

Ordinary Meeting

Meeting Date: Monday, 28 March, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

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

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. Acknowledgement of Country
2. Moment of Silence and Reflection
3. Australian National Anthem
4. Apologies / Leave of Absence
5. Confirmation of Minutes
 - Ordinary Meeting - 14 March 2022
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minute

Mayoral Minute

MM22.4 Mayoral Minute - Development Control Plan Provisions for Medium Density Development 1

9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

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15. Confidential ReportsReports

CCL22.10 Tenders – Public Amenities 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.

MM22.4 Mayoral Minute - Development Control Plan Provisions for Medium Density Development

HPERM Ref: D22/114582

Recommendation

That Council receive a report as soon as practicable that:

1. Considers issues presented by members of the Shoalhaven Community regarding medium density development relating to car parking, private open space, landscaping and accessibility (not exclusively) that have arisen since 2019 when changes occurred.
2. Recommends a range of possible resulting improvements that could be made to Chapter G13: *Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014* (and other chapters of the DCP if required) to address these concerns, including the preparation of a potential draft Chapter G13 for consideration.

Details

Recently Council called in DA21/2348 and DA21/2359 on the grounds of public interest generated from the density of the development applications and what is considered by residents to be “overdevelopment” of the site.

The arguments put forward in their deputations to Councillors was in relation to the provision of private open space, landscaping, parking and floor space ratio.

In essence, one of the developments would be the equivalent to an 8 bedroom home with minimal garaging and no off street parking. The street of this particular development is very narrow, having no provision for private parking would force more cars to park on the street and inhibit the provision of services to this location.

These outcomes are considered less than desirable and there are more examples across the city.

The aim of the report should be to highlight which parts of our DCP could be improved via an amendment to provide better, more desirable long term outcomes.

CL22.143 Report of the Shoalhaven Arts Board - 3 March 2022

HPERM Ref: D22/112874

Attachments:

1. Public Art Policy [↓](#)
2. Developing Public Art - Themes & Sense of Place Plan (under separate cover) [⇒](#)

AB22.7 Public Art - Opportunities and Requirements

HPERM Ref:
D22/62263

RECOMMENDATION

That Council consider allocating funds of \$100,000 in the 2022/23 budget process to contract an arts specialist to:

1. Undertake a full review of the current Public Art Policy and make recommendations for a new policy that supports innovative and best practice approach to public art in the Shoalhaven.
2. Develop suitable internal procedures and documentation that ensures that consistent approach and standards are applied to Public Art projects, supporting excellence in commissioning standard, safety and community engagement
3. Document all existing public art across the Shoalhaven, it's current condition, conservation / maintenance needs and status for recording in the City Collection Management system

AB22.11 Lake Tabourie Museum - Collection Care and Management

HPERM Ref:
D22/71354

RECOMMENDATION

That Council

1. Receive the report for information.
2. Consider an operational budget bid of \$40,000 and a recurrent funding of \$10,000 per annum as part of the 2022/23 budget process, to ensure critical conservation work can be undertaken at Lake Tabourie Museum

CL22.143



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For more information contact the Finance Corporate & Community Services Group

Public Art

Policy Number: POL16/197 • **Adopted:** 19/04/2013 • **Adopted:** 27/06/2017 • **Minute Number:** MIN13.178, MIN17.564 • **File:** 41419E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. PURPOSE

To provide a policy for the development, planning, acquisition, maintenance, de-accessioning and integration of public art that supports the development of a diverse range of permanent, temporary and ephemeral artworks in public places which contribute to the social, cultural, environmental and economic value of the Shoalhaven region.

2. STATEMENT

Shoalhaven City Council recognises that public art is as diverse as the landscape of the region in which it is presented. Public Art is inspired and informed by a multitude of environments – the cultural, physical, political, emotional and spiritual. Shoalhaven City Council is committed to establishing a standard of excellence that underpins the implementation of public art throughout the region. This Policy will refer to art that is distinctly separate from the Shoalhaven City Council Art Collection.

2.1. Scope

For the purposes of this policy, public art typically refers to contemporary artwork occurring in public spaces, in both public and private developments, away from the confines of traditional galleries and museums. Public arts can be comprised of diverse art forms and materials to produce both permanent and temporary works that enrich the City's public spaces, assist in the creation of a 'sense of place' and are created by highly experienced public artists, young and emerging artists and artists working in a community setting.

A best practice approach, particularly in integrated public art, involves close collaboration between artists, professionals or designers who work in the built environment, key project stakeholders and community. Examples might include street furniture (chairs, tables, gates etc), playground equipment, bike racks, signage, lighting, pavements as well as components in buildings, bridges and major asset developments.

The *Public Art Policy* outlines strategies and procedures relevant to the achievement of public art projects and cover areas such as maintenance, conservation, archiving, de-accessioning of works and professional development for the artist/s.

*Shoalhaven City Council - Public Art***2.2. Background**

The development of public space portrays interactions within and between communities. As a contributing element in the shaping of public space, public art signifies its local and regional identity - revealing aspects of community history, character and aspirations. Public art provides opportunity to forge an environment of inclusiveness through careful selection, maintenance and appropriateness to the context of place.

Shoalhaven City Council seeks to build a strong vital arts and heritage culture that acknowledges, promotes and reflects the diversity of its people through the exchange of ideas and responsible urban planning that enhances the quality of public space for residents, ratepayers and visitors.

3. PROVISIONS

To achieve this commitment, and in partnership with stakeholders and relevant agencies, Shoalhaven City Council will put into practice the following specifications:

3.1. Key Principles for Public Art Approval

Evaluation and implementation of all public artworks will be based on the following criteria:

- Standards of excellence and innovation
- Appropriateness of the work relative to purpose and context of its site
- Relevance to the Arts Board Strategic Plan 2020
- Consistency with current planning, heritage and environmental policies and plans of management
- Consideration of public safety; the public's access to and use of the public domain
- Consideration of sustainability and maintenance requirements
- Evidence of funding source and satisfactory budget including an allocation for ongoing maintenance if appropriate
- Evidence of formal agreement between Council and artist/s specific to the acquisition being undertaken
- Non-duplication of monuments commemorating the same or similar events

3.2. Approval Process for Public Art

New Public Art Projects can be developed and approved through the following means:

- Commissioning by Shoalhaven City Council of a specific artist for a project
- Purchase by Shoalhaven City Council of a suitable work
- Loan of a work by an artist / collector to Shoalhaven City Council for a specific time period
- Gift or donation to Shoalhaven City Council by an artist or collector
- Application to Shoalhaven City Council by an artist or group for the development and installation of a new work.

Where an application, loan, gift or donation is made to Shoalhaven City Council approval for the Public Art project will require:

- Application made to council in writing, describing the project or work, and demonstrating how it meets the Key Principles for Public Art (3.1)

Shoalhaven City Council - Public Art

- If a development approval is deemed to be required, this must be submitted prior to any further approval processes being undertaken
- Details of the proposal must be advertised publicly and response sought from interested citizens
- Comment should be sought from the Unit Manager – Arts and Culture; the Shoalhaven Arts Board; relevant Group Directors as appropriate, Council's Insurance Officer and Council's WHS Unit Manager.
- The Unit Manager – Arts and Culture will be responsible for informing the applicant of the outcome of their application but will not be responsible for justifying the decision.

4. DE-ACCESSIONING OF PUBLIC ART

Where a work has been severely damaged, has lost the original intent or relevance, has reached its agreed lifespan or Council is redeveloping the site, Council has the right to de-accession the work.

De-accessioning of a work can only be undertaken following an assessment and review process which considers:

- The historical, cultural and artistic value of the work
- The origins and acquisition status of the work
- Options and cost to repair or restore the work
- Opportunities to relocate or rehome the work at an alternate council site.

Where the decision is made to de-accession a permanent public artwork, Council shall undertake the following process:

- The work shall firstly be offered for return to the artist / donor or next of kin
- The work shall then be offered to another council, cultural institution or community group
- Only if no other option is available shall the work be sold and the proceeds from the sale shall be added to the Art Collection Reserve

5. COLLECTION RESPONSIBILITY

The collection is administered by Council's designated arts unit, in consultation with other Council units as appropriate.

All items of public art shall be placed on the public art data base, administered by the Arts & Culture Unit and insured in accordance with Council's asset management plans and catalogued with details including title, image, size, and medium, artist, and provenance, date of purchase, value, storage place and description.

6. FUNDING

The following sources of funding should be considered and pursued as appropriate:

- Council's annual capital works and operational budgets.
- Donations and sponsorships from the private sector.
- State and Federal Government funding.
- Public funding for projects and "in kind" support from the community and commercial sector.

*Shoalhaven City Council - Public Art***7. IMPLEMENTATION**

The Finance Corporate and Community Services Group is allocated overall responsibility for the administration and implementation of this policy.

Internal departments tasked with responsibilities relating to public art will jointly implement the Public Art Policy to maximise opportunities, coordinate efforts, ensure efficiencies and reduce costs.

8. REVIEW

To be reviewed within 1 year of the election of a new Council.

9. APPLICATION OF ESD PRINCIPLES

This policy meets the ESD Principle of developing Social Integrity. Council will maintain and conserve works to ensure the preservation of public art and Council's investment.

CL22.144 Draft Code of Meeting Practice - Public Exhibition

HPERM Ref: D22/93401

Department: Business Assurance & Risk
Approver: Kevin Voegt, Director - City Performance

Attachments:

1. DRAFT - Code of Meeting Practice (under separate cover) [⇒](#)
2. DRAFT - Code of Meeting Practice (with track changes shown) (under separate cover) [⇒](#)
3. Office of Local Government - Model Code of Meeting Practice (under separate cover) [⇒](#)

Reason for Report

To provide a Draft Code of Meeting Practice (**Attachment 1**) to be endorsed for public exhibition.

Recommendation

That:

1. In accordance with Section 361 of the Local Government Act, the Draft Code of Meeting Practice be placed on public exhibition to obtain community feedback.
2. A report be provided at the completion of the exhibition period, outlining the submissions received and providing a Final Draft Code of Meeting Practice for adoption by the Council.
3. Council amend its Draft Code of Meeting Practice (attached) Part 4 – Public Forum to be held Monday at 4.00pm prior to the Council Ordinary Meeting.

Options

1. As recommended including a nominated day and time for the proposed Public Forums.
Implications: The draft Code will be placed on exhibition as required by the Local Government Act and will be reported back to the Council for adoption.
2. Council amend the draft Code prior to exhibition.
Implications: Any amendments must not contain provisions that are inconsistent with the mandatory provisions.
3. Council defers the exhibition of the draft Code.
Implications: Under the Act, Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election. Before adopting a Code of Meeting Practice, Council must prepare a draft code and exhibit it for at least 28 days and invite submissions for a period of at least 42 days

Background

On 29 October 2021, the Office of Local Government (OLG) released Circular No. 21-35 - 2021 Model Code of Meeting Practice for Local Councils in NSW.

CL22.144

A workshop with Councillors was held on 17 March 2022. During this workshop, a discussion was held in relation to all provisions within the Model Code and additional matters that are contained in Council's current code.

The draft Code provided in **Attachment 2** to the report is provided in 'Mark Up' Mode based upon the Model Code of Meeting Practice and informed by the Councillor Workshop. Content that has been removed is presented in a 'strikethrough' format.

The coloured text in the draft Code indicates:

- Black font showing mandatory provisions of the Model Code of Meeting Practice
- **Red font** showing non-mandatory provisions of the Model Code of Meeting Practice. Where the text is in red 'strikethrough' format, the draft proposes that the provision is not adopted by the Council.
- **Blue font** showing provisions in the Model Code of Meeting Practice that apply to meetings of the boards of joint organisations and county councils. These are in 'strikethrough' format as not to be included in the Council's Code.
- **Green font** indicating additional provisions or amendments that are proposed by the Council. These amendments are proposed to enhance or clarify the provisions of the Model Code of Meeting Practice. They are consistent with the mandatory provisions.

The Draft Code in Comparison to the Model Code of Meeting Practice

The key features of the draft Code in comparison with the Model Code of Meeting Practice (**Attachment 3**) are as follows:

- The new Model Meeting Code contains new provisions that allow Councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies.
 - The provisions governing attendance at meetings by audio-visual link are non-mandatory. Councils can choose not to adopt them or to adapt them to meet their own needs.
- Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.
- An amendment has also been made to the Model Meeting Code implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha).
 - ICAC recommended that the Model Meeting Code be amended to require that Council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.
- The repeal date for section 237 of the Regulation which exempts Councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for Councillors to be personally present at meetings in order to participate in them has been extended to **30 June 2022**. This is to allow Councils additional time to exhibit and adopt new codes of meeting practice containing provisions allowing attendance by audio-visual link at meetings.
 - If councils have not adopted a new meeting code that allows Councillors to attend meetings by audio-visual link, they will not be permitted to do so after that date.

Timeframe for adoption of the Code of Meeting Practice

The time frame for the adoption of the Code of Meeting Practice is as follows:

Date	Action
28 March 2022	Report to Council seeking endorsement for public exhibition
1 April 2022 – 12 May 2022	Public exhibition of draft Code and community comment (Required 42 days)
23 May 2022	Report to Council following exhibition – Policy adoption

Until Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force. If Council fails to adopt a new Code of Meeting Practice by that date, any provisions of the Council's adopted Code that are inconsistent with the mandatory provisions of the Model Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Code.

The Model Code of Meeting Practice outlines a range of Non-Mandatory provisions with respect to Public Forums (or deputations). These provisions are of distinct difference to the current provisions and practice of Council with respect to Deputations. They are based on a firm point outlined in the Model Code that states:

"Note: Public forums should not be held as part of a Council or Committee meeting. Council or Committee Meetings should be reserved for decision-making by the Council or Committee of Council."

It is recommended to implement a Public Forum separate to Council's Ordinary Meeting in line with the firm point outlined in the Model Code as stated above, this would allow for staff and Councillors to reflect on the information provided, and to seek clarification / answers to questions raised prior to the Ordinary meeting.

Following the Councillor Briefing held Thursday 17 March 2022, it was requested that this report be presented with options for days and times for a Public Forum to be convened.

Public Forum Options

1. No change to our current practice and for deputations to continue to be part of the Council's Ordinary meeting.

This is not recommended as it is inconsistent with the Non-Mandatory provisions within the Model Code which are based on a firm point outlined in the Model Code that states:

"Note: Public forums should not be held as part of a Council or Committee meeting. Council or Committee Meetings should be reserved for decision-making by the Council or Committee of Council."

2. Thursday at 4.00pm (prior to Councillor Briefings, consideration will have to be given in relation to the date of publication for the business paper and the timing of applications to address the forum).

This is not recommended as it is not considered practical from a range of operational perspectives given the deadline to produce reports.

3. Monday at 4.00pm (prior to Council's Ordinary meeting).

This option is recommended as it is consistent with the Non-Mandatory provisions within the Model Code which are based on a firm point outlined in the Model Code that states:

“Note: Public forums should not be held as part of a Council or Committee meeting. Council or Committee Meetings should be reserved for decision-making by the Council or Committee of Council.”

Publication of the Business Paper

At present, members of the public have 4 days from the publication of the business paper to submit an application to make a deputation at an Ordinary Meeting. Consideration should be given to continue the practice of allowing the public to read the report and recommendation, and to apply and prepare to speak at the proposed Public Forums. For the options above, the following timeframes would be appropriate.

1. No change to our current practice and for deputations to continue to be part of the Council's Ordinary meeting.

This is not recommended as it is inconsistent with the Non-Mandatory provisions within the Model Code which are based on a firm point outlined in the Model Code that states:

“Note: Public forums should not be held as part of a Council or Committee meeting. Council or Committee Meetings should be reserved for decision-making by the Council or Committee of Council.”

2. Thursday at 4.00pm (prior to Councillor briefings) – the business paper would be published on Monday (7 days prior to the meeting), this would also change the due dates for staff reports and Notice of Motions.

This is not recommended as it is not considered practical from a range of operational perspectives given the deadline to produce reports.

3. Monday at 4.00pm (prior to Council's Ordinary meeting) – no change to the publication of the business paper, however, there is no additional time for staff to investigate and respond to any questions or concerns raised from deputations.

This option is recommended as it is consistent with the Non-Mandatory provisions within the Model Code which are based on a firm point outlined in the Model Code that states:

“Note: Public forums should not be held as part of a Council or Committee meeting. Council or Committee Meetings should be reserved for decision-making by the Council or Committee of Council.”

Community Engagement

Before adopting a new Code of Meeting Practice, under section 361 of the LGA, Councils are still required to exhibit a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Policy Implications

The provisions within the Code of Meeting Practice are related to the Code of Conduct, in particular in relation to conduct at meetings and conflict of interest management. Council is also required to adopt a Code of Conduct and Procedures within 12 months of election. It would be beneficial for these policy documents to be adopted within similar timeframes.

CL22.145 Investment Report - February 2022

HPERM Ref: D22/65311

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Investment Report - February 2022 (under separate cover) [⇒](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all funds it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 28 February 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.85% per annum for the month of February 2022, exceeding the benchmark AusBond Bank Bill Index (0.07% pa) by 78 basis points (0.78%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 28 February 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 28 February 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 28 February 2022 to be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 March 2022.

Implications: Nil

Background

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

All investments are within the current Minister's Order. Investments are diversified across the highly rated eligible fixed interest universe and are well spread across maturities. Capacity is effective unconstrained at all durations.

CL22.145

Portfolio Return

The Overall portfolio returned a negative -2.96% p.a. for the month of February 2022, entirely due to the negative movement of the growth fund. This will be a typical pattern, where monthly results depend entirely on stock market fluctuations.

The investment returns excluding growth fund were a stable 0.85% p.a., exceeding the benchmark AusBond Bank Bill Index (0.07% p.a.) by +78bp p.a.

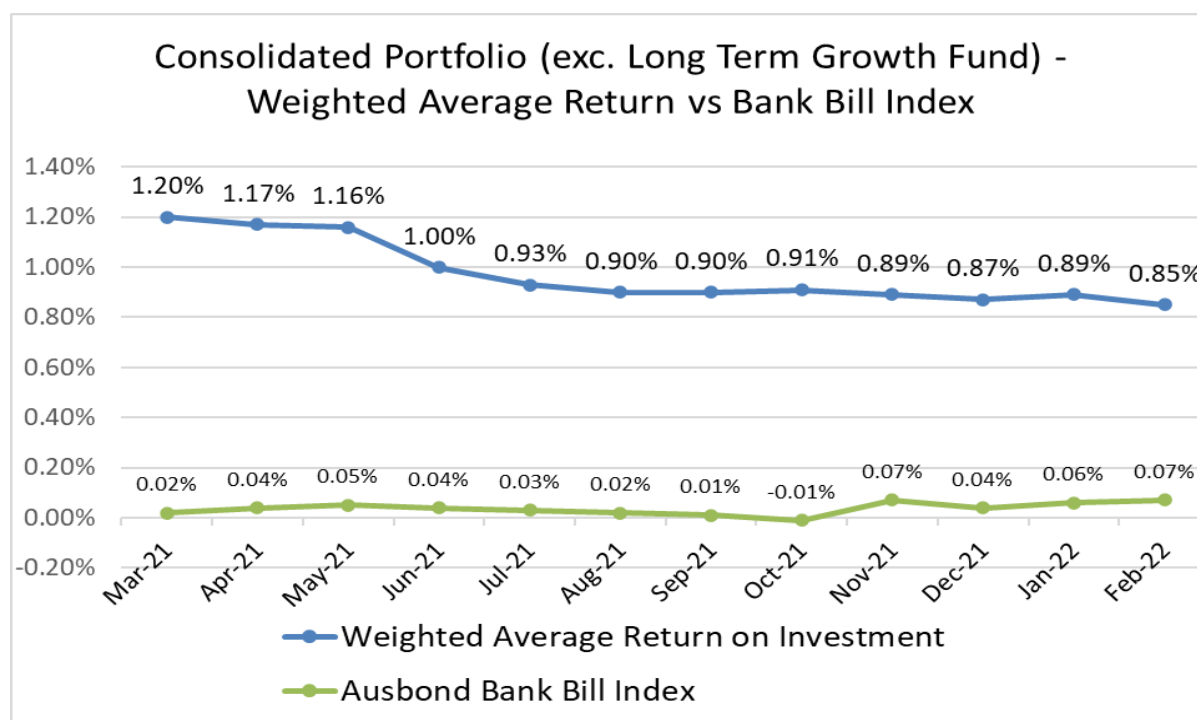
Council's investment in Long-Term Growth Fund returned a negative -33.39% for the month of February 2022, which offset previous significant market gains, bringing the year-to-date return to a negative -1.14% (-7.14% below the benchmark).

As highlighted in the CPG Investment Report attached, the Russian attack on Ukraine has affected all of Europe, and the financial system has been particularly hard-hit which is the primary reason for the negative return banks to raise interest rates and/or alternative measures to manage interest rates. The Russian/Ukraine conflict could conceivably draw in other countries as indications show that US growth is slowing dramatically from supply chain failures prior to the latest commodity shock.

The Australian S&P/ASX200 rebounded 2.1% over the month but the Small Ordinaries was flat. Core inflation was 2.6% with the Reserve Bank giving no indication of any consequential increase in interest rates. The market, however, believes that between July and December this year there will be at least four interest rate increases totalling 1.0%. International sanctions on Russia will impact supplies of oil, gas and other essential commodities increasing prices and putting pressure on the Reserve Bank to increase interest rates.

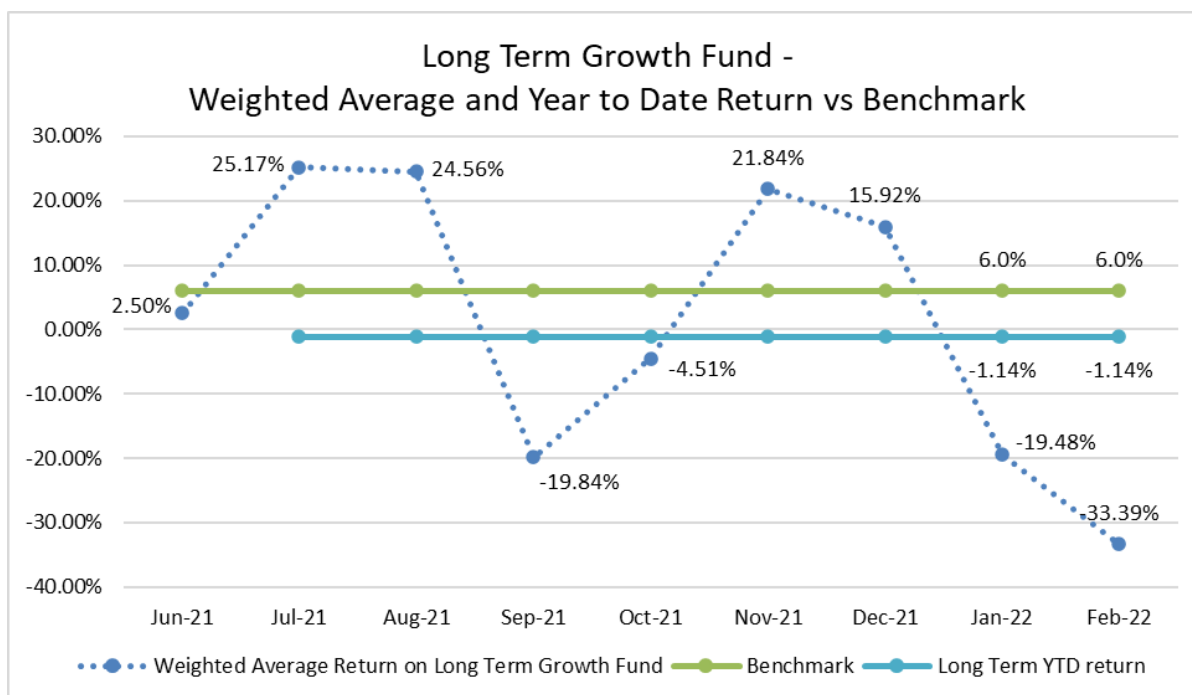
It is important to note that the fund is expected to return an average of 6.0% per annum over a seven-year cycle and the positive months will outweigh the negative months over the long term.

The following graph shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



CL22.145

The following graph shows the performance of Council's Long-Term Growth Fund against the benchmark on a rolling twelve (12) months basis.



Interest Earned – February 2022

The following table shows the interest earned for the month of February 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	88,910	64,526	(24,384)
Water	57,995	40,493	(17,502)
Sewer	27,565	26,034	(1,531)
Total excluding Long-Term Growth Fund	174,470	131,053	(43,417)
Long-Term Growth Fund	15,342	(630,281)	(645,623)
Total	189,812	(499,228)	(689,040)

The interest earned for the month of February, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$131,053 compared to the monthly budget of \$174,470.

The fair value of TCorp Long-Term Growth Fund decreased in February by -\$630,281. It is important to note that it is expected that this value will fluctuate monthly and the actual return on this fund should be assessed against our budget forecast on an annual basis.

CL22.145

Interest Earned - Year to Date

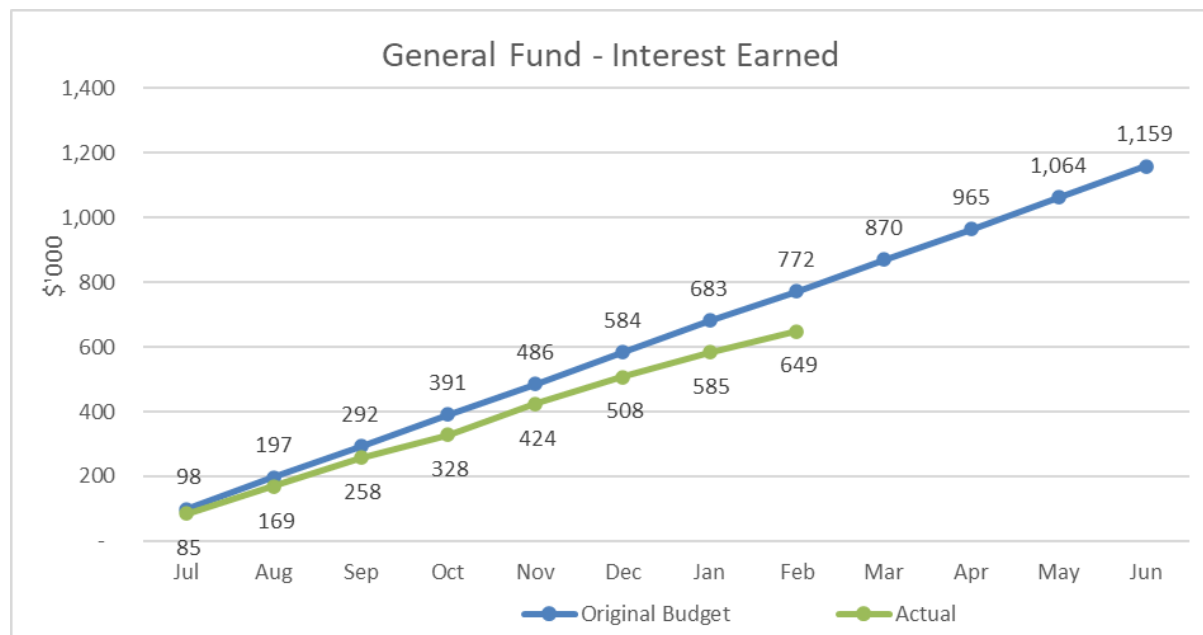
The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	649,083	56.00%
Water	756,000	353,317	46.74%
Sewer	359,333	199,457	55.51%
Total excluding Long-Term Growth Fund	2,274,333	1,201,857	52.84%
Growth fund	200,000	(165,305)	(82.65%)
Total	2,474,333	1,036,552	41.89%

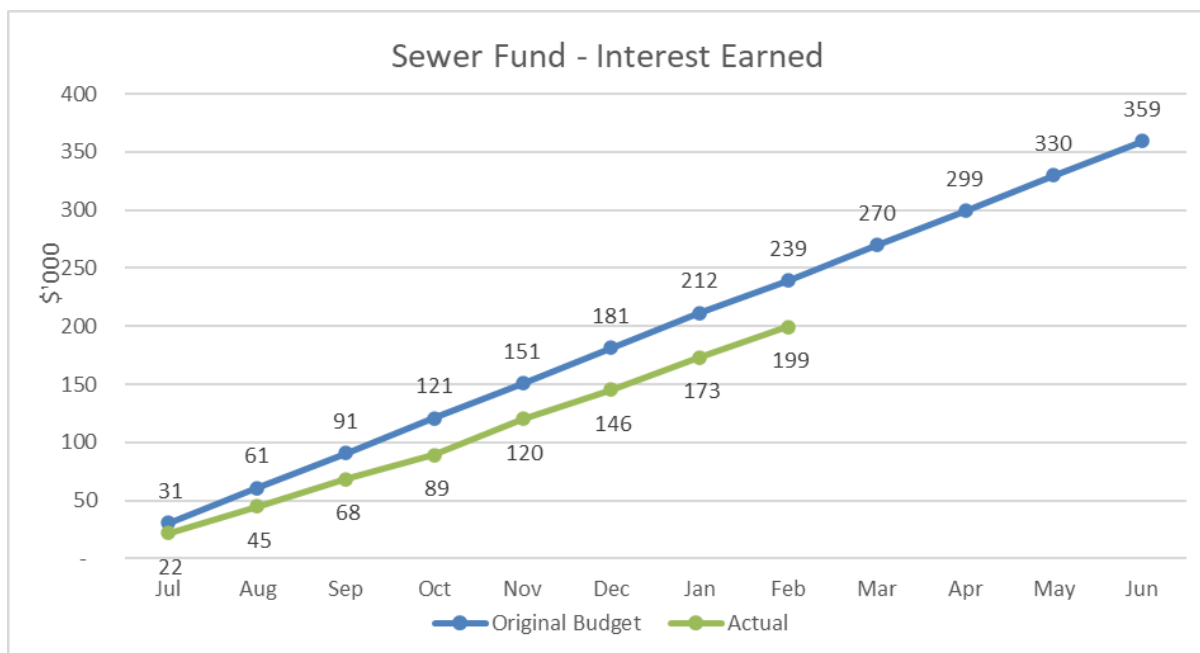
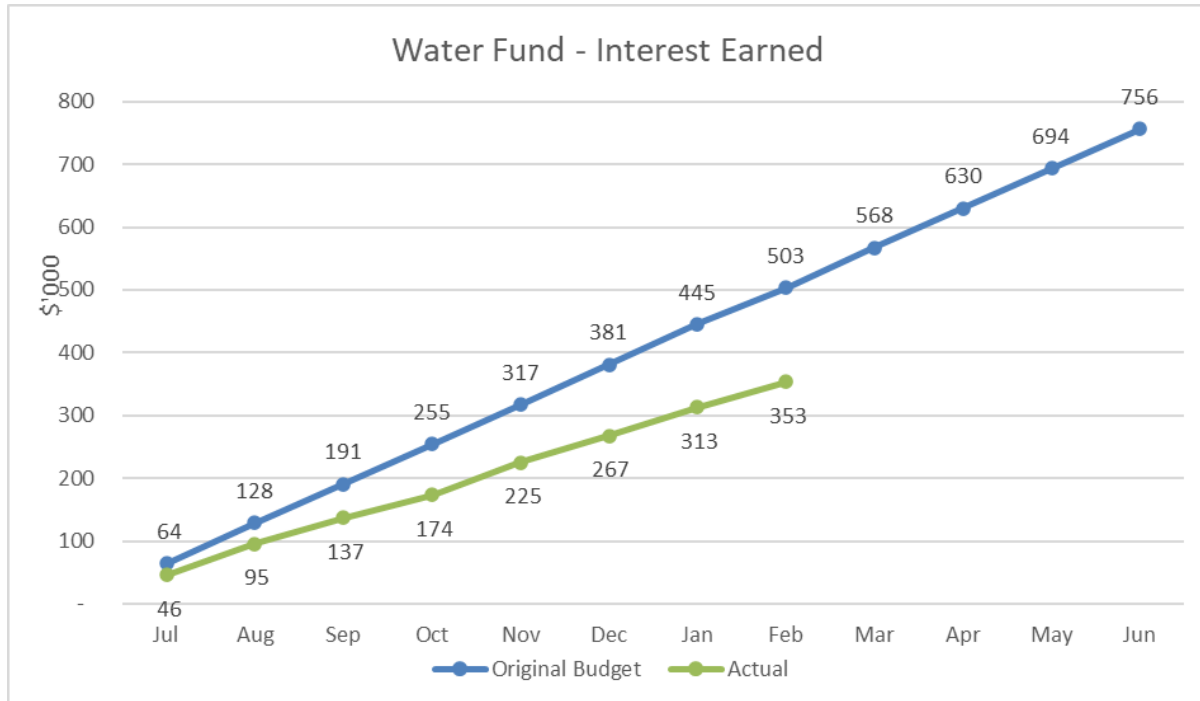
The interest earned to the month of February excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,201,857 which is 52.84% of the current full year budget.

The fair value of TCorp Long-Term Growth Fund decreased to February by (\$165,305) which is negative (82.65%) of the current full year budget.

