

To allow Council to consider and adopt the Draft Hyams Beach Masterplan

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

That after careful consideration of all the feedback obtained from an extensive and thorough community consultation process, Council

1. Adopts the most preferred version of the Hyams Beach Draft Masterplan – Plan Ref No: 5518 – Date Issued: 10 June 2021 (Attachment 1).
2. Commits to implement the following Stage 1 works by December 2023 funded by the Sustainable Tourism & Infrastructure Grant:
  - a. Formalise and construct parallel parking adjacent to Hyams Beach Foreshore Reserve and retain two-way traffic along Cyrus St. as per Plan No: 5518\_02 and Plan Ref No: 5518\_05;
  - b. Formalise drop-off zones on Cyrus Street as per Plan Ref No: 5518\_07;
  - c. Installation of footpath on eastern side of Cyrus St from Chinamans Beach to connect with existing footpath at the intersection of Hyam Rd as per Plan Ref No: 5518\_02;
  - d. Installation of new access to beach from Seamans Carpark as per Plan Ref No: 5518\_08;
  - e. Finalise Seamans carpark and amenities improvements as per Plan Ref No: 5518-08; and
  - f. Construct pedestrian access along Cyrus Street to connect Seamans Beach carpark with the Southern Beach Access track (known as bush track beach access) as per Plan Ref No: 5518-08 (Note E in legend)
3. Commits to implementing the 2021/2022 budget allocation of \$450,000 Hyams Beach Foreshore Reserve Amenities. Design and construct amenities building containing 2 x Unisex accessible toilets shown as Reference Point E on the Masterplan (Plan Ref No: 5518).

## Options

1. As recommended.

Implications: Finalise detailed design to facilitate the implementation of Stage 1 of the Masterplan by December 2023 consistent with the conditions of the NSW Government funding grant and available Council capital works funds. Implementation of other aspects of the Masterplan will be subject to the availability of additional external grant funding and scope within Council's 10 year capital works program. Other aspects of the plan, including accessible amenities blocks, will to be subject to further design work and community consultation.

2. Not adopt the Draft Hyams Beach Masterplan

Possible Resolution would be

*"That Council defer consideration of the Hyams Beach Draft Masterplan (as per Attachment 1 – Hyams Beach Draft Masterplan – Plan Ref No: 5518 – Date Issued: 10/06/21) until a detailed Councillor Briefing has been held with council staff."*

Implications: Delaying the adoption and implementation of the Hyams Beach Masterplan could potentially result in the loss of \$1.2M in NSW Government grant funding which would lead to a significant loss of credibility and support from the Hyams Beach community.

## Background

Council has been working very closely with the Hyams Beach community over the last four years to address safety and accessibility issues due to high visitation numbers. The high visitation and day trippers in this location has caused parking and traffic gridlock, impeding the access of emergency vehicles, increased pedestrian traffic which in the absence of dedicated footpaths has meant that visitors are regularly walking on busy roads at a risk to their own personal safety.

Council has engaged in an ongoing process of consultation with the community and has commissioned a number of surveys seeking community feedback on a range of issues to improve the amenity of Hyams Beach for visitors and residents.

Council has implemented a system of traffic management and controls, approved the installation of a roundabout on Booderee Avenue and Illowra Lane to assist with traffic management, built improved facilities at Seamen's Beach Carpark and supported the placement of additional amenities (e.g. portaloos) and services (e.g. rubbish collection) to address some of these issues.

The above actions of Council have been based on the outcomes of the following consultation:

In October 2018, a survey on short and long term options for Hyams Beach – Micromex Research prepared a report for Council on 10 December 2018 (published on the Council's website at <https://getinvolved.shoalhaven.nsw.gov.au/39719/documents/94901>).

The key findings of that report canvassed the need to:

- Manage the number of vehicles that enter the village and congestion in the village;
- Limit the number of large buses and vehicles in the village due to narrow streets;
- Divert focus of tourism advertising away from Hyams Beach;
- Minimise environmental impact of tourism and associated infrastructure development;
- Improve amenities at Seaman's Beach carpark;
- Improve road safety and access/egress;

In November 2019 Council agreed to improvements to Seamans Beach amenities and carpark (MIN19.834) following community consultation on illegal camping, noise and amenities at Seaman's Beach carpark.

Community consultation on a roundabout at Illowra Lane and Booderee Avenue to assist in the management of traffic during peak periods. Council recommendation adopted in March 2020 (MIN20.170);

In October 2019 Shoalhaven City Council was successful in being awarded \$5.3M in grant funding from the NSW Government via the Restart NSW Grant Funding – Sustainable Tourism & Infrastructure Package for seven sustainable tourism projects. The \$5.3 Million together with \$1.63 Million of Council funding and an \$80,000 in-kind contribution from the Ulladulla Local Aboriginal Land Council (ULALC) will provide funding of \$7,010,000 to deliver the seven projects with a target completion date of December 2023. Incorporated in this grant is \$1,221,500 in funding allocated for Hyams Beach.

In response to the Restart NSW grant, Council consulted on and developed the Hyams Beach Draft Masterplan which outlines a general approach to the planning and implementation of streetscaping, open space and traffic/pedestrian improvements in the village.

The Masterplan seeks to align community feedback with the objectives of Shoalhaven City Council's capital and minor works improvement programs. These plans will assist in future funding and grant applications and will guide the upgrade of the public domain of the village into the future.

Council initiated community feedback on the Hyams Beach Draft Masterplan in September 2020. Feedback to the plan was originally sought by 25 October 2020 but following a request from residents seeking more clarification as to the location of parking and footpaths along Cyrus Street (specifically in the region of the Hyams Beach Foreshore reserve) the deadline was extended to 2 November 2020.

Given the scope of the plan and available funding, Council communicated to the community that work will need to be undertaken in stages.

It is proposed that Stage 1 of the plan should focus on supporting increased safety and access improvements including, in order of priority:

#### **Stage 1:**

1. Formalise and construct parallel parking adjacent to Hyams Beach Foreshore Reserve and retain two-way traffic along Cyrus St. as per Plan No: 5518\_02 and Plan Ref No: 5518\_05;
2. Formalise drop-off zones on Cyrus St as per Plan Ref No: 5518\_07; – Note to Sharon do you want to formalise all drop off zones e.g. Aster, those south of Hyam road near Bayview – just a question if you do you will need to amend this and also the list at the recommendation on page 1.
3. Installation of footpath on eastern side of Cyrus St from Chinamans Beach to connect with existing footpath at the intersection of Hyam Rd as per Plan Ref No: 5518\_02;
4. Installation of new access to beach from Seamans Carpark as per Plan Ref No: 5518\_08;
5. Finalise Seamans carpark and amenities improvements as per Plan Ref No: 5518-08;
6. Construct pedestrian access along Cyrus Street to connect Seamans Beach carpark with the Southern Beach Access track (known as bush track beach access) as per Plan Ref No: 5518-08 (Note E in legend).

Stage 1 priority list is subject to detailed design and costing.

Other works identified on the masterplan such as the construction of new amenities in the Foreshore Reserve and the rebuild of boat ramp amenities have been identified for funding in the 10-year Capital Works Programs and will be included in the subsequent stages to implement the plan (subject to, and where appropriate, to community consultation).

### **Community Engagement**

A summary of the feedback received for the Draft Masterplan is at Attachment 2. Survey responses and consultation submissions are provided at Attachment 3.

The key outcomes of the community feedback are:

- 101 submissions were received;
- the survey asked questions relating to the preferred parking option, proposed pathway linking Chinamans Beach to Hyam Road, the number and location of amenities, the proposed number of BBQs in the Foreshore Reserve;
- with the exception of the question relating to amenities, approximately two thirds of the respondents supported the directions proposed in the draft plan

There are three areas where there has been some divergence in the community:

1. Parking options - Two options were presented for parking on Cyrus Street (90 degree or parallel), each assuming a two way flow of traffic. While 90 degree parking was overwhelming rejected (less than 10 per cent support), there was majority support for parallel parking, there was however a group of respondents who did not favour either option and some 16 respondents wanted to reinstate one way traffic north of Hyam Road (previously rejected by the community in response to the 2018 survey).
2. The pathway from Chinamans Beach to Hyam Road - 17 respondents did not support the pathway as they believed it encroached into the reserve thereby reducing green space. It should be noted that the location of the pathway is contained within the existing Council Road Reserve.
3. Amenities - 50 percent of respondents supported the proposed amenities and 20 per cent did not. One of the concerns related to the location of accessible toilets within the Foreshore Reserve. During the development of the Draft Masterplan, it was identified that Hyams Beach did not have enough accessible toilets and that a small accessible toilet could be constructed unobtrusively within the reserve. A proposed accessible car space is also provided in a parallel space on Cyrus Street approximately 20m away. Under the Council's Disability Action Plan, Council has committed to improving access to people of all ages and with a disability. Some respondents considered that the accessible toilets proposed in the reserve could be better addressed by upgrading the existing facilities at Boat Ramp Beach or Chinaman's Beach.

In response to recent representations made by a few property owners regarding the location of the proposed amenities building a meeting was held on site (near the corner of Cyrus Street and Bamboo Ave) 23 June 2021 (see attachment 4), to discuss the location of the building. The logic behind the location and the measures to curb the concerns that relate to an amenities building were discussed. A suggestion by the property owners was to move the building up to the corner of Cyrus Street and Aster Street and on National Parks land. It was explained that this concept had been discussed in detail with the NPWS and their position was very clear and that is NO. At the site meeting staff promised to check the NPWS position and despite a number of emails and phone calls staff have not been able to reconnect with the NPWS but efforts are still being made.

(Director's Note: Given past discussions with NPWS there is nil chance that this position will change given the alternative options available.)

The construction of the amenities building is considered a priority and is funded in 2021/2022 Capital Works Program, it should be noted that the proposed location best meets the disability access requirements in terms of grade and location and complements the use of the recreation reserve in which it is proposed. Other locations explored fail to achieve these two main criteria.

### Masterplan Outcome

Feedback from the survey was well considered and the Draft Masterplan was modified to reflect the views of the community. Specifically, the plan was modified in response to community concerns to:

- acknowledge that pathways will be constructed with materials sensitive to tree roots
- increase the number of drop off zones.
- amend the proposed treatment on various streets, e.g. Rose, Hyam Road, Bayview and Moonah.
- reduce signage in the village (some work has commenced on this).
- ensure drop off zone for regular local/school bus service.

The community has been assured that they will consult and involve Bushcare in planting and vegetation choice in the reserve.

Further detailed engineering, architectural, landscape and detailed design will proceed upon Council endorsement of the Masterplan.

### Policy Implications

Nil

### Financial Implications

The aim of the Hyams Beach Masterplan is to guide the upgrade of the village into the future. The plans will assist in the planning for future funding and grant applications.

\$1,221,500 has been received for Hyams Beach from the NSW Government grant funding via the Restart NSW for sustainable tourism projects. All proposed works are to be designed and constructed and acquitted by December 2023.

Additional projects currently funded in SCC 10-year Capital Works Program:

- 2021/2022 - \$450,000 Hyams Beach Foreshore Reserve Amenities.  
Design and construct amenities building containing 2 x Unisex accessible toilets.
- 2021/2022 - \$40,000 Hyams Beach Boat Ramp Amenities Rebuild – Design only
- 2022/2023 – \$450,000 Hyams Beach Boat Ramp Amenities Rebuild - Construction  
Demolish and replace amenities - 4 x unisex accessible toilets.

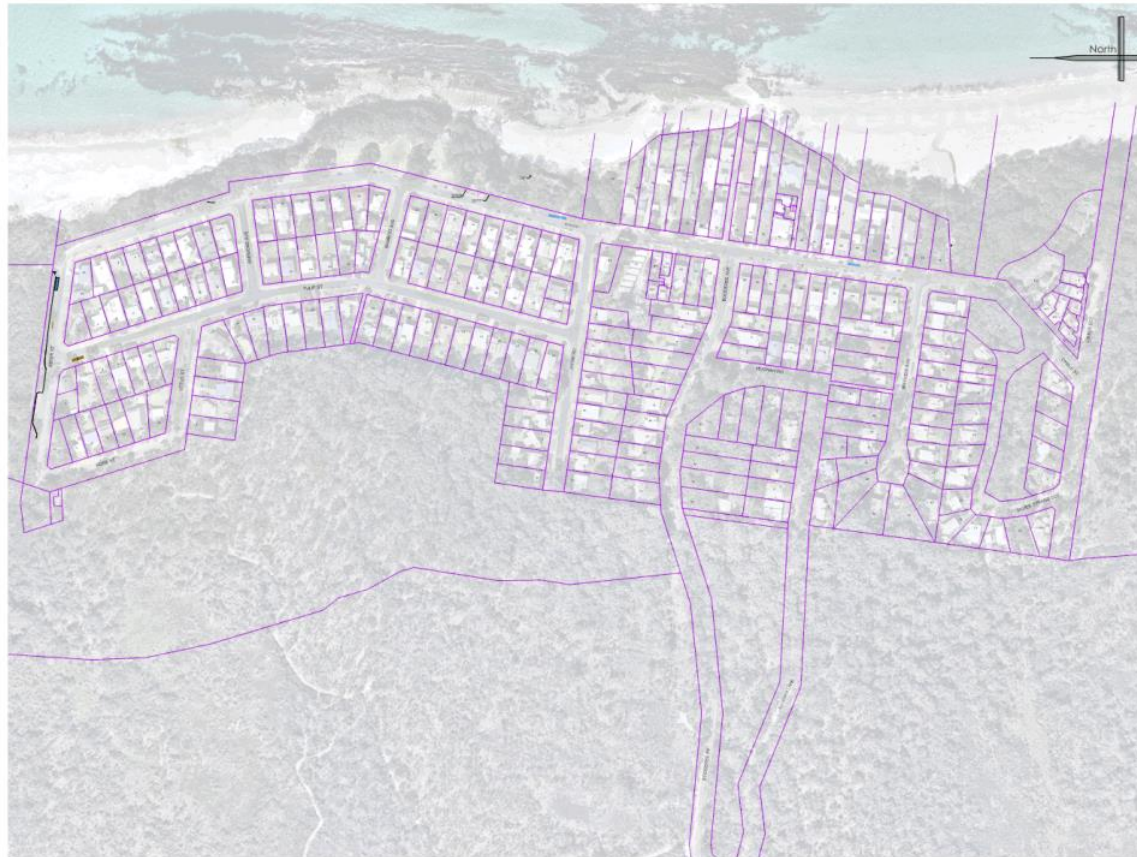
Stage 1 of the plan is subject to detailed design and costing.

Other works identified on the masterplan such as the construction of new amenities in the Foreshore Reserve and the rebuild of boat ramp amenities have been identified for funding in the 10-year Capital Works Programs and will be included in the subsequent stages to implement the plan.

### Risk Implications

Potential loss of NSW Grant funding of \$1,221,500 if the Draft Hyams Beach Masterplan is not adopted and significant public backlash from the community given the investment they have made in working collaboratively with Council over the last 4 years.





#### LIST OF PLANS

5518_01	Title Page Aerial Photo
5518_02	Proposed Parking - (Aster St to Hyam Road)
5518_03	Proposed Parking Option 2 - (Aster St to Hyam Road) - NOT USED
5518_04	Proposed Parking - (South of Hyam Road)
5518_05	Hyams Beach Foreshore Reserve Landscape Plan
5518_06	Hyams Beach Foreshore Reserve Landscape Plan Option 2 - NOT USED
5518_07	Boat Ramp Reserve Landscape Plan
5518_08	Seamans Carpark Landscape Plan
5518_09	Planting Palette
5518_10	Furniture Palette
5518_11	Material Palette

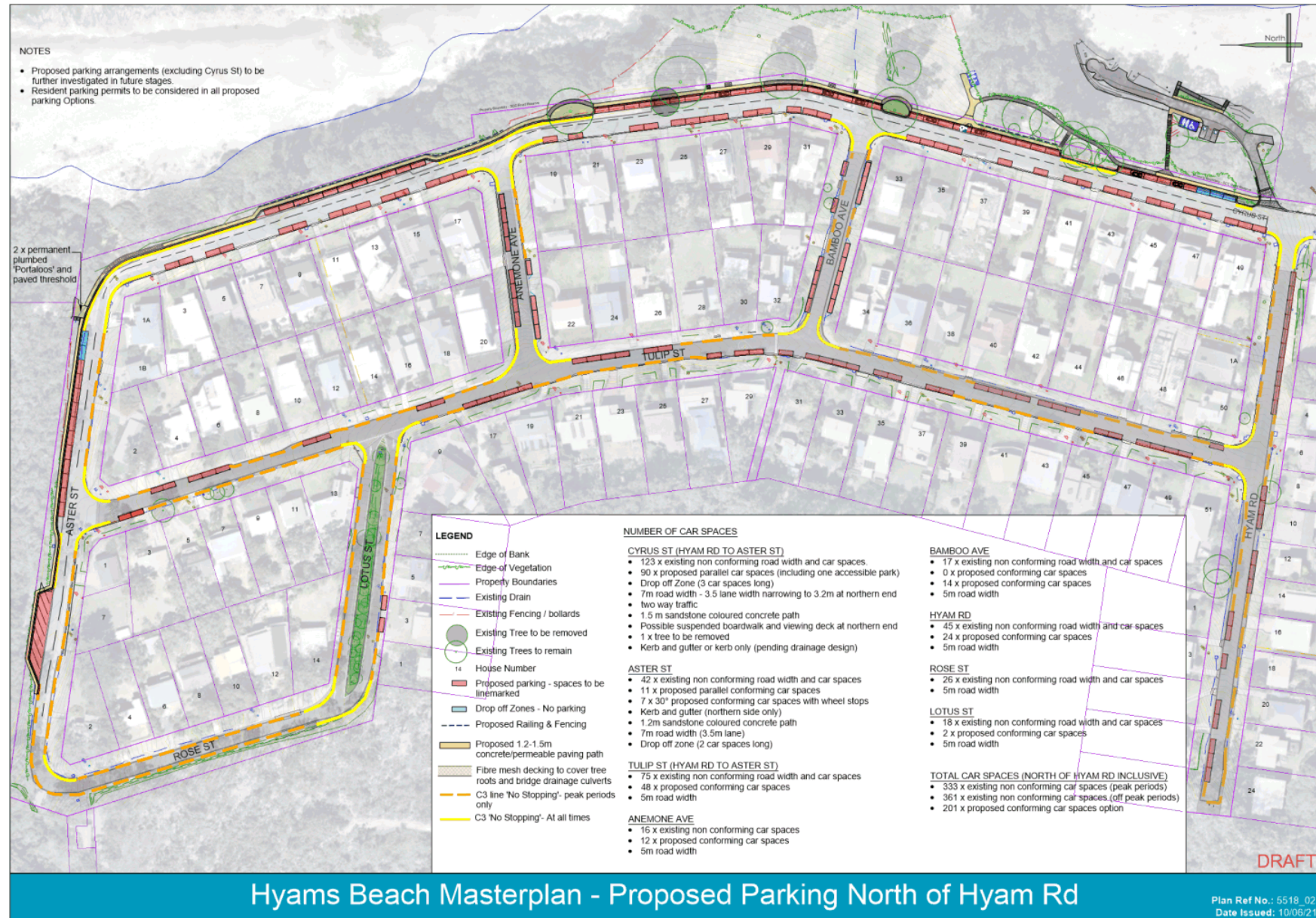
*The Hyams Beach Masterplan outlines a general approach to the planning and implementation of streetscaping, open space and traffic/pedestrian improvements in the town of Hyams Beach. The plan will address the present issues created due to the town's increasing popularity with Tourism.*

*The Masterplan seeks to co-ordinate the philosophy and intentions of the community with the objectives of Shoalhaven City Council's capital and minor improvement programs. These plans will assist in future funding and grant applications and will guide the upgrade of the public domain within the town into the future.*



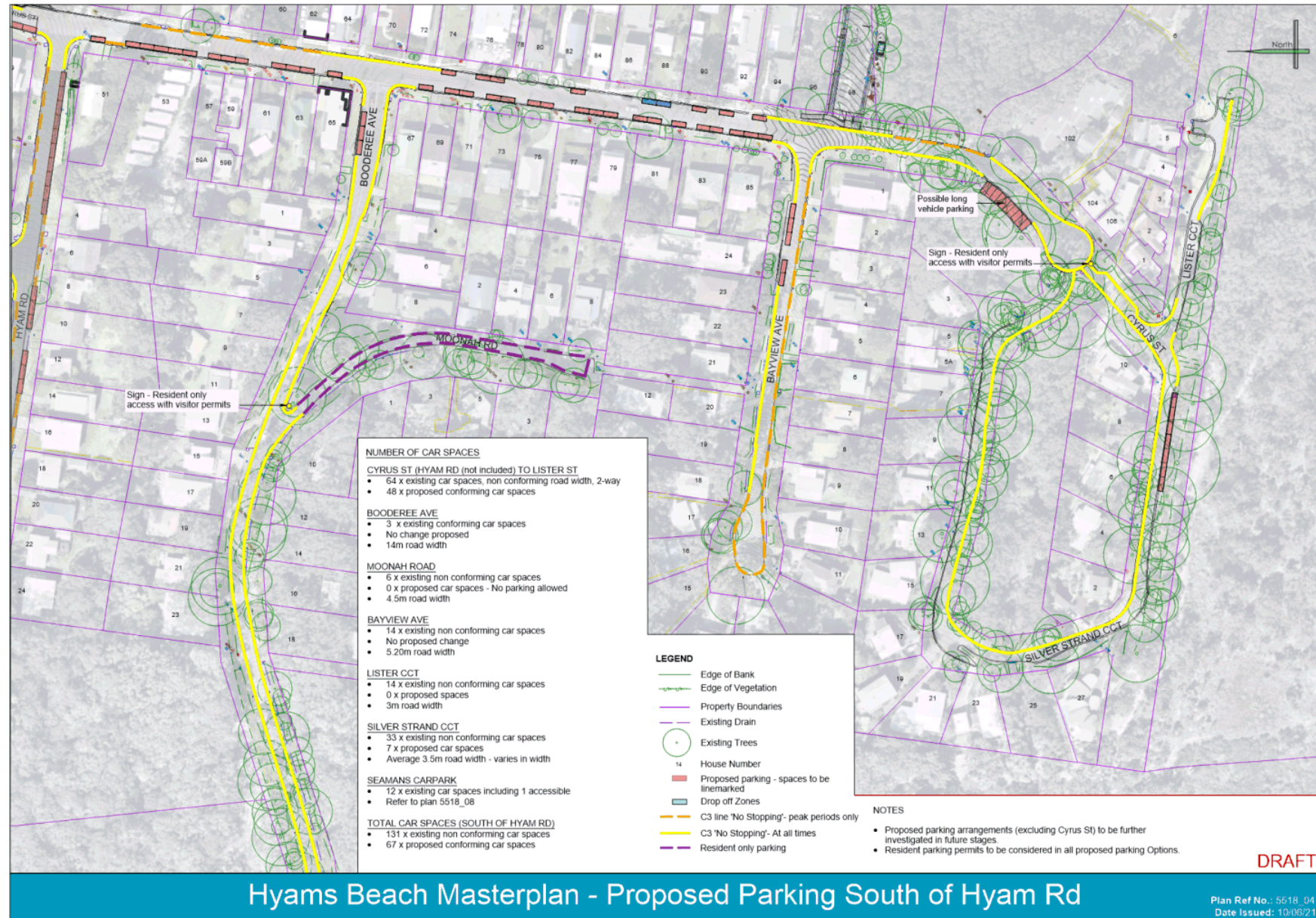
*Many experiences, one destination. A nature lover's haven, where the whites sands & the crystal blue waters meet the Australian bush.*



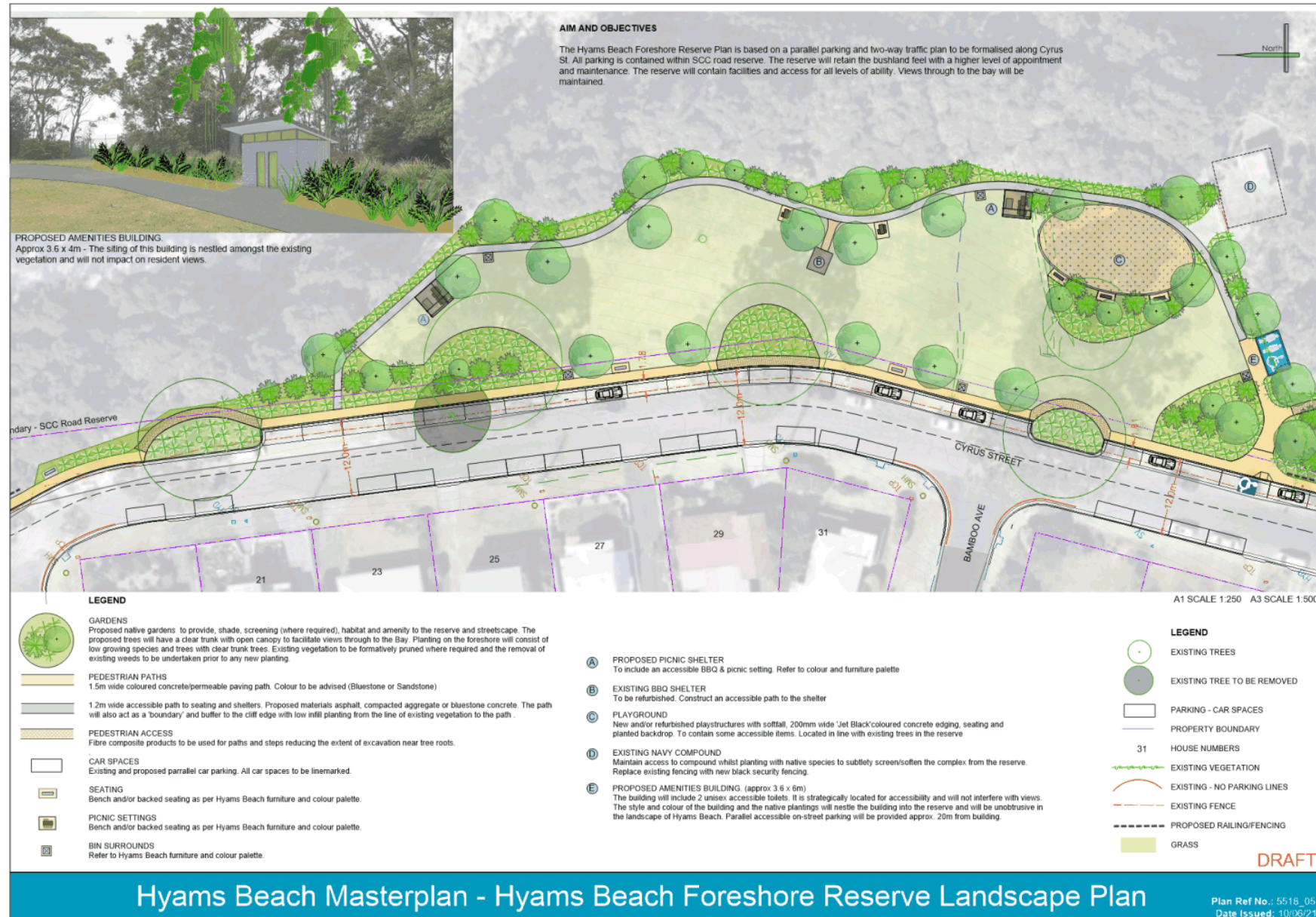


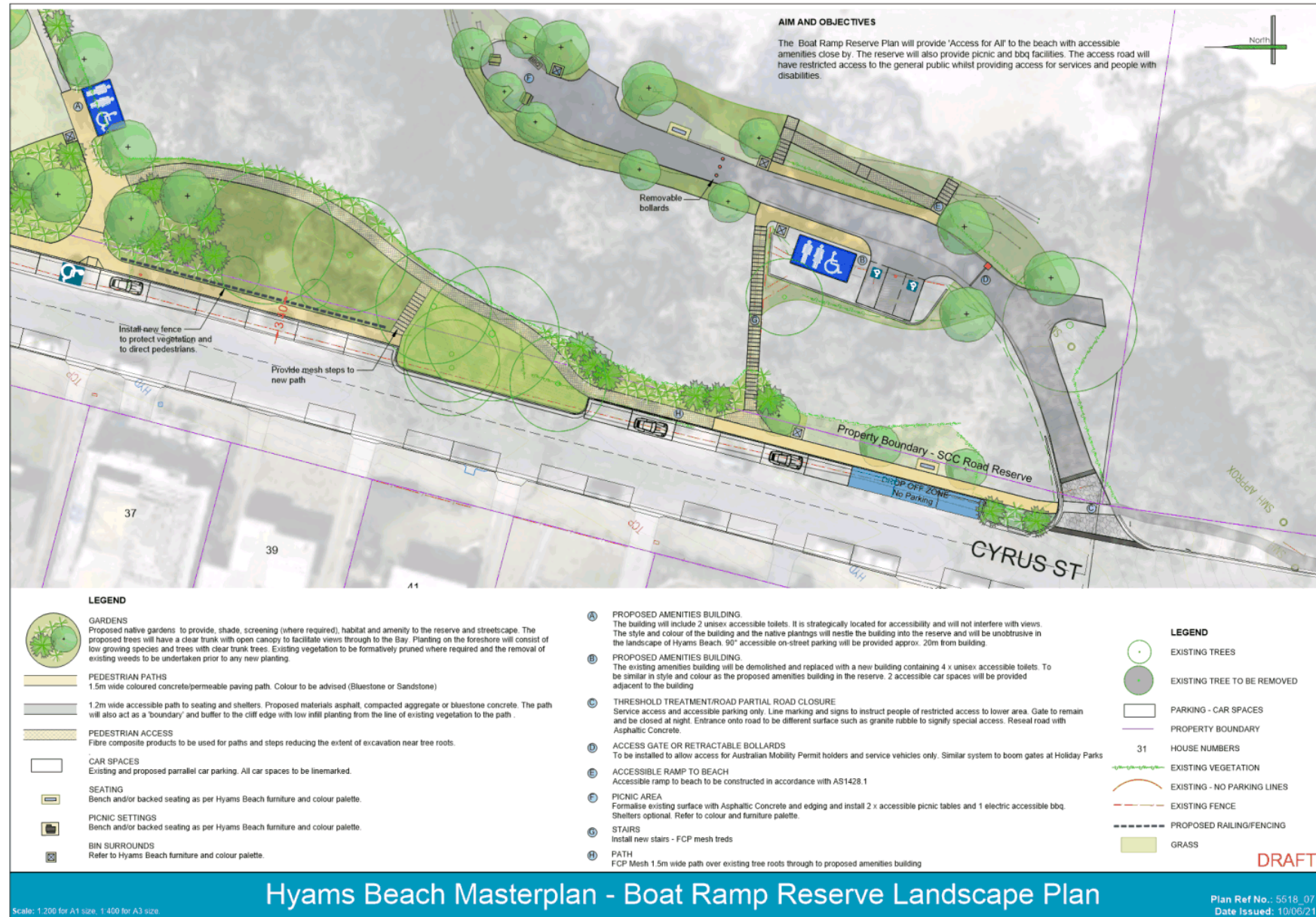
Hyams Beach Masterplan - Proposed Parking North of Hyam Rd



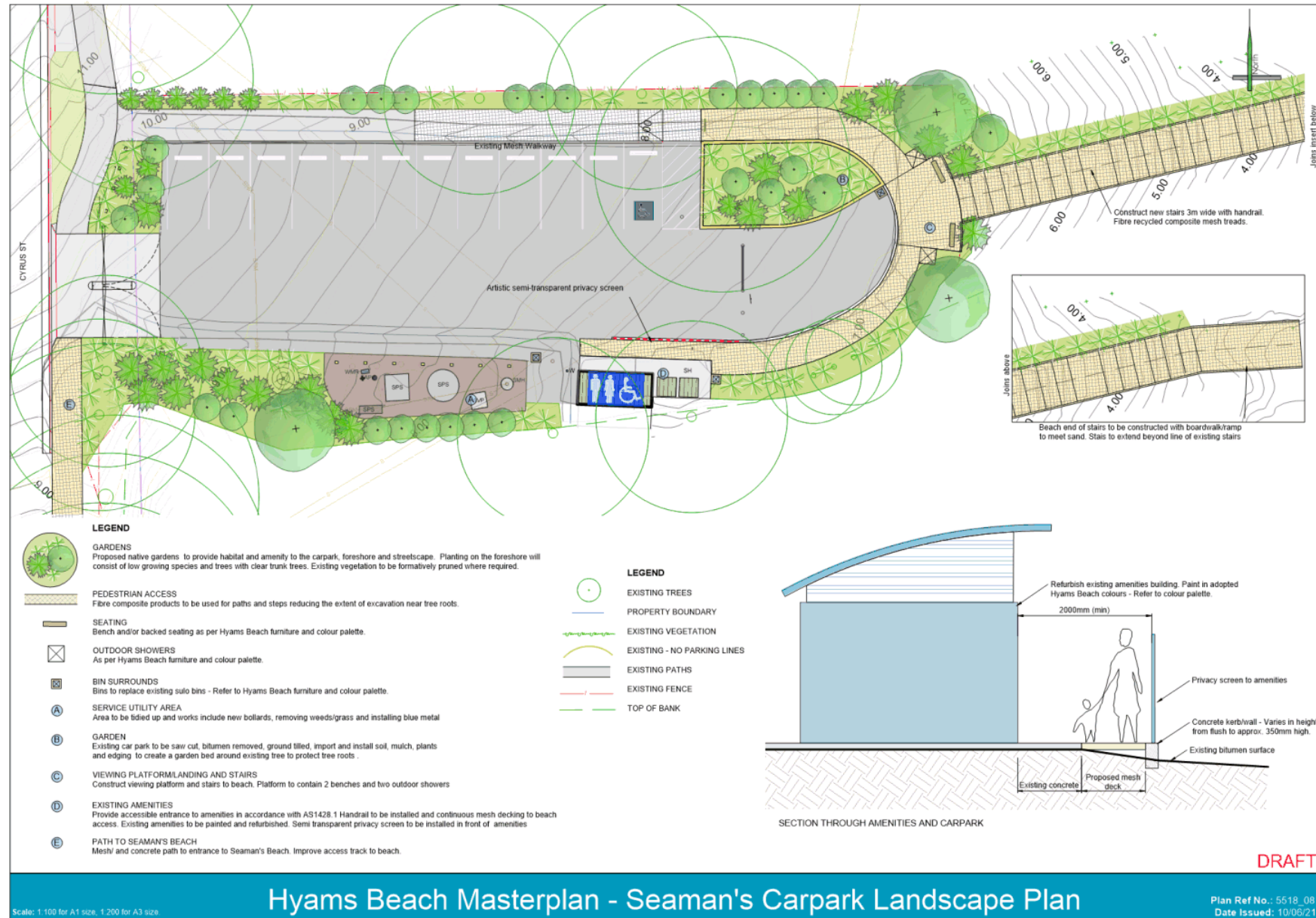














GRASSES/STRAPPY PLANTS



Dianella 'Utopia'



Lomandra 'Crackerjack' or 'Shara'



Lomandra 'Tropicbelle' or 'Lime Tuff'



Lomandra 'Tanika' or 'Verday'



Lomandra longifolia and/or Lomandra Lime Jet'

GROUNDCOVERS



Carpobrotus glaucescens



Eromophila glabra prostrate 'Blue Horizon'



Grevillea species



Hardenbergia violacea 'Meema'

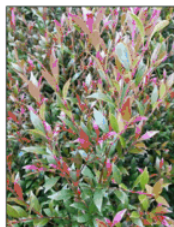


Rhagodia scenscens



Westringia 'Low Horizon'

SHRUBS



Acmena 'Forest Flame'



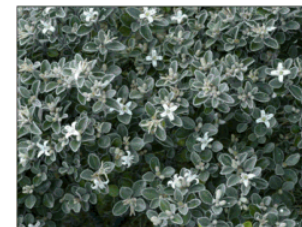
Banksia 'Birthday Candles' and 'Uladulla Beacon'



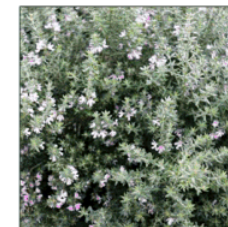
Callistemon 'Little Silver'



Callistemon citrinus 'Endeavour'



Correa alba



Westringia 'Jervis Gem'

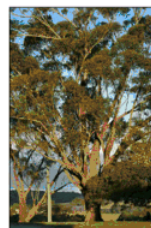
TREES



Banksia integrifolia



Cupaniopsis anacardioides



Eucalyptus botryoides



Hibiscus tleaceus



Tristaniopsis 'Luscious'







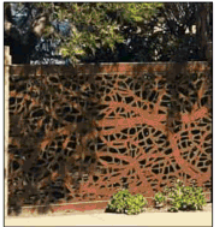

















The planting palette is an indicative list of Australian Native Plants that will perform within Hyams Beach

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# Hyams Beach Masterplan - Planting Palette

Plan Ref No.: 5518\_09  
Date Issued: 10/06/21



SHELTERS			BOLLARDS		
					
<p>Akiva Park Shelter by Goss Park and Street Furniture - Timber or powdercoated aluminium</p> <p>Landmark - Longreach Shelter</p> <p>Landmark - Peninsula Shelter</p> <p>Leda - Urban Hardwood Bollard</p> <p>Street Furniture Australia - Removable Bollard with reflective strip</p> <p>Advanced Plastic Recycled Bollard (200x 100m chamfered)</p>					
SCREENS AND OUTDOOR SHOWERS					
					
<p>Corten Steel - Decorative panels</p> <p>Timber Hardwood Screening</p> <p>Recycle Plastic Composite Screening</p> <p>Laser Cut Feature Screening Panels</p> <p>Aqualit Stainless Steel FlexiShower</p> <p>Stainless Steel Outdoor Shower</p>					
GOSSI PARK FURNITURE - Colours and materials to be confirmed					
					
					
<p>Parkway Seat</p> <p>Ephraim Atrium Bench Seat</p> <p>Garden Table Setting</p> <p>Monaco Table Setting</p> <p>Monaco Seat</p> <p>Tamora Bin Surround - Extra Slat</p> <p>Gossi - Northshore Bench Seat</p>					
TOWN AND PARK RANGE OF PARK FURNITURE - Colours and materials to be confirmed					
					
<p>Town and Park - Metro Seat with Arm Rests (aluminum or timber slats)</p> <p>Metro Picnic Setting (aluminum or timber slats)</p> <p>Metro Wide Bench (aluminum or timber slats)</p> <p>Metro Mobile Bin Enclosure (aluminum or timber slats)</p> <p>Accessible Double Plate BBQ</p>					

## Hyams Beach Masterplan - Furniture Palette

Plan Ref No.: 5518.10  
Date Issued: 10/06/21

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## PAVEMENTS



Asphaltic Concrete (Bitumen)



Sandstone oxide concrete



Recycled Fibre Composite Mesh

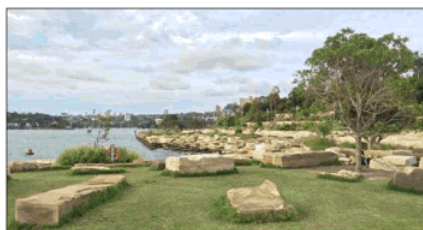


Compacted Road Base



Recycled Fibre Composite Mesh

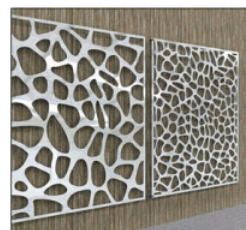
## MATERIALS



Sandstone - seating, retaining walls, sculptures etc



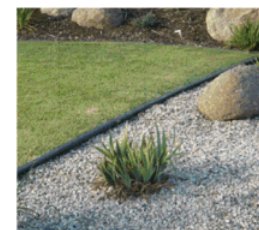
Sculptural items - Steel, timber



Stainless Steel



Sustainable Hardwood Timber



Recycled Plastic Composite Products - edging, furniture, decks, walkways etc

## COLOURS



The colour palette is to reflect the colours of the bay and surrounds and will be used consistently throughout the town to create a character distinct to Hyams Beach. The colours will be used in structures, furniture, lighting, signage, buildings etc

## TOWN SIGNAGE



Village Entrance Sign - to replace existing horizontal blade sign in same location



Example of Village Entrance Sign



Community Noticeboard



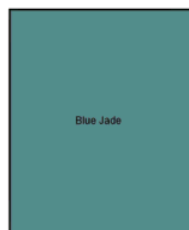
Surf Mist



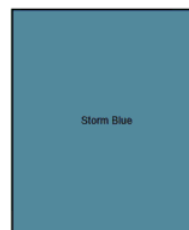
Smoke Blue



Huon Green



Blue Jade



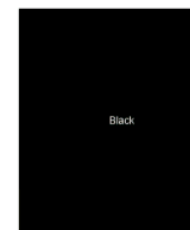
Storm Blue



Deep Ocean



Ironstone



Black

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## Hyams Beach Masterplan - Material Palette

Plan Ref No.: 5518\_11  
Date Issued: 10/06/21

**Hyams Beach Draft Masterplan  
Community Consultation 30 September 2020 to 2 November 2020  
Summary of Feedback**

Community Feedback for the Hyams Beach Draft Masterplan could be provided by completion of the online survey published on the Council's website at <https://getinvolved.shoalhaven.nsw.gov.au/39719/documents/94901> or via written submission. A number of community members completed both the online survey and provided a written submission. A breakdown of responses is provided below:

Online survey only:	61
Written submission only#:	29
Online and written submission#:	11
Total:	101

# Note where a person sent more than one submission it has been counted once.

The above total of 101 represents the total number of respondents.

**Summary**

The following summary has been organised against the key questions raised in the survey. The summary tallies both the online survey and written submissions. Where a written submission does not mention an issue, it is listed under the heading "no specific comment".

***Preferred Parking Option***

The masterplan provided two options for parking on Cyrus Street north of Hyam Road. Option 1 was parallel parking on the eastern side of Cyrus Street and Option two was 90-degree parking on the eastern side of Cyrus Street. No other options were canvassed.

The responses can be broadly categorised as follows:

Option 1 (no additional comments or qualifications):	48
Option 1 (with some suggested changes/qualifications):	22
Option 2:	9
Neither:	15
No Specific Comment:	7
Total	101

The majority of responses (69 out of a total of 101) supported Option 1. However, it should be noted that approximately a third of these responses flagged some suggested changes.

A number of responses commented on the inadequacy of the online survey in limiting choice to only one of two options, noting that there should have been more scope to identify other options.

Fifteen responses did not support either option. Alternative options canvassed included: to do nothing, introduce a one-way system in the village north of Hyam Road; retain two-way flow but limit parking to one side of Cyrus Street; or further trial the Illowra Lane Roundabout over the forthcoming summer before committing to a permanent traffic management option.

Seven submissions did not provide any specific comment on a preferred option but rather focussed on single issues.

Overall 16 submissions favoured the introduction of a permanent and/or temporary one-way system in the village north of Hyam Road. Countering this another submission noted that the effectiveness of the temporary one-way system that had been put in place in recent times relied

on the presence of traffic controllers – when these are not present drivers ignore it thereby creating safety issues.

***Proposed Pathway linking Chinamans Beach to Hyam Road***

The draft masterplan proposed a concrete footpath along Cyrus Street from Hyam Road to Aster Street to enhance pedestrian safety. Approximately two thirds of respondents supported this proposal.

Support footpath	63
Support with some adjustments#	3
Did not support	17
Other##	6
No Specific Comment	12
Total	101

# prefer raised pathways or constructed of material sensitive to tree roots.

## comments ranged from concern over encroachment into reserve; the need for wider (1.8 meter footpaths); and impact on character of village; the need for a footpath down Booderee Avenue.

***Number and Location of Amenities in the Draft Masterplan***

The draft masterplan proposed:

- Retention of existing facilities at Seamans Carpark;
- Upgrade of toilet facilities at the Boat Ramp Reserve to provide for 4 unisex accessible toilets;
- two unisex accessible toilets in the Hyams Beach Foreshore Reserve
- two permanently plumbed toilets at Chinaman's Beach.

Community Feedback indicated support for the general proposal, although there was concern over the need for the additional accessible toilets in the Hyams Beach Foreshore Reserve.

The responses can be summarised as follows:

Support	48
Support (with improvements)	4
Did not support	1
Other	16
No Specific Comment	14
Total	101

***Proposed Number and Location of BBQs in Hyams Beach Foreshore Reserve***

The majority of responses supported the number and location of BBQs in the Hyams Beach Foreshore Reserve.

Support	68
Did not support	8
Other	1
No Specific comment	24
Total	101

***Number and Location of Picnic Settings in the Hyams Beach Foreshore Reserve***

The majority of responses supported the number and location of picnic settings in the Hyams Beach Foreshore Reserve.