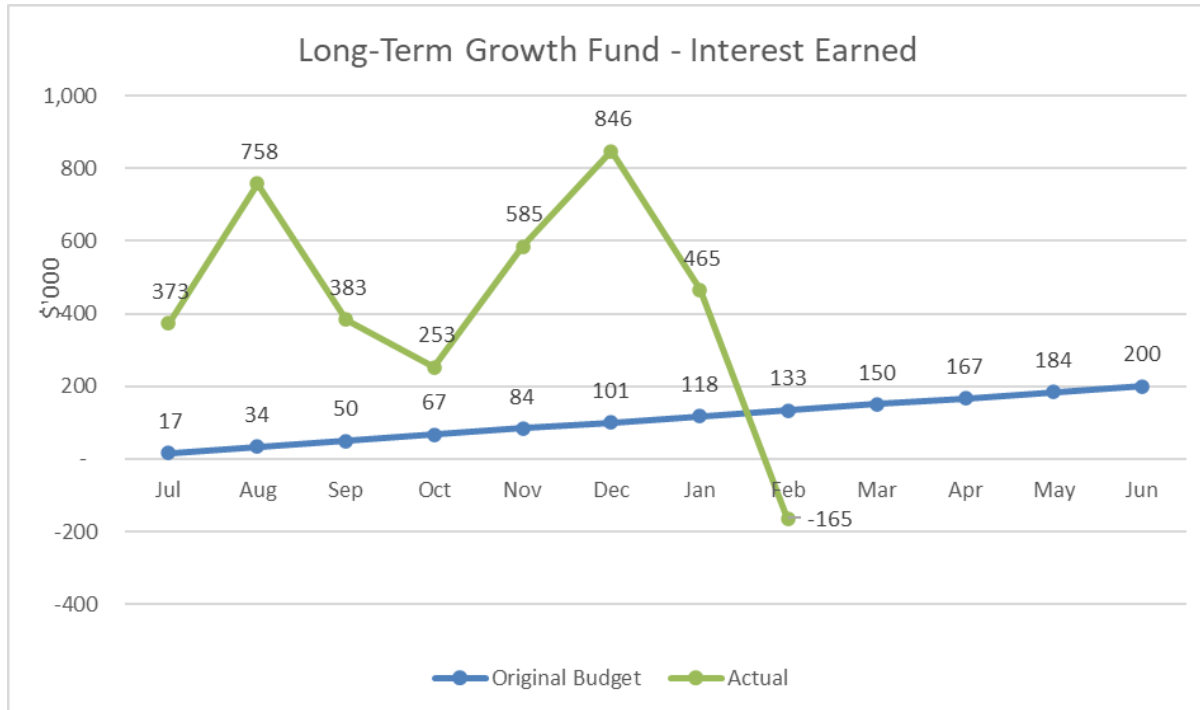
The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



CL22.145



CL22.145



Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$ February 2022	\$ January 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	12,568,672	11,412,480
Cash on Hand	21,080	21,080
Other Cash and Investments	200,895,035	196,521,044
	213,484,787	207,954,603
Fair Value Adjustment	160,034	167,523
Bank Reconciliation	279,975	(88,474)
	440,009	79,049
Book Value of Cash and Investments	213,924,796	208,033,652
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,050,087	7,050,087
Critical Asset Compliance	704,215	731,103
Other Internal Reserves	3,840,861	3,919,303
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,977,676	4,992,781
Plant Replacement	1,624,459	1,441,591
S7.11 Recoupment	9,396,102	10,960,785
Commitment To Capital Works	2,424,172	2,825,187
Total Internally Restricted	30,328,741	32,232,007
Loans - General Fund	23,433,252	27,840,510
Self-Insurance Liability	2,946,925	3,102,317

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Grant reserve	13,867,425	12,956,434
Section 7.11	17,564,920	16,788,911
Special Rate Variation	6,471,995	2,883,323
Storm Water Levy	719,127	617,281
Trust - Mayors Relief Fund	161,455	161,455
Trust - General Trust	3,547,460	3,169,535
Waste Disposal	8,628,532	9,154,104
Sewer Fund	31,506,344	32,565,496
Sewer Plant Fund	4,817,042	4,649,572
Section 64 Water	25,470,572	25,319,653
Water Fund	21,953,302	22,108,421
Water Communication Towers	4,381,600	4,365,802
Water Plant Fund	6,280,504	6,089,354
Total Externally Restricted	171,750,454	171,772,170
Total Restricted	202,079,195	204,004,177
Unrestricted Cash Balance - General Fund	11,845,600	4,029,476

Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

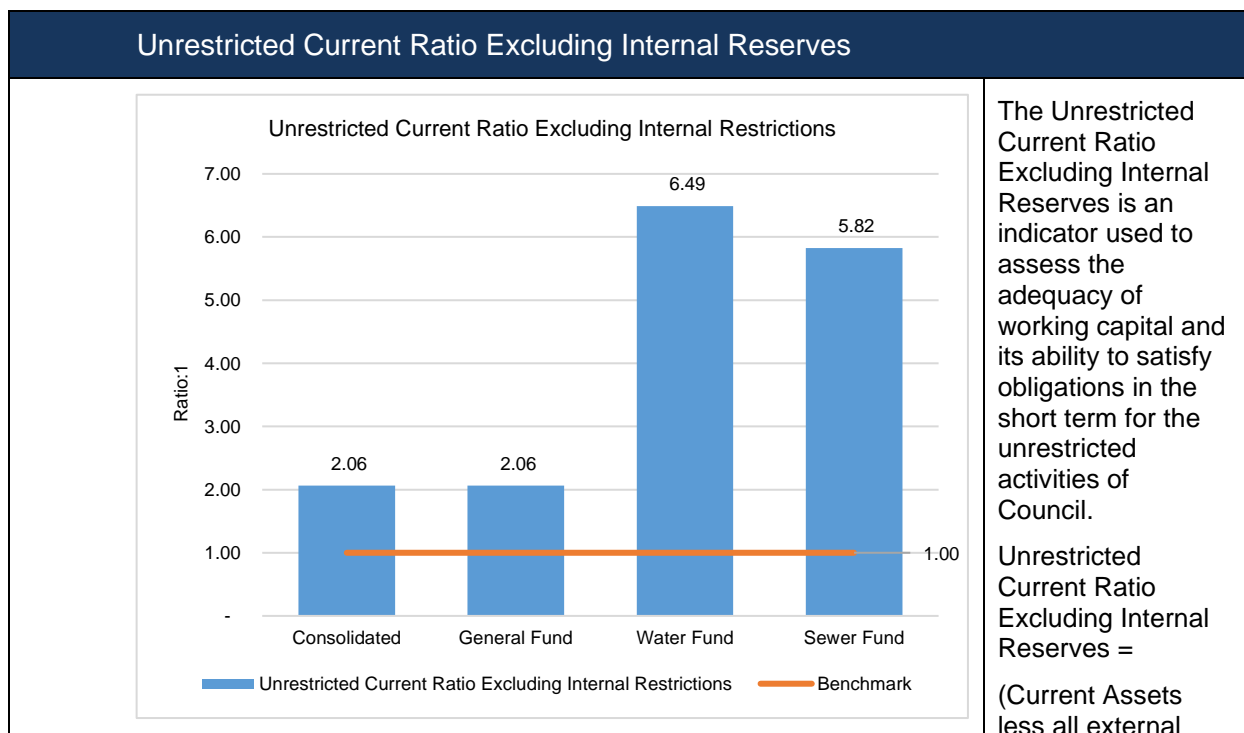
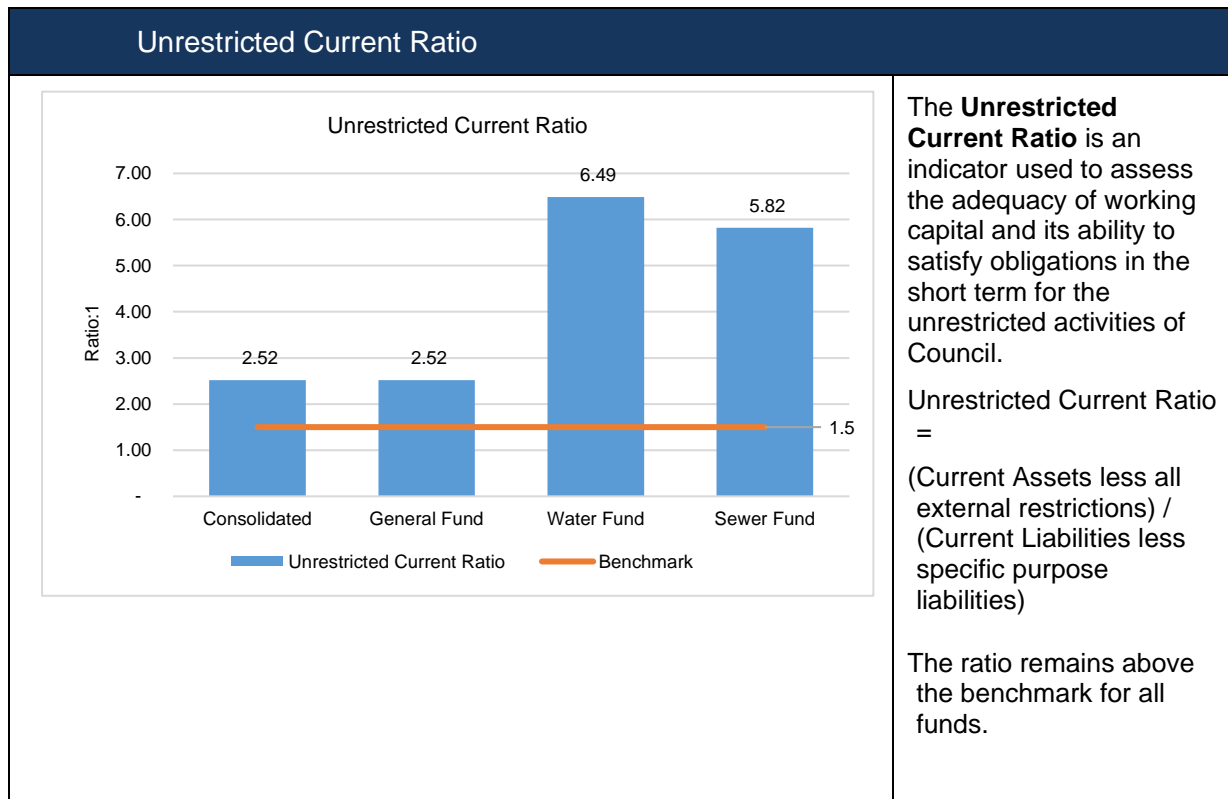
Total Cash	5,891,143	February was a rates instalment month
S7.11 Recoupment	(1,564,683)	Delivery of capital projects continues
Loans - General Fund	(4,407,258)	Delivery of major capital projects funded by loans such as Boongaree and Material Recovery Facility (MRF)
Special Rate Variation	3,588,672	Rates instalment month
Sewer Fund	(1,059,153)	Major decrease is associated with North Nowra surcharge main upgrade stage 1
Waste Disposal	(525,572)	RRF (Bioelectra) project offset by receipts from ratepayers.
Grant reserve	910,991	Ulladulla Maritime Berthing Facility, School Creek Bridge Disaster assistance to name a few grants received.
Unrestricted cash	7,816,124	Overall increase due to Council rates received in February.

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Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above the benchmark and Council remains in a sound financial position.

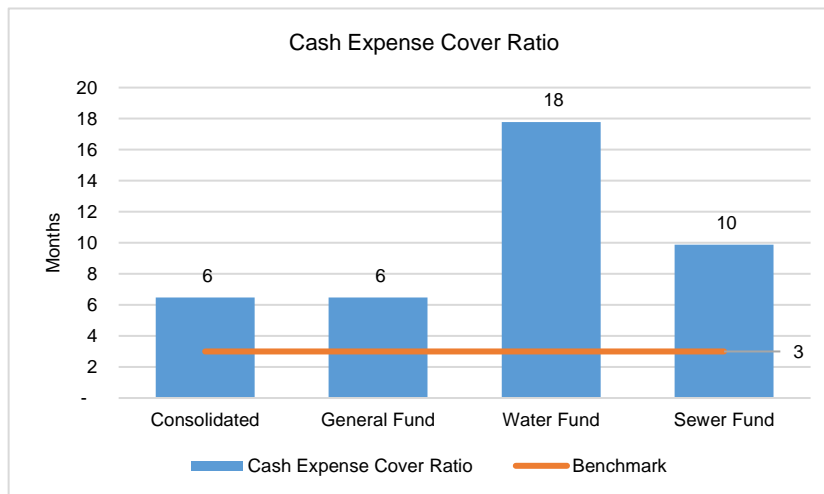


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and internal restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

Cash Expense Cover Ratio



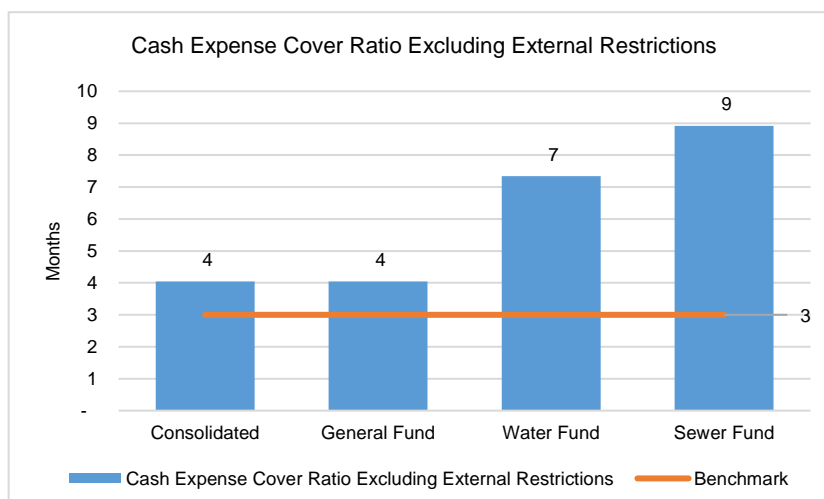
Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Cash expense cover ratio =

$$\frac{\text{(Cash equivalents, TDs and FRNs x 12)}}{\text{(Payments from cash flow of operating and financing activities)}}$$

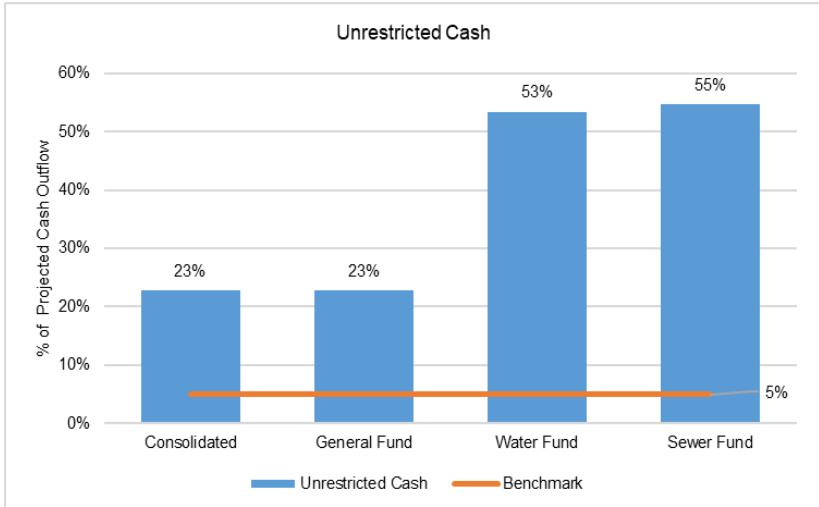
The ratio remains above the benchmark of 3 months as at the end of February 2022 for all funds.

Cash Expense Cover Ratio Excluding External Restrictions



Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external

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		restrictions. The ratio remains above the benchmark of 3 months as at the end of February for all funds.															
Unrestricted Cash																	
 <p>The chart displays the percentage of projected cash outflow for four funds. The Y-axis represents the percentage from 0% to 60%. The X-axis lists the funds: Consolidated, General Fund, Water Fund, and Sewer Fund. The bars for Consolidated and General Fund are at 23%, Water Fund is at 53%, and Sewer Fund is at 55%. A horizontal orange line represents the benchmark at 5%.</p> <table border="1"> <thead> <tr> <th>Fund</th> <th>Unrestricted Cash (%)</th> <th>Benchmark (%)</th> </tr> </thead> <tbody> <tr> <td>Consolidated</td> <td>23%</td> <td>5%</td> </tr> <tr> <td>General Fund</td> <td>23%</td> <td>5%</td> </tr> <tr> <td>Water Fund</td> <td>53%</td> <td>5%</td> </tr> <tr> <td>Sewer Fund</td> <td>55%</td> <td>5%</td> </tr> </tbody> </table>		Fund	Unrestricted Cash (%)	Benchmark (%)	Consolidated	23%	5%	General Fund	23%	5%	Water Fund	53%	5%	Sewer Fund	55%	5%	<p>Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.</p> <p>The unrestricted cash balance remains above the benchmark as at the end of February for all funds.</p> <p>The benchmark is set up at 3% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).</p>
Fund	Unrestricted Cash (%)	Benchmark (%)															
Consolidated	23%	5%															
General Fund	23%	5%															
Water Fund	53%	5%															
Sewer Fund	55%	5%															

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Financial Implications

COVID-19 has applied some pressure to Council's financial position; however, despite this, Council's financial position is operating in a sound manner based on the current cash position and liquidity ratios. It is also noted that revenue from interest earned forms a vital part of Council's revenue stream.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL19/72.



Olena Tulubinska

Date: 13 March 2022

CL22.146 Local Government Rating Structure & Rating Reform

HPERM Ref: D22/109793

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To provide Councillors with background information relating to Rating Legislation, Council's current Rating Structure, as well as current and pending State Government Rating Reforms.

Recommendation

That Council:

1. Receive the report for information and note the various options available to Council for setting a rating structure as part of the Revenue Policy for inclusion in its Delivery Program and Operational Plan.
2. Maintain for 2022/23 the practice of using a base amount to levy up to 50% of the rates and to which an ad valorem (rate in the dollar) amount is added to levy the remaining percentage for the reason of equity as outlined in the report.
3. Commit to review the rating structure when further rating reform guidelines are released by the State Government.

Options

1. Council accepts this report for information noting that the rating structure is to remain unchanged for 2022/23 financial year.

Implications: Rating structure will be incorporated into the Draft Delivery Program Operational Plan for the purpose of public exhibition.

2. Council resolves to implement alternative rating structure.

Implications: Impact will need be further assessed by staff and reported back to Council.

Background

Council has several revenue sources that generate income to deliver a wide and diverse range of services for the community.

The Annual Rate Levy is Council's primary source of general fund operating income, making up 31.6% of our annual income in 2021/22. This percentage does not include the Annual Charges that are also included on the Annual Rates and Charges notice.

For 2021/22 Council levied \$81.7M in rates comprising:

Rating Category /Sub-Category	Income (\$'000)
Residential	73,587
Residential /Non-Urban	111

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Rating Category /Sub-Category	Income (\$'000)
Business	6
Business / Commercial - Industrial	3,948
Business / Nowra	1,536
Farmland	1,776
Farmland / Dairy Farmers	290
Special Rates	467
Totals	81,721

Rates are levied on the basis of land values which are issued by the Valuer General of NSW. Rates are used to provide essential infrastructure and services such as roads, footpaths, parks, sporting fields, playgrounds, swimming pools, community centres, cycleways, public amenities, and libraries.

Growth in each council's total rates income is capped to a percentage each year which is determined by the Independent Pricing and Regulatory Tribunal (IPART). This is known as the rate peg. For the 2022/23 rating year, this has been set at 1.7% (0.7% base percentage plus 1% population growth factor).

Council may seek to increase its rates above the allowed percentage with IPART approval through an application for a Special Rates Variation under Section 508(2) and 508A of the *Local Government Act 1993 (Act)*. In 2017, Council was successful in obtaining approval for a Special Rate Variation (SRV) and has not yet fully utilised this approval and therefore has approximately \$2.38M in catch-up income that Council may use to increase the rates income for 2022/23 in excess of the 1.7% rate peg.

For 2021/22, Council's average residential rate is \$1,337 while the average business rate is \$2,183 and farmland \$2,715.

It is important to note that Council cannot increase its overall rates revenue by an amount higher than the rate peg plus approved special rates variation by introducing new rating categories and changing the rate structure. Council can only determine on the allocation of rates between rating categories.

Annual rates revenue and rating structure form part of the Revenue Policy that Council adopts on an annual basis as a part of Delivery Program and Operational Plan (DPOP) process.

Council's Rates and Charges levied each July may consist of Ordinary Rates; Special Rates; Waste Service Charges and Stormwater Charges.

Before Council can levy its rates each year it must adopt and give public notice of its proposed rating structure. This report steps through the process and underlying legislation relating to the preparation of Council's rating structure. By way of background, it provides:

- an overview of the categorisation and sub-categorisation of land, and associated limitations,
- the options available to Council for the calculation of rates, and
- the requirements of a rating structure.

Rating Structure

Calculation of Rates Levied

In accordance with the Act, Council's structure of a rate can only be:

- on a pure ad valorem (rate in the dollar) basis;
- on an ad valorem basis, subject to a minimum rate; or
- using a base amount to levy up to 50% of the rates to which an ad valorem (rate in the dollar) amount is added to levy the remaining percentage.

Traditionally Shoalhaven City Council uses a combination of ad valorem and base amounts for most of its rate categories.

'Ad valorem' rates are calculated on the land value of a property, multiplied by a 'rate in the dollar.'

An ad valorem amount is set as a proportion of the unimproved land value (UV) of the rateable property - that is, the value of the property without any buildings, houses, or other capital investments. The Valuer General provides Council's new land values at least every three years and the next land valuation will be applied to the 2023/24 rates. The rate in the dollar is to apply uniformly to the land value of all rateable land within the same rate category.

A base amount enables Council to charge all properties subject to the rate (or to the specific category or sub-category of the rate) a sufficient levy to cover the cost of common services, as well as basic general administration costs. A base amount is a quantifiable cost per property that aims to represent the basic administrative costs of Council and from which all properties benefit, regardless of their rateable value. A base amount is also used to 'flatten' out the incidence of rates across ratepayers where, for example, land values vary greatly within categories of ratepayers - which is the case for Shoalhaven residential rates.

The base amount is calculated using the Residential rating category and is set to the maximum of 50% of Residential income. This means that any properties that have a land value of equal to or near the average land value (approximately \$369,000) would have an ad valorem amount very close to or equal to the base amount.

Minimum Rates are currently not used by Shoalhaven City Council. Under this system a council must impose a uniform rate per dollar of land value but with 'a minimum'. This is so that those with the lowest values do not end up paying very small amounts compared to others. This methodology is considered less equitable in Council area (such as Shoalhaven LGA) where there are significant variances in residential land values across the Local Government Area. Imposing a minimum rates structure could result in residents living in lower income areas having to pay high rates.

As noted in the introduction to this report, each year, prior to levying its rates, Council is required to adopt its rating structure for the relevant year. The rating structure forms part of Council's Revenue Policy that is required to be included in its annual operational plan.

Information with respect to rates proposed to be levied must include:

- the ad valorem amount (rate in the dollar) of the rate, noting any minimum rate
- whether the rate is to have a base amount and, if so: the amount in dollars of the base amount, and the percentage of the total amount payable that the levying of the base amount will produce
- the estimated yield of the rate
- in the case of a special rate, the purpose for which the rate is to be levied; and –
- the categories or sub-categories of land in respect of which Council proposes to levy the rate.

This is achieved by including Council's rating structure in the public exhibition of its annual Delivery Program and Operational Plan.

The table below represent the current rating structure of Shoalhaven City Council:

Rating Category / Sub-Category	Number	Ad Valorem (\$)	Base Amount (\$)	Income (\$'000)	Land Value (\$'000)	Average Rates (\$)
Residential	55,034	0.18112	\$668.00	73,587	20,331,664	\$1,337
Residential / Non-Urban	948	0.18112	47.00	111	36,762	\$117
Business	149	0.37285		6	1,721	\$43
Business / Commercial - Industrial	1,808	0.26240	668.00	3,948	1,044,144	\$2,183
Business / Nowra	363	0.56420	668.00	1,536	229,183	\$4,230
Farmland	654	0.15010	668.00	1,776	891,891	\$2,715
Farmland / Dairy Farmers	143	0.07640	668.00	290	254,411	\$2,027
Special Rates				467	-	
Totals	59,099			81,721	22,789,776	

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Rating Categories

Prior to determining an ordinary rate, Council must have declared each parcel of rateable land in its area to be within one or other of the four categories as per Section 514 of the Act:

- Residential (dominant use is for residential accommodation) ^{*1 *2}
- Business (land is to be categorised as business if it cannot be categorised as farmland, residential or mining)
- Farmland (dominant use is for farming)
- Mining (not applicable in the Shoalhaven LGA)

^{*1} otherwise than as a hotel, motel, guesthouse, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations.

^{*2} The regulations prescribe:

- 121 - If the dominant use of land is for a caravan park or a manufactured home estate, the land is not to be categorised as residential for rating purposes
- 122 - If the dominant use of land is for a retirement village, serviced apartments or a time-share scheme, the land is to be categorised as residential for rating purposes

Rating Subcategories

Under the Act a council may determine a sub-category or sub-categories for one or more of its categories of rateable land. The residential category can be sub-categorised according to whether the land is rural residential land or is within a 'centre of population'. The business category may be sub-categorised according to a 'centre of activity'. Council has utilised this provision in relation to its residential and business category.

Council has previously resolved, under Section 529 of the Act, to create subcategories under each of its rating categories. The current subcategories are:

- Residential Non-Urban (on all rateable land which is zoned so as not to permit any building)
- Farmland Dairy Farmers (currently licensed with the NSW Food Authority for the production of fresh milk and are operating as a Dairy Farm)
- Business Commercial/Industrial (land used or zoned for professional/commercial trade or industrial purposes)
- Business Nowra (on all business rated property in the Nowra CBD)

Rate paying pensioners that hold a current Pensioner Concession Card and the property is their sole or principal place of residence, may be eligible to receive a pensioner rebate. The pensioner rebate for a full year from 1 July to 30 June is based on 50% of the residential rate levy to a maximum of \$250. (Note: Pensioners may be also entitled to a 50% rebate on their water and sewer charges up to a maximum of \$87.50 for each. If entitled, they will receive these rebates on their water accounts). It is important to note that 55% of the total value of pensioner subsidies provided by the Council are reimbursed by the State Government on an annual basis while the remaining 45% is subsidised from non-pensioner ratepayers.

The proportions of ordinary rates collected from the rates categories and sub-categories are:

Rating Category * Sub-Category	Average Rates	% of Rates
Residential	\$1,337	90.05%
Residential * Non Urban	\$117	0.14%
Business	\$43	0.01%
Business * Commercial / Industrial	\$2,183	4.83%
Business * Nowra	\$4,230	1.88%
Farmland	\$2,715	2.17%
Farmland * Dairy Farmers	\$2,027	0.35%
Special Rates		0.57%
		100.00%

The spread of land values across the rates categories and sub-categories are:

Rating Category * Sub-Category	Average Rates	% of Land Value
Residential	\$1,337	89.21%
Residential * Non Urban	\$117	0.16%
Business	\$43	0.01%
Business * Commercial / Industrial	\$2,183	4.58%
Business * Nowra	\$4,230	1.01%
Farmland	\$2,715	3.91%
Farmland * Dairy Farmers	\$2,027	1.12%
Special Rates		
		100.00%

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Special Rates

The Act also provides for 'special' rates to be levied where a council is of the opinion that an area benefits, or will benefit, from particular works, services, facilities or activities.

Council has previously resolved, under Section 495 of the Act, to levy special rates to meet promotional/infrastructure needs of the specific ratepayers.

Special rates only apply to identified properties and not all properties within a certain category. For example, the Sussex Special Rates are levied to meet the costs of business promotions for the Sussex Inlet area and surrounds and apply to all properties in this area categorised as Business Commercial/Industrial. The special rates ensure that additional infrastructure and other additional costs that benefit specific ratepayers remain cost neutral to Council.

The current special rates are:

- Sussex Area Special – ongoing, levied to meet the costs of business promotions for the Sussex Inlet area and surrounds and apply to all properties in this area categorised as Business Commercial/Industrial
- Nebraska Road Construction Special Rate – ongoing, this is a small interim rate (pending rezoning) to fund minor upgrades in the road reserve over time (as funds are collected). If/when the land is rezoned, a new special rate (or equivalent funding arrangement) will be required
- Jerberra Road Infrastructure
- Jerberra Electricity Infrastructure
- Jerberra Road - E2 Infrastructure – post-rezoning subdivision infrastructure construction work is now completed. The loan will be repaid by 2024/25. This work included road constructions and the provision of electricity infrastructure for Jerberra Estate residents
- Verons Road Upgrades - Dwelling Potential
- Verons Road Upgrades - No Dwelling Potential – post-rezoning subdivision infrastructure construction including road construction, funded by a loan that will be repaid by 2036/37

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Rates Calculator

On Council's website there is a [Rates Calculator](#) that will calculate an estimate of the amount of rates and charges for the majority of properties.

As an example, the calculation of the Residential Ordinary Rate on a land value of \$369,000 is as follows:

Ad Valorem	\$369,000.00	\$0.0018112	\$668.33
Base amount			\$668.00
Total			\$1,336.33

Non-Rateable Properties

By virtue of Section 554 of the Act, all land in a Local Government area is "rateable" unless it is "exempt from rating".

Some land is exempt from all rates under Section 555. The types of land included under Section 555 include:

- Land held by the Crown, not being leased for private purposes
- Land within a national park, historic site, nature reserve or state game reserve
- Land subject to a conservation agreement
- Land occupied by a church, or another building used or occupied for public worship
- Land occupied by a building used or occupied with religious teaching or training, or as a residence for a minister of religion
- Land that belongs to and is occupied and used in connection with a school
- Land that is within a special area for the Hunter Water Corporation or other water supply authority
- Land that is vested in the NSW Aboriginal Land Council or a Local Aboriginal Land Council and is declared under Division 5 of Part 2 of the Aboriginal Land Rights Act 1983 (this may also exempt land from all charges in some circumstances)
- Land owned by the Rail Infrastructure Corporation
- Land below the high-water mark and used for any aquaculture relating to the cultivation of oysters

Section 502 deals with charges for actual use of service as opposed to annual charges. It should be noted that a charge for actual use of service is not linked to the fact that a land is rateable or non-rateable. Accordingly, no land is exempt from user charges made under Section 502.

Some land is exempt from all rates, other than water supply special rates and sewerage special rates: see Section 556. It must be noted that land under this section is not exempt from annual charges made under Section 501.

The types of land included under Section 556 include:

- Land that is a public place, common or public reserve
- Land used as a public cemetery, public library, public hospital, college, university or mining rescue company
- Land that belongs to and is used by a public benevolent institution or charity
- Land belonging to the Sydney Cricket and Sports Ground Trust or the Zoological Parks Board

Non-rateable properties still have to pay for any other services provided by Council, for example waste fees and charges.

Council Donations

Under Council's Donation Policy, Council pays for the rates via donation for some eligible rateable properties. The properties receiving a rates donation during the 2021/22 rating year are:

Ratepayer	Annual Rates Donation Amount (\$)
Berry RSL Club	\$2,698.86
Cambewarra School Of Arts	\$1,738.92
Country Women's Association	\$2,059.50
Country Women's Association	\$1,961.70
Culburra & District Community Health Service	\$4,231.56
Curarong Community Association Inc	\$2,732.18
Mollymook Bridge Club Inc	\$1,953.36
Nowra & District Motorcycle Club	\$2,073.49
Nowra Rifle Club Inc	\$1,550.30
Pyree Literary Institute	\$1,090.26
RSL Custodian Pty Ltd	\$1,954.03
Shoalhaven Clay Target Club Inc	\$1,167.89
Shoalhaven Pistol Club	\$1,064.65
The Flagstaff Group Ltd	\$47.00
Tomerong School Of Arts	\$3,074.11
Ulladulla Pistol Club	\$856.36
Upper Kangaroo River Progress Association Inc	\$927.00
Wandandian Progress Association Inc	\$1,609.59
Total	\$32,790.76

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Overview of Rating Reforms

In June 2020, the NSW Government committed to rating reform in response to the Independent Pricing and Regulatory Tribunal's (IPART's) review of the Local Government rating system. This response acknowledged that Local Government and the communities they serve need to have a more flexible rating system, whilst ensuring rates are applied fairly and more equitably to local communities.

Last year important reforms to the rating system were made through the Local Government Amendment Act 2021 (the Amendment Act). That law was passed by the NSW Parliament on 13 May 2021 and assented to on 24 May 2021.

All Councils and other Local Government organisations had an opportunity to provide feedback on the proposed reform. Shoalhaven City Council provided feedback in the form of a submission from the Council and as a member of the NSW Revenue Professionals.

Overall, Council supported the proposed changes to the Local Government.

Immediate Reforms

Four rating reforms came into effect immediately on 24 May 2021.