Support	70
Did not support	5
Other	3
No Specific Comment	23
Total	101

#### **Other Comments**

Viewing Platform north end of Cyrus Street – four submissions did not support or see the need for this.

White Sandstone Pathway Aster Street – seven submissions were opposed to this.

Pathways – a general preference for these to be constructed of material that was sensitive to tree roots and would minimise run off. The need to include the southern pathway from Cyrus Street to Seamans Beach (adjacent to 102 Cyrus) in the masterplan and to upgrade this with environmentally sensitive material.

Eastern Pathway Hyams Beach within Foreshore Reserve – five submissions did not see the need for this.

Maintain memorial plaques and bird signs in Hyams Beach Foreshore Reserve - a number of submissions noted the need to do this.

Seamans Beach Carpark – a number commented on:

- need to remove large signs and rationalise signage;
- existing gated arrangement with a diversity of opinion ranging from removal and closure of the carpark to installation of electronic boom gates;
- plumb existing showers.

Hyams Beach Foreshore Reserve – a number of suggestions were provided with respect to planting and fencing. Support for the involvement in bushcare in planting and pruning vegetation.

Boat Ramp Reserve - a very small number of comments ranging from support for the plan to retain current locked gate arrangement. The main reason cited for the latter was that opening this road to those with mobility permits will also open it to other cars who will see it as a short cut to the beach for drop offs and other purposes. As the road is heavily used by pedestrians this will create safety issues.

Traffic Management – there were a number of specific comments, for example:

- the proposed treatment of traffic on various streets. A number related to parking on Hyam Road, Bayview Avenue and Moonah Avenue;
- the need for more drop off zones – one at the south and at the north;
- pinch points on Cyrus Street at the corner of Hyam Road and Bayview Avenue;
- the need for a bus stop

Ranger Presence – some noted that this will be essential to ensure compliance with parking.

Village Signage – reduce overall and entry sign should be sympathetic to vista.

Better Storm Water Management – need to review and ensure work undertaken is environmentally sensitive and sustainable.

Resident Parking Permits – 5 responses opposed these on the basis that they would be provided to permanent residents – this is not the case they will be available to all ratepayers with property in the village.

Protection of the Natural Environment – was mentioned by a number of submissions. Many focussed on tree protection, dune protection, plant species to be planted in reserves.

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## SA21.155 Policy Exemption - Newbook Pty Ltd

HPERM Ref: D21/199996

Department: Commercial Services

Approver: Paul Keech, Director - City Services

### Reason for Report

To allow Council to consider a policy exemption and proposal to call tenders for the property management and specialised booking software used by Holiday Haven, at a time that enables “off season” implementation, should a change be required.

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

That Council:

1. Considers that a satisfactory result would not be achieved by inviting tenders due to the reasons listed below (pursuant to Section 55(3)(i) of the Local Government Act 1993):
  - a. Newbook is the industry leading platform for holiday parks across Australia;
  - b. RMS Cloud, the largest competitor, is updating their platform at this time and unable to provide a comparator system;
  - c. There is considerable risk to Holiday Haven for operational disruption and financial loss with a property management and booking software change particularly during peak season.
  - d. The limited ability or inability to undertake inspections of the platforms during current COVID operating restrictions; hence minimising the assessment capability.and thus endorses the decision of the Director City Services to allow for the continued use of the Newbook software for a further 12 months
2. Authorise the CEO (Director City Services) to manage the existing contract with Newbook acting as the Principal's Representative on behalf of Council;
3. Note that Holiday Haven will conduct a tender process for the property management and booking software in early 2022 under section 55 of the *Local Government Act 1993* and in accordance with the Shoalhaven City Council tendering procedure.

### Options

1. Adopt the recommendation

Implications: Holiday Haven will:

- have sufficient time to review the current agreement with Newbook and draft tender requirements, whilst maintaining continuity of existing operations; and,
- establish a path to compliance with Council's tendering procedures.

2. Reject the recommendation and call tenders immediately

Implications: Holiday Haven's implementation of any new software would coincide with the Shoalhaven peak season creating significant operational and financial risk. Additionally, the current COVID-19 restrictions limit the ability to test and inspect alternate software platforms.

SA21.155

## Background

Newbook is the current property management and booking software, used by Holiday Haven since 2014. The software provides functionality to process bookings, conduct reporting and auditing, manage tariffs, pricing and customer relationships. Data from this system has been relied upon heavily during emergencies, natural disasters and the COVID-19 pandemic.

Holiday Haven conducted a trial of software platforms in 2014. During the following years various exemptions from procurement policy have been granted recognising the significant investment in product development to produce a tailored solution for the Holiday Haven business. This software is integral to the operation of the Holiday Haven business.

The 2019/20 Newbook software license was \$160,000 per annum. Holiday Haven spent an additional \$59,000 in 2019/20 for software enhancements and 'per booking' fees to increase management capability. Under Section 55 of the *Local Government Act 1993*, a council is required to invite tenders for contracts at or above the value of \$250,000 (including GST). Council's Procurement Policy have established a lower threshold of \$225,000.

A current exemption to the Procurement Policy has been approved, under section 55 (3i) of the *Local Government Act 1993* to enable tenders to be called in the next 12 months, and endorsement of that decision is now being sought.

The current Services Agreement with Newbook requires a three month notification period for termination.

## Consideration

Newbook is the industry leading platform for holiday parks across Australia, with its largest competitor being RMS Cloud. Holiday Haven previously used the RMS Cloud platform, however transitioned to Newbook after concerns around product limitations and support.

Council understands that the RMS Cloud platform is currently being upgraded.

There has been significant investment throughout the years by both Newbook and Holiday Haven, to tailor the platform including:

- Contact consolidation/automation to maximise productivity in the park offices;
- Third party integrations with facility software (keypads, boom gates, powerheads);
- A membership database and portal.

It is proposed to call tenders in early 2022 to meet Council's tendering procedures. Tendering at this time will reduce many operational conflicts by enabling implementation of any new system in the winter of 2022. It would also enable the provision of the 3 months' notice period under the current Services Agreement.

Additionally, calling tenders in early 2022 will enable the new staff, including the Holiday Haven Manager, to be familiar with the complexity, capabilities and short comings of Newbook. This will enable a fulsome tender document and a more comprehensive review of the tenderers. It is also hoped that at this time the COVID-19 restrictions will allow site visits to enable a comprehensive analysis of tenderers software packages.

Given the extenuating circumstances of this software arrangement it considered that, pursuant to Section 55(3)(i) of the *Local Government Act 1993*, a satisfactory result would not be achieved by inviting tenders now and that the current engagement of Newbook continue until tenders are called and determined in early 2022.

Extenuating circumstances include:

- a. Newbook is the industry leading platform for holiday parks across Australia;



- b. RMS Cloud, the largest competitor, is updating their platform at this time and unable to provide a comparator system;
- c. There is considerable risk to Holiday Haven for operational disruption and financial loss with a property management and booking software change particularly during peak season.
- d. The limited ability or inability to undertake inspections of the platforms during current COVID operating restrictions; hence minimising the assessment capability.

### **Financial Implications**

There is significant operational and financial risk in the implementation of a new software platform during peak season.

The inability to access Holiday Haven staff, Park Managers and their staff for training in any new platform would threaten process, procedure and audit controls implementation.

### **Risk Implications**

Calling tenders at this time would place additional strain on the Team during the peak holiday period due to the related change management processes (data cleanse, transition, testing, implementation, training). There is also potential for disruption to customer portals and payment processing which could have a negative impact on revenue generated throughout this period.

Newbook may not tender for the provision of property management and booking software.

## SA21.156 Martinvale Lane, Jaspers Brush - Causeway Elevation

**HPERM Ref:** D21/200814

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

For Council to consider allocating \$85,000 from savings in the 2021/22 bridge / major culvert program in order to progress a solution for the causeway issues experienced by local residents at Martinvale Lane, Jaspers Brush.

Council at its meeting 24 November 2020 resolved that Council:

1. *Receive a report from the Chief Executive Officer on options to elevate the causeway at Martinvale Lane, Jaspers Brush, and*
2. *Identify potential funding sources to execute the preferred option.*

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

That:

1. Council approves to undertake detailed assessment and design, at a cost of \$85,000 to upgrade the causeway on Martinvale Lane in Jaspers Brush.
2. The investigation and design costs of \$85,000 be funded from savings in the 2021/22 bridge / major culvert program.
3. That Council receive a future report on the outcomes of the detailed assessment and the preferred option. The report will be detailed enough for Council to:
  - a. Agree on the preferred option for the elevation of the causeway.
  - b. Obtain Fisheries approval and undertake necessary channel realignment and embankment protection works.
  - c. Seek funding from State Government for construction.

### Options

1. Council adopts the recommendation.

Implications: This will allow Council to progress improvements to the ongoing flooding issues on Martinvale Lane, Jaspers Brush, which will lead to the provision of safer access to local residents.

2. Not adopted as recommended

Implications: Road closure will continue in major rain events and increased maintenance cost at the causeway approach which requires reinstatement after the rain events.

## Background

The following notice was provided by Cllr John Wells and Cllr Annette Alldrick at the Ordinary meeting on 24 November 2020.

*Martinvale Lane services a number of properties towards the western end of Strongs Road, Jaspers Brush. During the severe rainstorm event of 31 October 2020, the course of an unnamed creek whose channel discharges under a causeway on the Lane changed quite dramatically, piling up several thousand tonnes of silt and rock under the causeway. Depending on where one lived under the Mt Cambewarra to Bundewallah escarpment, reports indicate that between 90mm and 110mm of rain fell between 9am and 11am on 31 October.*

*Unable to discharge this volume of water under and over the causeway, the creek scoured the Lane away completely, creating a new channel approx. 30 to 40 metres to the South of the new choked causeway.*

*Staff did an outstanding job the following week, installing what appear to be three 600mm polypipe drains, constructing a new headwall using available scoured boulder, infilling the road and compacting a new gravel road, thus reconnecting neighbouring properties to Strongs Road. The end result of these works is, however, that the new section of road over the new creek channel is approximately one metre higher than the old, now blocked and choked causeway.*

*Community members have therefore asked if consideration could be given to elevating the causeway to a height similar to the new section of road to avert the possibility of the Lane again becoming impassable should the creek change course again and/or begin to cover the Lane's now dysfunctional causeway with scoured material. It is to this end that we submit this Motion.*

## Details of Submission

Council staff have undertaken temporary restoration works after the recent rain event in May 2021 to have access to the local community. The subject causeway gets flooded in most rain events and resources are needed to reinstate the approaches to the causeway.

Figure 1 below shows an aerial image of the site.



**Fig.1 Aerial image taken in 2014 showing previous alignment of creek.**



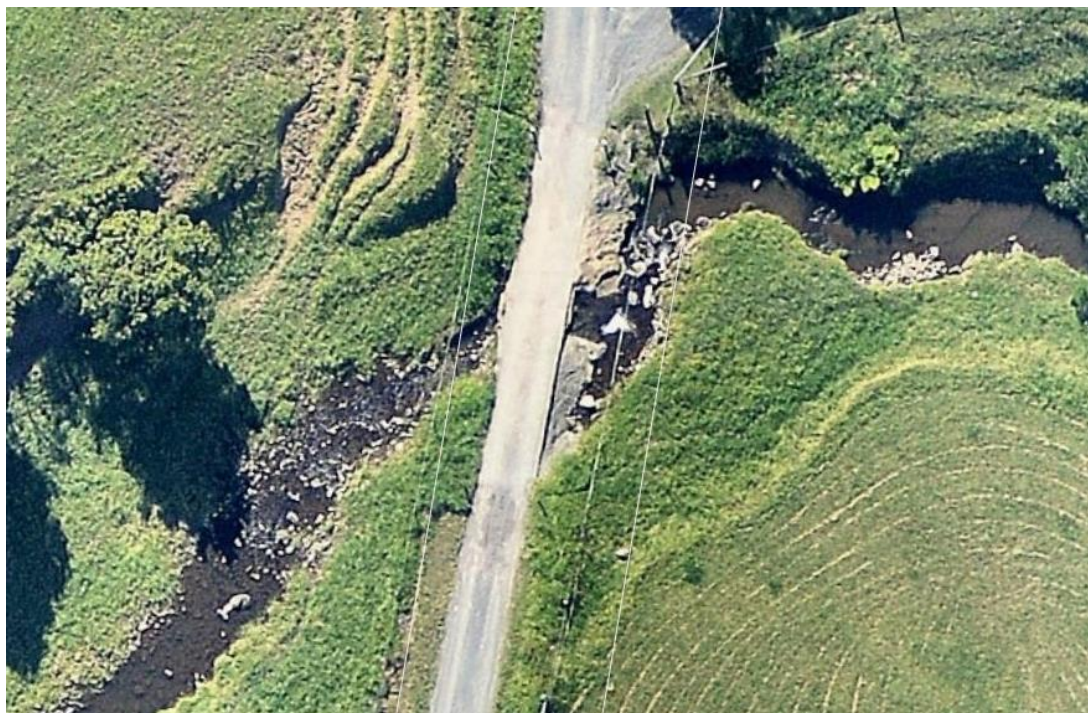


Figure 2 - Aerial image of the site taken May 2017 showing previous alignment of the creek.



Figure 3. - Aerial image taken in June 2021 showing the current alignment of creek.

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The photos above show that the creek alignment has gradually changed over the years. It has shifted at least 20 metres to the south.

The main issue in the channel is that the current causeway is completely blocked, the existing three 600mm diameter pipes are not of sufficient size to cope with the cobbles in the system, it is essentially operating as a wide concrete weir, hence the creek migrating south to find the easiest way around.

The hydraulic assessment indicates that 600mm high box culvert with 15m span is required to discharge over 26 cubic metres of flow per second for a 1 in 5 year storm in the catchment area of five square kilometres.

The causeway has had water over the road in all the rain events in the past few years and the road has had to be closed for at least one day to reinstate the approaches. This will be a recurring issue if the causeway is not rectified as the entire area is now unconsolidated cobble and the channel will not stay in one single location, it will realign itself with each large event.

The best option, and only option supported by NSW DPI Fisheries, would be to remove the causeway and construct a bridge, or box culvert crossing in this location.

Given the large cost and small number of properties that this crossing is servicing, Council would be seeking some alternative options to consider as well.

There are a few key considerations for any solution:

- The area where the temporary crossing has been located is no longer a stable area; it will be extremely difficult to prevent this location from scouring into the future without removal of the causeway and significant channel realignment and stabilisation works.
- The structure will need to be designed to cope with the large cobble/boulder nature of the waterway without blocking in high flow events.

Potential options:

1. Construction of box cell culverts in the location where the temporary crossing is – box culverts will need to be recessed by a minimum of 100mm below the current bed level and the cells will need to be large enough to cope with the 1m<sup>3</sup> boulders that move down the system.
2. Construction of a single span bridge over the new channel location that joins onto the existing causeway – this would be the preferable option in terms of lowest blockage risk, lowest scour risk – long term solution. Precast elemental bridge type solution.
3. Concrete ford crossing in the newly formed channel – it will need to be placed at bed level – this will not provide all weather access to the properties on the other side, however perhaps emergency egress could be negotiated with the owner directly on the northern side of the crossing who have a road leading to a downstream bridge crossing.

Note that NSW DPI Fisheries Permit would be required for any works in the creek. Fisheries have stated that they do not support construction of new causeways.

Normally only the central culverts in such a large structure are recessed. However, due to the entire area now being unstable cobbles, the entire structure requires to be recessed; this will reduce potential for undercutting on the downstream side and allow for the future channel migration.

Council staff have had a site meeting with the local DPI Fisheries Manager and discussed the options to improve the causeway. Fisheries indicated in-principle support for replacing the causeway with a bridge or series of culverts to accommodate the re-aligned waterway and recommended realigning the crossing angle so that the culverts run perpendicular to the flow, rather than at an angle. This will give the water and sediment / debris the best chance



of moving through the structure without collecting as much / infilling of outer culverts. They have provided the following before (Figure 4) and after photo (Figures 5) of a crossing that realigned culverts to the flow.



**Figure 4 – before photo**



**Figure 5 – after photo**

In view of the above, it is suggested that Council staff undertake a detailed survey, hydraulic assessment, flood study and prepare concept plan for options 1 and 2 with estimates for stakeholder consultation and seeking funding for the delivery of the project in the short to



medium term. The estimated cost of these studies, to progress to a preferred solution that would be acceptable to Fisheries, is \$85,000.

### **Community Engagement**

Council's staff have been consulting the affected residents and responding to requests from the local community in relation to the causeway improvement and maintenance of infrastructure. The team will consult all the affected residents and identify all the stakeholders to provide comments on the concept plan prior to the project development phase.

### **Policy Implications**

The proposed improvement aligns with Council Asset Management Policy for continuous improvement in the performance of an asset and managing the risk.

### **Financial Implications**

The project requires a significant amount of budget to carry out the works, the estimated cost for project development is \$85,000. The investigation and design costs of \$85,000 be funded from savings in the 2021/22 bridge / major culvert program.

### **Risk Implications**

Risk currently identified include:

- Failure to undertake improvement will have the ongoing issue of having the causeway flooded in every rainstorm.
- Local residents not having access for few days after a rain event, safety concerns to local and the general public.
- Further damage to private property due to change in creek alignment.

## SA21.157 Ratepayer Advance - Kerb & Gutter Construction - Tomerong Street Currarong

**HPERM Ref:** D21/157236

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

The purpose of this report is to allow Council to consider entering into an agreement via the Ratepayers Advance Scheme, to construct Kerb and Gutter along a section of Tomerong Street Currarong.

### Recommendation

That Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:

1. M S North of 1 Tomerong Street, Currarong in respect of Kerb and Gutter construction to the value of \$22,982.64 (advance) of which \$7,322.90 (excluding GST) is the contribution, \$15,659.74 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$19,574.68.
2. N J & L R Cook of 17 Tomerong Street, Currarong in respect of Kerb and Gutter construction to the value of \$7,213.44 (advance) of which \$2,298.40 (excluding GST) is the contribution, \$4,915.04 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$6,143.80.
3. G R & V A Rudan of 19 Tomerong Street, Currarong in respect of Kerb and Gutter construction to the value of \$5,969.04 (advance) of which \$1,901.90 (excluding GST) is the contribution, \$4,067.14 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,083.93.
4. J C Preller of 3 Tomerong Street, Currarong in respect of Kerb and Gutter construction to the value of \$7,213.44 (advance) of which \$2,298.40 (excluding GST) is the contribution, \$4,915.04 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$6,143.80.
5. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to the resolution.

### Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance, and access to properties, and it may minimise erosion of the existing road verge.

There are no technical or environmental reasons to refuse this application.

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

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Implications: Residents are entitled to this consideration and if denied will be without kerb & gutter infrastructure and may seek reconsideration.

### **Background**

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. This Policy accommodates ratepayers who wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years.

### **Policy Implications**

Nil, this proposal conforms to the policy (POL16/148), and thus Section 217 of the Roads Act 1993.

### **Financial Implications**

The total "debt" that Council will repay including interest at 5% will be \$36,946.21 total for all properties.

## SA21.158 Tenders - Garden & Timber Organics Shredding Service

**HPERM Ref:** D21/220967

**Department:** Commercial Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To inform Council of the tender process for Garden & Timber Organics Shredding Service.

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 as presented.

Implications: Consider a separate confidential report on the matter.

2. Defer a determination or decision on the matter pending discussion at a Councillor Briefing.

Implications: This is not recommended as an extensive tender evaluation has been undertaken.

### Details

Council called for tenders for the provision of a garden and timber organics shredding service on 30 March 2021. Tenders closed at 10am on 20 April 2021 with 3 tenders received. The tenders were assessed and evaluated in accordance with an evaluation and probity plan.

#### Tenders Received

Tenders were received from the following:

Tenderer	Location
A & D Tree Services Pty Ltd	South Nowra
Davis Earthmoving & Quarrying Pty Ltd	Ingleside
Soilco Pty Ltd	Kembla Grange

Details relating to the evaluation of the tenders are contained in the confidential report.

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## SA21.159 Pedestrian Access / Footpath - Matron Porter Drive Narrawallee

**HPERM Ref:** D21/247949

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

For Council to receive a report on the progress of a resolution passed at the Strategy and Assets meeting on 23 February 2021.

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

That Council:

1. Receive the report for information.
2. Note that a new concrete path 2.5 metre wide will be constructed on the eastern side of Matron Porter Drive from Narrawallee Reserve to Victor Avenue in August 2021 with funds for construction having been sourced from the Active Transport and Federal Stimulus grants.

### Options

1. The report be received for information.

Implications: Works can commence as scheduled.

2. Further information be requested.

Implications: A delay of three months in programming of the works would be required due to the caretaker period coming into effect.

### Background

Council at its meeting dated 23 February 2021 Council resolved that (MIN21.93):

1. *A report be prepared on the cost to do the following pedestrian access improvements for Matron Porter Drive, Narrawallee to enable consideration for a funding source and timing.*
  - a. *A concrete footpath*
  - b. *A gravel accessway*
2. *Further, maintenance be undertaken to allow for safe passage on the pedestrian strip which can get over grown and make access less appealing and occasionally dangerous.*

### Item 1

Council has gained Active Transport and Federal Stimulus grant funding to construct a shared user path on Matron Porter Drive from Narrawallee Reserve (Bangalow Street) to Leo Drive. To date a 260 metre section between the Victor Avenue intersections has been completed. The 250 metre section of 2.5 metre concrete path from Narrawallee Reserve to Turner Street will be commenced in August 2021. A temporary access gravel pathway is

considered unnecessary as construction of the concrete path is scheduled to commence July 2021.

Item 2

The pathway / pedestrian strip, as part of routine inspections and follow up maintenance activities has been kept to the appropriate level of service, in order to ensure that any pedestrian hazards are minimised.

**Financial Implications**

Funds for construction have been sourced from the Active Transport and Federal Stimulus grants.



## SA21.160 Rate Payer Advance - Kerb & Gutter Installation - 24 to 38 Basin View Parade Basin View

**HPERM Ref:** D21/265020

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

The purpose of this report is to allow Council to consider entering into an agreement via the Ratepayers Advance Scheme, to construct kerb and gutter along a section of Basin View Parade Basin View.

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

That Council:

1. Enter into a Ratepayers Advance Agreement, executed under the Common Seal of Council with:
  - a. K & D McMaster of 24 Basin View Parade, Basin View in respect of kerb and gutter construction to the value of total cost \$6,411.24 of which total contribution \$2,039.94 is the contribution, \$4,371.30 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,464.13.
  - b. B & Y Dawson of 28 Basin View Parade, Basin View in respect of kerb and gutter construction to the value of total cost \$6,411.24 of which total contribution \$2,039.94 is the contribution, \$4,371.30 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,464.13.
  - c. D Bissell of 30 Basin View Parade, Basin View in respect of kerb and gutter construction to the value of total cost \$6,411.24 of which total contribution \$2,039.94 is the contribution, \$4,371.30 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,464.13.
  - d. K & A Bedran of 224-226 President Avenue, Brighton Le Sands in respect of kerb and gutter construction to the value of total cost \$6,411.24 of which total contribution \$2,039.94 is the contribution, \$4,371.30 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,464.13.
  - e. J & C Nemetz of 34 Basin View Parade, Basin View in respect of kerb and gutter construction to the value of total cost \$6,411.24 of which total contribution \$2,039.94 is the contribution, \$4,371.30 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,464.13.
  - f. L & D Noonan of 230 Princes Highway, Dapto in respect of kerb and gutter construction to the value of total cost \$6,811.20 of which total contribution \$2,167.20 is the contribution, \$4,644.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,805.00.
  - g. Basin View Cabins Pty Ltd of 19 Monserra Road, Allambie Heights in respect of kerb and gutter construction to the value of total cost \$6,035.04 of which total contribution \$1,920.24 is the contribution, \$4,114.80 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,143.50.
2. Affix the Common Seal of Council of the City of Shoalhaven to any documentation required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to the resolution.

SA21.160

## Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

There are no technical or environmental reasons to refuse this application.

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Implications: Residents are entitled to this consideration and if denied will be without kerb & gutter infrastructure and may seek reconsideration.

## Policy Implications

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. This Policy accommodates ratepayers who wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years.

This proposal conforms to the policy (POL16/148), and thus Section 217 of the Roads Act 1993.

## Financial Implications

The total "debt" that Council will repay including interest at 5% will be \$38,269.15 total repayment for all properties.

## SA21.161 Ratepayers Advance - Kerb & Gutter Construction 6, 10, 14, 16 Loralyn Avenue Sanctuary Point

**HPERM Ref:** D21/268130

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

The purpose of this report is to allow Council to consider entering into an agreement via the Ratepayers Advance Scheme, to construct kerb and gutter along a section of Loralyn Avenue Sanctuary Point.

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

That Council:

1. Enter into a Ratepayers Advance Agreement, executed under the Common Seal of Council with:
  - a. Raymond & Deborah Lloyd of 49 Broughton Street, Camden NSW 2570 in respect of kerb and gutter construction to the value of total cost \$12,921.40 of which \$3,169.40 is the contribution, \$9,752.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$12,190.00 – (\$242.00 for a double or additional single driveway as requested).
  - b. Robert & Nancy Brown of 10 Loralyn Avenue, Sanctuary Point NSW 2540 in respect of kerb and gutter construction to the value of total cost \$2,650.00 of which \$650.00 is the contribution, \$2,000.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$2,500.00.
  - c. Rodney Green of PO Box 606, Kogarah NSW 1485 in respect of kerb and gutter construction to the value of total cost \$8,077.20 of which \$1,981.20 is the contribution, \$6,096.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$7,620.00 – (\$242.00 for a double or additional single driveway as requested).
  - d. Shirley Phillips of 16 Denise Crescent, Peakhurst NSW 2210 in respect of kerb and gutter construction to the value of \$8,077.20 of which \$1,981.20 is the contribution, \$6,096.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$7,620.00.
2. Affix the Common Seal of Council of the City of Shoalhaven to any documentation required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to the resolution.

### Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

There are no technical or environmental reasons to refuse this application.

SA21.161

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Implications: Residents are entitled to this consideration and if denied will be without kerb and gutter infrastructure and may seek reconsideration.

### **Policy Implications**

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. This Policy accommodates ratepayers who wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years.

This proposal conforms to the policy (POL16/148), and thus Section 217 of the Roads Act 1993.

### **Financial Implications**

The total "debt" that Council will repay including interest at 5% will be \$29,930.00 total repayment for all properties.

## SA21.162 Ratepayers Advance - Kerb & Gutter Construction - 123 & 125 Loralyn Avenue St Georges Basin

**HPERM Ref:** D21/275024

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

The purpose of this report is to allow Council to consider entering into an agreement via the Ratepayers Advance Scheme, to construct kerb and gutter along a section of Loralyn Avenue Sanctuary Point.

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

1. That Council:
2. Enter into a Ratepayers Advance Agreement, executed under the Common Seal of Council with:
  - a. S Tarlamis & C Tartamis of 90 Thornley Street, Marrickville NSW 2204 in respect of kerb and gutter construction to the value of total cost \$10,200.00 of which \$3,250.00 is the contribution, \$6,950.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$8,687.50.
  - b. B A Albrighton & M F Albrighton of 125 Loralyn Avenue, Sanctuary Point NSW 2540 in respect of kerb and gutter construction to the value of total cost \$8,568.00 of which \$2,730.00 is the contribution, \$5,838.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$7,297.50.
3. Affix the Common Seal of Council of the City of Shoalhaven to any documentation required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to the resolution.

### Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

There are no technical or environmental reasons to refuse this application.

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Implications: Residents are entitled to this consideration and if denied will be without kerb & gutter infrastructure and may seek reconsideration.

SA21.162

**Policy Implications**

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. This Policy accommodates ratepayers who wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years.

This proposal conforms to the policy (POL16/148), and thus Section 217 of the Roads Act 1993.

**Financial Implications**

The total "debt" that Council will repay including interest at 5% will be \$15,985.00 total for both properties.



## SA21.163 Request - Refund DA Fees - William Campbell Foundation - DA21/1384

HPERM Ref: D21/264708

Department: Development Services

Approver: Phil Costello, Director - City Development

### Reason for Report

This report is to enable Council to consider the request made by William Campbell Foundation for the reimbursement of fees in relation to Development Application DA21/1384 for Lot 1 DP 778725 – 2 Elvin Dr Bomaderry in accordance with Council's Policy *POL20/68 (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 DA21/1384 lodged by William Campbell Foundation amounting to \$796.45.
2. Fund the reimbursement from the City Development Directorate (CD) 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 DA21/1384. 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

Clause 2.1 of *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).

The organisation complies with the criteria.

The William Campbell Foundation is a Charitable Fundraising Authority



#### CHARITABLE FUNDRAISING AUTHORITY

Charitable fundraising number	16349
This document certifies that	William Campbell Foundation
holds an authority to fundraising under section 13A of the <i>Charitable Fundraising Act 1991</i> , subject to compliance with the Act, the <i>Charitable Fundraising Regulation 2015</i> and the conditions attached as Annexure A.	
This authority is in force from	14/03/2021
until	13/03/2026
unless surrendered or revoked earlier.	
This authority is approved under delegation from the Minister administering the <i>Charitable Fundraising Act 1991</i> .	

Figure 1 – Evidence of Charitable Classification

On 16 April 2020, Council received a development application (DA) for “alternations and additions to an existing dwelling and granny flat and change of use to a community facility” at 2 Elvin Drive, Bomaderry. The application is under assessment

The applicant has requested for the full amount of \$1,054.15 (which included the advertising of the application) to be refunded.

Section 2.2 of the Policy states:

#### **2.2. Waiver threshold for DAs**

*The sum of all DA fees does not exceed \$1,500. This excludes prescribed advertising, notification and archive fees which must be paid. Refer to clause 2.3 regarding any amount above this waiver threshold.*

In accordance with the Policy, the fees eligible for refund are the DAs fees paid only. This excludes the archive and advertisement components. This brings the total refund to \$796.45.

SA21.163

Particulars	Qty	Amount	GST	Total
Development Exceeding \$250,001 but not exceeding \$500,000 (base fee)	1	\$1,160.00	\$0.00	\$1,160.00
Development Exceeding \$250,001 but not exceeding \$500,000 - additional fee per \$1000 (or part of \$1000) value above \$250,001	185	\$432.90	\$0.00	\$432.90
Development Application 50% Discounted Fee per Council Resolution (COVID-19)	- 796.45	(\$796.45)	\$0.00	(\$796.45)
Archive Fee	1	\$44.70	\$0.00	\$44.70
Advertised by letter in accordance with Council's Community Consultation Policy	1	\$213.00	\$0.00	\$213.00

Development Application Fees - Alterations and Additions to Existing Dwelling & Granny Flat (\$434,232)	GST: \$0.00
2 Elvin Dr BOMADERRY 2541	Total (inc GST): \$1,054.15
	Amount Paid: \$0.00
	Amount Due: \$1,054.15

*Figure 2 – Invoice (paid MICR 20703111)*

The applicant has submitted a written request for the waiver of relevant DA fees as required by the Policy.

## 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 \$796.45 from the City Development 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.

## **SA21.164 Worrigee / South Nowra / East Nowra Investigations - Aquatic Centre & Integrated Recreational Strategic Plan**

**HPERM Ref:** D21/154335

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Opportunities - Worrigee / South Nowra / East Nowra - Integrated Recreation Plan Opportunities - Worrigee Precinct [↓](#)  
2. Summary of Discussions - Worrigee Sports (councillors information folder) [⇒](#)

### **Reason for Report**

To update Council on the progress of investigations in the Worrigee, South Nowra, and East Nowra areas in relation to:

- A proposed aquatic facility,
- Creating an integrated and connected recreational strategic plan in the area, and
- The emerging requirement for a community centre / hall.

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

That Council:

1. Further investigate the opportunities for a Public Private Partnership in discussion with the Shoalhaven Ex-Servicemen's Club (Worrigee Sports) and receive a further report at the conclusion of these discussions;
2. Further investigate the need for a community centre / facility for the Worrigee, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan and continue discussions with Schools Infrastructure NSW regarding access to Department of Education premises;
3. Include the creation of an integrated and connected recreational plan for the Worrigee, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council.

### **Options**

1. Adopt the above recommendation.

Implications: Updates Council on the progress with site identification investigations to date for an aquatic facility. Foreshadows a further report following discussions with Worrigee Sports.

It will also allow for the progression of reviewing recreational and park land in the Worrigee, South Nowra, and East Nowra areas to create an integrated and connected recreational strategic plan along with further investigations into a community centre as part of the forthcoming review of the Community Infrastructure Strategic Plan.

SA21.164

2. Adopt an alternative recommendation.

Implications: Pending the significance of the alteration, this may result in delays to the progression of this project.

## Background

At Council's Strategy & Assets Committee meeting on 19 January 2021, two Notices of Motion were reported in relation to investigations in the Worrigee, South Nowra, and East Nowra areas.

Council resolved (MIN21.11):

1. *The CEO undertake site identification investigations with a view to finding the most appropriate site to construct an aquatic facility (swimming pool) in the Worrigee/South Nowra area, and report back to Council when the investigations are complete.*
2. *Once a site has been identified the CEO also report to Council on a source of funding to enable project scoping and preliminary design of the proposed facility.*
3. *Council give consideration to the possibility of a private-public partnership in respect of the development of the facility.*

In addition to the above, Council resolved (MIN21.12):

*That Council undertake a survey of the South Nowra, Worrigee & East Nowra areas to identify needed facilities.*

At Council's Strategy & Assets Committee meeting of 9 March 2021, a Mayoral Minute was reported to Council regarding an Integrated Recreational Plan for Worrigee, South Nowra, and East Nowra. As a result, Council resolved the following (MIN21.118):

*That Council undertakes a strategic review of all recreational and park land that has been set aside in the areas of Worrigee, East Nowra, and South Nowra, with a view to creating an integrated and connected recreational strategic plan. The aim of the plan would be to deliver different recreational offerings across the three precincts and have them connected with a cycle way and way finding, encouraging residents from each of the precincts to seek a new adventure in each of these areas.*

This report provides an update to Council on the progress of investigations to date, and also raises the emerging need for a community facility / meeting place to meet the needs of the current and predicated growth of the Worrigee, South Nowra, and East Nowra townships and increase in population.

## Aquatic Facility Site Investigations

Council's Social Infrastructure Planning Team undertook investigations into the proposed aquatic facility in the Worrigee, South Nowra, and East Nowra areas.

The land use definition of the proposed aquatic facility was determined to guide the desktop analysis of sites permissible, and suitable for the construction of an aquatic facility. A detailed investigation was conducted for Council Managed Land, existing schools, and sites with land zoning which permit the construction of an aquatic facility.

Discussions with schools revolved around a shared facility managed through a Memorandum of Understanding (MoU) with Schools Infrastructure NSW (SINSW), while privately owned sites identified with land zoning permissible for an aquatic facility would focus on the potential of a Public Private Partnership (PPP).

Five (5) of Council's existing aquatic facilities were used to determine general site characteristics and requirements of an aquatic facility, which resulted in determining an approximate footprint as the minimum requirement for site identification. The approximate

minimum footprint for the proposed aquatic facility was 75m x 95m based on the 5 existing aquatic facilities listed below:

- Nowra Aquatic Park
- Bay & Basin Leisure Centre
- Ulladulla Leisure Centre
- Sussex Inlet Aquatic Centre
- Bomaderry Aquatic Centre

A criteria was developed inclusive of consideration of the Shoalhaven Local Environmental Plan 2014 legislative requirements, environmental constraints, existing infrastructure, and whether future strategic plans over the site existed, to identify a shortlist of sites which met the determined criteria.

The shortlist of sites included:

- Flinders Industrial Estate (part)
- Liberty Park
- Ratcliffe Park
- Worrigeer Sports
- Nowra High School
- Shoalhaven High School

Visits to these sites were conducted in March 2021. Upon initial discussion on the shortlisted sites, Lyrebird Park was raised as an additional possibility, and subsequently added to the list of sites. The site visits allowed attendees to determine present condition, locational context, and suitability for the proposed aquatic facility.

The site visits resulted in the identification of the top 3 sites suitable for future investigation:

- Ratcliffe Park
- Worrigeer Sports
- Lyrebird Park

## Preferred Sites

The site visits conducted in March 2021 determined the following sites to be suitable for further investigations for the erection of the proposed aquatic facility.

### 1. Ratcliffe Park – Greenwell Point Rd, Nowra


Ratcliffe Park was determined as the first preferred site due to the following:

- Large lot which is currently seemingly underutilised community land under the ownership and management of Council;
- Prominent location and easy wayfinding along key transit corridor; and
- Proximity to Worrigeer Sports which offers existing sporting opportunities and would allow for potential discussions on a private-public partnership.

The Ratcliffe Park site would be able to accommodate a competition size facility able to cater for school carnivals, the potential provision of on-site car parking and an adjoining community facility. However, the site is an existing drainage basin, is identified as flood prone and has issues with illegal parking from dwellings with direct interface with the park.

<b>Common Name</b>	Ratcliffe Park
<b>Area</b>	3.93ha
<b>Property Description</b>	Lot 5 DP 255662, Lot 133 DP 703670
<b>Address</b>	Greenwell Point Road and Clipper Road, WORRIGEE



<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Community Land – Sportsground, General Community Use
<b>CISP Identified</b>	Yes - District Sports Park
<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	

## 2. Worrigeer Sports – Greenwell Point Rd, Worrigeer (Private Ownership)

Worrigeer Sports was determined as the second preferred site due to the following:

- Well established privately owned site;
- Existing car parking with prominent location along key transit corridor;
- Existing social and sporting infrastructure inclusive of Ex-Servos Club, the Growers, Motel, Cricket Pitch and Golf Course to compliment, and further incentivise use of proposed aquatic facility; and
- Potential to enter into PPP dependent on the appetite of club, and willingness to enter into discussions.

The Worrigeer Sports site would place the proposed aquatic facility at a prominent location, able to complement the existing uses on site with Worrigeer Sports as long-established club dedicated to provision of sporting infrastructure. It is likely that only a modest indoor pool would be possible due to existing infrastructure and constraints over the site.

<b>Common Name</b>	Shoalhaven Ex-Servicemen's Club
<b>Area</b>	59ha
<b>Property Description</b>	Lots 1 and 2 DP 1129891
<b>Address</b>	131 Greenwell Point Road, WORRIGEE
<b>Owner</b>	Shoalhaven Ex-Servicemen's Club Ltd
<b>Classification / Category</b>	N/A
<b>CISP Identified</b>	N/A
<b>Land Use Zoning</b>	Part RE2 – Private Recreation (permitted with consent) Part E2 – Environmental Conservation (prohibited)



### 3. Lyrebird Park – St Annes St, Nowra


Lyrebird Park was determined as the third preferred site due to the following:

- Existing recreational open space well established for sporting uses;
- Council owned and managed land;
- Opportunity to improve the site overall through provision of upgraded amenities and combined facilities such as integrated grandstand and dual access change rooms and amenities; and
- Multiple street frontages offering various pedestrian and vehicular access points.

The Lyrebird Park site would increase the value of Council's existing sports park through the provision of an additional sports opportunity at the site, inclusive of upgraded and integrated amenities. It is important to note that an existing drainage network runs through the park.

There are possible impacts with consolidating existing sports infrastructure on the site as well as issues with wayfinding, as Lyrebird Park is in a largely residential location.

<b>Common Name</b>	Lyrebird Park
<b>Area</b>	8.92m2
<b>Property Description</b>	Lot 2 DP 541303, Lot 1 DP 1127303, Lot 8 DP 540229, Lot 21 DP 2745, Lot 22 DP 2745, Lot 23 DP 2745, Lot 24 DP 2745, Lot 1 DP 1133283, Part Lot 7 Sec 39 DP 758794, Lot 12 DP 565010, Lot 8 DP 2745, Lot 9 DP 2745, Lot 10 DP 2745, Lot 11 DP 2745, Lot 12 DP 2745, Lot 13 DP 2745, Lot 14 DP 2745, Lot 3 DP 540230, Lot 4 DP 540230, Lot 9 DP 540229
<b>Address</b>	Amalfi Cr, St Anns St, 76 Wallace St, Jervis St, Wallace St, 90 Wallace St, NOWRA
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Community Land – Sportsground
<b>CISP Identified</b>	Yes – District Sports Park <ul style="list-style-type: none"> <li>• Upgrade floodlighting to Australian Standard (fields 1 and 2)</li> <li>• Upgrade amenities building</li> </ul>

<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	

### Further Investigations

Due to constraints relating to flood prone land and costs associated with design of an aquatic facility utilising flood mitigation engineering, it was identified that Worrigee Sports site opportunity be investigated further.

Staff contacted Worrigee Sports to enquire on the Board's appetite to enter into discussions to enter into a PPP for the delivery of the proposed aquatic facility. A summary of these discussions is included in the Councillors Information Folder.

### Schools Infrastructure NSW

Shoalhaven High School was identified in the shortlist of sites. Council entered into a MoU with SINSW in 2020, with the aim to form the foundation for a cooperative relationship that works willingly to explore partnership opportunities to benefit schools and the local community.

SINSW were contacted in April 2021 to enquire with Shoalhaven High School in relation to a potential shared indoor pool facility. Subsequent to discussions with SINSW, SINSW advised that their Asset Activations Directorate were investigating a new primary school in the Worrigee and South Nowra area. This provided opportunities for the delivery of shared facilities, such as an aquatic facility and community meeting spaces, that could be considered as part of their planning process and business case. SINSW were advised that Council would welcome updates as the project progressed to allow future partnership opportunities to be considered.

Subsequent to the advice received from SINSW in April 2021, Council made further contact with SINSW regarding any plans to build a new primary school in Worrigee or South Nowra as a result of the NSW Government's New School Infrastructure funding.

The most recent correspondence received from SINSW advised that SINSW Staff are investigating the announced budget for a new school in the Worrigee, South Nowra, and East Nowra area, and have been liaising with Council's Strategic Planning Team. SINSW would be in contact with Council's Strategic Planning Team moving forward once possible locations have been determined.

## Integrated Recreational Strategic Plan Investigations

Council's Community Infrastructure Strategic Plan (CISP) is the overarching strategic document to guide Council's Social and Infrastructure Planning. Council's current CISP identifies 19 community infrastructure items in the Worrigee, South Nowra, and East Nowra area, with an additional 25 community infrastructure items identified by Council's Social Infrastructure Planning Team through the desktop site investigation for the proposed aquatic facility. A total of 44 community infrastructure items, in the form of built structures and open space have been identified in the Worrigee, South Nowra, and East Nowra area. This is further detailed in Attachment 1.

Council's Social Infrastructure Planning Team are currently undertaking a thorough review of the CISP, which will involve the strategic review of all recreational and park land within the City of Shoalhaven. The integrated and connected recreational strategic plan proposed for the Worrigee, South Nowra, and East Nowra area will be considered under the review of the CISP which will allow for the proposed strategic plan to expand wider than the three precincts. The proposed cycleway and way finding will extend and connect to the wider Shoalhaven to encourage residents to seek recreational experiences both within, and outside the Worrigee, South Nowra, and East Nowra areas.

Council staff have conducted an initial desktop review of possible integrated connections in the Worrigee, South Nowra, and East Nowra area. Opportunities have been identified for a connected open space network throughout Council owned community land. The current community use and future needs for these open spaces will be further investigated during community consultation for the CISP review, which can be incorporated in the strategic development of an integrated plan.

Possible social infrastructure opportunities throughout the open space networks could include: Outdoor Exercise Equipment; Inclusive Playground; Local Skatepark; Modular Pump Track; Water Play; Pathway Networks; Basketball Halfcourt; Outdoor BBQ; Nature Play; Shelters and Seating; Shade; and a Multi-sports Cage.

An overview of the open space opportunities in the area can be seen in Attachment 1.

## Community Engagement

It is proposed that community engagement for the integrated and connected recreational plan would occur as part of the review of the CISP.

Targeted consultation will occur in the Worrigee, South Nowra, and East Nowra areas to ensure that a thorough community engagement and consultation process is undertaken with a range of stakeholders, community groups and residents. This will include a survey as per MIN21.12.

This may lead to an exciting opportunity to provide a number of varied and connected open spaces with embellishments to existing infrastructure to create precincts that offer new and challenging experiences alongside appealing places to gather, meet, socialise and relax.

## Policy Implications

### Aquatic Facility

Shoalhaven City Council's Community Infrastructure Strategic Plan (CISP) identifies that Council's pools are highly valued and well used.

Application of the Community Infrastructure Classification Framework and Provision Standards for aquatic facilities recommends:

- Local Aquatic Facility – 1 facility per 10,000 – 40,000 people
- District Aquatic Facility – 1 facility per 40,000 – 70,000 people



The CISP identifies that the Shoalhaven LGA is well provided for with aquatic facilities, which is meeting demands now and into the future 2036.