These are:

1. For those Councils formed in 2016, to harmonise their rating structures gradually up to eight years - Councils that take up this option must apply no more than 50% of the total increase in rates for each rating category over the period, in any year. This reform does not apply to our Council.
2. The Act now clearly allows for multiple rate pegs to be set, if required, as part of limiting councils' general income each year. This will enable the NSW Government to deliver on its commitment to align Councils' general income to population growth in future to help relieve pressure in growing communities. This is now in place and has allowed Council to have a rate peg for 2022/23 of 1.7% (base percentage 0.7% + population growth factor 1.0%).
3. Councils are able to set different residential rates within a contiguous urban area. Prior to this reform, Councils were effectively prevented from applying different residential rates in urban areas, such as those in Greater Sydney, which allows Councils to separate residential rates in contiguous urban areas if there is, on average, different access to, demand for, or cost of, providing services and infrastructure.
4. To set separate rates for farming land based on geographic location.

Reforms yet to commence

Six further rating reforms formed part of the Amendment Act but did not come into effect on assent. These will be commenced by proclamation once supporting regulations and guidelines are in place.

These are:

1. To reduce red tape, the Act will allow councils to levy a new kind of special rate for infrastructure jointly funded with other government entities. These special rates are not limited to funding Council functions and resulting income does not form part of Council's general income under the rate peg.
2. A new rating category for environmental land will be created for land where meaningful development is constrained by geography or regulation that imposes significant restrictions on use, such as conservation agreements. This may mean that we would no longer need to use our current Residential Non-Urban and Business (permits) rating categories. However, we will need to wait for the regulations and guide to be finalised before we know what this new rating category may be used for.
3. Councils will be able to set business rates based on whether the land is predominantly used for industrial activities. We will need to wait for the regulations and guide to be finalised before we know what the definition will be for 'industrial activities.'
4. The Act also allows for regulations to be made to specify circumstances under which the rating exemption for land subject to a conservation agreement may be removed. This will not commence until regulations are made following consultation with key stakeholders to ensure incentives for land conservation remain in place. We will need to wait for the regulations and guide to be finalised before we know under what circumstances these may be removed.

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5. The Act will enable any Councils that provide water and sewerage services and levy special rates for that purpose with discretion about whether to exempt certain properties from those rates, and
6. Limits will be placed on ratepayers eligible to postpone rates due to a change in the permitted use of their land. This will still allow owner occupiers who would face hardship to apply to Council for a postponement of the portion of their rates that have increased due to rezoning. Council will need to give consideration to the treatment of these ratepayers once more information is available.

Management will report further details of the reform to Council once the Office of Local Government have released more information.

Conclusion

The purpose of this report was to provide Councillors with background information relating to Rating Legislation, Council's current Rating Structure and current/pending State Government Rating Reforms ahead of its consideration of a draft Rating Structure and Revenue Policy for inclusion in the 2022/23 Delivery Program and Operational Plan.

Having considered the information presented, it is recommended that Council maintain its practice of using a base amount to levy up to 50% of the rates to which an ad valorem (rate in the dollar) amount is added to levy the remaining percentage for the reason of equity as outlined in the report.

CL22.147 Motorsports Complex Working Group

HPERM Ref: D22/73165

Department: Tourism

Approver: Gordon Clark, Interim Director - City Futures

Attachments:

1. MIN21.148 [↓](#)
2. MIN22.25 [↓](#)
3. Draft Terms of Reference [↓](#)

Reason for Report

Council resolved to form a Motorsports Complex Working Group, with the first meeting scheduled mid-April, and requested a further report to endorse community representatives and also a Terms of Reference for the Group.

Recommendation

That regarding the Shoalhaven Motorsports Complex Working Group, Council:

1. Endorse the following members of the South Coast Motor Sports Club Inc being appointed as the Community Members on the Group:
 - a. Norman Mogg
 - b. Paul Dean
 - c. Roger Walker
 - d. Robert Bridge
2. Adopt the Terms of Reference (Attachment 3 to this report).

Options

1. As recommended

Implications: The Working Group will have its first meeting with an endorsed Terms of Reference and confirmed membership.

2. Defer approval of the Terms of Reference until after the first meeting of the Working Group

Implications: The Working Group will need to discuss the draft Terms Of Reference at the first meeting. The group have provided advice that they would like to 'hit the ground running' and the draft Terms Of Reference are in line with the Council resolution/intention.

Background

In July 2021, Council resolved to form a Working Group to attempt to overcome the ongoing challenges associated with finding a site for the proposed motorsports complex, see **Attachment 1** for a copy of the Minute.

In January 2022, Council resolved to continue the Working Group (**Attachment 2**) and additionally, that

“...community membership, Quorum, Terms of Reference and number of meetings per year will be determined in a further report to Council”.

This report provides ‘the further report to Council’ as resolved.

Community Engagement

Council staff received an email from the South Coast Motor Sports Club Inc nominating members for inclusion in the Working Group. These names are included in the recommendation above with no alteration.

Policy Implications

A draft Terms of Reference (TOR) has been prepared for the working group in line with the original resolution of Council (**Attachment 3**). Council endorsing this document will allow the working group to ‘hit the ground running’ at the first meeting, setting the scope for the work.

The draft TOR provides for membership to comprise the following delegates:

- Cllr Norris - Chairperson
- All Councillors
- CEO or Nominee
- Director – City Futures and/or Nominee
- Community / Organisational Representatives Community membership as formally endorsed by Council

Financial Implications

This is a working group with no budget allocation at this point.

FOR ACTION

ORDINARY MEETING

27/07/2021

TO: Director - City Futures (Domm, Robert)

Subject: Notice of Motion - Shoalhaven Motor Sports Complex (MSC) - Working Party establishment - Seek funding from Government - Review Bushfire affected land - Endangered species
Target Date: 26/08/2021
Notes:
HPERM Reference 42554E
Related Report D21/300208
Item Number CL21.148

RESOLVED (Clr Watson / Clr Gash)

MIN21.539

To facilitate the development a Motor Sports Complex (MSC) in our City, Council undertake the following actions:

1. A working party be established to guide the development of an MSC. This working party to be made up of Councillors, Staff and members of the South Coast Motor Sports Club Inc. The members to be determined at the Call Meeting of the new Council.
2. Actively seeks funding for the establishment phase of this project from Federal and State Governments as part of their programs for rural and regional economic development.
3. Facilitate a review of land badly affected by bush fires in recent years to establish the extent of the proliferation of endangered species due to the opening up of these areas through the loss of tree coverage.

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

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

CARRIED

Clr Pakes raised a Point of Order against Clr Gartner for interjecting while Councillors were speaking. The Mayor did not rule it a Point of Order.

[Open Item in Minutes](#)


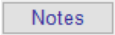
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CL22.147 - Attachment 1

FOR ACTION

ORDINARY MEETING

25/01/2022

TO: Governance Officer (Bowley, Kay)

Subject: Motor Sports Complex Working Party - Membership
Target Date: 24/02/2022
Notes:
HPERM Reference
Related Report
Item Number CL22.28

CL22.28 Motor Sports Complex Working Party

RESOLVED (Clr Gray / Clr Butler) MIN22.25

That Council continue the operation of Motor Sports Complex Working Party for the period to September 2022 as outlined below.

Meetings per year – To be Determined	Quorum – To be Determined
Commencement time – To be Determined	Terms of Reference: To be Developed
Role: To guide the development of a Motor Sports Complex (MSC) in our City.	
Delegation: Nil	
Chairperson – To be determined at Call Meeting - 25 January 2022	
2022 Councillor / Staff Membership Clr Norris - Chairperson All Councillors CEO or Nominee Director – City Futures Economic Development Manager Manager - Tourism	
Community / Organisational Representatives Community membership, Quorum, Terms of Reference and number of meetings per year will be determined in a further report to Council	

CARRIED


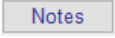
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CL22.147 - Attachment 2



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the City Futures Directorate

Terms of Reference - Shoalhaven Motorsports Working Group

Policy Number: *Adopted:* • *Amended:* • *Minute Number:* • *File:* 1 • *Produced By:* City Futures • *Review Date:*

1. ROLE AND PURPOSE OF THE WORKING GROUP

- Help guide and facilitate the development a Motor Sports Complex (MSC) in Shoalhaven
- Investigate suitable potential locations and sites for the establishment of a MSC in the City, including a review of land badly affected by bush fires in recent years to establish the extent of the proliferation of endangered species due to the opening of these areas through the loss of tree coverage
- Actively seek funding for the establishment phase of this project from Federal and State Governments as part of their programs for rural and regional economic development.

2. RELATIONSHIP TO COUNCIL

Working group of Council

3. DELEGATED AUTHORITIES

- Make recommendations to Council to facilitate the development of a MSC in Shoalhaven.
- Provide feedback on matters regarding the development of a MSC in Shoalhaven

4. MEMBERSHIP

The membership shall comprise of the following delegates:

Clr Norris - Chairperson

All Councillors

CEO or Nominee

Director – City Futures and/or Nominee

Community / Organisational Representatives Community membership as formally endorsed by Council

Councillors

CL22.147 - Attachment 3

Shoalhaven City Council – Shoalhaven Tourism Advisory Group – Terms of Reference

Council will advise the working group of its appointed representatives. Council at its discretion can replace representatives at a time of its choosing.

5. TERM OF APPOINTMENT

- Appointments will be for a term of 1 year

6. EXECUTIVE POSITIONS

The Working Group will appoint a Chairperson and Deputy Chairperson on an annual basis by a vote of members of the Working Group.

The role of Chairperson is:-

- To chair the meeting and exercise functions.
- To be the spokesperson for the working group
- To call Extraordinary meetings of the working group
- The role of the Deputy Chairperson is to act as Chair when the Chair is not present at meetings.

7. WORKING GROUP MEETINGS

- Formal Meetings will be held no less than quarterly in a form and format as determined by the membership
- Topics for the Agenda are to be forwarded to the Chairperson no later than 14 days prior to the meeting.
- Agenda and minutes from previous meetings will be circulated to members at least 7 days prior to the meeting.
- Members must declare in writing, or during the meeting, any interest in any report tabled at the meeting in line with the Code of Conduct.

8. QUORUM

The Quorum is half plus one.

9. VOTING AND RECOMMENDATIONS

- Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes
- Where a consensus cannot be reached at two consecutive meetings, then the majority of 60% of those present can adopt a recommendation
- Alternative views and general key discussion points are to be minuted

10. COMMUNICATION

Shoalhaven City Council – Shoalhaven Tourism Advisory Group – Terms of Reference

- Members of the Working Group are not permitted to speak to the media as representatives of the Group unless approved by the Chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Working Group and not of Shoalhaven City Council
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

11. PARENT ADVISORY GROUP

Ordinary Council.

12. CODE OF CONDUCT

All members of the Committee are to abide by Council's Code of Conduct, including declaration and management of all conflicts of interest

Members cannot obtain private benefit because of their involvement in decision making as a member of the Committee

13. RECORD OF MINUTES

The Working Group shall ensure that an agreed written record of each of their meetings is forwarded to Council.

14. STAFF ATTENDANCE

Executive staff maybe required to attend the meetings of the Working Group. Other staff at the Directors' discretion or at the Working Group's request can attend meetings as required.

15. RESPONSIBILITY OF COUNCIL

Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.

Council at its discretion may review and change the Terms of Reference, Role and Structure of the Working Group.

16. REVIEW

After each election of Council.

CL22.148 Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination

HPERM Ref: D22/66892

Department: Strategic Planning

Approver: Gordon Clark, Interim Director - City Futures

Attachments: 1. Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [↓](#)

Reason for Report

Obtain Council support for the following in relation to the NSW Government's Standard Instrument LEP Agritourism Amendment Order:

- Opt-in to the proposed new 'farm stay accommodation' and farm gate premises' optional clauses for inclusion in the Shoalhaven Local Environmental Plan (LEP) 2014.
- Nominate the RU1 Primary Production and RU2 Rural Landscape zones as land to which the new 'Agritourism', 'Farm experience premises' and 'Farm gate premises' land use terms will be permitted with consent in the LEP.
- Not nominate additional zones where 'farm stay accommodation', 'cellar door premises' and 'roadside stalls' would be permitted with consent at this point.

Recommendation

That Council:

1. Opt-in to the proposed new 'Farm stay accommodation' and 'Farm gate premises' optional clauses for inclusion in the Shoalhaven Local Environmental Plan (LEP) 2014, including the Shoalhaven specific numerical standards outlined in the report.
2. Nominate the RU1 Primary Production and RU2 Rural Landscape zones as land to which the new 'Agritourism', 'Farm experience premises' and 'Farm gate premises' land use terms will be permitted with consent in the Shoalhaven LEP 2014.
3. Not nominate additional zones where 'farm stay accommodation', 'cellar door premises' and 'roadside stalls' would be permitted with consent at this point.
4. Advise the NSW Department of Planning & Environment (DPE) of Council's resolution by 31 March 2022 and request further meaningful consultation and dialogue with DPE on the current proposal and broader agritourism reforms, where relevant.
5. Receive future reports, if required, to:
 - a. Enable further comment on the detail (or adjustment) of the proposed agritourism planning reforms.
 - b. Present any matters that may arise in the 12 months following the introduction of the new 'Farm stay accommodation' and 'Farm gate premises' optional clauses, which could be considered as part of the regular LEP housekeeping process.

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Options

1. As recommended.

Implications: This is the preferred option as it will enable Council to nominate the optional clauses and land use zones for the new agritourism related land uses that are appropriate within Shoalhaven LEP 2014. The suggested approach is considered a good outcome for Shoalhaven in balancing the need for resilience and sustainable tourism, with the existing character and amenity of certain rural and conservation zoned land across the City.

2. Make changes to the draft nomination and submit to DPE.

Implications: This will still enable Council to provide a nomination; however, the implications of any possible changes are unknown and may require closer consideration and refinement. Changes could include not opting into the optional clauses, specifying different numerical standards for the optional clauses or nominating different zones for the agritourism land use terms. It is noted that Council's nomination is due on 31 March 2022, and if this timeframe is exceeded, Council would need to pursue the optional clauses as part of a Council initiated planning proposal using staff resources and existing budgets.

3. Not make a nomination.

Implications: This is not favoured as Council will not be able to nominate any optional clauses or land use zones for the new agritourism related land uses in the Shoalhaven LEP 2014. The proposed clauses and land uses have merit and would assist in the balanced consideration of related applications. If Council chooses not to nominate any clauses or land use zones at this stage, Council could pursue a planning proposal with a similar focus in the future using staff resources and exiting budgets.

Background

In March 2021, the NSW Government released initial exhibition material relating to [Agritourism and small-scale agriculture development](#). This exhibition proposed amendments to the NSW planning System in order to boost farm businesses and regional tourism, by streamlining the approval of agritourism and other small-scale agricultural development. The proposed reforms are part of the response to the economic impacts of natural disasters and COVID-19 on the farming community.

The Explanation of Intended Effect (EIE) supporting the exhibition outlined that additional consultation would be needed relating to the agritourism proposals. Given the relevance of this matter to the Shoalhaven, Council requested to be included in any additional consultation and engagement to ensure that the final reforms were appropriate for Shoalhaven, functioned as intended and balanced impacts. Council resolved in this regard as follows on 11 May 2021:

1. *Endorse the draft submission on the proposed planning reforms related to agritourism and small-scale agriculture development (Attachment 1) so it can be finalised and sent to the NSW Department of Planning, Industry & Environment for consideration.*
2. *Request further consultation and dialogue on the proposed reforms before they are finalised.*
3. *Receive future reports, if required, to enable further comment on the detail of the proposed planning reforms.*

The detailed reporting (DE21.41) relating to this resolution can be accessed [here](#).

In December 2021 DPE released further material in this regard and commenced its additional consultation. The consultation package consisted of the following:

- Information sheet (not publicly accessible)
- Agritourism Nomination Form (not publicly accessible)
- Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (LEP Order) (**Attachment 1**)

It is important to note that the draft clauses and land uses are not on exhibition – Council does not have the opportunity to make a submission on these as such. Essentially, Council has been asked to nominate the optional clauses and land use zones for the new agritourism related land uses outlined in the LEP Order that would be appropriate for Shoalhaven.

DPE have advised that they are intending to make the LEP Order in early 2022 (i.e., the changes are legislated and become effective), and an amending State Environmental Planning Policy (SEPP) will amend the LEP's of all Councils that nominated favourably mid-2022.

NSW Councils have been requested to provide preliminary nominations to DPE by 25 February 2022 (this has been done for Shoalhaven), with a Council endorsed nomination due by 31 March 2022.

Overview of proposed changes

The intended LEP Order seeks to include:

- Optional clauses in the Standard Instrument (SI) LEP for 'farm stay accommodation' and 'farm gate premises'. In turn, Council has the opportunity to include these clauses in its relevant LEPs.
- New land use terms for 'agritourism', 'farm gate premises' and 'farm experience premises'.
- Changes to the existing definition of 'farm stay accommodation'.
- Transferring 'cellar door premises' to become a subset of 'farm gate premises'.
- Changes to existing SI LEP clauses relating to roadside stalls and intensive livestock agriculture.

See **Attachment 1** for the definitions of the above terms.

As a result of the introduction of the new land use terms, Council also has the opportunity to specify the land use zones where the new land uses would be permissible in its LEP's.

Each of the proposed changes are discussed below. How the new land use terms relate to each other is also shown in **Figure 1**.



Figure 1: Hierarchy of Land Uses

(Source: DPE Standard Instrument LEP Agritourism Amendment Order Information Sheet)

Optional Clauses – ‘Farm Stay Accommodation’ and ‘Farm Gate Premises’

The LEP Order (**Attachment 1**) proposes to introduce two new ‘optional’ clauses into the SI LEP being:

- Clause 5.23 - Farm Stay Accommodation
- Clause 5.24 - Farm Gate Premises

These clauses are ‘optional’ – Thus, Council can choose whether to nominate (opt in) to adopt these clauses or not. The clauses are generally supported as they provide Shoalhaven with a set of numerical standards in a legislative context, which will assist in the assessment of agritourism developments across certain rural and conservation zones in Shoalhaven. There is currently little policy guidance in this space.

The clauses have been drafted so there are certain components that are consistent across NSW (i.e., heads of consideration), however an opportunity for local variation (gross floor area, number, people) has been provided to allow a tailored approach relative to each NSW Council. This approach is supported.

The merit of each optional clause is discussed below, along with opportunities for local variation. It is recommended that the optional clauses only be included in LEP 2014, as the respective land uses are unlikely to occur in the Jerberra Estate (has its own LEP) area as the ‘Agriculture’ group term is prohibited in the area (noting that extensive agriculture may sporadically occur).

Clause 5.23 Farm stay accommodation

‘Farm stay accommodation’ is a subset of the land use term ‘Tourist and visitor accommodation’. The proposed ‘Farm stay accommodation’ optional clause seeks to allow a diversification of agricultural land without impacting upon the use of the land for a primary production business. This requirement has been incorporated into the definition which means that if the primary production business ceases, then the ‘Farm stay accommodation’ element would also need to cease. ‘Farm stay accommodation’ can also only be considered on a lot with a lawfully erected dwelling, or where the lot is larger than the minimum lot size for the land. The accommodation is to provide temporary accommodation to paying guests of a working farm in buildings and moveable dwellings. It is noted that in addition to development consent, a moveable dwelling may also need to comply with the approval requirements of section 68 of the *Local Government Act 1993*, as detailed in [Council’s Local Approvals Policy](#).

The overall objectives, nature of the numerical standards and heads of consideration in the draft optional clause are supported. Council has the opportunity to add additional objectives to this clause (now or in the future), however it is considered that the objectives are adequate for Shoalhaven at this point in time.

Council also has the opportunity to apply numerical standards that are appropriate for ‘Farm stay accommodation’ in the Shoalhaven context. The following table outlines the standard that needs a specific response, the suggested standard and the reasoning for it.

Type of numerical standard	Proposed subclause (2) Development must not be granted... unless the consent authority is satisfied that –	Suggested numerical standard
Maximum gross floor area (GFA) for a building to accommodate guests	(b) the gross floor area of a building used to accommodate guests will not be more than <i>[insert number no less than 60]</i> square metres	<p>60 square metres</p> <p>Shoalhaven LEP 2014 does not currently specify a GFA for farm stay accommodation; however, secondary dwellings are limited to 60 square metres or 60% of the total floor area of the principal dwelling. For consistency, it is recommended that the GFA for farm stay accommodation not be greater than 60 square metres.</p> <p><u>Note:</u> Council is able to reduce the GFA through a condition of development consent. This clause does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.</p>

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Maximum number of days for guests in a moveable dwelling	(c) the maximum number of guests accommodated in moveable dwellings on the land holding will not be more than <i>[insert number no more than 20]</i> at any 1 time	10 guests with a maximum of 3 moveable dwellings It is considered that 20 guests is not generally appropriate due to concerns related to amenity, management of human waste or on-site sewerage, planning for bushfire, flooding and waste disposal relating to this form of development. 10 guests is considered a more appropriate number balancing amenity and environmental factors, and represents half of the maximum. A total of 3 moveable dwellings is recommended, enabling a range of combinations to accommodate the maximum of 10 permitted guests.
Maximum number of moveable dwellings for the accommodation of guests (note: this may include small-scale camping)	(d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than <i>[insert no more than 6]</i>	

Clause 5.24 Farm Gate Premises

‘Farm gate premises’ is a subset of the land use term ‘Agritourism’. The proposed ‘Farm gate premises’ optional clause seeks to allow a diversification of agricultural land through the provision of agricultural products (from the farm or other farms in the region) or services and activities relating to the products, to visitors to the farm. This could include the following activities that are ancillary to the farm:

- Processing and packaging of certain products.
- Operating a restaurant, café or cellar door premises.
- Holding tastings, workshops or education related to the products.

The overall objectives, nature of the numerical standards and heads of consideration in the draft optional clause are supported. Council has the opportunity to add additional objectives to this clause (now or in the future), however it is considered that the objectives are adequate for Shoalhaven at this point in time.

Council also has the opportunity to apply numerical standards that are appropriate for ‘Farm gate premises’ in the Shoalhaven context. The following table outlines the standard that needs a specific response, the suggested standard and the reason why.

Type of numerical standard	Proposed subclause	Suggested numerical standard
	(2) Development must not be granted... unless the consent authority is satisfied that –	
Maximum gross floor area (GFA)	(a) the gross floor area of a building	100 square metres with 30 people at any one time

for a building used for farm gate premises	used for farm gate premises will not be more than [insert number no more than 200] square metres	The maximum GFA or people suggested for farm gate activities is generally not considered appropriate for Shoalhaven as the GFA, coupled with potential volume of patrons, will likely generate significant impacts relating to both amenity and the environment. It is considered that a maximum of 100 square metres with 30 people is more suitable within the context of Shoalhaven and will better balance amenity and environmental factors.
Maximum number of persons permitted	(b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more than [insert number not more than 50] persons	

Nomination of Land Use Zones for New and Existing Agritourism Land Uses

As outlined above, the LEP Order seeks to introduce a range of new land uses into the SI LEP including 'Agritourism', 'Farm gate premises' and 'Farm experience premises'. DPE has requested Council nominate the zones to which these land uses should apply in the Shoalhaven LEP 2014 and Shoalhaven (Jerberra Estate) LEP 2014. Council also needs to consider whether the permissibility of other agritourism land uses should be expanded to other zones where they are currently prohibited.

The following table outlines the new and existing land uses for Council's consideration and details current and suggested zoning. Refer to the definitions of these land uses at **Attachment 1** and the hierarchy of land use image at **Figure 1**. Essentially, it is recommended that the 'status quo' be maintained where applicable, and optional clauses only be included within the RU1 Primary Production and RU2 Rural Landscape zones in the Shoalhaven LEP 2014, where 'Agriculture' is already permissible with consent.

Land Use Term	Proposed Change	Current zone	Proposed zone	Comment
Agritourism	This is a new term that sits under the Agriculture group term. It includes farm gate premises and farm experience premises	LEP 2014 - N/A Jerberra LEP – N/A	LEP 2014 - RU1, RU2 Jerberra LEP - Nil	<p>'Agritourism' is a subset of 'Agriculture' and will be permissible wherever 'Agriculture' is permissible (i.e., RU1, RU2).</p> <p>Considering that 'Agritourism' essentially means 'Farm experience premises' and 'Farm gate premises', it is appropriate that the same zones also apply.</p> <p>The zones are also considered appropriate given the requirement for</p>
Farm experience premises	This is a new term that sits under the Agritourism term.			
Farm gate premises	This is a new term that sits under the Agritourism term.	RU1 Primary Production, RU2 Rural Landscape		

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				<p>the farm to be a primary production business or land categorised as farmland.</p> <p>Further expansion to other zones is not considered warranted at this time.</p> <p>The group term 'Agriculture' is prohibited across the Jerberra Estate area (with the exception of extensive agriculture in the C3 zone) and it is not recommended that the permissibility of these uses extend to this area.</p>
Farm stay accommodation	Proposes to remove the existing definition for farm stay accommodation and insert a new definition that includes moveable dwellings to allow small scale camping on farms.	<p>LEP 2014 - RU1, RU2, RU4 Primary Production Small Lots, C3 Environmental Management</p> <p>Jerberra LEP – C3</p>	<p>LEP 2014 - RU1, RU2, RU4, C3</p> <p>Jerberra LEP – C3</p>	<p>As existing.</p> <p>A 'like for like' transfer was considered the most appropriate way to manage the revised 'Farm stay accommodation' land use permissibility.</p> <p>Further expansion of the zones is not considered warranted at this time.</p>
Cellar door premises	No change to definition except to reflect the change in hierarchy (now a subset of 'Farm gate premises')	<p>LEP 2014 – RU1, RU2, RU4, RU5 Village, B2-B5 (business zones), C3</p> <p>Jerberra LEP - Nil</p>	<p>LEP 2014 – RU1, RU2, RU4, RU5 Village, B2-B5 (business zones), C3</p> <p>Jerberra LEP - Nil</p>	<p>As existing.</p> <p>A like for like transfer was considered the most appropriate way to manage these land uses, especially as no substantial changes are proposed to the definition.</p>
Roadside stalls	No change to definition.	<p>LEP 2014 – RU1, RU2, RU4, RU5, B1-B5 (business zones), C3, C4</p> <p>Jerberra LEP – C3, C4</p>	<p>LEP 2014 – RU1, RU2, RU4, RU5, B1-B5 (business zones), C3, C4</p> <p>Jerberra LEP – C3, C4</p>	

The LEP Order also proposes some other changes to the 'Agriculture', 'Restaurant or café' and 'Retail premises' land uses and the introduction of new 'Landholding' and 'Primary production business' land uses. These appear logical and minor in nature as they essentially

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reflect the changes to the new broader agritourism hierarchy of land uses and assist in interpretation.

Additional changes to existing LEP Clauses

The LEP Order proposes two further instrument changes to existing clauses in the SI LEP, as outlined in the following table.

SI LEP Clause	Proposed Change	Implications for Shoalhaven
5.4 Controls relating to Miscellaneous Permissible Uses Subclause 8, Roadside Stalls	Change the “not less than 8 square metres” currently in the SI LEP to “not less than 9 square metres.”	Nil The Shoalhaven LEP 2014 and Shoalhaven (Jerberra Estate) LEP 2014 includes an area of 20 square metres for roadside stalls which already exceeds the revised 9 square metre minimum.
5.18 Intensive livestock agriculture	The proposed amendment provides increased thresholds with regards to the distance poultry and pig farms can be located from one another.	This outcome is positive for both amenity and biosecurity issues and the proposed change remains consistent with the current objective at clause 5.18(1)(b) of LEP 2014 (development consent not required for certain small scale intensive livestock agriculture ventures). This clause does not apply to the Shoalhaven (Jerberra Estate) LEP 2014.

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Conclusion

DPE have presented the Agritourism Reforms to provide opportunities for farmers to become more resilient through opportunities for further income sources in addition to the primary production incomes generated from working farms. The proposal seeks to promote sustainable tourism and resilience, whilst balancing the amenity, environmental considerations and expectations of local communities.

The proposed LEP Order predominantly presents Council with an opportunity to provide legislative rigour to ‘Farm stay accommodation’ and ‘Farm gate premises’ throughout Shoalhaven via the new optional clauses which is considered to be a positive outcome.

Community Engagement

In March 2021, the NSW Government released exhibition material relating to Agritourism and small-scale agriculture development and the community were able to make comment during the exhibition period.

DPE have requested that Councils in NSW provide preliminary nominations to DPE by 25 February 2022 (this has been done for Shoalhaven), with a Council endorsed nomination due by 31 March 2022. This is a closed process run by DPE and broader community consultation is not part of their process.

DPE have advised that they are intending to make the LEP Order in early 2022 and an amending State Environmental Planning Policy (SEPP) will amend the LEPs of all Councils that nominated favourably around mid-2022. It is unclear whether community engagement will occur as part of DPE's process.

Policy Implications

The amending SEPP will make all the changes nominated by Council. This means that Council will not need to prepare a Planning Proposal (PP) to make any nominated changes.

Should Council wish to hold off on nominating any optional clauses at this stage, inclusion at a later date would need to be undertaken via a Council run PP which would require resourcing.

Following on from the resulting changes to the LEP, it is likely that the Shoalhaven Development Control Plan 2014 (DCP) will need to be updated to provide additional commentary and guidance on the relevant land uses. This can be included in the DCP Tourism Review (a project currently identified on the Strategic Planning Works Program) that is currently ongoing.

If adopted, the nominated numerical standards in the optional clauses can be reviewed after a 12-month period, as part of the regular LEP housekeeping process if needed/appropriate. At this point, any necessary changes could be presented to Council for consideration.

It is noted that the proposed optional clause nominations apply to Shoalhaven LEP 2014 only, as the agritourism pursuits are unlikely to occur in the Jerberra Estate area and the SI LEP does not apply to the earlier Shoalhaven LEP 1985 or Shoalhaven Interim Development Order. It is recommended that the nomination of zones for certain new/existing land uses applies to Shoalhaven LEP 2014, with no additional zones nominated for the Shoalhaven (Jerberra Estate) LEP 2014.

Financial Implications

The process of amending the Shoalhaven's LEPs following the nomination will be managed by DPE. As such, there will be minimal financial implications for Council.

Any amendments to the DCP or housing keeping review of the LEP in the future would be resourced via the existing Strategic Planning budget.

draft



Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;

Farm experience premises;

Farm gate premises;

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

draft

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- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

CL22.149 Proposed Amendment - Voluntary Planning Agreement (VPA006) - Bishop Drive, Mollymook

HPERM Ref: D22/89550

Department: Strategic Planning

Approver: Gordon Clark, Interim Director - City Futures

Reason for Report

Obtain 'in principle' support to commence the process of entering into an amendment to the existing Bishop Drive, Mollymook Voluntary Planning Agreement (VPA).

Recommendation

That Council:

1. Provide 'in-principle' support to enter into an amendment to the existing Voluntary Planning Agreement (VPA) relating to Bishop Drive, Mollymook as outlined in this report.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
 - a. Prepare the draft VPA amendment and associated Explanatory Note.
 - b. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
 - c. Enter into the VPA consistent with the detailed key terms, except where objections or substantial issues are raised as a result of public notification, in which case the VPA is to be reported to Council before it is entered into.
3. Notify the landowners within the VPA subject area, all parties to the VPA and other stakeholders as relevant, of the public exhibition arrangements in due course.

Options

1. As recommended.

Implications: The proposed VPA amendment will result in the earlier release of residential land within a subdivision adjacent to Bishop Drive, which will provide much needed land supply to the local area. The construction of the extension to Bishop Drive is eagerly anticipated in the Mollymook area.

2. Adopt an alternative recommendation.

Implications: An alternative recommendation may frustrate or delay the construction of the extension of Bishop Drive and will in turn delay the release of residential land in an area that is experiencing a high demand for new housing.

Background

In 2014, the current VPA for the dedication of land and carrying out of road works to construct Bishop Drive, Mollymook was executed by Council, Greslon Pty Ltd, Hazcorp Pty Ltd and Revesby-Padstow Modern Homes Pty Ltd. These road works are included in the Shoalhaven Contributions Plan 2019 ([project_05ROAD2001](#)) as infrastructure that will provide an improved, efficient and safe public road network for increasing traffic volumes associated with development demand in the local area. The Bishop Drive project extends

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from Matron Porter Drive in the north, to the Princes Highway in the south, as shown in **Figure 1** in red. The executed VPA arrangements can be seen [here](#).