#### Community Centre

Shoalhaven City Council's Community Infrastructure Strategic Plan (CISP) identifies that Community Centres are highly valued and service the needs of the immediate surrounding community. These are often volunteer run through a s355 Management Committee model which engenders local involvement and support offering a cost-effective delivery model.

- Local Community Building – 1 facility per 10,000 people

The CISP identifies that the Shoalhaven LGA is well provided for with community facilities overall, however when considered in the context of local communities, this area of the Shoalhaven is underserved.

#### **Financial Implications**

The investigations to date are 'desktop' based, along with preliminary site visits and have been funded through the Community Planning and Projects Department staff budget.

Council does not currently have an identified budget to plan, build or operate any of the facilities or embellishment to open space that are currently under investigation and consideration.

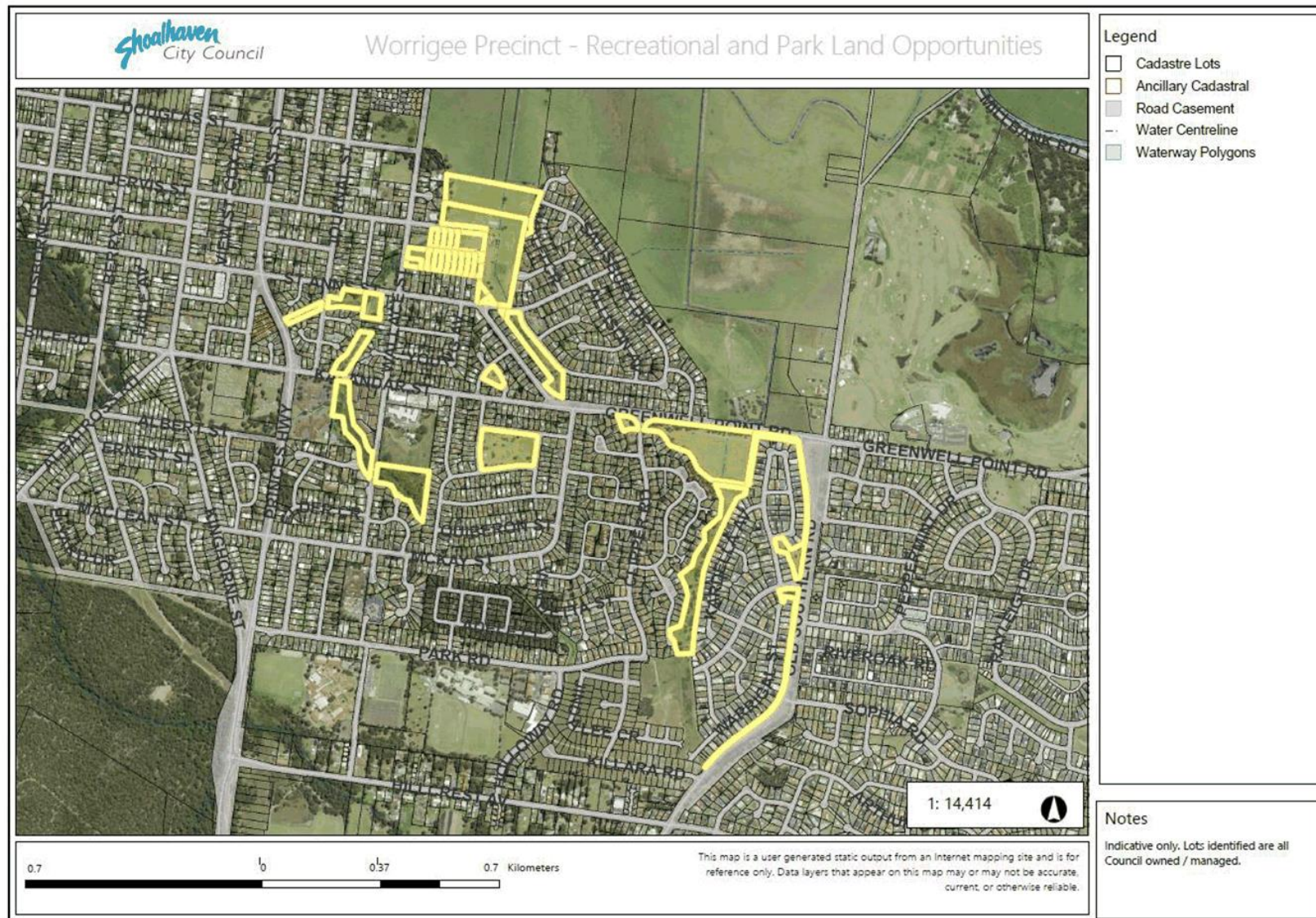
Further report in relation to this will be prepared for Council as per MIN21.11 part (2).

#### **Risk Implications**

##### Aquatic Facility

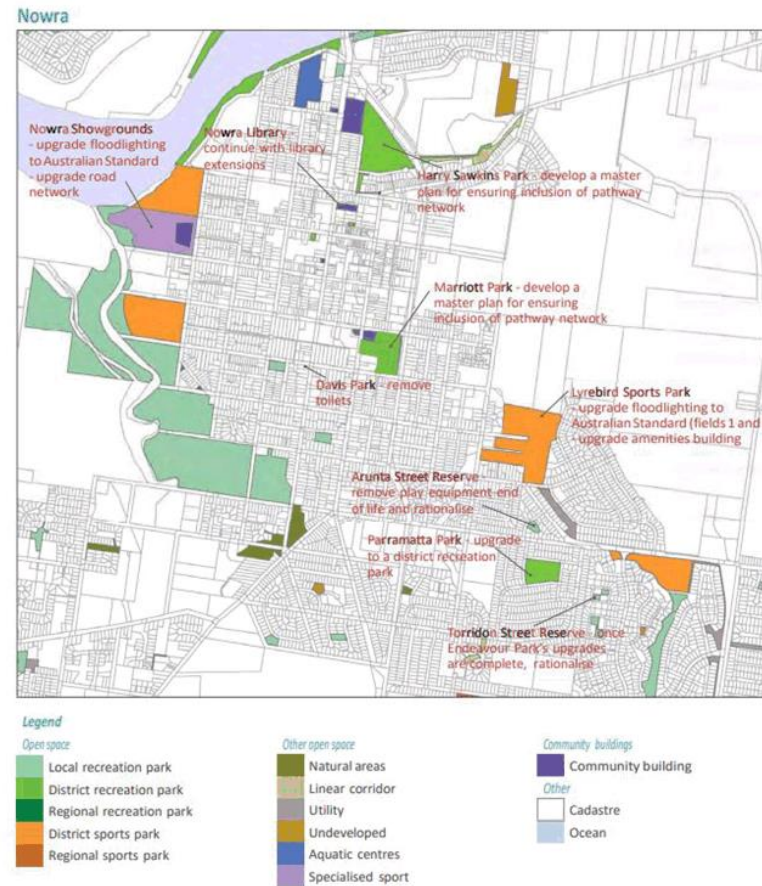
The suggested aquatic facility is currently in its early stages, therefore the suitability of a site, delivery cost, maintenance cost, and the scope of the project are undetermined. These factors present a risk to the formation of a PPP as these details would be required to proceed further with any proposal.

Further technical investigations would be required for the proposal, including environmental impact assessments and geotechnical studies. The result of any technical investigation may ultimately rule out the suitability of a site.





## Mapping – Community Infrastructure Strategic Plan



**Social Infrastructure Opportunities**





## SA21.165 Site Investigations and Consultation - Community Swimming Pool - Culburra Beach

**HPERM Ref:** D21/179935

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Shortlisted Sites - Proposed Community Swimming Pool - Culburra Beach [↓](#)

### Reason for Report

To update Council on the outcomes of the investigation for a community swimming pool in the Culburra Beach locality and to seek Council's endorsement on a way forward for this proposal.

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

That Council:

1. Receive this report as an update on:
  - a. Possible sites for the location of the proposed community swimming pool in the Culburra Beach locality being;
    - i. Culburra Community Centre
    - ii. West Culburra development
  - b. Legislative requirements and guidelines for swimming pool management, operation and safety;
  - c. Discussions with The Halloran Trust on a potential Public Private Partnership to deliver the proposed community swimming pool within the West Culburra development.
2. Commence consultations with the community and the Halloran Trust to investigate the desired location, features and feasibility of the proposed community swimming pool at Culburra Beach at the locations noted in 1(a)(i) being Culburra Community Centre and 1(a)(ii) being West Culburra development;
3. Commence consultations with the community on their willingness to operate and manage a community swimming pool;
4. Receive a further report on the outcomes of the consultation, site identification and feasibility of establishing the proposed community pool to be operated by the local community.

### Options

1. Adopt the recommendation.

Implications: This will ensure that the project progresses in line with the Council resolution and community expectations, while allowing a detailed report back to Council upon feedback received from consultation, site identification and feasibility of the proposed community pool.

2. Adopt an alternate recommendation.

Implications: Depending on the nature of the alternate recommendation, it may be inconsistent with the Council resolution and may result in delays to the project.

## Background

At the Strategy and Assets Committee Meeting on 9 February 2021, a Notice of Motion was reported to Council regarding a potential community swimming pool at Culburra Beach. It was resolved that (MIN21.66):

1. *The CEO consult with the Culburra Community exploring the feasibility of establishing a community pool in Culburra Beach to be run by the local community.*
2. *The Halloran Trust be included in the consultation.*
3. *As part of the consultation process, the CEO identify potential sites (including suitable Council owned sites) for development of such a facility, with a report back to Council on the outcomes of the consultation, site investigations and feasibility.*

## Site Investigation

Council's Social Infrastructure Planning Team sought advice from Property Services Team and subsequently undertook a desktop analysis of the Culburra Beach locality and surrounds to identify potential sites, with a focus on Council owned and/or managed sites suitable for the development of the proposed community pool. This process identified 5 Council owned and/or managed sites along with Halloran's Land which forms the West Culburra development.

Two beaches are easily accessible in the locality, being Culburra Beach and Warrain Beach. Council currently owns and manages Greenwell Point Village Pool, located approximately 15km from the locality of Culburra Beach.

Greenwell Point Village Pool was used to determine general site characteristics and requirements for the proposed swimming pool and resulted in the site criteria provided below:

- Unconstrained land, inclusive of Council owned land with ability to accommodate proposed swimming pool within the Culburra Beach locality
- Land does not contain existing community or social infrastructure or if infrastructure exists, can be consolidated or re-purposed.
- A recreation facility (indoor/outdoor) is permissible in the land zoning
- Site meets minimum dimensions identified of 32m x 19m for (25 metre pool x 6 lanes) footprint determined from desktop analysis Greenwell Point (see Figure 1) with an approximate site area for the pool, amenities and open space being 3,500m<sup>2</sup>
- No environmental constraints identified or if existing can be mitigated
- Proposed swimming pool would be in parallel with existing or proposed strategic plans and other relevant Council documents.



**Figure 1** Approximate Footprint of Greenwell Point Village Pool (inclusive of amenities block, open space, and shading)

**Table 1** below details the shortlisted sites that were identified during the desktop analysis as being possibilities for the proposed community pool. The suitability of these sites was assessed using the above criteria, which provided a clearer indication of their overall suitability.

Location / Site	Land Ownership	Size	Permissible Use	Meets minimum dimensions	Comment
Former Culburra Waste Depot	Shoalhaven City Council	2.71ha	Yes	Yes	Open space consisting of Bushfire Prone Land and Sewerage Treatment Plant buffer – <b>not recommended</b>
The Triangle	Shoalhaven City Council	7,050m <sup>2</sup>	Yes	Yes	Passive open space with limited space in a residential location – <b>not recommended</b>
Crookhaven Park	Shoalhaven City Council	5,997m <sup>2</sup>	Yes	Yes	Open space with significant Aboriginal Cultural Heritage and Bushfire Prone Land – <b>not recommended</b>
Culburra Park	Shoalhaven City Council	8,391m <sup>2</sup>	Yes	Yes	Passive open space in residential

					location with access constraints. Current resolution to investigate as a Dog Off Leash Area – <b>not recommended</b>
Culburra Community Centre	Shoalhaven City Council	1.25ha	Yes – pending approval as ancillary use to community facility	Yes	Community Centre and car park are currently located on the site. Potential space for additional infrastructure and easement. – <b>propose to investigate further</b>
Halloran's Land (West Culburra development)	Various (Sealark Pty Ltd)	741ha	TBC (Zoning as deferred matter)	TBC	The Halloran Trust advised such considerations to be months or possibly years away - <b>revisit pending outcome of other site investigations</b>

SA21.165

**Table 1** Shortlist of Sites assessed against criteria

Potential sites for the proposed community pool will be included as options for feedback as part of the further investigations and consultation, pending Council's resolution. The environmental constraints for the potential sites will require further investigations to determine the possible extent of any impact. Further details on the particulars of these sites is found in Attachment 1.

### Discussions with The Halloran Trust

Council staff engaged in discussions with The Halloran Trust in relation to the delivery of a community pool, which could be located in the West Culburra development. The Halloran Trust advised their willingness to support the Culburra Beach Community and engage in more detailed discussions with Council for future possibilities for a swimming pool, however they do not wish to disrupt the current processes for the West Culburra development.

The Halloran Trust is open to considering the inclusion of a swimming pool as part of the West Culburra development, or other locations owned by The Halloran Trust, however these considerations were advised to be months or possibly years away.



In consideration of the above response, Council's Social Infrastructure Planning Team will continue discussions with The Halloran Trust regarding the possible formation of a Public Private Partnership as the West Culburra development progresses should the other site identified ultimately not be suitable.

## **Council's Village Pools**

### Operation and Management

Council's Shoalhaven Swim Sport and Fitness department currently manages 12 public pools in the City of Shoalhaven, ranging from competition standard aquatic centres to sea pools. Of these 12 pools, 5 pools are categorised as 'village pools', as they are only open during the 'swimming season' which generally runs between November and March inclusive. The village pools are listed below:

- Greenwell Point Village Pool
- Berry Village Pool
- Kangaroo Valley Village Pool
- Milton Village Pool
- Shoalhaven Heads Village Pool

Many of Council's village pools have a history of being outsourced to external providers ranging from large corporations to small family or community operations. Each of the management and operation models were initially successful, but ultimately all have been returned to Council's management, most commonly due to:

- The management / operational model was financially unsustainable for the provider and Council
- The provider's inability to find and retain qualified staff to run, operate and maintain the facility.

The most recently outsourced Council pool was the Kangaroo Valley Village Pool. This agreement was initially successful, but ultimately the facility has since been handed back to Council for operation and management.

### Patronage

Council's village pools are generally moderately sized outdoor pools of 5-6 lanes ranging from 20-25 metres. The main users of the village pools are those in the immediate locality, with patronage of the village pools ranging from approximately 2500 to 5500 per season. In comparison to Council's larger aquatic centres, which can receive up to approximately 190,000 visitors per centre annually. It should be noted that the village pools are only open during the summer period (November – March, approximately 5 months).

Greenwell Point Village Pool is located approximately 15 kilometres from Culburra Beach, with patronage numbers on the lower side of Council's village pools.

A recent Notice of Motion was reported to Council's Strategy and Assets Committee Meeting on 9 February 2021, where Council resolved (MIN21.89) *That a report be provided back to Council for possible options for heating the Greenwell Point Swimming Pool*. This was reported back to the Strategy and Assets Committee Meeting on 18 May 2021, and it was resolved to install solar heating to the Greenwell Point Village Pool (MIN21.285)

Pending the design and features of the proposed swimming pool at Culburra, it is possible that the proposed swimming pool may reduce patronage at the Greenwell Point Village Pool.

## Swimming Pool Operational Requirements

The community, as the operator of the proposed swimming pool would be required to have access to, and an understanding of the following to meet the obligations under the relevant NSW health and safety legislation, Practice Notes and industry guidelines.

### Water Quality - Public Health Act 2010 and Public Health Regulation 2012

The Public Health Act 2010 and Public Health Regulation 2012 control the public health risk associated with public swimming and spa pools.

Part 3 Environmental Health; Division 3 Control of public swimming pools and spa pools of the Public Health Act 2010 specifies definitions, offences and penalties associated with non-compliance with the legislative operational requirements which may include imprisonment, depending on the offence.

NSW Health provides a list of issues associated with public swimming pools, which include but are not limited to the following:

- Inspection reports and log sheets;
- Monitoring chemical dosing controllers and manual testing of pool water at required intervals;
- Sanitisation and disinfecting of pools to maintain within prescribed NSW Health parameters;
- Microbiology and chemical testing and frequency; and
- Contamination response plans.

The qualifications required to effectively operate and manage a community swimming pool are discussed further in “Industry Qualifications”.

### Water Safety - NSW Practice Note No. 15: Water Safety

NSW Practice Note No. 15: Water Safety was developed to guide Council’s in strengthening water safety functions and to minimise the risks associated with aquatic locations under their care and control. The responsibilities detailed within the Practice Note outlines appropriate training of staff, signage, regulatory activities in public spaces and emergency equipment. The Practice Note refers to additional key guidance documents relating to water safety functions:

- Guidelines for Safe Pool Operations (Royal Life Saving Society of Australia);
- Signs as Remote Supervision (2014, Statewide Mutual);
- Australian Standard AS/NZS 2416.1:2010 Water safety signs and beach flags – Specifications for water safety signs used in workplaces and public area (2010, SAI Global).
- Australian Standard AS/NZS ISO 31000:2009 Risk management – Principles and Guidelines (2010, SAI Global); and
- Coronial reports and recommendations.

Whilst these are guidance notes, in the event of an incident that may lead to a coronial inquest or legal action an ‘expert witness’ will use the Practice Note as an established industry requirement in any investigations.

### Management and Operation - RLSSA Guidelines for Safe Pool Operations

Royal Life Saving Australia (RLSSA) sets out management standards and practices that provide guidelines and management information about minimum requirements and best practice operation of public pools and aquatic facilities. The RLSSA Guidelines for Safe Pool Operations (GSPO) is the recognised industry standard that sets out the minimum requirements for a safe aquatic facility. The guidelines are primarily designed to be applied to municipal owned public facilities, however, they also relate to all aquatic facilities for which

the public are encouraged to attend. It is noted the guidelines are voluntary and are to act as a guide for operators.

The GSPO includes 92 guidelines across the seven sections of aquatic facility operation being:

- General Operations
- Technical Operations
- First Aid
- Facility Design
- Supervision
- Low Patronage Pools
- Programs

Whilst these are guidance notes, in the event of an incident that may lead to a coronial inquest or legal action an 'expert witness' will use the Practice Note as an established industry requirement in any investigations.

### Industry Qualifications

The management of an aquatic facility requires specific staff qualifications and training in order to effectively operate and maintain the pool and the venue. These qualifications and courses include:

- Pool Lifeguard training
- Aquatic Technical Operations training
- Workplace Assessor training
- Learn to Swim qualifications
- Facility Management training
- First Aid and Resuscitation training

If the proposed facility is outsourced as a community run pool, it would have to be ensured that these qualifications are met and maintained as being current by the outsourced community group.

### Community Engagement

Initial engagement has occurred with The Halloran Trust, as outlined above. Pending the outcome of Council's resolution, community engagement will be undertaken to determine the features, location, and feasibility of the proposed swimming pool. Council will also assess the appetite of the local Culburra community to undertake the operation and management of such a facility in line with legislative and industry requirements.

### Policy Implications

Shoalhaven City Council's Community Infrastructure Strategic Plan (CISP) identifies that Council's pools are highly valued and well used.

Application of the Community Infrastructure Classification Framework and Provision Standards for aquatic facilities recommends:

- Local Aquatic Facility – 1 facility per 10,000 – 40,000 people
- District Aquatic Facility – 1 facility per 40,000 – 70,000 people

The CISP identifies that the Shoalhaven LGA is well provided for with aquatic facilities, which is meeting demands now and into the future 2036.

## Financial Implications

The investigations to date are 'desktop' based and have been funded through the Community Planning and Projects Department staff budget.

Council does not currently have an identified budget to plan, build or operate the proposed swimming pool at Culburra Beach. In addition, the project is in its initial planning stages and the estimated cost of construction cannot yet be determined.

Should Council determine to undertake further and more detailed investigations once a preferred site has been determined, and the scope of such a facility clarified, funding will be required to progress this with the development of preliminary concept designs. Further funding would be required should Council determine to progress this project to a shovel ready / construction ready detailed design.

Council's Social Infrastructure Planning Team undertook preliminary discussions with Shoalhaven Swim Sport and Fitness on costings associated with the operation and management of existing village pools, it is anticipated the cost associated with a village pool in Culburra Beach would be similar to that which is incurred at similar facilities which range from \$80,000 – to \$112,000 nett cost per season.

A basic swimming pool similar in size and features to the Greenwell Point Village Pool would cost approximately \$6 million to deliver. A similar facility to Sussex Inlet Aquatic Centre which includes an indoor heated swimming pool would cost approximately \$12 million to deliver. Additional costings would need to be considered for current compliance requirements, amenities, pool plants, machinery and fit out.

As per MIN21.66, a further detailed report will be presented to Council on the feedback received as part of consultation, site investigations and feasibility of the proposed swimming pool. Once these investigations have been completed to determine the desired features and the location of the proposed swimming pool, a high level preliminary estimated cost to deliver and maintain the proposed facility can be reported to Council, to assist assessing the overall feasibility.

## Risk Implications

### Financial Risk

Due to the unknown scope of the swimming pool, the delivery and maintenance costs are undetermined. These factors present a risk to the delivery of the swimming pool and ability to secure funds and meet ongoing operational costs. This also presents as a risk in discussions with The Halloran Trust on the possible formation of a Public Private Partnership.

A number of Councils in New South Wales initially outsourced the operation of their aquatic facilities to external providers but are now largely resuming the in-house operation of these facilities. This is due to the costs associated with ongoing operations and inadequate maintenance, asset management and reinvestment in facilities by external management operators who are profit driven, the industry requirements for professional staff with minimum levels of qualifications and training and staff to customer supervision ratios.

In-house management reduces the risk to Council, who is able to manage the quality consistency of service and ensure facilities are maintained to the required standard to meet public health guidelines and provide a safe environment for staff and customers alike.

Past experience has demonstrated that with a Council owned swimming pool that is outsourced to external providers and ultimately being returned to Council's management, there is a significant financial risk that is associated with the operation, maintenance, and training of staff if the operator is unable to upkeep the facility to the appropriate standards and legislation requirements.

### Environmental Risk

The identified site would require further technical investigations to determine suitability of the site to locate the proposed swimming pool. Council's GIS program indicates a large number of threatened flora and fauna species in the Culburra Beach locality, the future site of the swimming pool will need to ensure there are no adverse environmental impacts.

### Council Liability Risk

If the proposed swimming pool is to be run by the local community, Council will need to be satisfied that the community is able to competently run the swimming pool in accordance with legislative requirements and standards. As such, if the proposed swimming pool is under lease to the local community to operate and manage, Council will need to conduct audits in accordance with legislative requirements and standards, and the Licence will need Terms and Conditions which clearly explain responsibility, liability and risk associated.

If the proposed swimming pool is to be funded and delivered by Council, it will become a Council asset which requires insurance. The community will also be required to obtain their own insurance as part of the lease for the operation and management. The community will need to be made explicitly aware of their requirements and liability as part of the lease, as the swimming pool will ultimately be Council's asset.

**Shortlisted Sites – Proposed Culburra Community Swimming Pool**







**Former Culburra Waste Depot**

<b>Common Name</b>	Former Culburra Waste Depot
<b>Area</b>	2.71ha
<b>Property Description</b>	Lot 1 DP 226779
<b>Address</b>	Culburra Rd, Culburra Beach 2540
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	N/A
<b>CISP Identified</b>	No
<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	 <p>☆ Cadastre : Culburra Rd</p> <p>Owner : Shoalhaven City Council Address : Culburra Rd Details : Lot 1 DP 226779 Suburb : CULBURRA BEACH UPN : 44527 T1 Property ID : 56000 <a href="#">More information</a> <a href="#">Streetsview</a> <a href="#">Run a Report</a></p>

**The Triangle**


<b>Common Name</b>	Fred Evans Park
<b>Area</b>	7,050m <sup>2</sup>
<b>Property Description</b>	Lot 1663 DP 12278
<b>Address</b>	The Triangle, Culburra Beach 2540
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Community Land – Park
<b>CISP Identified</b>	Yes -undeveloped open space
<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	

**Crookhaven Park**

<b>Common Name</b>	Crookhaven Park
<b>Area</b>	5,997m <sup>2</sup>
<b>Property Description</b>	Part Lot 7306 DP 1156532
<b>Address</b>	Prince Edward Avenue, Culburra Beach 2540
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Community Land – General Community Use, Natural Area, Sportsground
<b>CISP Identified</b>	Yes - Upgrade – upgrade drainage and amenity facilities to increase usage capacity.
<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	

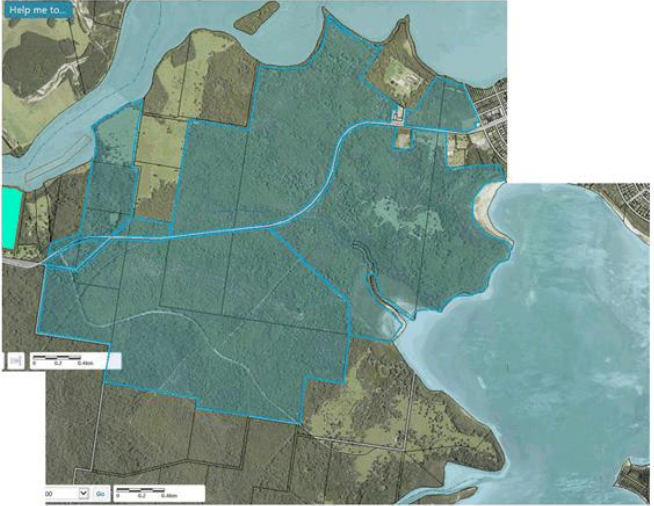
<b>Common Name</b>	Culburra Park
<b>Area</b>	8,391m2
<b>Property Description</b>	Lot 3 DP 602505
<b>Address</b>	Brighton Parade, Culburra Beach 2540
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Community Land / Operational Land – Park
<b>CISP Identified</b>	No
<b>Land Use Zoning</b>	RE1 – Public Recreation
<b>Aerial image</b>	<p>☆ Cadastre: Brighton Pde</p> <p>Owner: Shoalhaven City Council          Address: Brighton Pde          Details: Lot 3 DP 602505          Suburb: CULBURRA BEACH          UPR: 46485          T1 Property ID: 40072  <a href="#">More information</a>  <a href="#">Streetview</a></p> <p><a href="#">Run a Report</a></p> <p>Area: 2,405.25 m<sup>2</sup>          Perimeter: 231 m          Area: 7,502.66 m<sup>2</sup>          Perimeter: 395.12 m</p>

**Culburra Community Centre**

<b>Common Name</b>	Culburra Community Centre
<b>Area</b>	1.25ha
<b>Property Description</b>	Lot 2 DP1271787
<b>Address</b>	988 Culburra Rd, CULBURRA BEACH
<b>Owner</b>	Shoalhaven City Council
<b>Classification / Category</b>	Operational Land – Community Centre
<b>CISP Identified</b>	No
<b>Land Use Zoning</b>	SP2 - Infrastructure
<b>Aerial image</b>	



**Halloran's Land**

<b>Common Name</b>	West Culburra Development
<b>Area</b>	741ha
<b>Property Description</b>	Lot 55, 56, 63 & 80 DP 755971 Lot 1 DP 973063 Lot 1 DP 973064 Lot 5, 6, 7 & 8 DP 1065111
<b>Address</b>	Culburra Rd, Wollumboola Culburra Rd, Culburra Beach
<b>Owner</b>	Various
<b>Classification / Category</b>	N/A
<b>CISP Identified</b>	No
<b>Land Use Zoning</b>	Deferred matter – Planning Proposal currently under assessment
<b>Aerial image</b>	 An aerial photograph of a coastal area. A large, irregularly shaped area of land is outlined in blue. This area is mostly covered in dense green vegetation, with some cleared patches and roads visible. The land is situated along a coastline with a sandy beach and the ocean to the east. A scale bar at the bottom left indicates distances up to 4 km. A small text box in the top left corner of the map area says 'Help me to...'. The map also shows surrounding land parcels, some of which are outlined in black.



## SA21.166 Request for Plaques and Memorial - Plaques and Memorials Policy

**HPERM Ref:** D21/195027

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Detailed Information - Request for Plaques and Memorials April - June 2021 (councillors information folder)

### Reason for Report

To seek Council approval via a resolution for the requests for eleven (11) plaques to be installed within the public domain in Ulladulla, Hyams Beach, Sussex Inlet (two locations), Bandalong, Callala Beach, Vincentia (two locations), Kioloa, Mollymook or Ulladulla, and Lake Conjola.

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

That Council as per the Plaques and Memorials Policy:

1. Approve the request for a new seat and plaque at Bombie Beach carpark, Ulladulla.
2. Approve the request for a new seat and plaque at Hyams Beach Boat Ramp.
3. Approve the request for a new seat and plaque at Trevenar Reserve, Sussex Inlet.
4. Approve the request for a new seat and plaque at Inyadda Beach entrance, Bandalong.
5. Approve the request for a plaque only at Callala Creek Bicentennial Park, Callala Bay.
6. Approve the request for a new seat and plaque at Collingwood Beach, Vincentia.
7. Approve the request for a new seat and plaque at Ellmoos Reserve, Sussex Inlet.
8. Approve the request for a new seat and plaque at Scerri Dr, Kioloa.
9. Approve the request for a plaque only at Nelsons Beach, Vincentia.
10. Approve *either* the request for a plaque only at Mollymook Beach Reserve, Mollymook *or* the request for a new seat and plaque at Rennies Beach, Ulladulla dependent on the preference of the applicant.
11. Approve the request for a new seat and plaque at Carroll Avenue Reserve, Lake Conjola.

### Options

1. Adopt the recommendation.

Implications: This is consistent with the adopted Plaques and Memorials Policy and will allow staff to advise the applicants of the outcome of their request.

2. Adopt an alternative recommendation.

Implications: An alternative recommendation may be inconsistent with the Plaques and Memorials Policy.

## Background

As per the adopted Plaques and Memorials Policy (POL19/70), Council staff have received a number of requests to install a plaque in memory of a person on Council owned and/or managed land.

This report summarises the requests received from the April-June 2021 quarter, and identifies whether they are for new or existing infrastructure and whether the request is consistent with the adopted Policy.

The requests received are located in various areas within the Shoalhaven and are addressed in the next section of this report. In accordance with the adopted Plaques and Memorials Policy (POL 19/70), a Council resolution is required to approve the installation of a plaque or memorial.

## Consideration of Requests – Plaques and Memorials Policy

Council has received eleven (11) plaque or memorial requests on Council owned and / or managed land. These are summarised in *Table 1* below. Additional detail of the individual requests is provided within the Councillors Information Folder to ensure that these requests are managed sensitively.

*Table 1 – Summary of Requests for Plaques*

	Infrastructure Request	Preferred Location	Consistency with Policy
1	New Seat and Plaque	Bombie Beach carpark, Ulladulla	Yes
2	New Seat and Plaque	Boat Ramp, Hyams Beach	Yes
3	New Seat and Plaque	Trevenar Reserve, Sussex Inlet	Yes
4	New Seat and Plaque	Inyadda Beach entrance, Bandalong	Yes
5	Plaque Only	Callala Creek Bicentennial Reserve, Callala Beach	Yes
6	New Seat and Plaque	Collingwood St Reserve, Vincentia	Yes
7	New Seat and Plaque	Jacob Ellmoos Reserve, Sussex Inlet	Yes
8	New Seat and Plaque	Scerri Dr, Kioloa	Yes
9	Plaque Only	Southern viewing platform, Nelsons Beach, Vincentia	Yes
10*	Option 1. Plaque Only	Mollymook Beach Reserve, Mollymook	Yes
	Option 2. New Seat and Plaque	Rennies Beach, Ulladulla	Yes
11	New Seat and Plaque	Carroll Avenue Reserve, Lake Conjola	Yes

\*At time of writing the report a response from the family on their location preference has not been received.

## Policy Implications

The requests received have been considered in line with the criteria contained within the adopted Plaques and Memorials Policy (POL19/70).

As per the approval process of the Policy, a Council resolution is required to approve the installation of a plaque or memorial.

Each application is generally consistent with the Plaques and Memorials Policy and is therefore recommended to be supported. Where applications have been for 'townships', Council staff have negotiated with the applicant to determine a specific location. Where this has been confirmed it is detailed in the attachment with a blue dot. The precise location has yet to be confirmed with 4 requests - however the request for a new memorial seat and plaque is consistent with the Policy and therefore recommended to be supported.

**Financial Implications**

As per the adopted Plaques and Memorials Policy, the delivery of the requests will be funded by the applicant, however Council will be responsible for maintenance and operational costs.

The Asset Custodian for each of the preferred locations of each request has considered each individual request and noted that the maintenance and operation of the new infrastructure will be managed within existing Operational Budgets.

## SA21.167 Shoalhaven Community and Recreation Precinct (SCaRP) update

**HPERM Ref:** D21/247714

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Master Plan Shoalhaven Community and Recreation Precinct (SCaRP) - Site Layout [↓](#)  
2. Master Plan Report - Shoalhaven Community and Recreation Precinct October 2019 (under separate cover) [⇒](#)

### Reason for Report

To provide an update on the Shoalhaven Community and Recreation Precinct (SCaRP) Project and to seek endorsement of the proposed next steps in development of the northern section of SCaRP project.

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

That Council

1. Accept the update on the Shoalhaven Community and Recreation Precinct (SCaRP) Project for information.
2. Endorse the progression to tender for the detail design and staging plan of the Northern Section of SCaRP in line with the endorsed Master Plan (attached) including:-
  - a. Pavilion - Community Hub, 50 Metre indoor pool, learn to swim pool, water play pool features, gym and fitness facilities
  - b. Synthetic Athletics Track
  - c. Rugby League Fields
  - d. Associated infrastructure (carparks, pathways and landscaping)

### Options

1. Adopt the recommendation as written.

Implications: This will ensure that Council is kept up to date on the progress of the southern section and provide assurance for the development of the northern section of SCaRP to progress to detailed, construction ready designs to be ready for grant funding opportunities. This will meet the community's expectations regarding the future development and delivery of the northern section of SCaRP.

2. Reduce the scope of the project with the removal of community spaces (including child-care, consulting rooms and community service elements) from the Pavilion and detail design the new scope.

Implications: This may not meet the expectations of the community and nor address the growing population in the area and their wellness / welfare needs and access to specialist services within the locale into the future. With the development of Moss Vale Urban Release areas there will be greater pressures in the area to provide public and community spaces. This may reduce costs for the construction of the Pavilion.

3. Develop a Detail Design for the site with the Athletics Track being stage one of the construction development.

Implications: This would meet the expectations of the community for the site being detail designed and fast track the development of an athletics facility. However, this would necessitate the closure of the Bomaderry Aquatic Centre including pool both indoor and outdoor pools to enable this aspect of the project to proceed. The construction of the athletics track is on the site currently occupied by the Bomaderry Aquatic Centre. The construction of stage 2 for the pool / aquatic facilities would be within the Pavilion once the athletics track is completed. The community are unlikely to support the closing of the Bomaderry Aquatic Centre and loss of services until such time as the new Pavilion is constructed and opened.

4. Reject the recommendation as written and provide an alternative way forward.

Implications: This may not meet the community's expectations and impact the development of the northern section of SCaRP.

## Background

The development of the Shoalhaven Community and Recreation Precinct (SCaRP) project is to provide a multipurpose community facility which is efficient and sustainable to meet today's local and regional community needs with spaces to deliver health, fitness, education, wellbeing and community services (Attachment 1 and 2).

It will boost sporting activities in the Shoalhaven local government area including hosting events, such as the Koori Knockout October 2021, which is a national rugby league sporting event. This facility will provide a space for local, state, and national sporting communities and will bring much needed tourism dollars to the area while providing locals and visitors a hub for sporting and community activities in one space in the Northern Shoalhaven.

The SCaRP Master Plan and report for the project was endorsed by Council in 2018. Since that time Council has progressed with a number of aspects which are outlined below.

Prior to proceeding to the detail design of the northern section of SCaRP, which includes:

- Community Pavilion (indoor 50m pool, learn to swim pool, water play pool features, gym and fitness spaces, offices and community spaces),
- Synthetic Athletics Track,
- Rugby League Fields
- Associated infrastructure

Staff are seeking confirmation of Council's continued support for the project and endorsement to progress to detail design which would allow the project to be 'shovel ready' and eligible for grant funding opportunities.

With the development of Artie Smith Oval Project, Nowra Croquet will be accommodated allowing their current home on the Bomaderry Oval part of the site to be redeveloped as part of the northern section of SCaRP. Once completed this allows potential works on the northern side of the precinct to be considered.

Council is proposing to seek a contractor to develop the detail design and staging plan for the entire northern section of SCaRP. The staging plan will need to identify development that will have minimal impact and disruption on the current users and the current pool site - this is assuming that Council still supports the retention of services and operation at the Bomaderry Aquatic Centre whilst the Community Pavilion is constructed.

Once this has been developed, Council would be able to progress to the delivery of each stage as funding becomes available.

The current proposal as identified in Attachment 1 shows a Community Pavilion which is approximately 7500m<sup>2</sup> and includes:-

- 8 lane 50m pool,
- Learn to swim pool and
- Water play pool features
- Retail and café area
- Day care
- Offices
- Lounge
- Gym / fitness
- Consultation rooms
- Meeting rooms
- Amenities – toilets and change facilities including a changing place
- Outdoor spaces/playground
- Foyer and circulation areas

Synthetic Athletics Track with amenities, maintenance building, spectator seating, footpaths and carparking.

Rugby League Field (2 Senior), amenities building, terrace seating, temporary grandstand seating and pathways.

Council could elect to reduce the size of the community pavilion (currently proposed 7500m<sup>2</sup>) and deliver a space that would provide the pool components (50m pool, learn to swim, water play pool feature and Gym / fitness space) this is likely to remove approximately 2000m<sup>2</sup> floor space (The Bay and Basin Leisure Centre is 5796m<sup>2</sup> and has outgrown its current footprint with investigations being undertaken to increase the facility to meet the current and future needs of the community).

The Pavilion is a major cost component of the project and the change to size may reduce costs, but any cost reduction is unknown at this point until the plans are detailed designed and quantity surveyed. The Bomaderry Area is identified as a growth area in the State Governments Illawarra Shoalhaven Regional Strategy and therefore community and recreation spaces are likely to be more in demand in the future, and any reduction may impact our provision for this. Given the current population and demographics of the northern Shoalhaven and the predicted growth (when compared to the Bay and Basin area) the anticipated footprint of the pavilion should exceed that which is currently offered at the Bay and Basin Leisure Centre and foreshadowed to be increased pending the outcome of the current investigations.

Council would stage the delivery of the northern section of the SCARP Plan, with some components such as the Rugby League Fields being delivered without impact on the remainder of the site. Due to the need for a considerable cut and fill to the southern section of Bomaderry Oval the development of the Athletics Track prior to the Pavilion would mean the loss of the Bomaderry Aquatic Centre including both indoor and outdoor swimming pools. The current pool site has extensive usage especially with the Learn to Swim and squad programs along with aqua based fitness classes - which would be difficult to accommodate elsewhere. Given the strength of support for the Bomaderry Aquatic Centre it is anticipated that such an approach would not be received well and have a significant impact on the community.

Upon completion of the site detailed design and quantity survey Council would be in a position to apply for grant funding and approach Local Members of Parliament, State Sporting Associations, and Government Departments such as Education and Training to assist and partner with Council for the delivery of the facility.



Discussions have been occurring with the Government and Peak Sporting Bodies since the Master Plan development and will continue as the project progresses.

To date the following project milestones have been achieved:

### **Indoor Sports Centre**

The first stage of the SCaRP project has already been completed with the official opening of the Shoalhaven Indoor Sports Centre (SISC) on 15 November 2019. Since the opening of the SISC it has been very successful hosting many sporting activities and receiving positive feedback as a well-appointed facility that can host sporting events at a national level. The facility is a public space and can accommodate indoor sports such as basketball, netball, futsal, badminton, cricket together with facilities for conferences and meetings and has a successful café that can cater for individuals and groups.

### **SCaRP Economic Analysis Report**

Council's consultant has developed an Economic Analysis Report for the SCaRP development (D21/671) which identifies the Project will create a major sport and community asset, generating a range of economic and social benefits and respond to high levels of socio-economic and health disadvantage in the region. This highlights the important role that sport and community facilities play in the economy of the region. The major benefits (in present value terms) include:

- An increase in the level of participation in sport, recreational and community activities. This benefit is estimated at \$40.9 million, around 37% of total benefits. This is expected given the poor quality of existing facilities and amenities at the Artie Smith and Bomaderry Sports Complex.
- An increase in economic activity in and around the Project through on-site job creation, higher visitation levels and on-site spending, and potential for major events that brings visitors into the region. This benefit is estimated at \$68 million and includes additional on-site revenue (sales and rents from commercial tenants), proceeds from land sales and induced tourism expenditure.
- Positive health impacts due to reduced absenteeism at work and avoided government health costs. This benefit is estimated at \$1.7 million. This responds directly to the region's poor performance against health indicators (e.g. obesity).

### **Capital Expenditure Review Southern Section SCaRP**

A Capital Expenditure Review (CapEx) has been developed, endorsed by the Executive Management Team and submitted to the Office of Local Government. The CapEx Review for the SCaRP Southern Section.

In summary the completion of the Shoalhaven Community and Recreational Precinct will provide the following benefits to the region:

- The project will provide a range of economic and social benefits to the region and will respond to high levels of socio-economic and health disadvantage in the region. The net present value of the project is estimated at \$18.7 million over a 30-year period and represents a benefit cost ratio of 1.21:1.
- This means that for every \$1 invested, the project is expected to generate \$1.21 of economic and community benefit.
- An increase in the level of participation in sport, recreational and community activities. This benefit is estimated at \$41 million, around 38% of total benefits. This is expected given the poor quality of existing facilities and amenities at the Artie Smith and Bomaderry Sports Complex.
- An increase in economic activity in and around the Project through on-site job creation, higher visitation levels and on-site spending, and potential for major events that brings visitors into the region. This benefit is estimated at \$65.9 million and includes additional

- on-site revenue (sales and rents from commercial tenants), proceeds from land sales and induced tourism expenditure.
- Positive health impacts due to reduced absenteeism at work and avoided government health costs. This benefit is estimated at \$1.7 million. This responds directly to the region's poor performance against health indicators (e.g., obesity).
- The total impact on the local economy would be 487 jobs and \$46.1 million in value-add from the construction phase of the project. Total impact on the local economy would be 80 jobs and \$6.2 million in value-add per year from the operational phase of the project.
- The project has the potential to host major sporting events that can attract intrastate and interstate visitors to the region. An assumed likely scenario analysis has concluded that the total impact of one annual major NSW sporting event would be 1.3 jobs and \$96,222 in value-add induced tourism expenditure. Current discussions with NSW Cricket, AFL, Rugby, Soccer and Athletics associations have suggested that they would host several major events at the site per year.

### **Southern Section (Artie Smith Oval) of SCaRP**

The Artie Smith Oval site will provide a state level standard facility with major elements including:

- New AFL/Cricket with 5 turf pitches, lighting, irrigation drainage, picket fencing electronic scoreboard, sight screens Spector seating/mounding
- AFL/Cricket Clubhouse and amenities
- Cricket Practice facility (4 X Synthetic pitches, 4 X turf pitches, storage shed)
- Perimeter security fencing
- Four croquet courts
- Croquet clubhouse and amenities
- Onsite car parking
- Open space embellishments (pathways landscaping furniture etc)

Council has allocation of funds for the delivery of these aspects of the project.

Council has been working with the consultants Ayling Drury for the construction ready plans. These Plans are scheduled for completion in July 2021.

Council has engaged Public Works Authority for project management for the construction of the Artie Smith Oval works.

Public Works Advisory are establishing a panel of contractors who will be eligible to tender for the construction of the facility. The EOI for potential construction contractors closed on the 22 June 2021 - this ensures that a panel are on board when the construction ready plans have been completed. This approach will ensure that there is a market of contractors who are available and across the project from its inception to ensure a more efficient and effective process for construction.

Construction is scheduled to commence early November following the tender process, which will be reported to Council. This timeframe considers the Koori Cup Knockout event which is being hosted across the Artie Smith and Bomaderry Sporting Complex sites.

### **Southern Section (Basketball Stadium) of SCaRP**

Bomaderry Basketball Stadium Design for DA/CC has progressed. Funding for this aspect of the project is included in FY 2020/21 and 2021/22, this has enabled a request for quotation process to be undertaken with a preferred contractor identified.