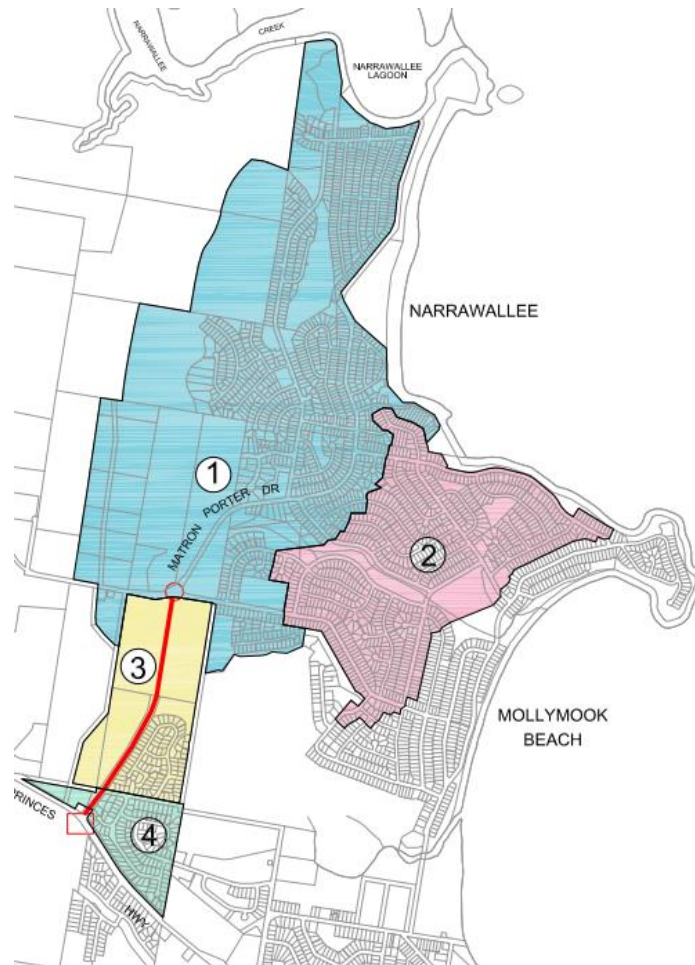


Figure 1: Location of Bishop Drive, Contributions Plan Project 05ROAD2001

Stage 1 and 2 of the road works in the VPA have been completed, meeting the obligations of the Greslon (now Leda Holdings) and Revesby-Padstow Modern Homes parties. This leaves the Stage 3 road works outstanding which includes the construction of the remainder of Bishop Drive and the roundabout at Bishop/Coombe Drive, by Hazcorp. The VPA currently specifies that the Stage 3 road works are to be completed prior to the release of the subdivision consented to under major project approval (MP06/0276) and must be completed by the end of 2030. It is understood that the Stage 3 road works have commenced.

Council has been approached by Hazcorp with a request to amend the VPA to allow Hazcorp to provide alternative security for the completion of the road works to enable the new residential land to be released. The security would be provided in the form of a bond, in addition to the funds already collected from Section 7.11 contributions (the Bishop Drive Fund, as per the VPA), which will enable Council to step in and complete the Stage 3 road works should Hazcorp not complete the works in a timely fashion.

The proposal has merit 'in principle', as it enables the release of much needed residential land. As part of negotiations, it is appropriate that the:

- Bond provided covers the full value of the road works so that Council can step in and complete Bishop Drive if required.
- VPA make provision for the dedication of any land that is not within the Bishop Drive road reserve relating to the Stage 3 road works, in the event that the Council is required to carry out the Stage 3 road works itself.

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- VPA amendment process brings forward the completion timeframe of the road works from the end of 2030 to mid-2023, at the latest. The road is much needed and there is significant interest from the local community in the construction/completion of Bishop Drive in the short term.
- Other parties to the VPA (being Revesby-Padstow Modern Homes and Leda Holdings) are agreeable to the proposed amendment.

Delegation Opportunities

In accordance with the existing [Planning Agreement Policy](#), Council may resolve to delegate authority to Council's Chief Executive Officer, or his delegate, to negotiate, publicly notify, enter into and register the agreement (as relevant).

The proposed agreement has some final negotiation yet to occur (e.g., exact bond amount and revised completion timeframe), however the proposal is supported 'in principle' and these matters can be resolved and progressed in time. As such, it is recommended that Council extend delegation for the above functions, unless further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation.

Conclusion

Due to the public benefit realised from the timely construction of the Stage 3 road works and the release of the residential land under the major project approval (MP06/0276), it is in Council's interest to support the proposal as recommended, finalise negotiations and proceed to prepare the VPA amendment for exhibition.

Community Engagement

The *Environmental Planning and Assessment Regulation 2000* requires that the draft VPA amendment be publicly exhibited for a minimum period of 28 days. Community engagement will be encouraged through the public exhibition period.

Policy Implications

Following the construction of the Stage 3 road works, the status of the contributions project [05ROAD2001](#) will need to be reviewed. This review can be undertaken as part of a future amendment/s to the Shoalhaven CP 2019 and would be reported separately at the appropriate point in time.

Financial Implications

The bond amount is critical to ensure that the anticipated cost of the road works is covered so that Council can step in and complete the road works if required. An appropriate bond amount can be determined through the negotiation process, and delegation is requested to complete this element of the negotiations. The VPA amendment will also address dedication of land to ensure Council is not burdened by land acquisition costs (beyond peppercorn payment), should the developer not complete the works. As such, it is expected that there will be no financial implications for Council relating to the proposed amendment.

In accordance with Council's [Planning Agreement Policy](#), the Developer will cover Council's costs (direct and incidental) relating to the negotiation, preparation and entering into the agreement (including associated legal costs) and enforcing the agreement.

Risk Implications

The VPA amendment will be drafted to allow Council to draw on the bond and remaining Bishop Drive Funds to complete the Stage 3 road works. As such, the risk of the road works not being completed in a timely fashion is low. The bond amount is critical to ensuring that an appropriate guarantee is in place for the entire anticipated road work costs, plus contingency. Consideration of the dedication of land beyond the existing road reserve has also been made. The revised completion date will also see the road completed in the short term which is a good outcome for the local community.

CL22.150 Bereavement Services - Cemeteries Crematoria and Memorial Gardens Policy Report

HPERM Ref: D22/70190

Department: Commercial Services
Approver: Paul Keech, Director - City Services

Attachments: 1. Cemeteries Crematoria and Memorial Gardens Policy (under separate cover) [⇒](#)

Reason for Report

This report is being submitted to seek Council's endorsement to proceed with the update to the Cemeteries Crematoria and Memorial Gardens Policy.

Recommendation

That Council adopt the updated Cemeteries Crematoria and Memorial Gardens Policy, which has been revised to align with terminology adopted in the existing and upcoming legislative changes.

Options

1. Adopt the updated Cemeteries Crematoria and Memorial Gardens Policy.
Implications: Nil.
2. Not adopt the updated Cemeteries Crematoria and Memorial Gardens Policy.
Implications: Non-compliance with the relevant pending legislation due for release December 2022 *Cemeteries and Crematoria Act 2013* (NSW).

Background

This updated Policy is aligned with the *Crown Lands Management Act 2016* to ensure that the Crown Land Cemeteries administered by Council work within a recognised legal framework. It also reflects the requirements of the *Cemeteries and Crematoria Act 2013* (NSW). By referencing the *Crematoria Act 2013* (NSW), non-major changes to the act will not require a further update to our policy.

Policy Implications and Changes

- Update of terminology to replace Burial with Interment to align with previous legislation updates and avoid confusion. This does not necessarily constitute non-compliance however alignment is ideal and will avoid confusion and potential audit points in future.
- Added definitions in sections 2.4.31 Interment means..., 2.4.32 Interment right means..., 2.4.33 Interment site means...
- Added section 3.1.9.5: "... the time by which the Cemetery operator must be notified of the death of the bequeather". Corrects an oversight in previous versions of the policy
- Added section 3.1.15: "Disturbing remains of a deceased person" to meet cultural, spiritual or religious needs of the community as per Cemetery and Crematoria NSW Operator Code of Practice direction

- Updated section 3.1.16: "Register of Interment Rights, Interments and Cremations" to remove paraphrasing legislation and instead refer to the legislation
- Added section 4b: "To meet the cultural needs of members and the community" to align with the Cemetery and Crematoria NSW Operator Code of Practice direction
Note: we have been doing so but this is formalising in the policy

Risk Implications

Non-compliance with the relevant legislation which would impact future licencing requirements for Cemeteries and Crematoria New South Wales.

CL22.151 Tenders - Public Amenities Cleaning - Building Services

HPERM Ref: D21/408566

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider the tender process for Public Amenities 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

That Council consider a separate confidential report regarding Tenders - Public Amenities Cleaning - Building Services, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Adopt the recommendation

Implications: Consider a separated confidential report on the matter

2. Council could choose not to accept the recommendation and select a different tenderer.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan. This option will result in additional costs to Council.

Background

Public amenity cleaning activities until November 2021 had been undertaken by a combination of casuals, contractors and predominantly Council's Parks and Open Space staff.

Prior discussions between management and staff have identified the following service challenges.

Public amenity service:

1. The work is routine year-round and frequently repeated to achieve a high level of service.
2. Public amenity cleaning is relatively low skilled work, generally undesirable among a skilled "trade orientated" workforce. Overtime at "skilled" pay level rates can however make it an attractive salary supplement.

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3. The public amenity work is a seasonally scheduled service and cleanliness may be “trashed” soon after the clean is finished.
4. There are seasonal and weekend high demand periods which makes permanent “nine-day fortnight” staffing arrangements challenging.
5. The operation is generally a one-person operation with the main “training” being understanding the cleaning schedule and site characteristics of each facility.
6. The cleaning at high visitation facilities is typically required to be done very early in the morning, and there are a number of high visitation areas.
7. COVID has changed the service, in that community cleanliness expectations are heightened and increased. Visitations due to lack of interstate and international travel opportunities has increased dramatically. This has typically been managed by increasing overtime.

Highly specialised mowing schedules;

1. Mowing schedules are so finally timed that staff have been forced to adopt a get in and get out attitude paying no attention to detail or items that are not covered in the schedule assumptions.
2. Public amenity cleaning takes precedence over other maintenance work and often skilled employees find themselves cleaning toilets for long periods of time.
3. Specialised mowing schedules allow for a large “seasonal workforce” and little preventative maintenance can be undertaken during the off season.
4. Unplanned interruptions like storms, breakdowns and absenteeism quickly throw schedules out and given no preventative maintenance has been undertaken the return to “normal” from a disruptive event can take time and is often unacceptable to Parks and Open space users.
5. Seasonal workers are high cost to recruit, induct, train, tool up and supervise and are typically high turnover not long after they are established.
6. Specialised and tight mowing schedules keep staff in repetitive activities for long periods and this creates motivation and health and safety concerns.
7. Customer engagement and thus customer experience is compromised when staff are specialised into focused schedules, and this detracts from user and employee satisfaction, particularly at showgrounds, sporting fields and iconic parks.

To address these challenges, discussions with staff turned to how can the Parks and Open Space service be improved. Based on these discussions restructuring has resulted in the following changes;

1. Swim Sport and Fitness (City Lifestyles) manage – Iconic Parks, Showgrounds and Sporting fields. Some Parks and Open Space staff have been transferred to that Directorate.
2. Works and Services (City Services) manage - Town Parks, Reserves, Natural Area Infrastructure, Asset Protection Zones and Road Reserves. Some Parks and Open Space staff have been retained by that Directorate
3. Building Services (City Services) manage – Commercial Buildings and Properties, Community Buildings, Admin Centres & Depots, and Public Amenities. No Parks and Open Space staff have been reassigned to the Building Services Department.
4. Building Services 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.
5. Council staff in the Swim Sport and Fitness, Works and Services and Building Services have been asked to consider themselves as Asset Caretakers. Getting to know their own assets, engaging with customers / users and taking a more holistic view of the maintenance responsibilities. Balancing routine tasks and proactive tasks with the seasons and user demands.

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6. Public amenity cleaning has been identified as a routine task best managed by a competitive contract, with some council staff being available to respond to “call out” and “trashed” facilities. This arrangement least distracts the staff from operating as Asset Caretakers and allows increased effort at an efficient cost.
7. Building grounds maintenance has also been identified as a routine task at this stage best managed by a competitive contract but potentially being provided in the future as part of a refined management committee tenanted arrangements, or development of vacant sites.

All the above (except for the public amenity cleaning contract) has been implemented and after an initial “settling in” period is beginning to deliver much improved customer experience.

Tendering

Council called tenders for Public Amenities Cleaning on 17 April 2021 which closed at 10:00am on 11 May 2021. Five (5) tenders were received at the time of closing. Tenders were received from the following:

Rank	Tenderer	Location
1	Storm International	Yennora NSW 2161
2	Solo services	Macquarie Park NSW 2113
3	Principal Asset Services	Ultimo NSW 2007
4	J&M Campbell	South Nowra NSW 2541
5	Joshua Moore	Yagoona NSW 2199

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

Financial Implications:

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

Consultation:

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

Policy Implications

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

Risk Implications

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

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CL22.152 Intergovernmental Panel on Climate Change - Sixth Assessment Report and Implications for Council

HPERM Ref: D21/412771

Department: Technical Services
Approver: Paul Keech, Director - City Services

Attachments:

1. IPCC Sixth Assessment Report Summary for Policy Makers WG1 (under separate cover) [📄](#)
2. IPCC Sixth Assessment Report Summary for Policy Makers WG2 (under separate cover) [📄](#)
3. Climate Costs and Risks to Councils Climate Council 2021 (under separate cover) [📄](#)

Reason for Report

At Ordinary Meeting 31 August 2021, Council requested a report on the impact of the latest Intergovernmental Panel on Climate Change (IPCC) Report and the risk implications for Council, including:

1. Bushfire risk.
2. Predicted sea level rise and risk to property and infrastructure.
3. Occupational health and safety risks for outdoor workers, especially in regards to heatwaves and other climate extremes.
4. Health risks for residents, especially in regard to heatwaves and other climate extremes.
5. Predicted ocean warming risk to mariculture and marine tourist attractions.
6. Risks to tourist industry generally.
7. Increased costs of emergency responses, community support and infrastructure rebuilds due to increased incidence of extreme weather.

The report was requested for a future meeting – noting also that that Council has previously resolved (MIN19.923) to “inform the ARIC the need to address climate change risk should be included as a key issue in the Committee’s audit plan” – which has been actioned.

Recommendation

That Council note:

1. The findings of the IPCC Sixth Assessment Report and ‘Summary for Policymakers’ documents (Attachment 1 and 2) which are outlined in the report below regarding current and projected climate risks associated with the very low – very high emissions scenarios.
2. The recommendations of the ‘Neighbourhood Issue: Climate Cost and Risks to Councils’ report (Attachment 3), which draws on the findings of the IPCC Sixth Assessment Report and recommends that Councils increase operational net zero targets and efforts to mitigate climate change.
3. That Council completed a Climate Change Risk Assessment in June 2021 to identify key climate change risks to Council, including temperature and extreme heat, fire weather, changes to rainfall, and sea level rise, and that this Assessment will now be reviewed in light of the IPCC Sixth Assessment Report. The resulting Adaptation Plan will be

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presented to a future meeting of Council.

4. That a Councillor Briefing presentation will be scheduled in the coming month to present current and future sustainability initiatives which address climate change, including Council's climate change risk and adaptation planning process.
5. That the scheduled review of Council's Sustainable Energy Policy (POL20/71), Council's Sea Level Rise Projections and Policy Framework (SA16.74) and the development of Council's Sustainability Policy will be informed by the IPCC Sixth Assessment Report.

Options

1. As recommended

Implications: Nil, report is for noting.

Background

On 8 August 2021, Working Group 1 of the Intergovernmental Panel on Climate Change released the first instalment of the IPCC Sixth Assessment Report, providing an update on the latest physical science of climate change. This report was the work of 234 climate science experts from across the world reviewing 14,000 papers. The report draws on the latest scientific data and observed changes to model the likelihood and severity of climate change impacts under five emissions scenarios, known as the SSPs (Share socio-economic pathways). These scenarios, or SSPs, range from very low (emissions declining to zero by 2050) to very high (emissions doubling).

The release of the IPCC Sixth Assessment Report from Working Group 1 was timed to ensure that all Governments had the most accurate science to discuss at the COP26 Summit to be held in Glasgow in October. A 'Summary for Policy makers' report was provided for this purpose (Attachment 1).

On 28 February 2022, Working Group 2 of the Intergovernmental Panel on Climate Change released the second instalment of the Sixth Assessment Report, building off the physical science of Working Group 1 and focusing on climate change impacts, adaptation and vulnerability. This report was the work of 270 authors across 67 countries, incorporating 34,000 references and 62,000 expert and Government review comments. A 'Summary for Policy makers' report is provided (Attachment 2).

The Summary for Policy makers reports released by Working Group 1 and 2 provide the most comprehensive and authoritative update on the state of climate change knowledge undertaken to date. The reports are policy neutral and must be approved line by line by representatives of every participating Government. The statements provided in the reports are qualified with levels of certainty and can therefore be used as statements of fact. As the reports require agreement and sign off from all Governments, it should be noted that the findings are more likely to be conservative in nature and understate risks, rather than overstating them.

Some of the key findings of the reports regarding the risk and incidence of climate impacts and extreme weather include:

- Each of the last four decades have been successively warmer than the last and the rate of warming is unprecedented in the last 2000 years
- The global average of warming over land is 1.1°C, however Australia is already at 1.4°C of warming

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- Extreme weather and climate impacts such as heatwaves, marine heatwaves, fire weather, heavy rainfall, severe droughts and more severe flooding are all occurring more frequently and with greater intensity
- The likelihood of compounding extreme weather events happening at the same time or in succession (such as bushfire, flooding and storm events) is increasing
- Increased drought, heat, flooding and fire result in cascading impacts upon food and water resources, health and supply chains
- Heat related deaths in Sydney, Melbourne and Brisbane increased by more than one third in recent decades
- Heavy rainfall and floods are increasing and projected to continue to do so
- The intensity, frequency and duration of fire weather events are projected to increase throughout Australia
- Sea level rise around Australia is rising at a faster rate than the global average and will continue to rise over the next century, contributing to increased coastal flooding and shoreline retreat along sandy coasts throughout Australia
- The speed of sea level rise is escalating, with sea level rise between 2006-2019 occurring at twice the rate of sea level rise from 1971-2006
- Extreme sea level events that previously occurred once every hundred years are now projected to occur once per year
- An increase in marine heatwaves and ocean acidity is already observed and projected to continue
- Key ecosystems are at risk with over 50% of hard cover of coral lost and Australian coral, kelp, alpine and some forest ecosystems “at critical thresholds”
- Australia is projected to experience a decline in crop and horticulture production, mainly due to heat and declining cool season rainfall in the South West, South East and South Australia
- Aggregated loss of wealth due to climate-induced reduction in productivity across agriculture, manufacturing and service sectors is projected to exceed A\$19 billion by 2030, A\$211 billion by 2050 and A\$4 trillion by 2100 under a high emissions scenario.

Implications for Warming and Paris Agreement Target

Under the Paris Agreement, signatory Governments including Australia committed to the target of keeping global temperature rise this century to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C. The average warming over land in Australia is currently at 1.4°C, and 2°C of warming is considered a very dangerous boundary.

Some of the key findings of the IPCC Sixth Assessment report regarding the projected emissions scenarios and likelihood of reaching and exceeding 1.5 - 2°C include:

- Past greenhouse gas emissions have already committed us to more warming and we are likely to exceed 1.5°C by 2030, however with deep emissions reductions, 1.5°C could be achieved in the longer term with short term overshoot
- Under each of the three highest emissions scenarios, as well as the low emissions scenario, it is projected that 2°C of warming will be exceeded in the next 80 years
- Changes in several climatic impact-drivers (e.g. heatwaves, droughts, floods) would be more widespread at 2°C compared to 1.5°C
- If we do not cut emissions rapidly and steeply within the next decade, climate impacts will escalate steeply post-2040
- At every fraction of a degree of extra warming, the intensity and frequency of climate change events worsens, so all action to reduce emissions is critical.

Based on these findings, in order to limit warming to below 2°C, global emissions would need to be halved by 2030, with net zero global emissions achieved by 2040.

Discussion

How Council Can Respond to Climate Change – Adaptation and Mitigation

Council can respond to and reduce the risk of climate change in two key ways; through mitigation and through adaptation. Climate change mitigation aims to address the causes and minimise the future impacts of climate change (primarily by reducing greenhouse gas emissions), while climate change adaptation looks at preparing for climate change and seeking ways to reduce the negative impacts of these changes.

Council currently addresses climate change adaptation by conducting Climate Change Risk Assessments and developing responding Adaptation Plans. These Plans identify key actions and adaptive measures to protect Council against the anticipated impacts of climate change. Council conducted its most recent Climate Change Risk Assessment in June 2021, and the findings of this Assessment will inform the update of Council's Adaptation Plan.

Council addresses climate change mitigation through emissions reduction targets and initiatives, currently outlined in the Sustainable Energy Policy and Sustainable Energy Strategy. These include:

- A commitment to reduce corporate greenhouse gas emissions, with a current target of achieving net zero emissions by 2050.
- Improving energy efficiency across Council assets and infrastructure to reduce energy-related emissions.
- Increasing renewable energy generation across Council assets to reduce our reliance on fossil-fuels.
- Trailing Electric Vehicles to reduce transport emissions.

Climate Council Recommendations

The Climate Council of Australia report 'Neighbourhood Issue: Climate Cost and Risks to Councils' identified eight key recommendations for Local Government:

1. Increase operational net zero targets and efforts to mitigate climate change through emissions reduction activities. (The report advised that in order to limit warming to the Paris agreement target of 1.5°C and lessen the increasing impacts of climate change, Australia needs to decrease emissions by 75% by 2030 and reach net zero by 2035).
2. Work with local communities and businesses to support broader efforts to cut emissions beyond council operations and infrastructure.
3. Undertake a climate change risk assessment and implement plans for adapting to those risks.
4. Seek out opportunities for collaboration across multiple councils to reduce emissions and adapt to climate impacts.
5. Encourage economic development units to explore how climate action can boost the local economy.
6. Upskill all Council staff to ensure they are confident about the impact of climate change on their day-to-day work, including opportunities for adaptation and mitigation.
7. Ensure that all planning and development activity at a local level considers climate risks and opportunities to cut emissions.
8. Advocate for other tiers of Government to embrace stronger climate policies, emissions reductions targets and frameworks for mitigation and adaptation.

Policy Implications

Council is currently committed to a target of net-zero emissions by 2050 as outlined in the Sustainable Energy Policy (POL20/71) endorsed in 2019 (Review Date 1 December 2021). The scheduled review of this Policy provides an opportunity to revise this target and commitments, and reduce the risk of future climate change impacts for Council and our community.

The findings of the IPCC Sixth Assessment Reports also has implications for Council's Sea Level Rise Projections and Policy Framework (SA16.74) adopted 10 February 2015, and due to be reviewed in 2022. The reports found that sea level rise is occurring faster in Australia than the global average, with the speed of sea level rise between 2006-2019 occurring at twice the rate of rise from 1971-2006. Extreme sea level events that previously occurred once every hundred years are now also projected to occur once per year. These findings can be considered and used to inform the review of Council's Sea Level Rise Projections and Policy Framework to protect coastal infrastructure and development from climate risks.

Risk Implications

The physical impacts of climate change and extreme weather can significantly disrupt services and damage infrastructure resulting in serious financial and social risks for Council and community. According to the Climate Council Report 'Neighbourhood Issue: Climate Cost and Risks to Councils', Local Governments should take care to ensure that decision making is based on the most up-to-date science available in order to reduce the risk of litigation.

Next steps

Council has identified key climate risks as part of a Climate Change Risk Assessment completed in June 2021 and will address these risks through Council's Enterprise Risk Management Framework, and by preparing a Draft Adaptation Plan.

A Councillor briefing presentation will be scheduled in the coming months to present current and future sustainability initiatives which address climate change, including:

- Current sustainability and energy targets and projects underway
- Key sustainability projects in the pipeline and opportunities to reduce corporate emissions
- Findings of Climate Change Risk Assessment and development of Council's Draft Adaptation Plan
- Response to Questions on Notice
- Development of Council's Sustainability Policy and Sustainability Action Plan – proposed approach.

CL22.153 Modification Application No. DS21/1353 – 76 West Cr, Culburra Beach – Lot 298 DP 11892

DA. No: DS21/1353/4

HPERM Ref: D22/67554

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Draft Notice of Determination - Refusal [↓](#)
2. Section 4.15 Assessment Report (under separate cover) [⇒](#)
3. Applicant's Covering Letter (under separate cover) [⇒](#)

Description of Development: S4.55(1A) Modification Application seeking to delete Condition 19 from the development consent relating to the construction of kerb and gutter across the frontage of the site.

Owner: C Phillips & S Vidler

Applicant: C Phillips

Notification Dates: 20th October to 5th November 2021

No. of Submissions: One (1) by way of objection.

Purpose / Reason for consideration by Council

Modification Application No. DS21/1353 was called in for determination by the Ordinary Council at the Development and Environment Committee Meeting held on 5 October 2021 [MIN21.708].

Recommendation

That Modification Application No. DS21/1353 for a s4.55(1A) Modification seeking to delete Condition 19 from Development Consent No. DA20/1809 lodged over Lot 298 DP 11892 at 76 West Cr, Culburra Beach be determined by way of refusal.

Options

1. Refuse the Modification Application in accordance with the recommendation.

Implications: The modification would not be approved, and Condition 19 would remain within the development consent. The applicant can, however, apply for a section 8.2 review of Council's decision and/or could lodge an appeal with the NSW Land and Environment Court (LEC) against Council's decision.

2. Approve the Modification Application.

Implications: Council would need to provide grounds on which to support the proposal, that is, provide reasons to support the development, having regard to section 4.15 considerations – noting that the Council assessment did not find any planning grounds in support the removal of this condition.

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3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and delegate to the Chief Executive Officer to action.

Location Map



Figure 1: Aerial Photography – Subject Site

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Background

Proposed Development

Development Application No. DA20/1809 was approved under delegation on 7 October 2020 for 'Relocation of Dwelling to create Detached Dual Occupancy' ('the consent'). It is also noted for completeness that Torrens Title subdivision of the approved dual occupancy is approved under Development Consent No. SF10849 (dated 19/02/2021).

An application to modify the consent was submitted by the applicant in accordance with the provisions of section 4.55(1A) of the Environmental Planning and Assessment (EP&A) Act 1979.

The application proposes to delete condition 19 of the consent. Condition 19 presently states as follows:

Road Design Standards

Concrete integral kerb and gutter with either a minimum 30mm thick 10mm asphaltic concrete on a primer seal or 2 coat bitumen seal with 14mm & 7mm aggregate surfaced shoulder (to match the existing seal) and associated drainage must be designed across the frontage of the proposed new lot(s).

- a) *The kerb and gutter must have a standard upright profile.*
- b) *The alignment must be 3.5m from the boundary on Wollumboola Lane and 7.0m from boundary on the West Cr frontage.*

- c) *The shoulder crossfall to the lip of the gutter must be no less than 2% and no greater than 5%. A minimum width of 1m is to be constructed adjacent to the lip of the gutter to facilitate compaction of the new pavement.*
- d) *The shoulder seal is to overlap the existing pavement by a minimum of 300mm with the existing seal to be saw cut and the exposed pavement is to have a tack coat or prime seal if finished with AC.*
- e) *The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m if the grade is <0.5% or ≥ 0.3%. This is to ensure the proposed works will be compatible with the existing longitudinal pavement grade and allow future extension of the kerb without unnecessary modification of existing works.*
- f) *The road shoulder pavement must be designed in accordance with Council's Engineering Design Specifications section D2.04.*
- g) *The road table drain either side of the proposed development is to be reconstructed as required to match the K&G and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways.*
- h) *Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral.*

Where roadway widening (shoulder construction) is not required, the thickness of the pavement for the new kerb and gutter maybe designed using an adopted CBR of 3.0. If a higher CBR value is used, it must be determined by geotechnical testing in accordance with Council's Engineering Design Specification.

This condition was recommended for inclusion in the consent by Council's Development Engineer as a standard engineering condition as it is a requirement for both dual occupancy development and subdivision of land under Shoalhaven Development Control Plan (DCP) 2014 Chapters G11, G13 and G21. This requirement has been consistently applied in accordance with the DCP 2014.

Subject Land

The site is described as Lot 298 DP 11892 and is located at No. 76 West Crescent, Culburra Beach. (See Figure 1.)

Site & Context

The development site:

- Is located at the corner of West Crescent (to the south) and Wollumboola Lane (to the east).
- Contains an existing single storey dwelling located in the southern part of the site adjacent to West Crescent.
- Contains a new single storey dwelling which is placed on the northern part of the site following an approval for 'Relocation of Dwelling to create Detached Dual Occupancy' given as part of DA20/1809 and CC20/1797.

Note: An Occupation Certificate cannot be issued until all conditions of consent, including Condition 19 the subject of this application, have been satisfied.

- Is zoned R2 Low Density Residential in accordance with the Shoalhaven Local Environmental Plan (SLEP) 2014 (see Figure 2 - Zoning Map).
- Has a total area of 992.74m².

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- Adjoins properties zoned R2 Low Density Residential and RE1 Public Recreation pursuant to the SLEP 2014.
- Is located within a predominantly residential area, with surrounding properties consisting largely of detached dwellings and dual occupancy developments.

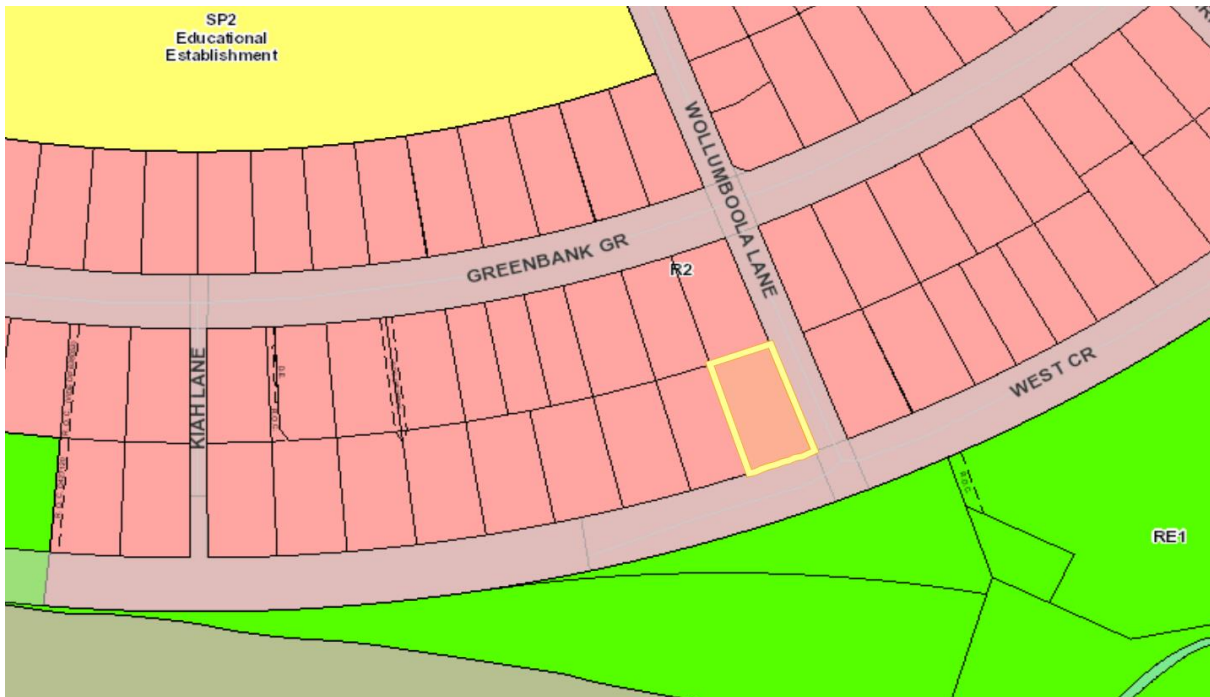


Figure 2: Shoalhaven LEP 2014 Zoning Map

History

The following provides a history of approvals issued in relation to the subject development and actions / events relating to the subject application:

Action / Event	Date
Development Approval No. DA20/1809 issued for the development (Relocation of Dwelling to create Detached Dual Occupancy) by Shoalhaven City Council.	7 October 2020
Construction Certificate Approval No. CC20/1797 issued by Shoalhaven City Council.	19 October 2020
Modification Application No. DS21/1353 lodged with Shoalhaven City Council seeking consent for deletion of Condition 19.	29 September 2021
Application called in for determination at the Ordinary Council Meeting at a Meeting of the Development and Environment Committee.	5 October 2021
Referral response provided by Development Engineer advising that they do not support the proposed deletion of Condition 19. Specifically, the following comments were provided: <i>Both dual occupancy development and subdivision of land require the construction of kerb and gutter under DCP Chapters G11, G13 and G21. This has been consistently applied since implementation of DCP 2014 and any exceptions are a rarity. Developers undertaking dual occupancy development and/or subdivision and their consultants are generally aware of this requirement and factor it into the cost of development.</i> <i>The subdivision at 98 Greenbank Grove is referenced as evidence of a precedent, however this was approved prior to the implementation of DCP2014</i>	18 October 2021

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<p><i>under previous provisions which exempted kerb and gutter on the frontage of the lot containing the existing dwelling. A more recent dual occupancy approved at 34 Greenbank Grove at the corner of Black Swan Way did require full frontage construction of kerb and gutter.</i></p> <p><i>The area has precedent of kerb and guttering nearby (kerb and gutter on Greenbank Grove including kerb returns into Wollumboola Lane) which is likely to continue with future redevelopment.</i></p> <p><i>There is also evidence of stormwater flow and containment issues (such as previous construction of an informal kerb outside the subject property, and recent photographic evidence of stormwater ponding in the road reserve outside the property) which would be improved through the provision of kerb and gutter. Concern has been flagged regarding the discharge of flow from the end of the constructed gutter on West Cres, however the approval requires table drains to be reshaped to accept the flow from the kerb and gutter and levels would prevent any runoff impacting on adjoining properties. It is also noted that a relatively short section of kerb and gutter would not excessively increase peak stormwater flows during a large storm event where the existing grassed table drains would be saturated.</i></p> <p><i>The requirement for kerb and gutter has been correctly applied in accordance with Council's policies. The deletion of the condition is not supported.</i></p> <p><i>It is also noted there are currently construction-ready approved engineering design plans for the kerb and gutter for this development, demonstrating its constructability and ability to comply with Council's standards and the implemented conditions of consent.</i></p>	
<p>Completion of notification undertaken in accordance with Community Consultation Policy.</p>	<p>5 November 2021</p>

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Issues

1. Applicant Reasons for the proposed modification & Council response

The following provides a summary of the applicant's reasons for submission of the application and Council's responses to the items raised:

a) Environmental impact:

The proposed modification would have no negative environmental impact. The engineer's report prepared by civil engineers Allen, Price Scarratts calculates that the DA will not increase peak stormwater flows compared to the existing structure on the block prior to development. Indeed, removing the condition for concrete kerb and gutter would have a positive environmental impact. Kerb and gutter near the lake would concentrate polluted run-off from the road and channel it directly into the lake, rather than allowing it to disperse and filter through the sandy soil at the side of the road as it currently does. The Lake Wollumboola Protection Society have expressed their opposition to kerb and gutter in this location for this reason as it would have a negative impact on the environment of the lake.