An inception meeting will occur in early July 2021 with community consultation and design works commencing shortly thereafter. The current timeline identifies 16 weeks for completion, this may need to be extended due to community consultation and the Council

transitioning into caretaker mode prior to the local government elections in September 2021.

Councillors will be kept informed of the community consultation phase and invited to participate. Proposed completion date for shovel ready documentation is December 2021. Council will receive a report on the outcome of this at the conclusion of this stage.

### **Community Engagement**

Council has been engaging with the community in relation to this project. There is a 'Get Involved' Page established which is regularly updated and has the opportunity for the community to stay engaged.

The users of the Artie Smith Site, State Sporting Organisations, Bomaderry High School, Nowra Croquet and local community organisations have been engaged during the development of the plans for the site to ensure that it meets the needs of local and State requirements.

The development of the Basketball stadium design will include community engagement (Basketball, Volleyball, Schools, and potential users) as part of the process by the consultant.

A Communications Plan will be established for the detail design phase of the Northern Section of SCaRP which will be with the user's groups (Athletics, Rugby League, Swimming, Diving, schools etc) as well as state sporting authorities, CCB and the broader community.

### **Financial Implications**

Council has an allocation of funds in the 2021/22 Financial Year for the

- Construction component of the Artie Smith Oval (southern section of SCaRP) works.
- DA/CC plans for the old Basketball Stadium.
- Detail design SCaRP northern section planning and investigations.

Funding will be required for the construction component of the old Basketball Stadium, and investigation component (i.e. traffic study) of SCaRP northern section dependant on the detail design works.

The long-term financial plan has provision for funding; however this will need to be reviewed once this next stage of work is completed and a quantity survey report is obtained. This will also be included in a future report to Council as noted above.



PROPOSED SITE LAYOUT

SHOALHAVEN COMMUNITY AND  
RECREATIONAL PRECINCT

HASELL

- 01 New Roundabout  
Camboyna Road
- 02 Pedestrian Overpass  
Camboyna Road
- 03 Community Centre Drop-Off  
Path Network
- 04 Shared Pedestrian / Cycle Zone  
Path Network
- 05 New Roundabout  
Inland Road
- 06 One-way loop road  
Clockwise direction
- 07 Parking  
400 Carparking Spaces  
(Approx. 144 bays)
- 08 Parking  
400 Carparking Spaces  
(Approx. 144 bays)
- 09 Cricket Pitch
- 10 Pedestrian Entry Gates
- 11 Light Tower
- 12 Spectator Grass Mounding
- 13 Spectator Terrace Seating  
Terrace Seating
- 14 Overflow Parking Area
- 15 Shoalhaven Community Centre  
a. Cafe/Clubhouse  
b. Lounge/Clubhouse  
c. Gymnasium  
d. Aquatic Centre  
e. Outdoor Playground
- 16 Basketball Centre Vehicular Access  
Camboyna Road
- 17 Rugby League Viewing Platform
- 18 Temporary Grandstand Seating  
Terrace Seating
- 19 Date Access  
Futaba Crescent
- 20 Pavilion
- 21 Long/High Jump
- 22 Landscape Swale
- 23 Detention Basin
- 24 Bridge
- 25 Underground Tank
- 26 Rest & Gathering Area
- 27 Service & Emergency Vehicle  
Access
- 28 Flat Warm Up Area



Revision

1. Issued with updates

2. Issued with updates

3. Issued with updates

4. Issued with updates

5. Issued with updates

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Project Name

Shoalhaven Community and

Recreational Precinct

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SA21.167 - Attachment 1

## SA21.168 Creating a Dementia-Friendly Shoalhaven

**HPERM Ref:** D21/248398

**Department:** Community Connections

**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Dementia Friendly Toolkit for Local Governments (under separate cover)  
[⇒](#)

### Reason for Report

The following report outlines the recommendations contained in Dementia Australia's *Creating Dementia-Friendly Communities Toolkit for Local Government* and the implications, including costs and benefits, associated with implementing any or all those recommendations.

This item responds to the resolution MIN21.261 of the Strategy & Assets Committee on 18 May 2021 to receive a report from the CEO with this information.

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

That Strategy & Assets Committee:

1. Receive the information in this report on making the Shoalhaven a Dementia-Friendly Community.
2. Implement the following steps to make the Shoalhaven a community that supports participation and inclusion of people with dementia.
  - a. Identify a champion within Council to lead the change.
  - b. Ready Council teams for change by embedding improvement of community inclusion into core processes.
  - c. Learn more about local context through desktop and network research.
  - d. Generate community awareness by promoting existing Council and community activities and facilities.
  - e. Engage with teams across Council to generate Council-wide awareness and support.
  - f. Consult with local people who have dementia and their families and carers about what dementia-friendly means to them in the Shoalhaven, including as part of engagement processes used for developing the Disability Inclusion Action Plan
  - g. Implement cost-neutral initiatives.
  - h. Investigate what resourcing would be required to implement other initiatives and embed dementia-friendly principles into Council functions and processes.
3. Implement the steps outlined above to make the Shoalhaven a community that supports participation and inclusion of people with all types of neurodiversity, including dementia.
4. Write to the following Ministers to ask them to consider implementing Dementia Australia's *Roadmap for Quality Dementia Care*, and the following local Members to ask for their support:
  - a. Federal Minister for Senior Australians and Aged Care Services
  - b. Federal Minister for Health and Aged Care

- c. NSW Minister for Sport, Multiculturalism, Seniors and Veterans
- d. NSW Minister for Families, Communities and Disability Services
- e. NSW Shadow Minister for Health, Shadow Minister for the Illawarra, and South Coast
- f. Member for Gilmore
- g. Member for South Coast
- h. Member for Kiama
5. Acknowledge the ageing population of the Shoalhaven deserve the values we uphold: Respect, Collaboration, Adaptability, and Integrity.

## Options

1. *Implement the identified steps to make the Shoalhaven a community that supports participation and inclusion of people with dementia.*

### Implications:

The identified steps will work to improve the way people impacted by dementia participate in the community and live their lives. Council will be more aware of diverse community needs and participation of diverse community members will be improved. More informed decision-making allows Council to plan more effectively for the future and deliver services sustainably.

The identified steps can be implemented without any additional costs.

2. *Implement the steps outlined above to make the Shoalhaven a community that supports participation and inclusion of people with all types of neurodiversity, including dementia.*

### Implications:

By carrying out the identified steps with consideration for all types of neurodiversity, Council can improve inclusion and participation for people impacted by dementia, as well as those experiencing barriers resulting from other types of neurodiversity. Neurodiversity includes conditions like dyslexia, attention-deficit/hyperactivity disorder, autism, intellectual disability, epilepsy and acquired brain injury.

The cost of implementing the steps would be the same whether they were focused on people impacted by dementia or included people with all types of neurodiversity.

## Background

Councillors will recall adopting MIN21.261 at the May 2021 Strategy & Assets Meeting where it was resolved:

1. *“Receive a report from the CEO regarding the implications of the recommendations contained in the Alzheimer’s Support Australia – Creating Dementia-Friendly Communities toolkit for Local Government and the implications, including any costs and benefits, associated with implementing any or all of those recommendations.*
2. *Acknowledge the Ageing population of the Shoalhaven deserve the values we uphold: Respect, Collaboration, Adaptability and Integrity”.*

There are an estimated 472,000 Australians living with dementia in 2021, and this is expected to increase to 590,000 by 2028 according to Dementia Australia. It is estimated that



almost 1.6 million people in Australia are involved in the care of someone living with dementia in 2021. Data from HealthStats NSW shows that there were 2,198 dementia hospitalisations in the Illawarra Shoalhaven Local Health District in 2018-19, giving a local admissions rate that was 1.6 times the rate for the rest of NSW.

Dementia is the single greatest cause of disability in Australians aged 65 years or older, which is important because the Shoalhaven has a higher proportion than the state of people in this age bracket. It is also the second leading cause of death of Australians, and the leading cause of death of Australian women.

The majority of people with dementia live directly in the community. Every day, people living with dementia, their families, and their carers, come in contact with Council as they use council services and participate in the community.

Whilst there is no cure for dementia, research suggests that good dementia care should create opportunities for people to use their remaining abilities. However, a 2014 survey by Dementia Australia showed that 57% of people living with dementia were afraid of becoming lost in their local community and 48% had difficulty in communicating with staff in stores. This means that people living with dementia in the community experience barriers to community participation, when such participation is a vital part of best practice dementia care.

As providers of a range of essential services, Council has an important role to play in ensuring that local communities are inclusive and support people with dementia to live healthy and fulfilling lives.

#### Recommendations of Dementia Australia's *Creating Dementia-Friendly Communities Toolkit for Local Government*

The toolkit is not prescriptive and emphasises that there is no one way to create a dementia-friendly community. Instead, the toolkit recommends developing a local approach that suits the needs of our community using the following steps.

1. *Create a climate for change.*  
Identify a champion within Council to lead the change and embed change into core processes. It also helps to learn more about the local context and generate awareness in the community.
2. *Engage with teams across Council* to generate Council-wide awareness and support.
3. *Engage with the community.*  
Consult with local people who have dementia and their families/carers about what dementia-friendly means to them in the Shoalhaven. Making consultation with people with diverse needs normal practice supports ongoing input from diverse community members.
4. *Implement and sustain change.*  
Identify tangible, achievable actions that can be implemented, starting with small, short-term, cost-neutral, or low-cost initiatives. Longer-term initiatives that require resourcing can also be considered, and dementia-friendly principles can be embedded into Council functions and processes.

To support these steps, Dementia Australia's toolkit provides resources and guidance for building on Council's existing work, including:

- Suggested strategies for improving engagement with people living with dementia.
- Design recommendations for indoor and outdoor environments to help improve the quality of life of people with dementia.

- Examples of ways that different teams within Council can contribute to creating a dementia-friendly community.

Further to the *Creating Dementia-Friendly Communities Toolkit for Local Government*, Dementia Australia released a *Roadmap for Quality Dementia Care* in 2021. The roadmap considers the findings of the Royal Commission into Aged Care Quality and Safety and identifies focus areas for improving the care experiences of people living with dementia, their families, and carers. The focus areas are:

- Centralised and integrated pathways to access diagnosis, support, and treatment.
- Education to build the aged care workforce capability.
- Dementia-friendly design to support independence in aged care settings.

Dementia Australia is seeking local government support in asking the Australian Federal Government to implement the Roadmap for Quality Dementia Care.

### Benefits and Costs of Implementing Steps

#### *Benefits*

There are many benefits for councils that take the lead on effective, targeted strategies to support all elements of the community in a sustainable way. Proactive councils that review and build on existing policies and services, maximise strategic partnerships and work in collaboration with members of their community can help mitigate pressure on their services, stimulate new or better service systems, and embed universal design principles into longer term planning.

Implementing these steps demonstrates Council's commitment to making the Shoalhaven more inclusive. It will work to improve the way people impacted by dementia participate in the community and live their lives. Through engaging with local people, Council will be more aware of diverse community needs and the community will be more empowered to contribute to decisions that affect them.

More-informed decision-making allows Council to plan more effectively for the future and to improve financial sustainability. It also supports Council to use existing resources for improved community outcomes.

#### *Costs*

Implementing the outlined steps would have the following financial implications:

<i>Action</i>	<i>Financial Implication</i>
<p><i>Identify a champion within Council to lead the change.</i></p> <p>A member of the Community Connections team is suggested as champion.</p>	<p>Provided that a dedicated officer is not required, it is expected that this could be carried out as part of existing roles and activities, and no additional costs would result.</p>
<p><i>Ready Council teams for change by embedding improvement of community inclusion into core processes.</i></p> <p>The champion can support advisory committees and Council teams that deliver community events/engagement and plan social infrastructure to add the following item to committee and planning agendas:</p> <ul style="list-style-type: none"> <li>• How inclusive is our project/committee now?</li> <li>• How can we improve inclusion?</li> <li>• How will we know we have improved inclusion?</li> </ul>	<p>It is expected that this could be carried out as part of existing roles and activities, and no additional costs would result.</p>
<p><i>Learn more about local context.</i></p> <p>This would involve desktop research and feedback from</p>	<p>Provided the basic research outlined is sufficient, it is expected that this could be</p>

service providers and networks.	carried out as part of existing roles, activities and networks, and no additional costs would result.
<p><i>Generate awareness in the community.</i></p> <p>The champion can identify and promote existing Council activities and facilities suitable for people with dementia, including the Libraries, Gallery, Shoalhaven Entertainment Centre, and Swim Sport Fitness. The champion can identify and promote activities provided by community groups and networks such as inclusive programs for older people and collaborative networks.</p>	It is expected that this could be carried out as part of existing roles, activities and networks, and no additional costs would result.
<p><i>Engage with teams across Council to generate Council-wide awareness and support.</i></p> <p>Starting the conversation with executive leadership, the champion could request time on team brief agendas to discuss the work with teams across Council's functions.</p>	It is expected that this could be carried out as part of existing roles, activities and networks, and no additional costs would result.
<p><i>Consult with local people who have dementia and their families/carers about what dementia-friendly means to them in the Shoalhaven.</i></p> <p>Engagement processes used for developing the Disability Inclusion Action Plan offer good opportunities for consultation with people impacted by dementia. Community engagement can also use networks within NSW Health and aged care providers.</p>	<p>It is expected that this could be carried out as part of existing roles, activities and networks, and no additional costs would result.</p> <p>More specific engagement would generate additional costs and would require approval for resource-allocation.</p>
<p><i>Implement cost-neutral initiatives.</i></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• Ensuring that cognitive disability (including dementia) is considered when developing the next Disability Inclusion Action Plan</li> <li>• Partnering with Dementia Australia to deliver free community education sessions (not including any refreshment costs)</li> <li>• As part of existing staff development processes, supporting customer-facing Council staff to access existing free tools/services to build their skills and understanding about dementia</li> </ul>	No additional costs would be incurred.
<p><i>Implement other initiatives.</i></p> <p>Embedding cognitive disability into the Disability Inclusion Action Plan provides a process for implementing actions as part of future operational planning.</p>	The additional costs would depend on the initiative. Decisions about these additional costs would be subject to approval when further detail is available.
<p><i>Embed dementia-friendly principles into Council functions and processes.</i></p> <p>Embedding cognitive disability into the development of future Disability Inclusion Action Plans is a no-cost initiative that would ensure ongoing consideration of dementia-</p>	The additional costs would depend on the initiative. Decisions about these additional costs would be subject to approval when

friendly principles for this document.

further detail is available.

### Inclusion of Community Members with Diverse Needs

A key objective of Dementia Australia's toolkit steps is to improve community inclusion and overcome barriers faced by people with diverse needs in the community. At the same time as addressing these issues for people impacted by dementia, the opportunity exists for Council to use the same process and steps to improve inclusion and participation of people with all types of neurodiversity.

Neurodiversity is a term that recognises the range of differences in individual brain function and behavioural traits that are present across the population. The concept of neurodiversity respects variations of human neurological function and recognises that these differences can bring strengths and abilities as well as challenges. Neurodiversity includes conditions like dyslexia, attention-deficit/hyperactivity disorder, autism, intellectual disability, epilepsy and acquired brain injury.

By carrying out Dementia Australia's recommended steps with consideration for all types of neurodiversity, Council can improve inclusion and participation for people impacted by dementia, as well as those experiencing barriers resulting from other types of neurodiversity. The cost of implementing the steps would be the same whether they were focused on people impacted by dementia or included people with all types of neurodiversity.

### Financial Implications

As recommended in the Creating Dementia-Friendly Communities Toolkit for Local Government, initial activities and programs that affect a culture and attitude shift within Council organisations are low cost / no cost and can be absorbed into business-as-usual activities.

It is recommended that Cognitive Disability forms part of the Disability Inclusion Action Plan. Actions identified in the DIAP that improve quality of life for those with cognitive disability in the Shoalhaven will be reported when the DIAP is presented to Council.

## SA21.169 Sanctuary Point Oval Athletics Field Improvements

**HPERM Ref:** D21/288289

**Department:** Shoalhaven Swim Sport Fitness

**Approver:** Jane Lewis, Director - City Lifestyles

### Reason for Report

To update Council on the progress of practical improvements that can be made to the Sanctuary Point Oval playing surface and storage shed in the short term.

### Recommendation

That Council:

1. Contribute to the initial line marking for St Georges Basin Little Athletics summer 2021/22 season, utilising funds from the SSSF Precinct Operations (Central) budget in 2021/22;
2. Support the St Georges Basin Little Athletics Club to develop a viable strategy to manage line marking in future seasons, in line with other Shoalhaven athletics clubs and the Sportsgrounds Management Policy;
3. Implement measures to mitigate water penetration to the St Georges Basin Little Athletics shed during rain events, utilising the SSSF Central – Recreation Buildings Programmed Works budget in 2021/22;
4. Monitor field conditions at the Sanctuary Point Oval following the recent drainage works improvements works.

### Options

1. That Council adopt the recommendation as written

#### Implications:

- Addresses the clubs' concerns regarding the initial costs associated with line marking of the athletics track for the summer season
- Supports the continuation of a community sport organisation with 145 junior / youth members
- Provides the club time to review its Business Plan and develop a sustainable strategy for managing volunteer, review financial contributions and the club's viability to manage their ongoing costs over future seasons.
- Alleviates the concerns of clubs over the track surface and water inundation in the shed

2. That Council reject the recommendation and provide alternate direction

#### Implications:

- May create a perception that Council does not support sporting clubs and activities

## Background

Council at its Ordinary Meeting on 23 February 2021 adopted MIN21.19:

*“That Council staff convene an on-site meeting at the earliest possible time with available councillors, members of Sanctuary Point Athletics and members of Bay and Basin Cricket at the Sanctuary Point Athletics Field, in order to agree upon practical improvements that can be made to the playing surface in the very short term. Funds for the improvements would be sourced from the existing ground maintenance budget”.*

An initial meeting was scheduled on 1 April 2021, however this was postponed due to availability of Councillors, with a follow up meeting at Sanctuary Point Oval with St Georges Basin Little Athletics Club, Councillors and Council staff held on 26 May 2021.

Sanctuary Point Oval is utilised during the summer season by St Georges Basin Little Athletics and Bay and Basin Cricket Club. Various schools in the area also make use of the facilities for school athletics carnivals. Access to the track for the purposes of training is required all year. Currently no winter sport is played at this location.

Bay and Basin Cricket Club were also contacted and invited to the onsite meeting held on 26 May 2021. While no one from the club was available to attend the meeting, the club were happy for the meeting to go ahead without their attendance and no other concerns were raised. Council staff will continue to consult with the cricket club going forward.

### Flooding - Oval

The Little Athletics Club have frequently raised concerns regarding flooding at the oval, over the past few years, particularly after severe rain events.

Council has responded to these concerns and delivered new irrigation infrastructure in 2020 and field drainage in April 2021. The field drainage installation was initially scheduled for 2020 but was postponed due to wet weather and flooding. It is anticipated that the new drainage infrastructure will significantly alleviate playing surface issues and speed the recovery of the playing surface after major flooding events.

There have been no significant flooding issues since the installation of the drainage and staff will continue to monitor the conditions at the oval in liaison with the club.

### Flooding – Storage Shed

The Little Athletics Club has advised that their storage shed at the oval floods in severe rain events. Staff are liaising with Council’s District Engineers to develop an appropriate solution and will complete modifications within the SSSF Central – Recreation Buildings Programmed Works budget during 2021/22.

### Line Marking – Little Athletics

#### *Background – Line Marking Practice*

Shoalhaven City Council uses glyphosate to control vegetation on roadsides, reserves and other public places including Sports Fields. Glyphosate is marketed through nurseries, hardware stores, supermarket chains, industrial suppliers and rural produce stores.

In 2019, Council adopted an organisation wide approach to reposition the way Glyphosate is used in the treatment of vegetation. Prior to 2019, sporting groups would typically use herbicides (glyphosate/round-up) in line marking solutions to prolong the longevity.

However, this practice has been phased out across all Shoalhaven City Council sport fields to reduce amount of the chemical used and because use of the product over time causes deep ruts to develop in the field surface creating trip hazards, risk of injury to the public, and damage to mowing equipment.

The removal of glyphosate in the line marking paint allows the grass to grow uninhibited and results in line markings being cut out / fading during each mow in the summer season. This



has resulted in the need to increase the frequency of re-applying the line markings which has to be repeated throughout the season.

Council staff have identified an alternative approach, whereby a plant growth inhibitor (trinexapac-ethyl) will be mixed with the line marking paint during the initial season line marking. This product is used in the turf industry to slow the growth rate of grasses and reduce the frequency of mowing, likely to reduce the frequency of line marking down to one per 4-to-6-week frequency. This is commensurate with Little Athletics past practice of remarking the track every 4-weeks prior to the change in application product being used.

#### *St Georges Basin Little Athletics*

The St Georges Basin Little Athletics Club operates a standard 400m athletics track and last year engaged a contractor to mark the track at the commencement of the season, with subsequent line marking throughout the season needed to be increased to every 2 weeks by the club volunteers. This increased the frequency of remarking the track from every 4-6 weeks depending on growth rate to every 2 weeks, which has placed an additional burden on the club with availability of volunteers to either undertake this or a further cost impost to engage a contractor to undertake this work. The Club advises that this is unsustainable.

The Club advises that they have 145 members, however despite following advice from the Little Athletics NSW Association, including advertising and emailing requests to members, volunteer support has not been forthcoming. The President has consequently requested Council assistance to mark the lines.

Staff are actively working with the Club, responding to these requests in the following ways:

1. Maintaining frequent liaison with the club to negotiate how Council can support the club with line marking for the upcoming season.
2. An agreement has been reached whereby Council staff will:
  - a. Contribute to the initial surveying and line marking of the track for the upcoming 21/22 season,
  - b. Trial an alternate growth inhibitor in the initial line marking and assess longevity of the line marking and impact on the turf after 6 weeks, in conjunction with the club.
3. Staff have approached Little Athletics NSW to request assistance in helping the club to generate volunteers.
4. Suggested that the club seek grant funding opportunities to assist in club development/line-marking costs, including Council's Community Development/Wellbeing Grants, Local Sport Grant Program and Club Grants.

Pending a successful outcome of the trial approach, the Club will develop a strategy for continuation of the line marking by club members/volunteers for the remainder of the season.

#### **Community Engagement**

An onsite meeting was held on 26 May 2021 with members of the St Georges Basin Little Athletics Club, Councillors and staff in order to agree upon practical improvements that can be made to the playing surface in the short term. It was agreed at this meeting to report these measures to Council.

#### **Policy Implications**

The current Sportsgrounds Management Policy POL17/58 requires that user groups meet the cost of line marking.