Response: Concern has been flagged regarding the discharge of flow from the end of the constructed gutter on West Crescent, however the approval requires table drains to be reshaped to accept the flow from the kerb and gutter and levels would prevent any runoff impacting on adjoining properties. It is also noted that a relatively short section of kerb and gutter would not excessively increase peak stormwater flows during a large storm event where the existing grassed table drains would be saturated.

The requirement for kerb and gutter has been correctly applied in accordance with Council's policies.

b) Detrimental to character of area

The whole area of West Crescent and Wollumboola Lane where the property is located enjoy a natural grassed edge to the roadway without kerb and gutter. This natural aesthetic fits well with the untouched and unspoiled lakeside environs. Forcing one property in the middle of this to install concrete kerb and gutter would stand out – but not in a good way. It would be an eyesore that detracts from the character of the area.

Response: Council undertook a site inspection of the property and surrounding environments of West Cr and Wollumboola Ln on Thursday 24th February 2022 (refer TRIM Ref. No. D22/79471).

The site inspection revealed that the southern side of the length of Greenbank Gr has kerb and gutter, and extensive kerb and guttering exists on both the south-western and south-eastern corners of the intersection of Wollumboola Ln and Greenbank Gr located approximately 50m from the site.

Figure 3 provides a site photo and Figure 4 an aerial photo of kerb and gutter within the immediate vicinity of the site on Wollumboola Lane and Greenbank Gr.



Figure 3. Photo looking south towards Wollumboola Ln intersection with Greenbank Gr, showing wide of extent of kerb and guttering within the vicinity of the site (site at the end of the laneway on the right of photo)



Figure 4. Aerial photo indicating parts of the immediate street network with existing kerb and gutter provision (Source: Nearnmap).

It is further noted that many of the properties within the immediate vicinity of the subject site are capable of further redevelopment for dual occupancy (both attached and detached) development or Torrens Title subdivision in their own right, meeting the relevant zoning and minimum lot size requirements under Shoalhaven Local Environmental Plan (LEP) 2014.

Any application for dual occupancy or subdivision of these lots lodged under the current planning controls would also include a requirement for kerb and guttering and collectively contribute to the delivery of kerb and gutter within the locality.

c) Stormwater impact on adjacent properties

There is no stormwater drain on West Crescent. So, water caught by any kerb & gutter installed on West Crescent will simply be diverted downhill to adjacent properties – potentially creating damage to their verge.

Response: The following excerpt (Figure 5) from Council's GIS system indicates the location of Council's existing drainage system (shown in green). The excerpt also demonstrates that the construction of the kerb and gutter at the corner of West Cr and Wollumboola Ln as required by Condition 19 would link in with the existing drainage system in Wollumboola Ln and crossing West Cr.



Figure 5. Location of property (outlined in blue) in relation to existing stormwater drainage line (in green)

As stated above, the approval also requires table drains to be reshaped to accept the flow from the kerb and gutter, where the constructed levels would prevent any runoff impacting on adjoining properties. This is also consistent with the construction ready kerb and gutter plans already submitted by the applicant and approved as part of the Construction Certificate issued by Council (Application Ref No. CC20/1797).

The proposed arrangement as required by Condition 19 would improve the significant pooling of water which occurs within the road verge adjacent to the site during rain events under the current scenario (also demonstrated in the Figures 6 and 7):



Figure 6. Site and road verge from perspective of Wollumboola Ln looking south (site to the right of photo)

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Figure 7. Site and road verge from perspective of West Cr looking north (site to the left of photo)

d) Disproportional cost

Kerb and gutter is extremely expensive to install. Not to mention disruptive – it requires tearing up and rebuilding the edge of the roadway and building up nature strip to match the level of the kerb. The costs are vastly out of proportion to the modest budget of our small development with a budget of under \$200,000.

Response: The standard approach taken as part of the assessment of all Development Applications across the Shoalhaven City Council area, is that the onus is on the developer to construct the infrastructure that is required for their development and to ensure their development complies with applicable Acts, plans and policies.

This approach is especially important when considering that Council's Policy No. POL12/65 – Asset Management Plan (accessible on Council's website at <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL12/65>) indicates that it would take 620 years before all Council's requirements regarding construction of kerb and gutter would be met if funded by Council under Council's current *Resourcing Strategy*. Council also notes that it receives repeated requests for kerb and gutter and that as a result of the backlog, funding levels have been traditionally low. POL12/65 further outlines that "All new developments/subdivisions include the provision of K&G (or grass swales) as consent conditions. So, population growth is not expected to increase demand". Should Council exclude certain areas of the LGA from requiring developers to provide the kerb and gutter for infill development which increases density, this will only serve to intensify the pressure on Council to provide kerb and gutter to existing residential areas of the LGA in the future.

As such, it is important that the community and Council are assisted by developers in providing the infrastructure which is triggered by their development.

e) Resident opposition

The residents of West Crescent are opposed to kerb and gutter for the above reasons – particularly when there are little prospects of any more than one property on the street having concrete kerb and gutter in the foreseeable future.

Response: The notification undertaken by Council between 20th October and 5th November 2021 resulted in one (1) submission being received, objecting to the applicant's proposed deletion of this condition. This indicates that there is interest from residents within the immediate surrounding locality in requiring the construction of kerb and gutter to address water pooling concerns within the road verge following rain events.

As noted earlier in this report, all properties within the immediate vicinity of the subject site are also capable of development either as dual occupancies under clause 4.1A of Shoalhaven LEP 2014 (being min. 500sqm for attached dual occupancy and 700sqm for detached dual occupancy) or for Torrens Title subdivision in their own right into 500m² lots under clause 4.1 of the LEP (refer Figure 8). Culburra Beach, like most of the Shoalhaven is experiencing accommodation pressures and this type of development is not uncommon, with multiple examples of recent dual occupancy and subdivision development applications within the locality of the site being lodged and under assessment and/or approved.



Figure 8. Aerial photograph of the locality indicating the approx. lot sizes according to Council's records.

As noted in POL12/65, Council has a programmed kerb and gutter strategy. Council's City Services Section have a works schedule that involves planned upgrades to the Culburra Beach Road network and demonstrates that Council's approach moving forward is to construct kerb and guttering over the long term within the locality to improve stormwater disposal for the safety of the community. A current project underway for kerb and gutter construction at Fairlands St, between Black Swan Way and Cross Street (to the west of Culburra Public School some 400m to the north west of the subject site) – a link to this information is available on Council's website: [Fairlands Street Culburra Beach - Shoalhaven City Council \(nsw.gov.au\)](https://www.shoalhaven.nsw.gov.au/fairlands-street-culburra-beach-shoalhaven-city-council). The purpose of these upgrades is for kerb, gutter and footpath construction for School safety improvements. Owners of affected properties for this project were charged for proposed kerb and gutter as per Councils Kerb and Guttering – Charges Applicable Policy POL16/148. An excerpt of the plan showing these works is provided below at Figure 9:

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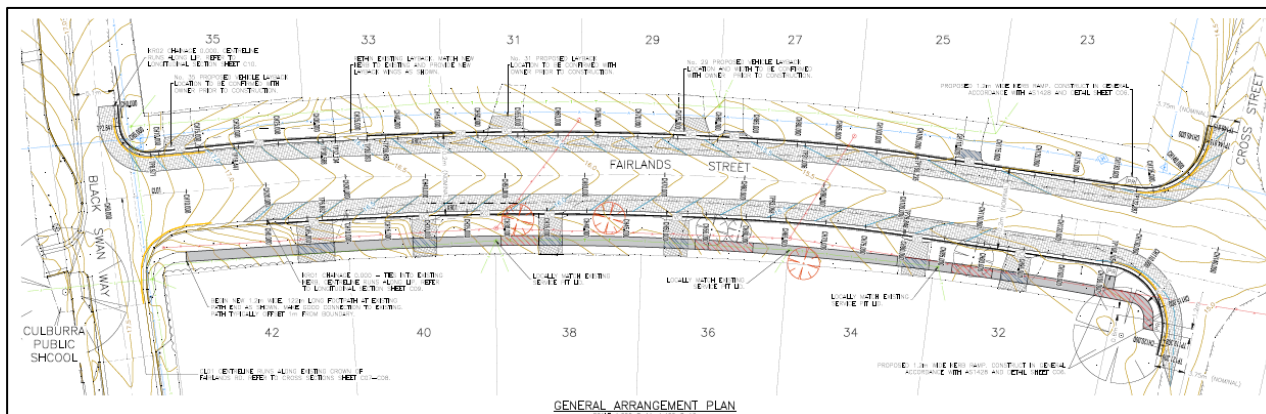


Figure 9. General arrangement plan for kerb and gutter/footpath – Fairlands St, Black Swan Way to Cross St Culburra Beach.

f) Existing precedents

We questioned the requirement when it was added to the DA but were advised that council was unable make any exception for this development as it would set a precedent. We have since learned that there are already a number of existing precedents in the area of developments that have not had to meet this requirement. These include 98a & 98b Greenbank Grove, just around the corner from our property, on a road that, unlike ours, predominantly has kerb and gutter.

Response: Both dual occupancy development and subdivision of land require the construction of kerb and gutter under DCP Chapters G11, G13 and G21. This has been consistently applied in accordance with DCP 2014. Developers undertaking dual occupancy development and/or subdivision and their consultants are generally aware of this requirement and factor it into the cost of development.

The subdivision at 98 Greenbank Grove is referenced as evidence of a precedent, however this was lodged and approved prior to the implementation of DCP2014 under previous provisions which exempted kerb and gutter on the frontage of the lot containing the existing dwelling (SF10403, lodged 10/07/2014 and approved at Development Committee 19/01/2015). A more recent dual occupancy approved at 34 Greenbank Grove at the corner of Black Swan Way did require full frontage construction of kerb and gutter (DA16/2430 approved 13/04/2017).

The area has precedent of kerb and guttering nearby (kerb and gutter on Greenbank Grove including kerb returns into Wollumboola Lane) which is likely to continue with future redevelopment.

2. Planning Assessment matters

It is found that the proposed deletion of Condition 19 of the consent would result in the following non-compliances:

- a) Acceptable Solution A16.1 and Performance Criteria P16 of Chapter G21 of Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)
- b) Is likely to result in adverse impacts upon the surrounding built environment. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)
- c) The granting of approval to the modification is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

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Acceptable Solution A16.1 and Performance Criteria P16 of Chapter G21 of Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)

The proposed deletion of the integral kerb and gutter construction requirements would result in non-compliance with A16.1/P16 of Chapter G21 – Car Parking and Traffic as follows:

Part 6.6 – Construction Standards

A16.1 The construction of internal driveways, roads, car parks, service areas and works in the road reserve comply with Table 3.

Table 3 – Dual Occupancy Development

- *Kerb and Guttering*
 - *Concrete kerb and gutter is to be provided to Council's specification for the full frontage of the development together with a concrete layback and footpath crossing.*
 - *In the case of corner allotments, kerb and gutter will be required on each road frontage of the development.*

Acceptable Solution 16.1 provides a clear description that concrete kerb and gutter is required to be constructed for the full length of the development together with a concrete layback. However, given the site is a corner allotment, the proposal is also required to provided kerb and guttering to each road frontage of the development,

Condition 19 of the development consent has been implemented in accordance with the requirements of Acceptable Solution A16.1 of Chapter G21. Removal of the condition would result in non-compliance with the Acceptable Solution.

P16 The construction of internal driveways, roads, car parks, service areas and works in the road reserve is of a suitable standard according to land use type.

Noting that the DCP is a guideline and is to be applied flexibly, the deletion of the kerb and gutter is effectively an alternative solution. Whilst Council can consider alternatives, the proposed deletion of the requirement for kerb and gutter is also considered to be non-compliant with the listed Performance Criteria given:

- The works within the road reserve would no longer be constructed to the suitable standard required under Table 3 for the relevant land use type.
- The works would also result in non-compliance with other provisions of Council's Development Control Plan which also reflect the requirement for kerb and guttering such as A65.4, A113.1, and Section 6.2.3 of Chapter G11 – Subdivision of Land.

Noting that the proposal is non-compliant with both the Acceptable Solution and Performance Criteria, the proposal is not supported.

Is likely to result in adverse impacts upon the surrounding built environment. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)

The proposed deletion of the requirement for kerb and guttering has the potential to result in adverse impacts to the surrounding built environment.

The impacts to the surrounding built environment would in particular relate to Council's infrastructure and assets including constructed road (Wollumboola Ln) given the potential for deterioration in the condition of Wollumboola Ln, noting the large ponding of water which presently occurs in the pre-kerb and gutter condition during heavy rain events.

The submission received objecting to the deletion of the condition, also reflects Council's concern in relation to this matter.

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The granting of approval to the modification is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

The proposed deletion of the requirement for kerb and guttering would not be within the public interest for the following reasons:

- The additional runoff generated by the additional dwelling, which is already placed on the land, has created a water hazard within the road reserve area – as depicted in the photographs taken as part of Council's site inspection and as depicted in the objection received during the notification period.
- The hazardous pooling of water is likely to result in the deterioration of the condition of Wollumboola Ln outside the site were the requirement for kerb and guttering to be removed.
- Any requests by the owner of the land down the track for repairs to the road are likely to then fall in the hands of Council to fund.
- The removal of the requirement for kerb and guttering would not be consistent with the established kerb and guttering located on the corners of the properties fronting the northern part of Wollumboola Ln and recent determinations issued by Council such as 34 Greenbank Grove.
- The removal of the requirement for kerb and guttering would not be consistent with Council's existing Works Schedule and Council's Policy No. POL12/65 – Asset Management Plan.

Planning Assessment

The Modification Application has been assessed under s4.15(1) and s4.55(1A) of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 2.

Consultation and Community Engagement:

One (1) public submission was received in relation to Council's notification of the modification application, objecting to the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent to neighbouring and surrounding property owners. The notification was for a two-week period between 20th October and 5th November 2021.

Key issues raised as a result of the notification are provided below. It is noted that the objection largely relates to kerb and gutter requirements along Wollumboola Lane, not the West Cres frontage of the site.

a) Water Hazard

Since they now have roof guttering that disperse now on the edge of the road it has created a large water hazard every time it rains.

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Figure 10. Photographs provided by objector of Wollumboola Ln in a rain event

Comment

Photographs provided by the applicant (Figure 10) and taken by Council as part of the site inspection confirm a water hazard does exist following the placement of the additional dwelling on the land during rain events – therefore necessitating the construction of the kerb and gutter as required by Condition 19.

b) Potential for Deterioration of Road Reserve

This will continue to create damage to the existing road.

Comment

This reflects Council's concerns and demonstrates the potential ongoing impacts upon the surrounding built environment, as it relates to Council's public infrastructure.

Financial Implications:

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW. Further, there is a potential that Council would eventually have to fund capital works associated with kerb and guttering within the locale, including in the location of the proposed development, should the removal of Condition 19 be supported.

Legal Implications

Pursuant to section 8.2 of the EP&A Act, a decision of the Council may be subject of a review by the applicant in the event of an approval or refusal. If such a review is ultimately pursued the matter would be put to Council for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

Summary and Conclusion

A review of the applicant's request for the deletion of Condition 19 of Development Consent No. DA20/1809 has found that the reasons given are not reasonable or signify extenuating or unique circumstances to warrant the exception of the subject site from Council's planning controls and policy on the matter. Exception from the controls would not achieve a better outcome; would set an undesirable precedent for future infill development within the Local Government Area (LGA); and transfer the ultimate costs associated with kerb and gutter provision onto Council, contrary to current Council policy.

As the modification application is not considered capable of support it is recommended the proposal be refused for the reasons outlined below:

1. The modification is non-compliant with Acceptable Solution A16.1 and Performance Criteria P16 of Chapter G21 of the Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)
2. The modification is likely to result in adverse impacts upon the surrounding built environment. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)
3. The modification would result in the proposal not being suitable for the site. (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979)
4. Having regard to the above matters, the granting of approval to the modification is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

CL22.153



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

shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY WAY OF REFUSAL**

Environmental Planning and Assessment Act, 1979
DS21/1353

TO:

Ms Chris Phillips
76 West Cr
CULBURRA BEACH NSW 2540

being the applicant(s) for DS21/1353 relating to:

76 West Crescent, CULBURRA BEACH – Lot 298 DP 11892

REFUSED USE AND/OR DEVELOPMENT:

S4.55(1A) Modification seeking to delete Condition 19 from the approved Relocation of Dwelling to create Detached Dual Occupancy

DETERMINATION DATE:

To be confirmed

REFUSAL DATE:

To be confirmed

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the reasons as outlined in Part A:

CL22.153 - Attachment 1

Determination Notice by way of Refusal - Page 2 of 2 – DS21/1353

REASONS FOR REFUSAL

1. The modification is non-compliant with Acceptable Solution A16.1 and Performance Criteria P16 of Chapter G21 of the Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)
2. The modification is likely to result in adverse impacts upon the surrounding built environment. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)
3. The modification would result in the proposal not being suitable for the site. (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979)
4. Having regard to the above matters, the granting of approval to the modification is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

RIGHTS OF REVIEW AND APPEAL**Determination under Environmental Planning and Assessment Act, 1979**

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within the prescribed period.

GENERAL ADVICE**Privacy Notification**

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) Act 2009 (GIPAA).

SIGNED on behalf of Shoalhaven City Council:

City Development

CL22.153 - Attachment 1

CL22.154 Negotiations - Tenders - Demolition & Construction of an Accessible Boardwalk - Ray Brooks Reserve.

HPERM Ref: D22/51854

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

To inform Council of the post tender negotiations for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach.

Recommendation

That Council:

1. Notes the successful outcome of the tender negotiations for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach.
2. Note that the CEO will now award the contract for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach to GC Civil PTY LTD under delegation.

Options

1. Adopt the recommendation.

Implications: This will allow for the progression of the delivery of Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve meeting Council's legal requirements of the grant deed.

2. Council adopt an alternate recommendation

Implications: Depending on the nature of the alternative recommendation, this may not meet community expectations and potentially result in the funding being withdrawn, and the delivery of the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve not occurring.

Background

In 2020 Council successfully applied for funding under the Local Roads and Community Infrastructure Program (LRCI), Phase One to replace the ageing timber boardwalk at Ray Brooks Reserve, Palm Beach. A design was completed by MI Engineers for a fibre composite boardwalk and associated concrete works and retaining walls. A cost estimate of \$370,000 was provided in-house and this estimate formed part of the grant submission.

Council called Tenders for the Demolition and Construction of an Accessible Boardwalk on 15 February 2021 which closed at 10:00am on 23 March 2021. Whilst six contractors attended the pre-tender meeting, only two tenders were received at the time of closing and only one of those was deemed to be a conforming tender.

The Strategy & Assets Committee at its meeting on 13 April 2021, adopted MIN21.214C.

1. *In accordance with Section 178(1)(b) of the regulations declines to accept any Tender for Tender 66485E Demolition & Construction of an Accessible Boardwalk at Ray Brooks*

CL22.154

Reserve as tenders were higher than the available budget. The lowest conforming tender exceeded the budget by \$263,326.

2. *That the CEO (Director City Services) consider completing some or all the work inhouse and negotiates with any or all Tenderers experienced in this type of work, in accordance with Clause 178(3)(e), and report back to Council accordingly.*

Negotiations

Council considered undertaking some of the works inhouse, but opted to instead enter into negotiations with three contractors experienced in the type of works associated with this project. The Evaluation Team adhered to the Local Government Act 2003, Tendering Regulations 2005, OLG Guidelines and Council's adopted policies and processes during the extensive negotiation process with all tenderers. The negotiation process included clarifications on submissions regarding tender prices for materials, labour, and a program to achieve the conditions of the grant deed. The result of the negotiation process achieved an acceptable tender.

Following negotiations and identification of additional budget, under delegation, the Chief Executive Officer will now approve the Evaluation Panel's recommendation to award the contract for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach to the successful tenderer GC Civil PTY LTD.

Financial Implications

Two separate variation requests were made to the Local Roads & Community Infrastructure grant funding program to repurpose unspent funds from other projects within the same grant program phase. Approval was received to repurpose the requested additional funding. Additional Council funding was also identified which has resulted in an approved budget that will provide for the delivery of this project.

Risk Implications

Further delays in entering into a contract with a Contractor may result in the delivery of the project not meeting the timeframes of the grant deed.

CL22.154

CL22.155 Investigation of Meeting Place Budgong / Mt Scanzi

HPERM Ref: D21/349551

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Map Budgong / Mt Scanzi Council owned managed land [↓](#)

Reason for Report

To report back to Council on the investigation in the Budgong/Mt Scanzi area for a community meeting and storage place in line with Notice of Motion MIN21.64.

Recommendation

That:

1. The request for a community meeting and storage space (MIN21.64) remain on Council's community facility request register.
2. Council identifies this project in the Review of the Community Infrastructure Strategic Plan
3. If a suitable facility or land becomes available or there is an opportunity for Council to acquire land for a facility, a report will be provided to Council regarding the process and potential costings.

Options

1. Adopt the recommendation as written.

Implications: Capturing this community request for land or a facility on Council's Community Facility Request Register will ensure that this request can be followed up when a suitable facility or land becomes available.

2. Reject the recommendation as written and provide an alternative way forward.

Implications: This is unknown.

Background

A Notice of Motion was considered at the February 2021 Strategy and Assets Meeting following representations from the CCB and community members in the Budgong / Mount Scanzi area, to identify a place for the residents to gather for a variety of events and activities in the community. This request was in the aftermath of the 2019/2020 Black Summer Bushfires. Council adopted MIN21.64:

'That the Chief Executive Officer investigate potential or possible sites on which a meeting / storage room could be constructed at some future time and report the outcome of such investigation to Council at the earliest convenience.'

CL22.155

Investigations into Council Owned and Managed Land

Council staff undertook an investigation of Council owned and managed land in the Budgong / Mt Scanzi area. A map of the area is provided at Attachment 1. This review identified that there is currently no land that Council owns or manages in this area.

Council undertook follow-up with the Budgong Community Group in relation to the Notice of Motion, outlining Councils current land tenures in the Budgong/Mt Scanzi area and seeking details on their needs. The President of the Budgong Community Group was understanding of the current situation with no identified land. Council will continue to work with Budgong community group regarding their needs and opportunities to assist with these.

Future Steps

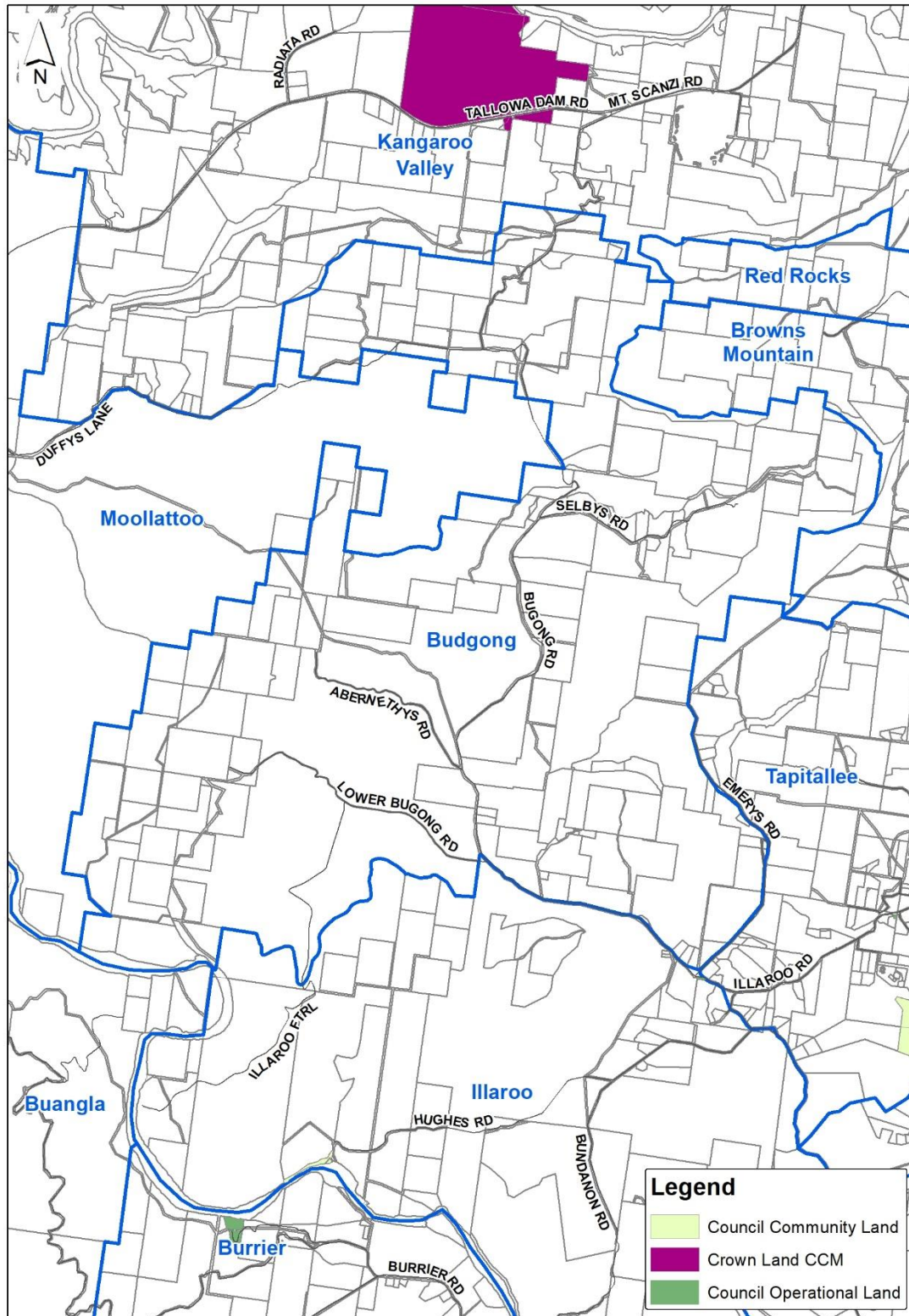
It is proposed that Council note the community request and that staff continue to seek opportunities for a meeting and storage area to be located in the Budgong / Mt Scanzi area.

Proposed Methodology for Engagement

A review of the Community Infrastructure Strategic Plan (CISP) will be undertaken in 2022. This will provide an opportunity for Council and the community to review and consider future needs for new facilities across the Shoalhaven. The request for a meeting and storage area to be located in the Budgong / Mt Scanzi area has been included in the CISP review issues register and will be considered as part of this process.

Should a suitable site be identified either through the CISP review or other methods, a further report will be provided to Council outlining the opportunities this may present.

Budgong - Council Managed Lands



CL22.155 - Attachment 1

CL22.156 Shoalhaven Heads Landscape Master Plan - Results of Public Exhibition and Finalisation of the Document

HPERM Ref: D22/69964

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Community Consultation Results [↓](#)
2. Results of Public Exhibition [↓](#)
3. Draft Shoalhaven Heads Landscape Master Plan (under separate cover) [⇒](#)

Reason for Report

To provide an update to Council on the background of the review of the Shoalhaven Heads Landscape Master Plan, including the community consultation and public exhibition of the document. This report seeks Council's resolution on the final draft of the Shoalhaven Heads Landscape Master Plan.

Recommendation

That Council:

1. Receive this report as an update on the community consultation and public exhibition completed in the revision of the Shoalhaven Heads Landscape Master Plan.
2. Adopt and finalise the draft Shoalhaven Heads Landscape Master Plan.
3. Proceed to implementation of the Shoalhaven Heads Landscape Master Plan, utilising the document as a strategic way forward in the town of Shoalhaven Heads.

Options

1. Adopt the recommendation

Implications: This will allow the Shoalhaven Heads Landscape Master Plan to be finalised and provide a strategic future direction for the town of Shoalhaven Heads. It will also allow Council and the community to seek funding opportunities for the delivery of projects in line with the Master Plan.

2. Adopt an alternative recommendation and provide direction to staff

Implications: Depending on the significance of the recommendation, this may impact the finalisation of the Shoalhaven Heads Landscape Master Plan, resulting in delay in a strategic way forward and not being ready to apply for any upcoming funding where the projects may be eligible.

Background

The Shoalhaven Heads Township Landscape Master Plan outlines the general approach to the planning and implementation of streetscape and landscaping improvements in the town of Shoalhaven Heads.

Whilst the Master Plan is a Council document, it is community driven. The delivery of these infrastructure projects reflects the ongoing partnership of Council with the Shoalhaven Heads Community Forum and the broader Shoalhaven Heads community.

The Master Plan provides an overarching approach and seeks to coordinate the intentions of the community with the objectives of Council's improvement programs. It incorporates pathway networks, town entrances, streetscaping, and upgrades to infrastructure as well as a Shoalhaven Heads specific colour palette, preferred materials, and plant species to be utilised throughout the town.

The Master Plan has been used to assist with funding applications and has provided a methodology to deliver infrastructure and upgrades in Shoalhaven Heads by both Council and the Shoalhaven Heads Community Forum on behalf of the broader community.

The Shoalhaven Heads Landscape Master Plan was developed in June 2014 in consultation with community. Given the age of the Master Plan, many projects have since been completed, or the priorities in the community may have changed. The need to review the existing Master Plan was reported to the Strategy and Assets Committee Meeting on 21/07/2020, where it was resolved (MIN20.490):

That Council:

- 1. Commence a review of the Shoalhaven Heads Township Landscape Masterplan.*
- 2. Undertake community consultation with the Shoalhaven Heads Community Forum and broader community to inform the review, including public exhibition of the revised Draft Shoalhaven Heads Township Landscape Masterplan for a minimum period of 28 days.*
- 3. Report back to Council following community consultation with an update on the revised Shoalhaven Heads Township Landscape Masterplan prior to adoption.*

As a result, extensive consultation has occurred with Council staff, stakeholders, and the community to inform the review of the document. Details of the consultation are included below.

Community Engagement

In November 2020, community consultation was conducted on the existing Master Plan. This included communication with key stakeholders in the Shoalhaven Heads township, including:

- The Shoalhaven Heads Community Forum
- Shoalhaven Heads Loins Club
- Shoalhaven Heads Surf Lifesaving Club
- Shoalhaven Heads Bowling Club
- Holiday Haven
- Save Jerry Bailey Oval Inc
- Pepper Reserve Working Group
- Shoalhaven Heads Men's Shed
- Local Rugby League Club and Cricket Club

The consultation on the Master Plan was promoted to the Shoalhaven Heads community and organisations by an article in the local newspaper, flyer distribution, and via Council's social media and Get Involved platform.

The consultation resulted in 36 responses, where 91% of responses were Shoalhaven Heads residents. The consultation results can be found in [Attachment 1](#).

Document Revision

The feedback received from internal sections of Council and the initial round of community consultation were incorporated into a draft revision of the Shoalhaven Heads Landscape Master Plan.

The draft revision included:

- Detail of streetscape and landscape improvements throughout the town of Shoalhaven Heads
- Condensed imagery and photographs throughout the document
- Updated zoning under the Shoalhaven LEP 2014
- Updated mapping of the Pedestrian Access and Mobility Plan (PAMP)
- Updated planting schemes and colour palette
- Updated Placemaking and Playspace themes
- Recently completed projects
- Future scope for highly utilised spaces
- Spaces that previously were not recognised
- Areas subject to future investigations and planning

The draft revised Master Plan has been circulated to the relevant internal Council staff for feedback, as well being presented to the executive of the Shoalhaven Heads Community Forum, the Shoalhaven Heads Estuary Taskforce, and the Shoalhaven Heads Chamber of Commerce.

As a result of the feedback, some minor amendments were made, and there were no objections to proceeding to a public exhibition.

In September 2021, Councillors were briefed on this project, who provided their support of the draft revision of the Master Plan and to proceed to public exhibition.

Public Exhibition

The draft revision of the Shoalhaven Heads Landscape Master Plan was placed on public exhibition from 28 October to 28 November 2021. The exhibition was advertised via the local newspaper, Council's social media, and direct email to key stakeholders and past participants. Hard copies of the exhibited document were also put on display at the Shoalhaven Heads Community Centre. Internal Council stakeholders were also invited to review and submit feedback where necessary.

At the conclusion of the exhibition, 19 survey responses were received via the Get Involved platform, as well as an additional 9 written submissions. The online survey resulted in 89.5% of participants providing their support to the document.

The exhibition identified several requests for minor additions and amendments to the plan. A summary of all the feedback, including Council's response, is provided in [Attachment 2](#).

Final Draft Document

The feedback from the public exhibition was collated and reviewed by the Project Control Group. As a result of the range of feedback received, the following general actions occurred:

- The Master Plan was updated accordingly, or

- The Master Plan was updated to reflect the request, however identified the proposal was subject to its own detailed investigation and design, or
- The proposal was not included in the Master Plan due to it being outside of the project scope, or
- The proposal was not included in the Master Plan due to other information or investigations

Due to the broad range of feedback received, and only minor adjustments being made to the draft revised Master Plan, it was deemed that re-exhibition was not necessary. The final draft revision of the Shoalhaven Heads Master Plan can be viewed in [Attachment 3](#).

Next Steps

Upon the adoption of the Shoalhaven Heads Landscape Master Plan, the document will be available to Council and the Community to demonstrate support and influence future projects or upgrades to the town of Shoalhaven Heads. The document may also provide in principle support for future grant applications.

Council staff will work with the Shoalhaven Heads community to determine an implementation plan and funding strategy for items identified in the Master Plan. The future projects identified in the Master Plan will also form part of the review of Council's Community Infrastructure Strategic Plan.

Policy Implications

Shoalhaven City Councils *Community Infrastructure Strategic Plan* (CISP) recommends the future provision, priorities, and funding of community infrastructure at local, district and regional levels. The CISP covers the whole of the Shoalhaven Local Government Area and is being reviewed in 2022.

The future projects and aspirations identified in the Shoalhaven Heads Landscape Master Plan will be incorporated and reflected in the review of the CISP.

Financial Implications

The review of the Shoalhaven Heads Township Landscape Master Plan has been funded by the Community Planning and Projects operational budget.

The various infrastructure projects delivered to date have been delivered from Special Rate Variation funding, grant monies (which have been attained by both Council and the Shoalhaven Heads Community Forum), Council's Minor Improvement Fund and fundraising from the Shoalhaven Heads Community Forum.

Amendments to the Shoalhaven Heads Township Landscape Master Plan may have an impact to the whole of life costs for Council owned or managed land in Shoalhaven Heads.

Projects identified for the future may have financial implications to the relevant Asset Custodians. These include design, delivery, ongoing maintenance, and future replacement of new or updated infrastructure. These financial implications will require to be further explored and elaborated on where required, upon the delivery of the draft Shoalhaven Heads Township Landscape Master Plan.

**Summary of Community Consultation
Review of the Shoalhaven Heads Landscape Master Plan**

Survey Responses

36

Question - What is your age group?

Age group	Number of responses	Percent
Less than 12 years old	0	0%
12 – 17 years	0	0%
18 – 24 years	0	0%
25 – 34 years	5	14%
35 – 49 years	7	19%
50+ years	24	67%

Question - What is your gender?

Gender	Number of responses	Percent
Female	23	64%
Male	12	33%
Other	1	3%

Question - What is your town of residence?

Town	Number of responses	Percent
Shoalhaven Heads	33	91%
Other Shoalhaven towns	1	3%
Other Non-Shoalhaven towns	2	6%

Question - What are your top 5 future projects (including locations) that you would like to see at Shoalhaven Heads?

Answer	Number of responses
Increased number of formal pathways	
• In general	7
• Gerroa Road	1
• Scott Street	2
• Shoalhaven Heads Road	1
• River Road Reserve	3
• Connecting Holiday Haven to Beach	2
• Around Jerry Bailey Oval	1
New/Upgraded playgrounds	
• In general	1
• Pepper Reserve	2
Increase tree plantings	15
Improved roadways/kerbs/guttering/crossings	13
Beautify the shopping precinct	9

River and opening improvements	9
Provide amenities and seating to the Pump Track	5
More seating	4
Formal beach access	4
Boat ramp improvements	3
Beautify the town entrance	3
More public art	3
Water Play area	2
CCTV in key areas	2
Dog off-leash area at Jerry Bailey Oval	2
Shade to all playgrounds	1
Community garden	1
Heated pool	1
Lions Park improvements/tidy	1
Increased beach parking	1
Upgrade war memorial	1
Café	1

Question - Do you agree with the current proposals to the main entry of Shoalhaven Heads?

Answer	Number of responses
Yes	24
No	
<ul style="list-style-type: none"> Not enough space for new plantings It is not needed Trees will impact power lines The pathway goes nowhere Trees will obstruct traffic sight lines Increased signage needed Connecting pathways needed Not enough shade 	1 1 1 1 5 1 1 1

Question - Is there anything else you would like incorporated in the main entry?

Answer	Number of responses
No changes	8
Road resurfacing or upgrades	6
Improved entry signage	5
Public art/sculptures	3
New/replaced plantings	2
Wayfinding signage	1
Formalised footpaths	1

Question - Do you agree with the current proposals to the pedestrian crossings at Shoalhaven Heads?

Answer	Number of responses
Yes	19
No	
<ul style="list-style-type: none"> • Pedestrian crossings are not necessary 	6
<ul style="list-style-type: none"> • Proposed crossings are too close to corners/intersections 	5
<ul style="list-style-type: none"> • Jerry Bailey Road needs traffic calming devices 	1
<ul style="list-style-type: none"> • Jerry Bailey Road needs a centre line 	1
<ul style="list-style-type: none"> • Pedestrian crossing are only needed on the main road 	1
<ul style="list-style-type: none"> • Island style crossings are preferred 	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	14
Increased tree plantings	3
Road enhancements to prevent corner cutting	2
More connecting footpaths	2
Kerb and guttering	1
Reduction of crossings and traffic obstructions	1

Question - Do you agree with the current proposals to Vic Zealand Reserve?

Answer	Number of responses
Yes	20
No	
<ul style="list-style-type: none"> • Remove trees away from infrastructure where the roots may cause damage 	2
<ul style="list-style-type: none"> • More shade trees 	2
<ul style="list-style-type: none"> • Kerb and gutter roadways 	1
<ul style="list-style-type: none"> • Informal parking areas are preferred 	1
<ul style="list-style-type: none"> • Tiered seating is not required 	2
<ul style="list-style-type: none"> • More parking spaces on the eastern side of Explorer Blvd 	1
<ul style="list-style-type: none"> • Addition of a dog off leash area 	1
<ul style="list-style-type: none"> • Remove the fitness station 	1
<ul style="list-style-type: none"> • Remove trees along roadway that obstruct sight lines 	1
<ul style="list-style-type: none"> • More parking provisions 	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	21
Increase in formal parking	2
More connecting footpaths	2
Sealed entrance	2
Dog off-leash area	2
Addition of a playground	1
Native tree plantings	1
Water fill up station	1
Shaded seating	1
CCTV	1

Question - Do you agree with the current proposals to the community and commercial precinct at Shoalhaven Heads?

Answer	Number of responses
Yes	23
No	
<ul style="list-style-type: none"> The area requires beautification Move pathway closer to Newsagency The plan impacts traffic flow Silky Oak trees will grow too large Eastern car park at community centre is not needed Remove trees from intersections More businesses needed at Jerry Bailey Oval More parking required Celebrate the design of the community centre 	1 1 1 1 1 1 1 1 1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	9
More shops and a supermarket	5
Beautify the space	3
More parking	2
Kerb and Guttering	2
Increased lighting	1
Less trees	1
CCTV	1
More tree plantings	1

Question - Do you agree with the current proposals to the community precinct at Shoalhaven Heads?

Answer	Number of responses
Yes	25
No	
• Extra parking not required	1
• More parking required	2
• Avoid carparks with dead ends	1
• Remove signage advertising alcohol	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	17
Provide a drinking fountain	1
Provide a public toilet near community centre	1
Include more parking	1
Provide a pedestrian crossing	1
More seating	1
Formal footpaths on both sides of road	1

Question - Do you agree with the current proposals to the Commercial precinct at Shoalhaven Heads?

Answer	Number of responses
Yes	20
No	
• No	2
• Move the meeting space closer to the road	2
• Remove trees from intersections	1
• Add more businesses/shops	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	11
More seating options	4
Inclusion of a supermarket	3
More native plants	2
More parking	1
Footpaths	1
Community garden	1

Question - Do you agree with the current proposals for Jerry Bailey Oval?

Answer	Number of responses
Yes	23
No	
• Include a playground	3
• Remove cricket pitch	1
• Identify the Lions Park	2
• Identify the Endangered Ecological Community	3
• No kerb/gutter/formal parking	2
• Include a toilet	1
• Remove pump track	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
Provide shaded seating	10
Include toilets	8
No changes	7
Provide a fenced dog off-leash area	6
Provide more pathways	5
Include a playground	3
Provide BBQ facilities	3
Provide formal parking areas	2
Provide more bins	1
Native tree plantings	1
Remove the cricket pitch	1
Remove water play	1

Jerry Bailey Oval Amenities

Preference of option 1 or option 2

Option	Number of responses	Percent
1	20	59%
2	14	41%

Question - Do you agree with the current proposals to the Gumley Reserve?

Answer	Number of responses
Yes	28
No	
• Do not disturb bushland	1
• Improved track signage	1
• More car parking	1
• No kerb and gutter	1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	12
Parking improvements	5
Raise viewing platform	3
Fence playground	2
Provide a beach café	2
Connecting pathways	1
Formal beach access	1
Upgrade amenities	1

Question - Do you agree with the current proposals to Curtis Reserve?

Answer	Number of responses
Yes	26
No	
<ul style="list-style-type: none"> • Botanic garden taking up too much area • Upgrade the playground • Relocate community garden to another reserve • Formalise parking areas 	2 1 1 1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	15
Upgrade picnic shelters	2
Larger community garden	2
Connecting pathways	1
More tree plantings	1
Upgrade preschool	1

Question - Do you agree with the current proposals to River Road Reserve?

Answer	Number of responses
Yes	26
No	1
<ul style="list-style-type: none"> • Increased seating • Upgraded flood drainage • Connecting pathways • Upgraded boat ramp 	1 1 1 1

Question - Is there anything else you would like incorporated in this area?

Answer	Number of responses
No changes	10
Connecting pathways/boardwalk	4
Landscaping improvements	2
Upgraded flood drainage	2
Increased parking/trailer parking	2
More seating	1
Dredging	1
Artworks	1
Increased picnic areas	1
Boat ramp upgrades	1

Question - Are there any other areas in Shoalhaven Heads that you think should be covered by the Master Plan? If yes, please specify the infrastructure improvements that you think should be covered?

Answer	Number of responses
Hay Ave and Wharf St boat ramps and trailer parking	5
Pepper Reserve and the Nature Adventure Park	3
Footpath network throughout town	3
Entire length of River Rd	2
Northern Entrance off Gerroa Rd	2
Between Holiday Haven and McIntosh Street	1

Question - Do you have any other comments?

Answer	Number of responses
Show creativity to create a one-of-a-kind town	1
Provide CCTV to main areas	1
Leave the town as being peaceful with old charm	1
Choose trees that are suitable for each location	1
Improve street lighting	1
Select suitable shade trees	1

**Summary of Exhibition
Review of the Shoalhaven Heads Landscape Master Plan**

Get Involved Survey

Survey Responses

19

Question - What is your age group?

Age group	Number of responses	Percent
Less than 12 years old	0	0%
12 – 17 years	0	0%
18 – 24 years	0	0%
25 – 34 years	2	11%
35 – 49 years	4	21%
50 - 59 years	4	21%
60 – 69 years	4	21%
70 – 84 years	5	26%
85+ years	0	0%

Question - What is your gender?

Gender	Number of responses	Percent
Female	10	53%
Male	9	47%

Question - What is your town of residence?

Town	Number of responses	Percent
Shoalhaven Heads	18	95%
Other Shoalhaven towns	0	0%
Other Non-Shoalhaven towns	1	5%

Question - In general, do you support the content and scope outlined in the revised Shoalhaven Heads Landscape Master Plan?

Answer	Number of responses	Percent
Yes	17	89.5%
No	2	10.5%

Question – If No, please provide details

Answer	Number of responses
Excessive and unnecessary	1
Plans for River Road will block river views	1
Fails to look at tourism and infrastructure for future events	1

Question - Are there any items you feel need to be amended or included in the revised Master Plan?

Answer	Number of responses	Percent
Yes	17	94%
No	1	6%

Question – If Yes, please provide details

Answer	Number of responses
Plantings on River Road are not necessary	1
Include a community garden	1
Include BBQs at Lions Park	1
Include a bocce court at the community centre	1
Include a more neutral colour palette	1
Tree selections need to compliment areas as they grow	1
Multi-sport cage needs to be bigger and located near Wollstonecraft Rd.	1
Duplication of footpaths on McIntosh St and River Road is not needed	1
Pedestrian refuge in front of Heads Hotel not needed	1
The pool needs to be upgraded, heated, and open year round	1
Street trees not needed outside of the main road	1
Footpath not needed in Pepper Reserve	1
Plantings required opposite the Heads Hotel	1
Boat ramp improvements are needed	1
Improved fenced dog off-leash area	1
Proposed landscaping near the fuel station visually impacts fuel price display	1
Update Curtis Reserve plan to reflect D19/35426	1
Jerry Bailey Oval pathways should be smooth for roller skating	1
Replacement of more suitable street trees (trees identified in response)	2
Remove fencing to riverbank and use plantings as barriers	1

Question - Do you have any further comments about the document?

Answer	Number of responses	Percent
Yes	8	42%
No	11	58%

Question – If Yes, please provide details

Answer	Number of responses
Tree planting on nature strip in front of houses is not required	1
Be mindful of future tree size when sourcing plants	1
More tree plantings required	1
Incorporate plans/ideas from the park care group	1
Multi-sport cage must compliment surrounding features	1
In support of additional pathways and the plan in general	1
Footpath near the golf course will impact trailer parking area	1
Plans may impact future expansion of shopping precinct near Woolstencroft St	1
Support for the Jerry Bailey Oval Plan	1
Need for more parking and footpaths at Vic Zealand Reserve	1

Written Submissions

TRIM Ref	Comments	PCG Response
D21/473914	<ul style="list-style-type: none"> Detail at Boat ramps Amend tree details on River Road precinct Avoid infrastructure in seaward facing areas due to high risk of erosion Remove viewing platform 	<ul style="list-style-type: none"> Additional boat ramps included Tree details amended and to be investigated individually prior to planting Acknowledge comments and future infrastructure is assessed in accordance with coastal studies
D21/498849	<ul style="list-style-type: none"> Consider an aged care facility Include interpretive signage Community paved pathway 	<ul style="list-style-type: none"> Aged care is outside document scope Interpretive signage to be investigated during individual project planning Community pathways would be subject to receiving proposal from CCB/Community
D21/500312	<ul style="list-style-type: none"> Remove individual names on front cover Numerous PAMP related comments to consider 	<ul style="list-style-type: none"> Cover amended Comments being worked through and document is reflective of the PAMP
D21/504166	<ul style="list-style-type: none"> Supports the document 	<ul style="list-style-type: none"> Noted
D21/498851	<ul style="list-style-type: none"> Include native frangipani on planting list Blisters and road crossings near the commercial centre Relocate the crossing on Woolstencroft St Insufficient room for adventure play on Jerry Bailey Oval Amended plant species for better shade 	<ul style="list-style-type: none"> Plantings have been included in the Landscape Schedule. Tress have not been designated to induvial streets. Crossings are reflective of the PAMP Adventure play relocated Curtis Reserve amended to consider community plans for Botanic Gardens

	<ul style="list-style-type: none"> Boardwalk as pathway upgrade behind the caravan park Shared path on Southern side of McIntosh Street is not practical Align community garden plans with the botanic garden plans Inclusion of a Jetty from Bird Park Include Carter's Corner Include park at end of Hay Ave and Wharf St Boat Ramp Depict area and parking around the Golf Club Plan for Northern village entrance to be shown Seating in reserve at River Rd Reserve 	<ul style="list-style-type: none"> Carter's corner would require individual master planning prior to being reflected on the document Additional boat ramps added Northern village entrance is not included or planned for upgrade at this time. Community has concerns that a formal entry may encourage additional traffic in residential streets.
D21/507661	<ul style="list-style-type: none"> Attached plans for infrastructure at Botanic Garden site 	<ul style="list-style-type: none"> Text included to consider plans - Community led planning underway through Park Care action plan. Pending design resolution and liaison with Council
D21/523884	<ul style="list-style-type: none"> Traffic calming and flow measures Upgrades to clubhouse and external space Carpark improvements Manage erosion 	<ul style="list-style-type: none"> Traffic calming pending investigation and design from Traffic team Clubhouse upgrades outside of scope for this project Carpark improvement subject to detailed design and funding. No endorsed plans at this stage. Erosion management outside of scope for this project
D21/547492	<ul style="list-style-type: none"> Map beach access tracks Desire to upgrade to accessible boardwalks Attached a plan 	<ul style="list-style-type: none"> Mapping formal/informal beach access and upgrades is not supported by Asset Strategic Planner
D22/3476	<ul style="list-style-type: none"> Provide pathway to community centre via bushland at Vic Zealand Oval 	<ul style="list-style-type: none"> Not supported due to environmental impact and habitat destruction

CL22.157 Culburra Beach Community Centre - Facility Planning and Clarification on Way Forward

HPERM Ref: D22/72019

Department: Community Planning & Projects
Approver: Sarah Taylor, Manager - Library Services

Attachments:

1. Report - Site Investigations and Consultation - Community Swimming Pool - Culburra Beach - Strategy & Assets Committee 20 July 2021 [↓](#)
2. West Culburra Concept Plan - SSD 3846 DA Determination and Consent [↓](#)
3. Report - Culburra Beach Community Centre - Ordinary Meeting 2 November 2021 [↓](#)

Reason for Report

This report is to update Council on the progress of investigations in identifying a suitable site for the proposed community swimming pool in Culburra Beach.

This report allows Council to consider the Culburra Beach Community Centre site and to seek clarification on a way forward with various proposals resolved as per:

- MIN21.510 – the preferred locations for investigations and consultation to be undertaken for the proposed community swimming pool at Culburra Beach; and
- MIN21.826 - to undertake a Master Plan for this site to include a war memorial, space for community gatherings and events.

Recommendation

That Council:

1. Acknowledge the various proposals as determined at Council's Strategy & Assets Committee Meeting in July 2021 and Ordinary Meeting in November 2021 in relation to the Culburra Beach Community Centre site.
2. Proceed to undertake a community-based master planning exercise for the Culburra Beach Community Centre site in line with the Open Space Master Planning Priority List to be determined by Council.
3. Note that the Master Plan of the Culburra Beach Community Centre is to identify needs over the next 20 years and include engagement with all users and stakeholders.
4. Continue discussions with The Halloran Trust regarding the potential opportunities to locate a community swimming pool within the West Culburra Development.

Options

1. Adopt the recommendation.

Implications: This will provide direction for the future of the Culburra Beach Community Centre site and ensure that potential projects progress in line with Council resolutions and community expectations.

2. Adopt an alternate recommendation.

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Implications: Depending on the significance of the resolution, this may not provide a strategic way forward for the Culburra Beach Community Centre site. Council will need to provide direction in relation to the Culburra Beach Community Centre site and the conflicting proposals.

Implications: This will delay the progression of proposals for the Culburra Beach Community Centre site and not provide a way forward.

Background

The Culburra Beach Community Centre (CBCC) is located at 988 Culburra Road on a 1.25ha lot (see Figure 1). The CBCC comprises two community buildings serviced by a common off-street carpark located to the rear of the property. The property is operated and managed by the CBCC Management Committee (on behalf of Council).

Varying proposals over the CBCC site requires Council to provide direction and a way forward relating to two resolutions in 2021, summarised below:

- MIN21.510 – the preferred locations for investigations and consultation to be undertaken for the proposed community swimming pool at Culburra Beach; and
- MIN21.826 - to undertake a Master Plan for this site to include a war memorial, space for community gatherings and events.



Figure 1 Culburra Beach Community Centre site

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Culburra Community Swimming Pool Investigations (MIN21.510)

A report was presented at the Strategy and Assets Committee on 12 July 2021 presenting the outcome of site investigations for a community swimming pool in the Culburra Beach locality and to seek Council's endorsement on a way forward for this proposal. As a result of the report, it was resolved (MIN21.510):

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.*

MIN21.510 Part 1 – July 2021 Update Report

The Report presented to Council in July 2021 is included as Attachment 1, and provided updates on actions and investigations undertaken being:

- a) Desktop analysis and overview of potential sites for the proposed swimming pool in the Culburra Beach locality;
- b) Swimming pool legislative requirements and guidelines for management, operation and safety; and
- c) Discussions with The Halloran Trust in relation to locating the proposed swimming pool within the West Culburra development, potentially in the form of a Public Private Partnership.

MIN21.510 Part 2 – Consultation with the community and the Halloran Trust

Council staff had initial discussions with The Halloran Trust in relation to the delivery of a community pool, which could be located in the West Culburra development in early 2021. The Halloran Trust advised their willingness to support the Culburra Beach Community and engage in more detailed discussions with Council, however, they do not wish to disrupt the current processes for the West Culburra development.

Council staff met with The Halloran Trust again in November 2021 to provide an overview of investigations to date.

Further discussions were undertaken in March 2022 in relation to future opportunities for a potential site for the community swimming pool within the West Culburra Development. Subsequent correspondence was received from a representative from The Halloran Trust which advised, inter alia:

“The Halloran Trust owns Sealark Pty Ltd which has received approval for the West Culburra Concept Plan. This Concept Plan includes a 25,600 square metre park plus sporting club, amenities and carpark. These will be developed and transferred in due course to the Council for the benefit of the community. The Concept Plan also includes the provision of other parks, reserves and community benefits.

The Halloran Trust is a charitable trust and all beneficiaries of the trust have charitable purposes. One of the named beneficiaries is “the Community of Culburra Beach”. The Trust is therefore interested in providing financial support over time which is of direct benefit to Culburra Beach. Any decision about a swimming pool needs to be made by the Council but the Trust is open to working with the Council if it wishes to own and operate a swimming pool at Culburra Beach. Support by the Trust could be by providing land and/or making a financial contribution to the capital cost of the construction of the facility.

Council staff met again with representatives of The Halloran Trust during March 2022 to discuss the Concept Plan and related matters. The potential for collaboration around the swimming pool project was raised at this meeting and discussions will continue.

The Concept Plan referenced in the above correspondence, is provided as Attachment 2.

MIN21.510 Part 3 – Consultation with the community on swimming pool operation and management

A page has been created on Council's Get Involved platform to keep the community informed of the project as it progresses. In addition, a draft community survey has been prepared to gain community feedback on desired features, support for the pool and preferred locations.

Pending Council's way forward, the community survey will be made available for public response, with collation of the feedback anticipated to provide a clearer direction for the determination of suitable sites. This feedback will guide additional consultation with the community on their willingness to operate and manage the community swimming pool.

MIN21.510 Part 4 – Further report at completion of consultation

Upon receiving Council's preferred direction for the CBCC site, Council staff will action and provide an update either through a further report or Councillor Briefing on the outcomes of consultation, preferred sites and budget required.

Future Direction for Culburra Beach Community Centre - MIN21.826

A separate Report was presented at the Ordinary meeting of Council on 2 November 2021 regarding the use of the CBCC site, including the proposal for installation of a War Memorial by the Culburra Beach Orient Point RSL Sub-Branch (CBOPRSL), and the use of this space for Community Based Markets and Gatherings.

It was resolved (MIN21.826):

That Council:

- 1. Supports the vision that the Culburra Beach Community Centre Committee has for the Culburra Beach Community Centre in that the Committee believe that the*

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grounds fronting Culburra Road should not be diminished and should be used to host community-based markets and gatherings.

2. *Allocates \$20,000 in the Draft 2022/2023 Budget to undertake a community-based master planning exercise for the Culburra Beach Community Centre with the view of planning for the sites needs over the next 20 years.*

MIN21.826 Part 1 – Support of Culburra Beach Community Centre Committee

The Report presented to Council in November 2021 is included as Attachment 3 and provided an overview of the differing visions for the CBCC site presented by the CBOPRSL and CBCC Committee.

Council's resolution supports the vision of the CBCC Committee that the works proposed by the CBOPRSL will significantly reduce the usable grounds fronting Culburra Road, and subsequently their ability to host community-based markets and gatherings.

MIN21.826 Part 2 – Community-Based Master Plan for the CBCC site

Master Plans are high-level, long-term strategic plans intended to set out objectives and strategies to manage development, provide a vision and framework for how an area can grow and develop. Master Plans include future projects, as well as addressing the upcoming needs from the community and stakeholders. The Master Planning process defines what is important about a place and how its character and quality can be conserved, improved, and enhanced to meet the current and future needs of users, the community, and relevant stakeholders.

Master Plans assist Council in determining upcoming work programs and financial plans and are essential for grant funding applications. In a best-case scenario, Master Planning is completed before any significant project works or capital investment is delivered. Master Planning is the first stage of progressing a project to 'shovel ready'.

A report was presented to Council at its Ordinary Meeting on 21 February 2022 that provided an update on the current Master Plans for Council owned or managed parks, active and passive open space, or sports grounds and reserves, and to seek Council's direction on the way forward regarding the prioritisation and timing for these Master Plans. A recommended priority list of Master Plans for Council owned or managed parks and reserves was provided as per Table 1.

Table 1 Proposed Priority List of Master Plans for Council owned or managed parks and reserves

Masterplan	Categorisation	Timeframe / Year	Supported by	Priority
Huskisson Foreshore Precinct, (Voyager Park to Moona Moona Creek) Huskisson	Destination Park	22/23	CISP	1
Mollymook Beach Reserve, Mollymook	Destination Park	22/23	CISP	2
Ulladulla Foreshore and Apex Park, Ulladulla	Destination Park	22/23	CISP	3
Culburra Beach Community Centre, Culburra Beach	Local Community Centre	23/24	MIN21.826	4

Greenwell Point Foreshore Reserve, Greenwell Point	District Recreation Park	23/24	MIN21.406	5
Francis Ryan Reserve, Sanctuary Point	District Sports Park	23/24	CISP	6
Elliott Reserve, Currarong	District Sports Park	24/25	Community	7
Wool Lane Sporting Complex, Sanctuary Point	District Sports Park	24/25	CISP	8
Huskisson Sportsground, Huskisson	District Sports Park	24/25	Community/Staff	9
Greys Beach, North Nowra	District Recreation Park	25/26	Nowra Bridge Project	10
Harry Sawkins Park, Nowra	District Recreation Park	25/26	CISP	11
Plantation Point Reserve, Vincentia	District Recreation Park	25/26	Community	12
Edwards Avenue Reserve, Bomaderry	Local Recreation Park	26/27	CISP	13
Barker Reserve, Burrill Lake	Local Recreation Park	26/27	MIN20.754 Community led MP	14
Callala Bay Sports Park, Callala Bay	District Sports Park	27/28	Community/Staff	15

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It was resolved (MIN22.135):

That Council:

1. Consider an annual recurrent funding request of \$300,000 + CPI within the City Lifestyles budget to facilitate the development and completion of Master Plans for Council owned or managed parks and reserves (as proposed in Table 1).
2. Hold a Workshop for Councillors to determine priorities for the completion of Master Plans

A Councillor workshop will be scheduled in accordance with Council's processes to determine and finalise the priority list of Master Plans in which the CBCC site is included, and Council staff will action the determined priority list accordingly.

Varying proposals for CBCC site

It has been identified that the proposals as resolved (MIN21.510 and MIN21.826), illustrated below in 2 to 4 on the CBCC site, are conflicting and may result in incompatible developments. Council staff require direction on priorities for investigation and actions to be undertaken. Community consultation will be required to be undertaken to quantify community support for the future use of the site.

Council's resolution (MIN21.826) supports the retention of the grounds fronting Culburra Road to host community-based markets and gatherings, which removes one option for the community pool on the CBCC site as identified in Figure 4.



Figure 2 Current CBCC Site Plan showing existing memorial

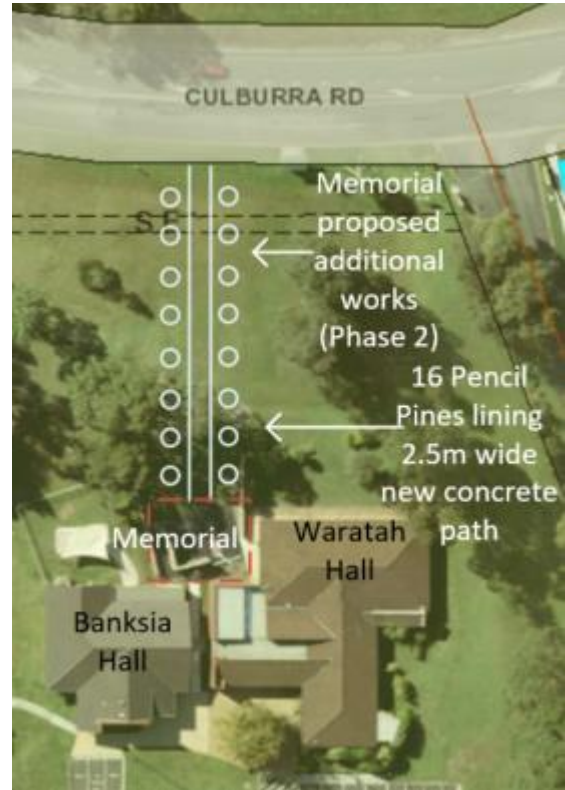


Figure 3 CBCC Site plan showing proposed alterations and additions to the existing memorial

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Figure 4 Potential locations for the swimming pool on the CBC site

Community Engagement

Community Swimming Pool Community Submissions

Four submissions have been received from the general public in relation to the Culburra Community Pool investigations. Key points raised in the correspondence have been provided below:

- An ocean pool would be a great asset for tourists and the local community
- Favouring an indoor pool wholly owned and operated by Council with no financial liability to the community, situated at the Community Centre location
- Support for the community swimming pool as a benefit for residents and visitors, with preference for a heated pool and safe area to teach children water safety
- Would be great for the growing community

These submissions have been recorded in Council's system for consideration throughout investigations.

Culburra Beach Community Centre War Memorial

Culburra Beach Orient Point RSL Sub-Branch

Council staff from City Services directorate met with Bob Colligan (Hon. Secretary - CBOPRSL) on the 17 June 2021 to discuss the proposed modifications to the War memorial.

Culburra Beach Community Centre Committee

Council staff met with the Culburra Beach Community Centre Committee on the 17 June 2021 to discuss the proposed modifications to the War memorial.

Discussion on 16 July 2021

Council met with both the CBOPRSL and CBCC Committee on the 16 July 2021 on-site to discuss the proposed modifications to the War memorial. Conflicting views and priorities

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Community buildings are able to be used by groups and organisations for recreational, social, community service, educational or health promoting activities, and as community meeting places or be hired by the public on a casual basis. Council's CISP identifies a trend for community buildings to move away from single-purpose or dedicated buildings towards a

cost and land use efficient model of multi-purpose buildings with flexible design to cater for a variety of user groups.

Within the CISP, the Culburra Beach Community Centre is identified as a “Local Community Centre” with no future work planned for the site.

Financial Implications

Community Swimming Pool

Preliminary discussions have taken place with Shoalhaven Swim Sport and Fitness on costings associated with the operation and management of existing village pools. A basic swimming pool similar in size and features of a village pool would cost approximately \$6 million to deliver, while a basic 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. It is anticipated that the ongoing cost for the proposed swimming pool in Culburra Beach would be similar to that which is incurred at similar village pools which ranges from \$80,000 – to \$112,000 net cost per season.

Upon receipt of feedback received as part of consultation, pending Council’s preferred direction, a high level preliminary estimated cost to deliver and maintain the proposed facility can be provided to Council, to assist assessing the overall feasibility.

CBCC site Master Plan

A budget of \$20,000 has been allocated as resolved (MIN21.826) to undertake the community-based master planning for the Culburra Beach Community Centre. This does not cover costs for the investigations into the community swimming pool and may be insufficient for the development of a master plan.