It is proposed in this report that Council make an exception to the Policy in this instance for St Georges Basin Little Athletics in order to provide interim support to a community organisation in exceptional circumstances.

Staff will continue to liaise closely with the Club to assist them to develop a viable strategy to manage line marking in future seasons, in line with other Shoalhaven athletics clubs and the Sportsgrounds Management Policy.

### **Financial Implications**

GST exclusive cost estimates for line marking of the Little Athletics track over the 2021/22 summer season are:

\$1,300 Initial survey of the site

\$700 Initial line marking application, including paint and growth inhibitor

\$2,000 TOTAL ESTIMATED COST

Initial line marking cost can be funded from the SSSF Precinct Operations (Central) budget 2021/22.

Costs for measures to waterproof the St Georges Basin Little Athletics shed during rain events can be funded from reprioritising the SSSF Central – Recreation Buildings Programmed Works budget 2021/22.

### **Risk Implications**

Should Council resolve to undertake line marking on behalf of the St Georges Basin Little Athletics club, other user groups throughout the Shoalhaven may be encouraged to make similar requests of Council for line marking support.

In order to reduce this risk, it is suggested that support be offered for one season only and be supplemented by Council assisting the club in developing a viable future strategy for volunteer contributions.

## SA21.170 Water & Sewerage Headworks Charges - Assistance for Developments Policy - Proposed Amendments Report

**HPERM Ref:** D21/250988

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Draft - Water & Sewerage Headworks Charges (Section 64 Contributions) - Assistance for Developments [↓](#)

### Reason for Report

This Report is submitted to Council to seek endorsement to set the expiry date of the Water & Sewerage Headworks Charges – Assistance for Developments Policy (POL20/22) to align with the expiry date for the COVID-19 Contributions Discount Subsidy Policy (POL20/23). Should the Recommendation be adopted, the expiry date for both Policies will be 31 March 2022 which is in line with the end of the pandemic period as defined by the current Section 10.17, Environment Planning and Assessment Act 1979: COVID-19 Pandemic – Ministerial Orders (2021).

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

That Council

1. Discontinue the Water & Sewerage Headworks Charges – Assistance for Developers Policy on 31 March 2022 (valid from 7 April 2020), to align with the COVID-19 Contributions Discount Subsidy Policy (POL20/23) review. This is also in line with the end of the pandemic period as defined by the current Section 10.17, Environmental Planning and Assessment Act 1979: COVID-19 Pandemic – Ministerial Orders (2021).
2. Publicly advertise the revised Policy in accordance with legislative requirements as soon as possible and if any significant submissions are received that these be considered in a further report to enable the finalisation of the Policy. If no (or minor) submissions are received then proceed to finalise the amendment to the Policy as notified, without any further reports.
3. Revert to the Section 64 Assistance Policy that existed prior to 7 April 2020, after the 31 March 2022.

### Options

1. As Recommended

Implications: The changes will align the Water & Sewer Headworks Charges Assistance for Developments Policy with Council's COVID-19 Contributions Discount Subsidy Policy, and further, aligns with end of the pandemic period as define in the EP&A Act 1979.

2. Council makes an alternative recommendation.

Implications: This will create a mismatch between the two Council Policies and create inequity in the implementation of the COVID related assistance.

SA21.170

## Background

At the Ordinary Meeting of Council on 29 June 2021, Council resolved in part (part 4 of MIN21.417) the following:

*“That Council Endorse:*

- 4. The COVID-19 Contributions Discount Subsidy Policy be discontinued on 31 March 2022 for the internal borrowings funding strategy to be sustainable, and for Council to continue maintaining a sufficient level of working capital in future years. This is in line with the end of the pandemic period as defined by current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic – Ministerial Orders (2021).”*

On the basis of the above resolution it is recommended that Council maintain the alignment of the expiry dates for the [Water & Sewerage Headworks Charges - Assistance for Developments Policy \(POL20/22\)](#) and the [COVID-19 Contributions Discount Subsidy Policy \(POL20/23\)](#). This will assist to mitigate confusion between the periods of application of the development related discounts (Section 64 and Section 7.11 charges).

## Policy Implications

The current [Water & Sewerage Headworks Charges - Assistance for Developments Policy \(POL20/22\)](#) will be updated, as attached, to reflect the Council Minute MIN21.417 and the revised expiry date of 31 March 2022. The Policy will then be placed on public exhibition in accordance with legislative requirements, and reported back to Council in the event of significant feedback being received.

Following expiry of the current proposed policy on 31 March 2022, it is proposed that Council revert to the Section 64 Assistance Policy that existed prior to 7 April 2020.

## Financial Implications

Since the implementation of the current Policy on 7 April 2020, refunds of \$291,076.50 (Water Supply Section 64) and \$371,085.50 (Sewerage Section 64) have been made to eligible Applicants. Based on the current demand within the development sector it is expected that the further extension of the Policy review date will result in similar or larger refunds in the 12 month period to 31 March 2022.

These refunds result in reduced revenue from developer contributions to the water and sewer funds, which may impact Council's ability to receive the maximum dividend from these funds.



# Water and Sewerage Headworks Charges (Section 64 Contributions) - Assistance for Developments

For more information contact  
Shoalhaven Water

**City Administration Centre**

Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: (02) 4429 3214  
F: (02) 4429 3170  
water@shoalhaven.nsw.gov.au  
www.shoalwater.nsw.gov.au

Policy Number: POL20/22

Adopted: 28/06/2011

Effective: 1/07/2011

Reaffirmed: 26/02/2013, 13/06/2017, 23/07/2019

Amended: 10/06/2014, 28/5/2020, XX/XX/2021

Minute Number: MIN11.527, MIN13.148, D14/147248, MIN17.512, MIN19.491,  
MIN 20.240, MIN 20.276, MIN 21.116, MIN21,XXX

File: 12039E

Review Date: 31/3/2022

## 1 PURPOSE

To assist all types of developments (subject to approval under the Environment Planning & Assessment (EPA) Act within the Shoalhaven Local Government area in relation to granting a concession to the calculated equivalent tenement loading imposed on the water supply and sewerage systems. This Policy was revised as a result of Council's resolution to provide further economic stimulus following the impacts of the Coronavirus.

## 2 STATEMENT

This policy statement is based on Council Minute 11.116, Minute 13.864, Minute 20.240, Minute 20.276, Minute 21.116 and Minute 21.XXXX

It should be noted that Section 64 charges/contributions are also known as Headworks/Developer charges/contributions.

## 3 PROVISIONS

- The system loadings/demands to determine the applicable Section 64 charges are calculated for all developments based on the provisions contained in Council's Delivery Program and Operational Plan, and
- The unit rate for the applicable Section 64 charge is contained in Council's annual fees and charges, and
- For any Development Application and/or Complying Development Certificate considered by Council or by a private certifier:
  - Under the Environment Planning & Assessment Act, and
  - In accordance with the current Development Servicing Plans, and
  - Is permissible within the zoning,

the applicable Section 64 charges may be reduced (at time of payment) as follows:-

Equivalent Tenements (ETs)	Reduction Amount
0.0 - ≤ 2.0	75%
> 2.0	50%

- A further discount (resulting in a total discount of 75% of the full contribution for all ET) will be applied as a refund following a written application from the owner/applicant once the development is approximately 25% complete (as determined by Shoalhaven City Council).
- Any claims for the further discount under these provisions must be made within two years of the issue of an operational Development consent.
- Any proposal that has been approved where development contributions have not yet been paid as at the date of implementation of this Policy will potentially qualify for the discount.
- If a property changes ownership, the entitlement to a discount under this policy will remain with the land and any refund will be issued to the legal owner of the land at the time of payment of the refund.





Shoalhaven Water – Water and Sewerage Headworks Charges  
(Section 64 Contributions) – Assistance for Developments

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- h. For the purpose of approving the refund of Section 64 contributions the CEO/delegate will be the sole arbitrator in determining and assessing the status of a development, and further determining eligibility for the refund.

#### 4 EXEMPTIONS

This policy does not apply to:

- Any development/s that does not have an operational consent under the Environmental Planning & Assessment Act or has received an Occupation Certificate and/or a Subdivision Certificate and/or a Strata Certificate and/or licence for the development as the case may be,
- Any development where the development consent articulates how the Headworks charges are to be calculated (that is the charges are not specified in Council's Fees & Charges),
- Any development/s which have paid or have signed an agreement/contract/deed with Council prior to 1<sup>st</sup> July 2013 to pay its Section 64 contributions.
- Any developments which receive S64 assistance under Council Policy POL14/36 (Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions).
- Any development/s (in relation to the further discount) which have paid or have signed an agreement/contract/deed with Council prior to 7 April 2020 to pay its Section 64 contributions.

#### 5 IMPLEMENTATION

- a. Shoalhaven Water Group has responsibility for implementing this policy.  
b. An example of the calculations involved in the implementation of this policy is as follows:-

Eligible commercial business with an original determined load of 6.2 ETs for water supply and 6.20 ETs for sewerage services.

2021/22 water supply ET Charge = \$6,578/ET.

2021/22 sewerage services ET Charge = \$8,339/ET.

Original determined charge =  $6.2 \times (\$6,578 + \$8,339)$   
= \$92,485.40

Reduction application: -

First 2 ET =  $2.0 \times (\$6,578 + \$8,339) \times 0.25$  = \$7,458.50 (0.25 is applied for 75% reduction)

>2 ETs =  $4.2 \times (\$6,578 + \$8,339) \times 0.50$  = \$31,325.70 (0.50 is applied for 50% reduction)

Reduced Payable Total = \$38,784.20

**Savings = \$92,485.40 – \$38,784.20 = \$53,701.20 (2021/22)**

**Upon written application for the further Reduction (as a Refund) in accordance with the Provisions:**



Applies to loading above 2 ETs only.

Hence, after applying a further concession, refund amount is\*:

= 0.5 x \$31,325.70

= \$15,662.85

**\* Subject to achieving 25% or more completion of development within 2 years of operational consent (as per the Provisions) as determined by Shoalhaven City Council.**

- c. Developments of 2 ET's or less are not entitled to any further refund as 75% reduction is already applied at assessment stage.
- d. Any determined refund will apply to the Section 64 Charge rates that were applicable at the time they were paid.

## 6 REVIEW

This policy will be reviewed by 31 March 2022.

## 7 APPLICATION OF ESD PRINCIPLES

This policy provides an incentive for economic growth of the City, while ensuring that projected system demands can be met.



## SA21.171 Bendeela Reservoir - Review of Environmental Factors

**HPERM Ref:** D21/218352

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Review of Environmental Factors - New Bendeela Reservoir (under separate cover) [↗](#)

### Reason for Report

The purpose of this report is to inform Council of the Revised Review of Environmental Factors (REF) for the proposed new 0.5 ML concrete Reservoir at the Bendeela Water Treatment Plant (WTP).

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

That Council, after consideration of the Review of Environmental Factors for the Bendeela Reservoir, dated May 2021:

1. Determine that it is unlikely that there will be any significant environmental impact as a result of the proposed works and an Environmental Impact Statement is therefore not required for the proposed activity.
2. Adopt and implement the proposed mitigation measures and controls outlined in the Review of Environmental Factors.

### Options

1. Adopt the recommendations.

Implications: This is recommended, as the construction of a 0.5ML reservoir will increase the holding capacity of the existing water treatment plant to improve required chlorine contact times for the water disinfection as well as improve the robustness and security of the overall Kangaroo Valley water supply.

2. Council could determine not to proceed with the proposed 0.5ML reservoir at the Bendeela Water Treatment Plant.

Implications: This is not recommended as this would not enable the facility to improve the required chlorine contact times for water disinfection, nor improve the overall robustness or security of the Kangaroo Valley water supply.

3. Council could determine that the environmental impacts warrant the preparation of an EIS.

Implications: This is not recommended as the REF has found that the identified potential impacts are satisfactorily addressed by the proposed management and mitigation measures.

## Background

The existing water supply reservoir at the Bendeela Water Treatment Plant (WTP) is a small capacity (0.1ML) reservoir which has experienced issues with regards to achieving required chlorine contact times. The small capacity of the existing reservoir has also meant that in times of high demands (e.g., through the Currowan Fire event), the robustness and security of the supply has been identified as a potential risk.

Shoalhaven Water proposes to construct a 0.5ML concrete reservoir at the Bendeela WTP to improve the chlorine contact time for water disinfection, as well as provide a more secure water supply in the Kangaroo Valley Area.

In addition to the 0.5ML concrete reservoir, Shoalhaven Water proposes to

- Relocate existing water services to the WaterNSW Camping ground.
- Replace the existing perimeter fencing with new high security fencing around the new reservoir site.
- Divert the existing stormwater drains thorough the site via a dedicated channel.
- Install a concrete drainage apron surrounding the perimeter of the site to capture and divert roof and surface runoff to the new drainage channel.
- Construct new concrete pathways and site access road extensions, to connect the new facilities to existing pedestrian and road networks.
- Install new sample lines.

The REF has been attached under separate cover for Council's reference, and concludes as follows:

*Based on the information in this REF, it is concluded that:*

- i. the proposed mitigation measures will be adopted and implemented.*
- ii. Implementation of these mitigation measures will reduce the environmental impact of the proposed activity; and*
- iii. An Environmental Impact Statement is not required for the proposed works if all mitigation measures in this REF are implemented by Shoalhaven City council.*

*The proposed activity is recommended to proceed subject to the implementation of the measures to avoid, minimise or manage environmental impacts listed in this REF.*

The mitigation measures outlined in the REF will be incorporated in the construction contract documents.

## Community Engagement

The REF for this project was placed on public exhibition from 5 May 2021 to 31 May 2021 during which time submissions were invited. A notification letter was sent to the NSW Department of Primary Industries – Fisheries and to WaterNSW, providing guidance to the REF on Council's website. By the close of the exhibition period zero (0) responses were received.

## Financial Implications

Adequate funds have been allocated in the water budget for the design and construction of the project in 2021/22 financial year.

**Risk Implications**

A risk assessment for the project has been established. Environmental risks have been identified and addressed in the project REF by recommending mitigation measures. These mitigation measures will be required to be implemented by the construction contractor through their Construction Environmental Management Plan.

## SA21.172 Acquisition of sewer and electrical easements - 12 Flood Street Sussex Inlet

**HPERM Ref:** D21/239538

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Draft survey plan for acquisition of easements [↓](#)

### Reason for Report

To seek Council approval to acquire an Easement for Sewer Main 2.4 metres & 4 metres wide and an Easement for Electrical Purposes 2.4 metres & 4 metres wide over Lot 7 DP731147, No 12 Flood Avenue Sussex Inlet from DT & KS Van Ovost and NCFPVO Pty Ltd.

The sewer easement is highlighted yellow & marked 'S' and the electrical easement is edged red & marked 'E' on the attached copy of a draft survey plan.

### Recommendation

That:

1. Council acquire the following easements over Lot 7 DP731147, No 12 Flood Avenue Sussex Inlet:
  - a) An Easement for Sewer Main 2.4 metres & 4 metres wide highlighted yellow & marked 'S' on the attached draft survey plan, and
  - b) An Easement for Electrical Purposes 2.4 metres & 4 metres wide edged red & marked 'E' on the attached draft survey plan,
2. Council pay compensation of \$6,000, plus GST if applicable, and reasonable legal costs associated with the acquisitions in accordance with the provisions 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.

### Options

1. Resolve as Recommended

Implications: Acquisition of the easement is required for the connection of sewer to the property and supply of electricity for the sewer system.

2. Not resolve as recommended and provide further directions to staff.

### Background

Shoalhaven Water is to install a pressure sewer unit, associated rising main and electrical service to provide sewerage service to various industrial properties within Flood Avenue,

SA21.172

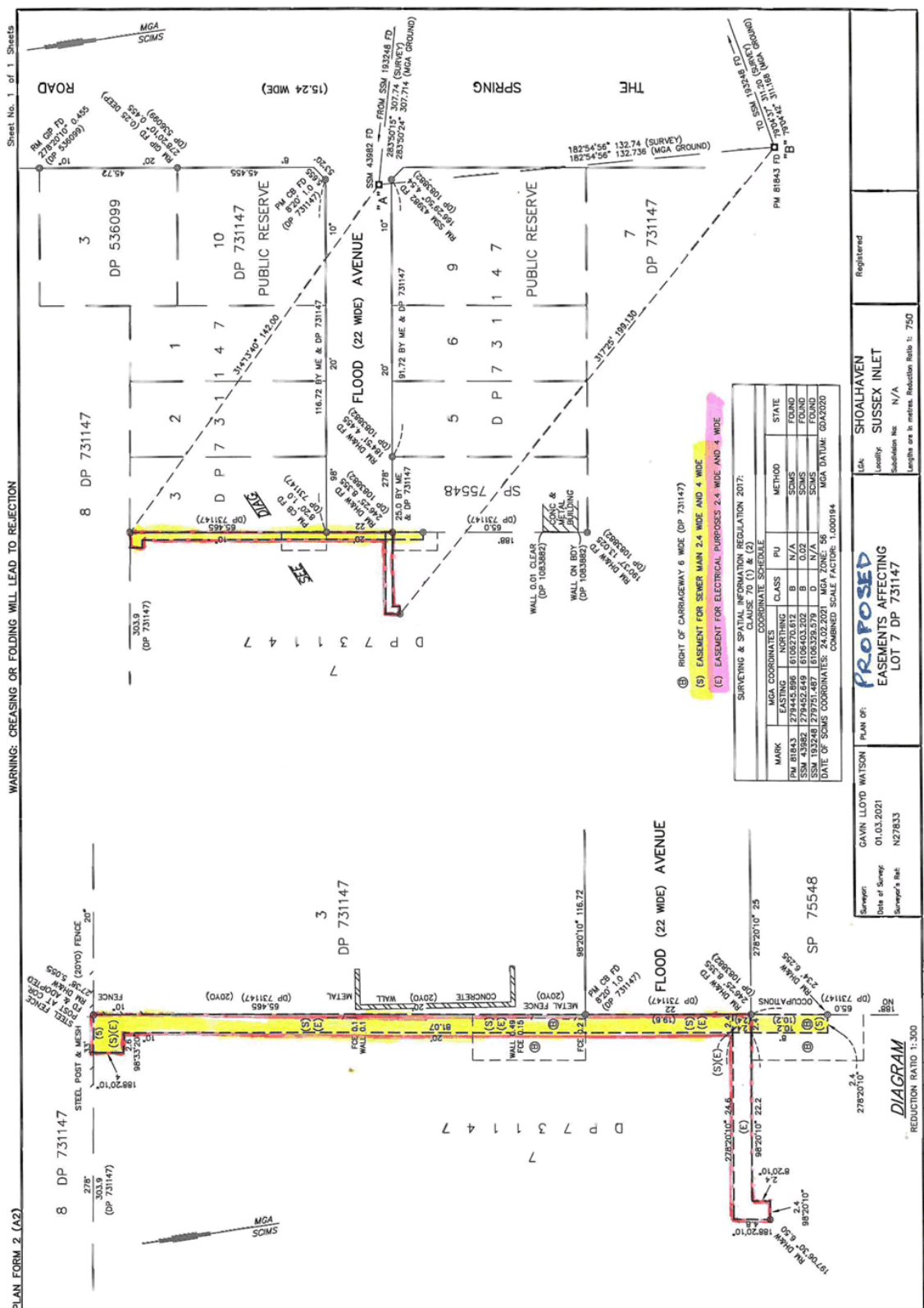


Sussex Inlet. The installed system requires the acquisition of easements for both the rising main and electrical service.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for the easements at \$6,000, excluding GST. A conditional offer was made at that amount, plus payment of reasonable costs associated with the acquisition. In response, the owners have advised that the compensation offered is acceptable.

### **Risk Implications**

Acquisition of the easements are necessary to secure Shoalhaven Water's legal rights to operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.



## SA21.173 Acquisition of Easement for Sewer Pipeline - Lot 3 DP505763 at Terara

**HPERM Ref:** D21/240910

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

**Attachments:** 1. Easement acquisition plan DP1270293 [↓](#)

### Reason for Report

To seek Council approval to acquire an Easement for Sewer Pipeline 4 metres wide and an Easement for Sewer Pipeline 6 metres wide, marked 'S' and 'S2' respectively on DP1270293, over Property Lot 3 DP505763 at Terara Road, Terara.

### Recommendation

That:

1. Council acquire the following easements over Lot 3 DP505763, Terara Road Terara:
  - a. An Easement for Sewer Pipeline 4 metres wide highlighted pink & marked 'S' on the attached easement acquisition plan DP1270293, and
  - b. An Easement for Sewer Pipeline 6 metres wide highlighted yellow & marked 'S2' on the attached easement acquisition plan DP1270293.
2. Council pay compensation of \$19,500, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the provisions 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.

### Options

1. Resolve as Recommended.

Implications: The easements are required for access to the existing sewer transfer main between Bomaderry and Nowra Sewerage Treatment Plants.

2. Not resolve as recommended and provide further directions to staff.

### Background

Shoalhaven Water has installed a reclaimed water transfer pipeline within the subject property as part of the recently completed REMS 1B project. The pipeline constructed from Bomaderry Wastewater Treatment Plant (WwTP) to Nowra WwTP, by part directional drilling under the Shoalhaven River (shown as Easement 'S' in the Attachment) and part by trenching (shown as Easement 'S2' in the Attachment), now requires formal easements to be created. Council previously occupied the property for construction purposes under a licence agreement with the property owner.

A valuation undertaken on behalf of Council by Opteon Valuers assessed compensation for the easements at \$16,000, on the basis of Council information that the property did not have a dwelling entitlement. A conditional offer was made at that amount, plus reasonable costs

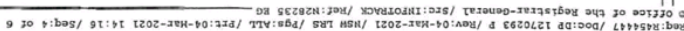
associated with the acquisition. A valuation by Walsh & Monaghan Pty Ltd for the previous owner assessed compensation at \$46,500 on the basis that a dwelling entitlement existed.

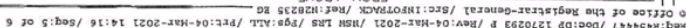
Specialist legal advice obtained by both Council and the Solicitors for the current owner has concluded that a dwelling entitlement does not apply to the property. On that basis Walsh & Monaghan Pty Ltd have issued an updated report assessing compensation at \$19,500 ex gst.

The valuation has been reviewed with Council's valuer who has advised that the amount of \$19,500 is reasonable having regard to the increase in market conditions since their original report and an updated assessment would be within reasonable limits to achieve a negotiated agreement.

### **Risk Implications**

Acquisition of the easements are necessary to secure Shoalhaven Water's legal rights to operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.







## 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.