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.

An allocated budget will be required if Council is to progress a Master Plan for the CBCC site separately or accept the priority position for the CBCC site. This is to be determined at a Councillor Briefing as part of the priority list of Master Plans for Council owned or managed parks and reserves.

Risk Implications

Culburra Beach Community Centre site

The proposed community-based master planning for the Culburra Beach Community Centre would reduce the risk of conflicting projects and proposal progressing simultaneously. The creation of a Master Plan for the Culburra Beach Community Centre will provide a strategic way forward for the future use of the space.

East Nowra, Worrigeer Aquatic Centre Investigations

Council staff are currently investigating the provision of a potential Aquatic Facility for the Worrigeer, South Nowra and East Nowra areas (MIN21.11 and MIN21.509). The locality of Culburra Beach is in close proximity to the Worrigeer, South Nowra and East Nowra areas and as per the CISP, it has been identified that the Shoalhaven LGA is well provided for with aquatic facilities, which is meeting current and future demands. Pursuit of the Culburra Beach community swimming pool and Worrigeer, South Nowra and East Nowra aquatic

facility in such close proximity may result in additional oversupply of similar facilities and take budget from other needed social infrastructure or community facilities in the area.

Next Steps

Pending Council's resolution on the way forward, Council staff propose to commence a community-based master planning exercise for the Culburra Beach Community Centre. Consultation for this master plan will include feedback and aspirations from all user groups and the general community. The Culburra Beach Orient Point RSL Sub-Branch and the Culburra Beach Community Centre Committee would be key stakeholders in this process.

A draft Master Plan for the Culburra Beach Community Centre would be reported to Council for adoption and provide a true representation on the community's desires for the future use of the space.

The timing of the community-based master planning exercise for the Culburra Beach Community Centre is to be determined by Council. This will indicate whether a separate investigation will be undertaken, or it remains in line with the to be determined priority list of Master Plans for Council owned or managed parks and reserves.

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 3,500m²
- 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 – <i>not recommended</i>
The Triangle	Shoalhaven City Council	7,050m ²	Yes	Yes	Passive open space with limited space in a residential location – <i>not recommended</i>
Crookhaven Park	Shoalhaven City Council	5,997m ²	Yes	Yes	Open space with significant Aboriginal Cultural Heritage and Bushfire Prone Land – <i>not recommended</i>
Culburra Park	Shoalhaven City Council	8,391m ²	Yes	Yes	Passive open space in residential

					location with access constraints. Current resolution to investigate as a Dog Off Leash Area – not recommended
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. – propose to investigate further
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 - revisit pending outcome of other site investigations

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

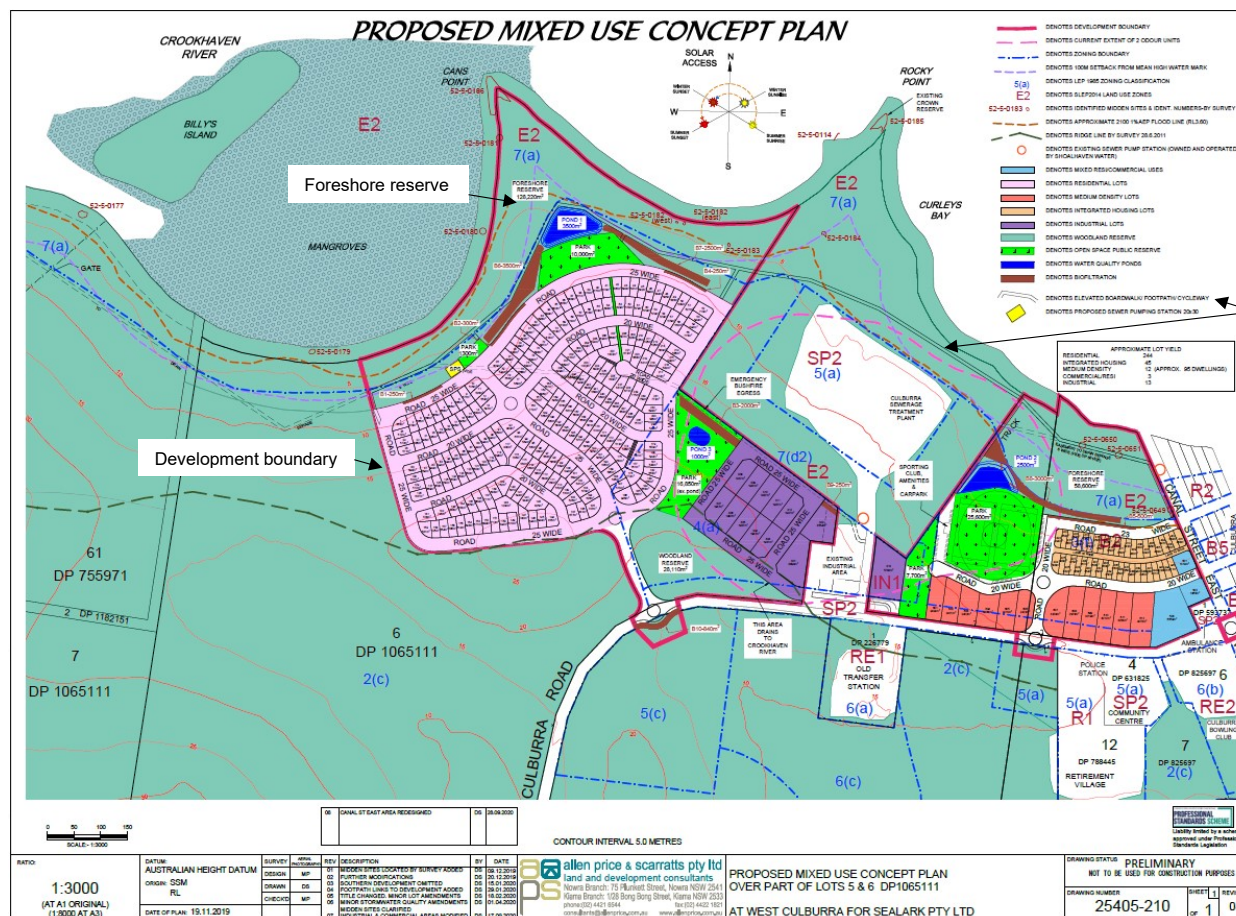
If the proposed swimming pool is to be run by the local community, Council will need to be satisfied that the community is able to competently run the swimming pool in accordance with legislative requirements and standards. As such, if the proposed swimming pool is under lease to the local community 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.

Sealark Pty Limited v Independent Planning Commission of New South Wales

LEC No: 2019/78149

APPENDIX 1 – CONCEPT PLAN



Elevated boardwalk
footpath cycleway is
not approved as per
Condition A11b

CL21.260 Culburra Beach Community Centre

HPERM Ref: D21/321655

Department: Building Services
Approver: Paul Keech, Director - City Services

Attachments: 1. Culburra Beach War Memorial - Proposed Additions Alterations June 2020
2. Meeting Minutes - Culburra Beach Community Centre RSL Memorial

Reason for Report

The Culburra Beach-Orient Point RSL sub-Branch (CBOPRSL) have recently gained funding to make additions to the existing war memorial, located at the Culburra Beach Community Centre (CBCC). Although the existing funding only allows for improvements contained within the existing memorial foot print (Phase 1), the CBOPRSL are requesting Councils approval for Phase 2 that is currently unfunded.

The CBCC Committee believe Phase 2 of the proposed War Memorial additions, if constructed will significantly reduce the usable area of the community centre grounds for outdoor markets and functions. Both parties are unable to agree on a way forward.

This report has been written to enable Council to determine the future direction of this site.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Supports the vision that the Culburra Beach Community Centre Committee has for the Culburra Beach Community Centre in that the Committee believe that the grounds fronting Culburra Road should not be diminished and should be used to host community based markets and gatherings.
2. Allocates \$20,000 in the Draft 2022/2023 Budget to undertake a community-based master planning exercise for the Culburra Beach Community Centre with the view of planning for the sites needs over the next 20 years.

Options

- 1 Support the vision that the Culburra Beach Community Centre Committee has for the site and provide assistance next financial year for the development of a Masterplan over the site.

Implications: Initially rejects the Culburra Beach-Orient Point RSL sub-Branch (CBOPRSL) pathway and "avenue planting along the path" plans for the site. To be clear, this option does not stop the proposal to provide a 5m extension to the existing concrete slab (towards Culburra Road) at the memorial site. Note: after extensive community consultation an avenue planting arrangement may make it into the Master Plan after all.

Recommended option.

2. That Council approves "Phase 2" of the proposed works to expand the Culburra Beach-Orient Point RSL Sub – Branch Memorial located at the Culburra Beach Community Centre, Culburra Road, Culburra Beach.

Implications: This would be at odds with the Culburra Beach Community Centre Committee's vision for the site.

Not preferred – however if Council wanted to support this option a suitable resolution would be along the following lines;

That Council

1. *Supports the pathway and pencil pine planting concept that joins the Culburra Beach Community Centre to Culburra Road, as proposed by the Culburra Beach- Orient Point RSL sub-Branch (CBOPRSL).*
2. *Allocates \$20,000 in the Draft 2022/2023 Budget to undertake a community based master planning exercise for the Culburra Beach Community Centre with the view of planning for the sites needs over the next 20 years.*
3. Defer a decision until a detailed Councillor briefing is held early in the new year.

Implications: Nil other than the uncertainty created.

Not preferred but if Council wanted to support this option a suitable resolution would be along the following lines;

That Council defers a decision on the proposal from the Culburra Beach- Orient Point RSL sub-Branch (CBOPRSL) to construct a pathway and "avenue planting along the path" that joins the Culburra Beach Community Centre to Culburra Road until a detailed Councillor briefing is held early in 2022.

Background

The Culburra Beach Community Centre (CBCC) is located at 988 Culburra Road on a 1.25ha lot. The CBCC comprises of two community buildings serviced by a common off-street carpark located to the rear of the property. The property is operated and managed by the CBCC Committee (on behalf of Council).

In 2011 the Culburra Beach-Orient Point RSL sub branch (CBOPRSL) completed construction of the Culburra Beach-Orient Point War Memorial on the CBCC site. The war memorial is positioned between the two community buildings, fronting Culburra Road. The existing site layout is captured in Image 1 below.

The CBOPRSL have recently gained funding for modifications to the existing war memorial. Although the existing funding only allows for improvements contained within the existing memorial footprint (Phase 1), the CBOPRSL are requesting Council's approval for Phase 2 that is currently unfunded. Phase 2 of the War Memorial includes:

- A 5m extension to the existing concrete slab (towards Culburra Road)
- The Construction of a 2.5m wide path from the extended slab to Culburra Road (Culburra Road is approx. 1m above the existing finish concrete level of the slab).
- The planting of 16 pencil pines lining the pathway, to Culburra Road.

Reference should be made to "Culburra Beach War Memorial Proposed Additions/Alterations, June 2020" drawings, Attachment 1 and photos contained within Attachment 2 - however Image 2 provides an unscaled conceptual overview of the proposal.



Image1- Existing Site Plan



Image 2- Site plan showing proposed works (Phase 2)

Council staff have met with the CBBCC committee and the CBOPRSL representatives individually before bringing both parties together on 16 July to discuss both stages of the proposed modifications to the memorial. Phase 1 of the proposal has been discussed and agreed to by both parties.

The CBCC committee have voiced their concerns around the impact Phase 2 will have on the future use of the facility. The CBCC committee believe that the construction of a path and the planting of Pencil Pines will reduce the usable grounds fronting Culburra Road by up to 30% and reduce their ability to host community-based markets and gatherings. The memorial is considered a sacred site and is unable to be used by the community for general events.

Both parties believe their facilities must grow to meet the future demands of the community and are not able to agree on Phase 2 of the proposed works. An alternative to the Phase 2 plan was floated at the meeting but CBOPRSL are not willing to compromise.

Community Engagement

Council staff met with Bob Colligan (Hon. Secretary-Culburra Beach-Orient Point RSL sub-Branch) on the 17 June 2021 to discuss the proposed modifications to the War memorial.

Council Staff met with the Culburra Beach Community Centre Committee on the 17 June 2021 to discuss the proposed modifications to the War memorial.

Council met with both parties on the 16 July 2021 to discuss the proposed modifications to the War memorial (Attachment 2).

Policy Implications

Nil

Financial Implications

Nil on the current budget. No master planning funding has been proposed in Council's 10-year capital plan.

Risk Implications

Nil.

CL22.158 Narrawallee Beach - Dog Access Areas - Review of Environmental Factors

HPERM Ref: D22/93064

Department: Community Planning & Projects

Approver: James Ruprai, Director - City Development

Attachments: 1. Review of Environmental Factors - Dog Off-Leash Access (under separate cover) [↗](#)

Reason for Report

To seek Council's concurrence to proceed with the Proposed Activity concerning dog access areas and associated works at Narrawallee Beach.

Recommendation

That Council, after consideration of the proposed dog off-leash area and associated works at Narrawallee Beach (the Proposed Activity) assessed in the Review of Environmental Factors dated 28 January 2022 (the REF):

1. Determines:
 - (a) that it has examined and taken into account, to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the Proposed Activity.
 - (b) that the Proposed Activity is unlikely to significantly affect the environment provided that the proposed safeguards and mitigation measures identified in the REF are adopted and implemented, and therefore, an Environmental Impact Statement is not required to be obtained, examined, and considered in respect of the Proposed Activity; and
 - (c) to adopt and implement the proposed environmental safeguards, mitigation measures and controls identified in the REF.
2. Pursuant to section 13(6) of the *Companion Animals Act 1998*, declare that part of Narrawallee Beach between BA8 and BA2 identified in Figure 3 of the REF to be an off-leash area between the hours of 4pm and 8am Australian Eastern Daylight-Saving Time and between 3pm and 10am Australian Eastern Standard Time.
3. Pursuant to section 14(1)(d) of the *Companion Animals Act 1998* declare that part of Narrawallee Beach at BA1; between BA9 and BA15; and between IA1 and IA3 as identified in Figure 3 of the REF to be dog prohibited.

Options

1. Adopt the recommendations.

Implications: This is recommended as the Proposed Activity, with the proposed safeguards and mitigation measures, will inspire social interaction, inclusion and support the health and wellbeing for the community and their dogs whilst ensuring and maintaining the protection of the environment including the nesting shorebird population.

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2. Not adopt the recommendations and modify or amend the Proposed Activity, including, for example, the location or timing of the Proposed Activity.

Implications: Depending on the nature of any modifications or amendments of the Proposed Activity, further investigations, including a further REF may be required to be undertaken and may result in financial and time implications.

3. Not adopt the recommendations and direct Council staff to undertake investigations and further reporting on any alternative proposals.

Implications: Further investigations and reporting may have time and financial implications.

Background

At the Ordinary Council meeting on 21 February 2022, a confidential report was considered by Council. As a result of the meeting, Council resolved (MIN22.150C)

That Council:

1. *Receive and note the confidential legal advice received in relation to this matter.*
2. *Note that investigations and assessments are currently underway which will inform the way forward for Dog Access to Narrawallee Beach.*
3. *Proceed in accordance with Option 1 in the report and receive a further report from Council officers regarding the way forward in relation to Dog Access at Narrawallee Beach in March 2022.*

In accordance with the above resolution, this report is to provide Council with an update regarding investigations completed and the way forward in relation to Dog Access at Narrawallee Beach.

Historical Context & Public Recreational Use

Narrawallee Beach has historically been used by the public for recreational purposes since prior to 1964. This public recreational use has continued to date and has included various recreational activities, including dog on-leash and off-leash activities.

Having regard to public recreational use of Narrawallee Beach commencing prior to 1964 and continuing to date, Narrawallee Beach has the benefit of a lawful continuing use right for the purpose of a public recreation area pursuant to section 4.68 of the *Environmental Planning and Assessment Act 1979*.

Dog access on Narrawallee Beach is considered an activity as defined under Part 5 of the *Environmental Planning and Assessment Act 1979* and in accordance with the requirements of Part 5, a Review of Environmental Factors dated 28 January 2022 has been prepared and forms Attachment 1.

Review of Environmental Factors

The Proposed Activity is dog off-leash activity and associated works at Narrawallee Beach, Narrawallee as identified in the REF and includes:

- The on-leash transit area between Surfers Avenue and Victor Avenue (identified in Figure 3 of the REF as areas BA1 and BA2 respectively) where dogs can be walked on-leash to access the timed off-leash area to the north (identified in Figure 3 of the REF as between areas BA2 and BA7).
- The timed off-leash access area (identified in Figure 3 of the REF as between areas BA2 and BA8), where dogs may be off-leash during off-peak times (4pm – 8am

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Australian Eastern Daylight-Saving Time and 3pm – 1pm Australian Eastern Standard Time).

- The dog prohibited area between Narrawallee Creek Nature Reserve and the timed off-leash area (identified in Figure 3 of the REF as between areas IA1 and BA8) which provides a buffer area to mitigate impacts of off-leash dogs to shorebird habitat at the Narrawallee Creek Inlet and Nature Reserve.
- The installation of signage to outline restrictions of the Proposed Activity.

Shoalhaven City Council is the proponent and determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*. The environmental assessment of the proposed activity and associated environmental impacts has been undertaken in the context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*. In doing so, the REF assists fulfil the requirements of section 5.5 of the Act that Council examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The REF has been attached under separate cover for Council's reference, and concludes as follows:

This Review of Environmental Factors has assessed the likely environmental impacts, in the context of Part 5 of the Environmental Planning and Assessment Act 1979, of a proposal by Shoalhaven City Council to permit dogs off-leash on a stretch of Narrawallee Beach, including the associated sign installation.

Shoalhaven City Council has considered the potential environmental effects of the proposal and the effectiveness and feasibility of measures for reducing or preventing detrimental effects. It is determined that:

1. *The proposed safeguards identified in the report (Section 2.4) shall be adopted and implemented.*
2. *It is unlikely that there will be any significant environmental impact because of the proposed activity and an Environmental Impact Statement is not required for the proposed activity.*
3. *The proposed activity is not likely to significantly affect threatened species or ecological communities, or their habitats and entry into the Biodiversity Offset Scheme or preparation of a Species Impact Statement is not required.*
4. *The proposed activity is not a 'controlled action' for the purposes of the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and referral to the Commonwealth Environment Minister is not required.*

Community Engagement

Pursuant to section 2.21(2)(c) of the *Environmental Planning and Assessment Act 1979* community participation is not required as it was determined in the REF that an environmental impacts statement was not required.

Council has however, undertaken engagement with the community and key stakeholders as detailed below.

Community Engagement

Council has received ongoing community feedback both in support, and in opposition of dog access to Narrawallee Beach since before to the implementation of the Access Areas for Dogs Policy in 2005. This feedback has been received in a variety of forms such as submissions, petitions, and in-person consultation. The most recent trial involved Councillors and Council staff liaising with local individuals and interest groups, encouraging all to provide written feedback in relation to the operation of the trial.

The current review being undertaken of Council's Access Areas for Dogs Policy has included extensive community engagement, offering multiple opportunities for the community to provide feedback. In that, site specific feedback and suggestions have been received in relation to dog access areas across the Shoalhaven, inclusive of Narrawallee Beach.

NSW National Parks and Wildlife Service (NPWS)

As part of the Review of Environmental Factors and assessment of environmental impacts pursuant to Part 5 of the Environmental Planning and Assessment Act 1979, Council consulted with NPWS and as part of its environmental safeguards and measures to minimise impacts, will continue to engage with NPWS.

Department of Planning Industry and Environment (DPIE)

DPIE have been consulted to determine whether Council is required to obtain any specific licence for the proposed activity. DPIE have advised that Council as the Crown Land Manager over Reserve 91246 – Lot 7009 DP 1116370, known as Narrawallee Beach Reserve is the authority to issue consent over the Reserve and that Crown approval is not required. DPIE have also advised that any activity should be in accordance with the Reserve Purpose which is Public Recreation, Public Places, Community Consultation or other approvals under the Environmental Planning and Assessment Act 1979.

DPIE have also advised Council that the Crown does not issue licences for unreserved area of land below the MHWM and that it does not have any existing policy for such land.

Based on advice from DPIE, Council is not required to obtain any licences associated with the proposed activity.

Policy Implications

Council is in the process of reviewing the Access Areas for Dogs Policy. If Council concurs with the recommendations, the Proposed Activity at Narrawallee Beach will be included in the revised Access Areas for Dogs Policy.

Financial Implications

The Proposed Activity reflects the current activity on Narrawallee Beach. The safeguards and mitigation measures recommended in the REF will be required to be implemented, managed and maintained by Council staff. Such measures are already being undertaken by staff and are not anticipated to have any significant financial implications.

Risk Implications

Environmental risks have been identified and addressed in the REF by the recommendation of safeguards and mitigation measures. These safeguard and mitigation measures will be required to be implemented and maintained by Council staff.

CL22.159 Sussex Inlet Library Investigations - Update

HPERM Ref: D22/70498

Department: Library Services

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Councillor Workshop - Sussex Inlet Library [↓](#)

Reason for Report

To update Council on the investigations into a library for Sussex Inlet.

Recommendation

That Council

1. Receive the Sussex Inlet Library Investigations report and note the advice provided in respect of previous Council resolutions regarding a Library for Sussex Inlet.
2. Receive further reports on the matter as information on the ongoing investigations into an alternate site for a Sussex Inlet Library becomes available.

Options

1. Receive the report

Implications: Council will be informed and updated on the investigations.

2. Request more information

Implications: Unknown

Background

There has been discussion around the provision of a library at Sussex Inlet since early 2018. At Council's Strategy & Assets Committee Meeting in February 2018, a Notice of Motion was received regarding the establishment of a library in the township and it was resolved that:

MIN18.91

1. *Council staff prepare a report on suitable sites for the establishment of a local library in the township of Sussex Inlet. The report would also address the possibility of re-locating the current Sanctuary Point library, once the district library had been completed in that community.*

A report was prepared for Council's June 2018 Strategy & Assets Committee Meeting outlining 4 possible sites that staff had identified as potential locations. It was resolved that:

MIN18.443

1. *The General Manager hold a Councillor workshop to explore the need and possible options for the development and possible timing of a Library, noting the Committee's preference for the site to be 29 Thomson St, Sussex Inlet.*

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A Councillor Workshop was held in September 2018 (see Attachment 1 – Councillor Workshop – Sussex Inlet Library). At the workshop staff were advised that three of the four possible locations for the facility, all located in Thomson Street, were considered too far from the Sussex Inlet CBD. Staff were asked to focus investigations on 175 Jacobs Drive, which is currently owned by the Uniting Church. A further site at 161 Jacobs Dr, Sussex Inlet, which is currently owned by NSW Health, was also identified.

At the briefing it was also noted that a library for the Bay & Basin area was a priority, and that consultation in regard to a library at Sussex Inlet would be undertaken with the community at a later date.

Discussion also took place regarding how to repurpose the current Sanctuary Point Library building and what its best future use would be.

A Notice of Motion was received in October 2018, regarding future uses for the current Sanctuary Point Library building and at Council's Ordinary meeting in October it was resolved that:

MIN 18.841

The General Manager undertake an assessment of the possibility of leaving the existing building onsite to be used by the school community. The assessment consider the following:

1. *The cost of relocating the building to Sussex Inlet, as originally intended, as opposed to the construction of a New building.*
2. *The possible use of an existing building at Sussex Inlet either leased or owned by Council.*
3. *Should relocation of the building be determined not to be desirable for any of the above reasons Council open negotiations with School Principal and the Department of Education regarding the possibility of leaving the building on site.*

An assessment of the Sanctuary Point Library building was conducted in October 2019 by MI Engineers and advice was received that the demountable could be moved. The report concluded that the:

"... main structural elements shouldn't be adversely affected provided sufficient bracing is installed, and the lifting points match the current support for the steel beams. The finishes are likely to suffer some damage during the transportation, such as cracking in the wall linings, cladding and ceiling lining."

The report also listed transportation considerations which would require disconnecting the various modules, fitting braced lifting beams, additional bracing, new concrete footing and brick piers at a potential new site. An analysis of the cost of the relocation of the building has not been undertaken, however the Feasibility Study suggested that relocation of the modular library building is possible if required.

Council staff have used the "People Places: A Guide for Public Library Buildings in NSW Sydney: Library Council of New South Wales" publication, which is the library industry standard, to calculate the required size of a library for the Sussex Inlet population.

This has given a recommended library size of between 320m² and 460m² as a minimum, which does not support the relocation of the current Sanctuary Point Library building, which has a gross floor area of 140m².

Correspondence was also received from Sanctuary Point Public School, who requested use of the building once the new library was built. The current Sanctuary Point Library building is located on land owned by the Department of Education and leased to Council. The school advised that they wanted to set up a Comprehensive Wellbeing Hub for the school and wider

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community to access in a similar manner to the Nowra East Public School Wellbeing Hub, with a focus on access to a range of services that support their community. Sanctuary Point School was advised that a decision had still not been made regarding the future of the building and that further progress with the new library was needed before a decision was made.

There was also some interest in the building being used as a possible site for a new P.C.Y.C in Sanctuary Point. At Council's Ordinary Meeting in April 2019 a Notice of Motion on this topic was received and it was resolved that:

MIN19.242

- 1. Council staff liaise with Nowra P.C.Y.C. with a view to establishing a P.C.Y.C. at Sanctuary Point, with the current Sanctuary Point Library building being considered as a possible future site. Staff identify funding opportunities and write to the local state member, the Honourable Shelley Hancock, Minister for Local Government seeking her preliminary support.*

A report was prepared for Council's Strategy & Assets Committee Meeting in December 2019, which provided updates for the two outstanding Notices of Motion (MIN18.841 and MIN19.242) regarding the current Sanctuary Point Library building and its potential future uses, as well as providing an update on an outstanding Notice of Motion (MIN18.91) in relation to a future library at Sussex Inlet.

At Council's December Strategy & Assets Committee Meeting it was resolved to:

MIN19.931

- 1. Accept this report as an update on MIN18.841 and defer the decision regarding the future use of the Sanctuary Point building until the new District Library at Sanctuary Point project has progressed.*
- 2. Receive a future report discussing relocation options for the building, including potential uses and locations (such as Sussex Inlet Library options and others as relevant), estimated costs of these options, and information about the possibility of leaving the existing building where it is.*
- 3. Accept this report as an update on MIN19.242, and agree no further action be taken regarding the P.C.Y.C in Sanctuary Point.*
- 4. Accept this report as an update on MIN18.91 and defer community consultation at Sussex Inlet until the new District Library at Sanctuary Point project has progressed to funded and approved for delivery.*
- 5. Receive a future report covering the cost of relocating the building to Sussex Inlet, potential site locations and feedback on the outcomes of the community consultation.*

Council staff prioritised working on the new district library at Sanctuary Point and paused any further immediate work regarding the Sussex Inlet Library.

At Council's Ordinary Meeting on 27 October 2020, a Notice of Motion was received and it was resolved that Council:

MIN20.805

- 1. Re-commence investigations and community consultation to secure a site for the Sussex Inlet Community Library, Tourism, and other services. Sites to be in or close to Sussex Inlet CBD, that may include previous sites researched such as the Community Church or Neighbourhood Centre.*

CL22.159

2. *Receive a report back, in a timely manner, of proposed sites and way forward.*

The new Sanctuary Point Library is progressing and a Development Application was lodged on 9 February 2022. While the DA is being assessed Council staff and architects are progressing other aspects of the project and Council has recently submitted a grant application under the Building Better Regions Fund - Round 6 for \$8.5 million grant funding to assist with the construction of this important community asset.

Since early 2021, Council's Strategic Property staff have been following up with the relevant owners of the Jacobs Drive properties to investigate whether these are available or able to be purchased. In January 2022, NSW Health advised that they do not approve of the selling of the whole site and that they would also be giving the Sussex Inlet Foundation (who occupy the front building) notice to find alternative accommodation, at which time they would demolish the current building.

Council's Strategic Property staff are still investigating the 175 Jacobs Drive option, which is owned by the Uniting Church, and met recently with Church representatives to discuss potential options, either lease or purchase, noting the preference to possibly acquire the property. As a result, a valuation of the site 'as is' (no additional development) is being procured to provide an estimate of the purchase cost should Council decide this course of action. This matter will be the subject of a separate more detailed future report to Council.

Current Library Service Provision

Currently the Sussex Inlet area is serviced by the Mobile Library which visits the towns of Sussex Inlet and Berrara on a fortnightly basis (alternate Thursdays):

- | | |
|---|-------------------|
| • Berrara | 10.00am – 10.30am |
| • Sussex Inlet South (Sussex Road) | 10.45am - 12.00pm |
| • Sussex Inlet (River Road, near shops) | 1.15pm – 2.00pm |
| • Sussex Inlet School / Sussex Inlet Early Learning | 2.15pm – 3.00pm |

The current provision of services via the Mobile Library allows changes in service provision and location depending on changing demographics and usage patterns. The usage of the library has remained constant over the past few years at Sussex Inlet with on average 900 customers accessing the Mobile Library on an annual basis with approximately 2,700 items borrowed each year. The Mobile Library also provides a library service to housebound and aged care residents.

The current population of Sussex Inlet is 4,678 and is forecast to be 4,970 in 2026 and 5,529 in 2036. The Sussex Inlet area is not situated near a physical library. It is approximately 27kms from Sanctuary Point Library and 41kms from the Ulladulla Library.

Council has not received any correspondence from community members since 2009 regarding the provision of a physical branch in the Sussex Inlet area.

Financial Implications

If the current Sanctuary Point Library demountable was relocated to Sussex Inlet costs would include building relocation and associated costs such as, but not limited to; Development Applications, disconnection/reconnection of services (Sanctuary Point and Sussex Inlet), traffic control and transport costs, site preparation including footings, piers and connection to services/utilities.

175 Jacobs Drive would require additional funding to purchase the land from the Uniting Church and subdivision to allow such a sale.

Should Council wish to build a new library, based on costs itemised in “Rawlinson’s Australian Construction Handbook” a library with a gross floor area of 320m² to 460m² would cost between \$1.85M - \$2.55M to build and fit out. Ongoing operational costs are estimated at approximately \$300K per annum.

COUNCILLOR WORKSHOP



INVESTIGATION INTO A
LIBRARY AT SUSSEX INLET -
OPTIONS & TIMING



CL22.159 - Attachment 1

COUNCIL RESOLUTION

**At Council's Strategy & Assets Meeting on
12 June 2018 it was:**

RESOLVED (Clr Gash / Clr Proudfoot)

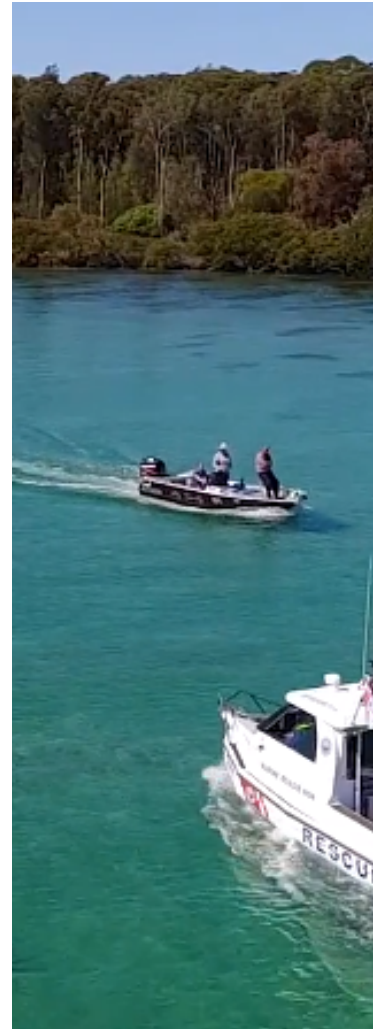
MIN18.443

That the General Manager hold a Councillor workshop to explore **the need** and **possible options** for the development and possible timing of a Library, noting the Committee's preference for the site to be 29 Thomson St, Sussex Inlet.

CURRENT SUSSEX INLET LIBRARY SERVICE

Currently the Sussex Inlet area is serviced by the mobile library which visits the towns of Sussex Inlet, Berrara and Swanhaven on a fortnightly basis (alternate Thursdays):

- **9.45am – 10.30am – Sussex Inlet School**
- **10.45am – 12.00pm – Sussex Inlet South (Sussex Road)**
- **1.15pm – 2.00pm – Sussex Inlet (River Road, near National Bank)**
- **2.15pm – 2.45pm – Berrara (cnr Berrara Road & Kirpson Street)**
- **3.00pm – 3.30pm – Swanhaven (Lake Drive)**



- The usage of the library has remained constant over the past few years with on average **900 customers accessing the mobile library on an annual basis** with approximately **2,700 items borrowed each year.**
- The **current population** of Sussex Inlet is **4,394** and is forecast to be 4,685 in 2026 and 5,000 in 2036*
- The Sussex Inlet area is not situated near a physical library – approximately 27kms from Sanctuary Point Library and 41kms from the Ulladulla Library
- The mobile library provides a library service to housebound residents
- Council has not received any correspondence from community members since 2009 regarding the provision of a physical branch in the Sussex Inlet area

CURRENT SHOALHAVEN LIBRARIES SERVICE PROVISION



CL22.159 - Attachment 1

POTENTIAL SITES FOR SUSSEX INLET LIBRARY

In the report submitted to Council in June 4 potential library site options were provided:

1. 19 Thomson Street, Sussex Inlet (Council Land)
2. 29 Thomson Street, Sussex Inlet (Council Land)
3. 175 Jacobs Drive, Sussex Inlet (Private Land)
4. Thomson Street, Sussex Inlet (Council Land)



PROPOSED SITES FOR SUSSEX INLET LIBRARY

Option 1 - Lot 159 DP 42824
Option 2 - Lot 2 DP 1062625
Option 4 - Lot 1 DP 870957

 Proposed Site

Shoalhaven
City Council



POTENTIAL SITES FOR SUSSEX INLET LIBRARY

		Owner	Zoning	Available Site Area m ²	Utilities Availability	Cost to Acquire	General Comments
Option 1	Lot 159 DP 42824 19 Thomson St	Crown	SP2 Infrastructure Community Facility	2,500m ²	Existing water, sewer & power	\$0	Existing developments <ul style="list-style-type: none"> Sussex Inlet Community Centre Indoor pool Telecommunication Tower Site consistent with Community Infrastructure Strategic Plan
Option 2	Lot 2 DP 1062625 29 Thomson St	Crown	SP2 Infrastructure Community Facility	2,000m ²	Existing water, sewer & power	\$0	Existing developments <ul style="list-style-type: none"> Rural Fire Station Various sporting amenities Public amenities
Option 3	Lot B DP 343373 175 Jacobs Dr	Uniting Church	B2 Business Local Centre SP2 Infrastructure Place of Public Worship	550m ²	Existing water, sewer & power	Estimated \$250,000	Existing developments <ul style="list-style-type: none"> Uniting Church Monthly markets Church - Heritage Item Flood planning area DCP 14, S3 – Car parking plan.
4	Lot 1 DP 870957 Thomson St	SCC	RE1 Public Recreation	2,000m ²	Currently not serviced	\$0	Existing developments <ul style="list-style-type: none"> Skate Park Exercise & sporting facilities No formed access



PREFERRED OPTION - 29 THOMSON STREET

Part - Lot 2 DP 1062625	29 Thomson St Sussex Inlet
Owner	Crown Lands – SCC Trust Manager
Description	This site is part vegetated and part unformed car park located at the rear of the Ambulance Station.
Access	Access from internal road off Thomson Street
Zoning	SP2 – Infrastructure – Community Facility Libraries are permissible
Available Site Area	Approx. 2,000m ²
Utilities	The land has existing water, sewer and power available for connection
Estimated Cost to Acquire	\$NIL
General	Existing development within close proximity – Rural Fire Station and Garage, Ambulance Station, the Community Centre and Indoor Pool



Street view - 29 Thomson Street, Sussex Inlet

PROPOSED SUSSEX INLET LIBRARY & COSTS

- Sussex Inlet is located in Area 4 for Council's Contribution Plan 2010
- There is approximately **\$32,000** currently allocated through S94 contributions for this project
- Based on population and service-based benchmarking standards from the "People Places: A Guide for Public Library Buildings in New South Wales", a library with a gross floor area of between **320m² and 460m²** would be required to serve a community of this size.
- A library with a gross floor area of 320m² to 460m² would cost **\$900,000 to \$1,300,000** plus fit out and loose fittings (typically **15–20%** of construction costs).
- In addition, the book collection and resources, ongoing staff costs and asset renewal whole of life costs are estimated to be:
- Book Collection and resources: between **\$500k** and **\$1.25m** (depending on collection size)
- Ongoing annual operating cost: **\$50k – \$200k** per annum (depending on opening hours and staffing)

ALTERNATE OPTIONS TO CONSIDER

Option 5	Mobile Library Service	N/A	N/A	N/A	N/A	No additional funding required - within current operational budget	Every other Thursday: 9.45am – 10.30am – Sussex Inlet School 10.45am – 12.00pm – Sussex Inlet South (Sussex Road) 1.15pm – 2.00pm – Sussex Inlet (River Road, near National Bank) 2.15pm – 2.45pm – Berrara (cnr Berrara Road & Kirpson Street) 3.00pm – 3.30pm – Swanhaven (Lake Drive)
Option 6	Repurpose current Bay and Basin Library at Sanctuary Point	SCC	N/A	Can be moved to any identified site	Unknown	\$0	Whilst this option does not meet State Library guidelines in regards to the size it is an option to discuss (but is dependent on a new B&B District Library).

Community Infrastructure Strategic Plan

Council's adopted Community Infrastructure Strategic Plan notes the Sussex Inlet Library is to be located in the Thomson Street complex once the Bay & Basin Library is completed:

"Once the Vincentia library is operational, is it recommended that Council upgrade the Sussex Inlet Community Centre and make it the home for the proposed library. Located ten minutes drive from Sussex Inlet Community Centre.

The future vision for planning area four is to develop one community hub in the area. The ideal location is Sussex Inlet where the Thomson Street Sporting Complex, Sussex Inlet Aquatic Centre and the Sussex Inlet Community Centre are all located on Thomson Street. As such, future financial investment is to focus on upgrading existing recreation and sports parks to increase passive and active recreation use and consolidating the network of community buildings into one community hub."

council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au



CL22.160 Review of Shoalhaven Water Public Policies - Round Two

HPERM Ref: D22/104477

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments:

1. Report Attachment - Ordinary Meeting 28 March 2022 - Communication Site Charging Policy [↓](#)
2. Report Attachment - Ordinary Meeting 28 March 2022 - Communication Site Rental - Community FM Radio Stations [↓](#)

Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of Council. This is the second round of Policies proposed for reaffirmation with respect to Shoalhaven Water's responsibilities.

Recommendation

That Council reaffirm the following policies with no or minor changes

1. Communication Site Charging (**Attachment 1**)
2. Communication Site Rental – Community FM Radio Stations (**Attachment 2**)

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency. Specific details of changes are outlined further below

2. Not adopt the recommendation.

Implications: Council can request further details, seek further community input, or make other change

Background

Minor tracked changes have been made to the following Policies and are shown within the attachments; a summary of these changes are included below.

- **Communication Site Charging**

Minor changes for spelling and/or grammar. The inclusion of new communications facilities and clarification on discounts that eligible community service clients receive.

- **Communications Site Rental – Community FM Radio Stations**

Minor changes for spelling and/or grammar.

CL22.160

Community Engagement

There is no statutory requirement to publicly exhibit any of the Policies contained in this report. Council may choose to do so, should it consider any changes are of significance.

Policy Implications

All Policies included in this report are proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the existing approved Policy.

Financial Implications

Changes proposed to the Policies will have no financial implications outside of the current approved budget.



Communication Site Charging Policy

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: POL22/124

Adopted: 15/04/2014

Amended: _ _ _ _

Minute Number: MIN14.263, MIN17.715

File: 41806E

Review Date: 1/12/2020

1 PURPOSE

To define the process of generating fees and charges for Shoalhaven City Council's communication facilities.

2 STATEMENT

Shoalhaven City Council owns and manages a number of communication facilities (Attachment A) throughout the Shoalhaven city. The facilities allow a range of services to operate from the sites, providing communication infrastructure for Council, emergency services, business and the general public. Access to Council's facilities is provided through a formal agreement that includes the levying of appropriate fees and charges as specified in the following provisions.

3 PROVISIONS

3.1 Advertised fees and charges

Fees and charges for communication facility access are advertised on Council's website for the current year.

The advertised fees are in general the maximum amount payable for a commercial operation on a level 1 site (Attachment A).

There are also a number of fixed fees that are applied as one-off payments. These fees remain unchanged for all levels of site.

3.2 Level of site and discount applied

Attachment B provides a matrix of discounts applied to different levels of sites and different site uses (categories).

Example 1: The appropriate fee for a private mobile radio repeater on a level 3 site.

Review of Attachment B indicates that a private mobile radio on a level 3 site will have a discount factor of 0.75. This number is then used to calculate the appropriate fee by multiplying 0.75 by the fee for a private mobile radio (fee number 10939) which is found in Shoalhaven City Council's fees and charges.

3.3 Discount for community service clients

Shoalhaven City Council clients who can show they provide a community service and are considered by Council to be a not-for-profit or not a budget funded organisation will be entitled to a discount of 0.6 of the fee generated as per the method in 3.2 above.

Not all fees are eligible for this discount. In general, only fees applicable to equipment installed on site are eligible for the discount for community service clients.

4 IMPLEMENTATION

The Council's Communication Site Coordinator will provide assistance to clients in calculating their fees and charges for all sites owned and managed by Shoalhaven City Council. Clients

requiring clarification of communication site costs should phone the Communication Site Coordinator on 02 4429 3111.

Fees and charges will be reviewed each year and increased annually.

A market review will-may be undertaken every 3 years to ensure Council's fees and charges remain in-line with the communication industry and other providers of communication facilities.

5 Review

This policy will be reviewed within one year of the election of every new Council.

6 Application of ESD Principles

Council's communication facilities charging policy provides a mechanism to help support local business by providing a charging policy that recognises the coverage area of the sites.

Council's discount structure for not-for-profit organisations supports a greater range of services for the local community.

A robust, well documented charging policy that reflects the needs of the community greatly improves Council's ability to acquire and retain clients. These clients provide much needed communication infrastructure and a good return on Council's investment in the communication facilities.

Attachment A

Council communications facilities and levels

Level	Name	Address	Site Attributes	ACMA site number
1	Cambewarra	Cambewarra Lookout	Highest point in the Shoalhaven. Tubular steel lattice tower. Air conditioned brick hut or customer provided hut.	9100
1	Red Rocks	Leebold Rd Beaumont	On the same ridge as Cambewarra, further to the West. Angle steel lattice tower, with brick shelter or customer provided hut.	9113
1	Vincentia	St George Av, Vincentia water reservoir	Steel lattice tower – 50 metres Covers Vincentia and the Jervis bay area.	131105
2	Sassafras	Braidwood Rd Sassafras	Solar site, covers the Sassafras area, steel lattice tower.	201685
2	Huskisson	Huskisson Rd Huskisson waste depot	Steel lattice tower, covers Huskisson and Woollamia	9000991
2	West Ulladulla	Ulladulla Reservoir White Gum Rd, West Ulladulla	Steel lattice tower, covers Ulladulla and Milton	13035
2	Nowra Admin	42 Bridge Rd, Nowra	Nowra, High location on top of Council Admin building	9109
3	Bewong	Kells Rd Bewong	Steel lattice tower, covers Hwy at Tomerong and Bewong	202794
3	Coonemia	Coonemia Reservoir Coonemia Rd Coonemia	Steel lattice tower, <u>Wollumboola area</u>	134548
3	Sussex Inlet	Medlyn Av Sussex Inlet Sewage treatment plant	Steel lattice tower, covers Sussex Inlet	130381
3	Fishermans Paradise	Cornfields Rd Fishermans Paradise	Steel lattice tower, covers Hwy, Fishermans Paradise to Milton	201625
3	Kangaroo Valley	Upper Kangaroo River Rd, Clover Hill	Covers Kangaroo Valley township	131932
3	Berry	Agars Lane, Moeyan Hill	Covers Berry and Shoalhaven Heads	201687
3	Curarong	Fishery Rd, Curarong	Covers Curarong village	9001530
3	Emergency Management Centre	EOC, Albatross Rd, Nowra	Light tower, covers to West Nowra and Nowra Hill	9007269
<u>3</u>	<u>Yalwal</u>	<u>Lot 14, DP1256179, Yalwal Rd, Yalwal</u>	<u>Light lattice tower, covers Danjera Dam and Yalwal are</u>	<u>10013467</u>

CL22.160 - Attachment 1

3	Shoalwater Depot	Shoalwater Depot, Flinders Estate, South Nowra	Installation on roof of building, limited accessibility	9002973
3	Shoalhaven Heads STP	Shoalhaven Heads STP, Gerroa Rd Shoalhaven Heads	Use of council pole, space for outdoor cabinets	200314
4	Browns Hill	Princes Hwy, South Nowra	Limited infrastructure South Nowra, Hwy location Water tower, not in use for water supply.	10003193
4	Greenwell Point	47 Church St, Greenwell Point	Limited infrastructure Greenwell Point Water tower, not in use for water supply	10021543
4	Deering St	Cnr Camden & Deering Sts, Ulladulla	Limited infrastructure Ulladulla, high location Water tower, not in use for water supply.	140617
4	Ulladulla Lighthouse Oval	Ulladulla Lighthouse Oval, 107 Deering St Ulladulla	Lighting pole used as tower Good coverage for marine purposes Limited infrastructure	9027002
5	Kings Point	Kings Point Rd, Kings Point	Lease of land or access to Council hut only. Tower owned by Telstra	9009834
5	Shoalhaven Heads STP NBN site	Shoalhaven Heads STP, Gerroa Rd, Shoalhaven Heads	Lease of land only. Tower owned by NBN Co	9028456
5	Flat Rock	Flat Rock WTP, Filter Rd West Nowra	Lease of land only. Tower owned by Optus	9018585
5	Callala Bay	Callala Bay Rd, Callala Bay	Lease of land only. Tower owned by Telstra	9014337
5	Bomaderry Depot	Gesham Way, Bomaderry	Lease of land only. Tower owned by Telstra	9016223
5	Berringer Reservoir	Lot 473 Cunjurong Point Rd, Cunjurong Point	Lease of land only. Tower owned by Optus	10009100
5	Vincentia STP	Vincentia STP 50 Berry St, Vincentia	Lease of land only. Tower owned by Optus	10003135

Attachment B

List of equipment categories and applied rate:-

Number	Categories	Multiplier for Level 1 Sites	Multiplier for Level 2 Sites	Multiplier for Level 3 Sites	Multiplier for level 4 sites	Multiplier for level 5 sites
1	Microwave dishes	1	1	1	1	.3
2	Mobile phone system	1	0.90	0.75	0.65	NA
3	Private mobile radio (one repeater base up to 50W)	1	0.90	0.75	0.50	.25
4	Extra Base antenna	1	0.90	0.75	0.50	NA
5	Two-way radio link	1	0.90	0.75	0.50	.25
6	Extra yagi link antenna	1	.9	.75	0.5	NA
7	FM broadcast	1	0.90	0.75	0.65	.3
8	TV Broadcast	1	0.90	0.75	0.65	NA
9	Spread spectrum repeater	1	0.80	0.65	0.50	.2
10	Paging Base up to 100W, Navigation beacon	1	1	1	0.50	.25
11	Ground Rental for customer hut	1	0.90	0.75	0.50	1
12	Power	1	1	1	1	1
13	Rack space	1	0.90	0.75	0.50	1
14	Access to generator power (if available)	1	1	1	1	1
15	Solar power contribution (if available)	1	1	1	1	1

CL22.160 - Attachment 1



Communications Site Rental – Licensed Community Radio Stations

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: POL22/125

Adopted: 24/10/2006

Reaffirmed: 11/08/2009

Amended: 21/09/2009, 21/06/2013, 15/08/2017

Minute Number: MIN06.1067, MIN06.1367, MIN09.1108, MIN09.1274,
MIN13.590, MIN17.715

File: 12039E

Review Date: -- -- --

1 PURPOSE

To specify the criteria and method to charge communication tower site rental fees to those community radio stations that provide broadcasting services for Council community messages and recording of Council meetings for later broadcast using Council's communication facilities.

2 STATEMENT

This policy is based on Minute MIN06.1067 of the 22 August 2006 recognising the Federal Government subsidy through the Community Broadcasting Foundation, available to community radio stations.

3 PROVISIONS

Community radio stations will be charged the annual concessional communications site rental fee. The community radio station can then:

- seek reimbursement of this amount from the Community Broadcasting Foundation;
- issue an invoice to Council for production costs for work undertaken for council up to the lesser of
 - the concessional annual site rental fee less the value of the federal subsidy received or
 - 40% of the concessional annual site rental fee charged.

4 IMPLEMENTATION

At the time of issuing the invoice to Council, Community radio stations are to provide written advice of their contributions to a number of key areas. To achieve this, statements are to be provided covering the following elements:

- Education and training opportunities for young people;
- Caters to communities in need; and
- Supports a diverse range of genres.

5 REVIEW

This policy is to be reviewed within one year of the election of every new Council or whenever there are changes to the Federal Government's Community Broadcasting Foundation subsidy scheme. This scheme is provided via the Community Broadcasting Foundation Ltd, [allocating grants twice per year.](#)

6 APPLICATION OF ESD PRINCIPLES

The Communication Site Rental – Community Radio Station Policy provides a basis for determining site rental for Community Radio stations and gives benefit to the community through engagement projects and other information relating to Council services.

Income generated from the site rental supports the maintenance of Council communication facilities.

CL22.160 - Attachment 2

CL22.161 LGNSW Water Management Conference 2022

HPERM Ref: D22/98550

Submitted by: Cllr Mark Kitchener

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

Reason for Report

To provide a report (Attachment 1) from Cllr Mark Kitchener on the LGNSW Water Management Conference held in Narrabri, NSW on 9-11 February 2022 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council receive the report from Cllr Mark Kitchener on the LGNSW Water Management Conference for information.

Options

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

CL22.161

Report to Council

Title: LGNSW Water Management Conference

<u>Date:</u>	9-11 February 2022
<u>Venue:</u>	The Crossing Theatre 117 Tibbereena Street, Narrabri NSW 2390
<u>Theme:</u>	Building Resilience and Capability
<u>SCC Representatives:</u>	Clrs Patricia White, Mark Kitchener, staff members Section Manager - Water Asset Planning & Development, Communication Site Coordinator, Unit Manager – Projects/Development and Coordinator – Asset Data
<u>Keynote Speakers:</u>	Jim Bentley CEO Department of Planning and Environment Professor Stuart Khan University of NSW Shane Fitzsimmons AO AFSM Commissioner of Resilience NSW
<u>Conference Format:</u>	Morning presentations, midday concurrent conference streams and afternoon site visits

Summary of Presentations:

It is reasonable to say most of the attendants at the conference believe that water management in Australia is in desperate need of restructuring and transformation. To this end the government is inclined towards incremental change leading ultimately to substantial reform. The Government must turn a long list of options into genuine solutions and strategic documents into action. Innovation, research and development are critical to the advancement of long-term strategies for managing and sharing water.

The following report outlines salient points raised by various speakers and discussed in sessions. Examples of the water management strategies in local government communities are included.

Jim Bentley CEO NSW Water Sector said, “the legislation needs a bit of tidying up but what can be done within the current legislation is to focus on what can be done now.” There are currently 114 projects in progress. Two hundred and forty-two million dollars will provide: a better water supply for 406,000 people in 37 communities, reduced water quality risks for 170,000 people in 20 communities and improved environmental outcomes for 134,000 people in 24 communities.

Mr. Bentley commented that over the past two decades the NSW Water Sector has been involved in numerous initiatives, some are outlined below.

Established the Town Water Risk Reduction Program as a partnership.

Worked together with the water industry to set out a roadmap for an improved regulatory framework.

Worked with Local Government NSW, the Water Directorate and the Office of Local Government on a Councillor Induction Package to inform councillors new to the water sector.

Set up twelve pilots, partly funded by the department to test and improve the regulatory framework which will help local water utilities to complete at least one component of the Integrated Water Management Strategy in a more flexible way and at least six more pilots are planned to be established. Shoalhaven City Council as one of the pilots, proposed a new strategy for planning future capital works and the NSW Water Sector is assessing the Shoalhaven model as a strategy for other Local Government Areas to consider.

Set up the Water Efficiency Program with 12.5 million dollars to ensure water utilities are using water in their own system efficiently while working together to ensure water utilities have what is needed to function effectively.

Established Water Infrastructure NSW to promote better program management with the capability to deliver an increasing portfolio of investments included in town water systems.

Encouraged innovation, for example, by supporting smart water meters in the right application.

Money is being provided to train and upskill existing operators (engineers, assessors), increase employment and generate additional local jobs. The delivery of major dams is being considered in some locations to improve water security and water resilience. The government cannot make it rain but it can be more efficient with storage of water and more effective with infrastructure.

Those attending the conference were grateful for the funds coming to the sector but expressed that a significant portion of the money could have been better spent on some long-term water management planning. There is a need to determine what good water management practices will look like in the future. Good practices are not identified or mandated by the Federal Government.

Currently, a large amount of water and wastewater management infrastructure in regional NSW does not conform with modern WHS standards. Councils have safety systems covering a diverse array of functions, but do they adequately cover specific water utility risks. Common water utility hazards include, but are not limited to, airborne contaminants, explosive atmospheres, confined space, electrical safety, excavation and trenching, removal of asbestos piping, high pressure water jetting, hot work welding, lock out and tag out of plant equipment, load lifting operations, mobile equipment, working at heights, traffic control, safe driving fatigue and more. There is a need for a strategic approach to safety. Walkway failure at a sewerage treatment plant is a single example of a common problem. Inspections and monitoring must occur, and these assets need investment in retro refits.

Water utilities are looking for new ways to improve asset performance and asset life, also customer experience and operating efficiency. Many industries, towns and utilities are transforming their business using devices embedded with sensors and software connected to the internet to provide data in real time.

The water management industry needs to change by integrating new ways of thinking and modern technology with current work practices. There is a need to reduce duplicated and complicated performance reporting to regulators; improve culture and systems; construct infrastructure; and implement best practice strategies. The latter is preferable to mandating a code of practice. Commitment for change, capacity for innovation, flexibility of local government and genuine partnerships will allow improvements to happen in regional NSW.

It appears currently that the industry, the State and the Federal government are working better together to provide built in flexibility and resilience before the next natural disaster.

People working in the industry are always grateful for monies received from governments, but are crying out for some long term, risk-based proactive solutions rather than experiencing more ad-hoc responses to coping with and overcoming the aftermath of natural disasters. Those in the industry are resolved to prevent a recurrence of the water crisis experienced by many regional towns in the 2019 drought.

Matthew Hyde National Senior Economist for the Productivity Commission stated, with more intense floods, prolonged droughts, increased number of extreme events and a likely hotter drier climate predicted for the future, there is a possibility of a 75% fall in annual streamflow over the next 40 years, with a 10 to 25% fall in long-term surface water.

Australia has a high level of dependence on rainfall fed surface water supplies. Factors such as increasing demands, competing interests, traditional owner aspirations, and decline in affordability, when combined with a hotter drier climate will create real pressure on water availability in the future. Reductions in water availability will have significant impacts on regional communities.

On the other hand, *Russell Beatty Principal Water Resources Engineer and Economist* said, the natural climate cycle is poorly understood. Models, which are formulated from historical paleoclimate records, do not adequately represent the history of precipitation. There is a lot of uncertainty about future precipitation rates. There is no evidence that the future will be hotter and drier. But in NSW it looks like there might be a change from Winter rainfall to Summer rainfall and it might be hotter and drier.

Further to future climate variability and related trends is the insidious creep of mega drought. A mega drought may well look like a routine drought and communities are unaware of being in the grips of one until it is too late. Mega drought has the potential to be a much bigger problem than anthropogenic climate change and current planning typically does not tackle this issue in any meaningful way.

People living in inland Australia prepare for routine droughts. Routine droughts are an expectation and a common experience west of the Great Dividing Range. These common droughts have well defined trigger levels, prohibited and permissible water uses, reduction in demand, and are accepted as part of Australian life.

Prevailing attitudes towards extreme mega droughts however are completely different. People generally consider mega droughts are unlikely to happen during their lifetime. Common attitudes focus on water carting or temporary desalination and as such water failure is an unimaginable prospect for most communities.

Temporary desalination however is easier on the coast and the many issues of available power supply, feed into water distribution system, number of plants, location of plants, industry capacity to deliver, and brine discharge must be well planned and designed.

Water carting too has its challenges including the number of truck or train movements, availability of transport vehicles by road or rail, rolling stock and line capacity. A hypothetical model for 20,000 people provided with 40% of regular water demand, approximates a cost of \$90 000 per day.

During times of emergency, such as water shortages, communities need to know who is accountable for making decisions in an industry so basic to the needs of all life. People living in regional communities need to know who to go to for top-down decisions, which ought to be based on the best scientific information available, rather than receiving a bottom-up approach from a person working at grass roots level. The

decisions could potentially impact a town's water supply. When something is not right, human behaviour looks for leadership, for "an authority" to make decisions and for someone to be responsible and accountable.

When disasters impact communities, authorities must have a standard operating procedure, know their options well, and be able to act when called upon. Currently, there are far too many agencies engaged in Australia's water management industry and this contributes to confusion, conflict, inefficiencies, frustration and an over-reliance on short-term, site-specific strategies. This action is less than ideal for combating long-term water management issues.

Darriea Turley, President of Local Government NSW stated, "there is an identified need to address water security and supply in many regional towns and prepare for climate change and extremes of weather." One cannot underinvest in water security in regional areas, but security is not the only challenge, water quality is also a significant issue. Water quality and supply is paramount for a healthy community and healthy economy. Security and supply must be prepared for throughout the normal climatic cycle not during the extremes of drought. The water management industry must engage communities while there is water security to deal with emergencies and properly plan for future water supplies. Governments must start planning well in advance of the next potential disaster.

Kevin Anderson, NSW Minister for Lands and Water said, "creating collaborative partnerships between State and Federal agencies, the local government and the local community will lead to an improved regulatory framework resulting in safe and stable water supplies." Providing resilience through partnerships is a key issue for regional NSW long-term water planning. Collaboration leads to success while partnerships leverage wealth and provide better solutions for people to undertake business.

During the worst drought in recent Australian history (2019), more than 50 towns in regional Australia were in threat of running out of water. Large NSW communities such as Dubbo, Bathurst, Orange, Armidale, Tamworth, and the Eurobodalla Shire came within twelve months of exhausting the town's water and smaller towns came to within six months. For the first time on record Bourke was on bore water and health experts warned residents, in the drought-stricken NSW town of Walgett, there was a risk from high sodium content in the town's water supply.

Information from Matt Coulton, General Manager Agriculture and Water for the Bureau of Meteorology noted that the observed rainfall in 2019 was far below average and for 2020-21 was well above average. Total water storage in major New South Wales dams during 2020 was at 79%, a 34 % increase in 12 months, a 58% increase in 24 months when water storage in December 2021 was at 81%. Such are the unpredictable irregularities of Australian rainfall.

The Hon Keith Pitt MP Federal Minister for Resources, Water and Northern Australia, made the comment: "investment in water infrastructure leads to increased economic activity and grants and rebate programs help to develop resilient communities." Rebates are being provided to drought affected farmers to remain focused on their agribusiness in the Great Artesian Basin while capping free flowing bores will improve water efficiency.

The theme of the conference was '**Building Resilience and Capability**'. On a water management level, **building resilience** is about instilling knowledge and shaping attitude within a community and implementing different strategies and techniques for water management. **Building capability**, on the other hand, is about providing infrastructure and trained personnel.

Shane Fitzsimmons AO AFSM Commissioner of Resilience NSW described resilience as all encompassing. It is about recovery, rebuilding and healing. It is about having a capacity to learn through lived experience, and then adjust and adapt to the new environment. After a major disruption, communities must take stock of what worked well; what didn't work well; adjust; accordingly, and bounce back better, wiser and stronger in order to withstand future disruptions. Firstly, the priority for post-disaster recovery is to reopen communications, then repair the sewerage function to prevent the spread of disease, restore electricity, water, and roads and reopen schools to create a sense of normality. Finally, support the community in the repair and rebuilding of houses.

James Dugell described resilience as being more than the provision of infrastructure, it is about surviving, responding to, recovering and learning from adversity. Resilience happens at individual, family and community levels. Everyone has different methods of dealing with challenges and are at different levels of preparedness when things go wrong. People respond better if they know there is a plan and are more resilient if they know what to do. Communities and individuals look to authorities because people believe those in charge have access to systems, knowledge and solutions that can fix the problem. Communication is the key.

There are several strategies in the provision of water resilience for communities. Some are: off-river storage, storm water harvesting, recycling effluent, and identifying other sources of water. Examples were given when something goes wrong at a single source supply of water. Towns like Uralla on Kentucky Creek and the farming locality of Brogo in the Bega Shire can end up with substantial challenges. In recent times Uralla went without any tap water for four months and has identified there is a future water supply problem. The Brogo River, a relatively small river has no offtake flexibility from different levels and no water filtration. Consequently, debris and ash floating in suspension comes into the catchment, flows down the river and is siphoned off by users. Small rivers like this need to be connected by pipeline to another source of water.

Off-river water storage has brought flexibility and resilience to the Coffs Harbour water supply. Malpas Dam services Guyra, had a pipeline constructed to another dam which provided the opportunity to create a water grid.

Orange City Council engaged with government agencies to harvest urban stormwater runoff from roads, carparks, houses, and paths. The runoff was redirected to the water treatment plant. Following two rain events Orange City Council was able to harvest eight days of water when there was no other water available.

Wagga Wagga urban water recycling program used recycled water to irrigate sports grounds and community parks and as a result reduced the potable water cost payable to Riverina Water County Council. Cootamundra water recycling scheme irrigated parks, gardens, and the golf course reducing nutrient and salt discharge to Muttama Creek and the major river system.

During 2022, the Federal Government will provide two hundred million dollars for the construction of a 3,000 mega litre off-stream water storage facility in the Eurobodalla Shire.

The conference provided examples of **building capability** through case studies from around the country. For the purpose of this report, a few examples of capability building at Shoalhaven City Council are presented. Fortunately, the Shoalhaven City Council is in the enviable position of owning its water utility, having an abundant water supply and the expertise to administer water storage and distribution throughout the city.

Shoalhaven Water is Shoalhaven City Councils' Water Utility. Shoalhaven Water is not a Water Authority like Sydney or the Hunter but is the largest Local Water Utility in NSW. Shoalhaven Water employs 270 management, engineering, operators, attendants, trade and administration staff to operate and maintain its

water and sewer operations twenty-four hours per day. To ensure Shoalhaven Water has an adequate supply of trained staff, Shoalhaven Water runs an ongoing trainee scheme for approximately fifteen trainees and apprentices providing opportunity for a clear career path in the water industry.

Shoalhaven City Council through Shoalhaven Water manages the collection, treatment and distribution of water as well as the collection, treatment and disposal of wastewater safely back into the environment. Shoalhaven City Council's Reclaimed Water Management Scheme Stage 1b was recently awarded winner in the LGNSW - Excellence in the Environment Awards in the Water Management Category.

The REMS scheme was originally commenced to minimize pollution entering Jervis Bay Marine Park. The scheme amalgamated four wastewater treatment plants by diverting sewage to one location in Callala and using it to irrigate (primarily) dairy fodder crops. The recently completed REMS 1b scheme connected Nowra and Bomaderry wastewater treatment plants to the scheme by under boring the Shoalhaven River and pumping highly treated wastewater to the existing irrigation network, which doubled the reclaimed water available for irrigation to approximately 13 ML every day. The treated effluent is used to irrigate local farms, at no cost to the farmer, sporting fields and golf courses. The REMS scheme has gone a long way to drought proofing the properties connected to the scheme.

Shoalhaven Water own and maintain three large storage dams. Bamarang Dam west of Nowra with a total capacity of 3,800 ML; Danjera Dam 7,660 ML; and Porters Creek Dam in the Southern Shoalhaven 1,900 ML. Tallowa Dam located at the confluence of the Kangaroo and Shoalhaven Rivers owned by NSW water, is the centre piece of the Shoalhaven system. It was established by the state government as a shared supply between Shoalhaven and Sydney/Illawarra and operated under a Water Sharing Plan by Water NSW.

The Shoalhaven River has a catchment area of 5,640 square kilometres heading south-west from Nowra upstream to Numeralla northeast of Cooma. Shoalhaven Water extracts water from the Shoalhaven River at Burrier (downstream of Tallowa Dam) and pumps the water to the Bamarang off-stream water storage facility. Water restrictions apply when the Shoalhaven River flow drops below 90 ML per day. In this situation water is released from Danjera Dam to the Shoalhaven River for draw-off at Burrier.

The Shoalhaven system is a complex one, in that it needs to cater for the off-peak population (107 000) and for peak population (380 000) usually experienced in the December/January holiday season. The level one water restrictions experienced by the community are a small inconvenience at best. While the Shoalhaven City Council implements best practice and educates the community on water conservation it is difficult to imagine the Shoalhaven ever having a water security or supply problem.

Furthermore, water is pumped into a network of pipelines to the highly dispersed communities of the Shoalhaven connecting Berry in the north, Kangaroo Valley in the west, Huskisson in the east and Lake Tabourie in the south and encompassing forty-five of the forty-nine towns and villages of the Shoalhaven. Sewerage services are provided for the same area except for Tomerong and Wandandian.

Raw water is pumped from Burrier on the Shoalhaven River, ten kilometres to Bamarang Water Treatment Plant. Then on the journey south, treated water travels eight kilometres to Nowra Hill, twenty kilometres to Bewong and another twenty kilometres to Milton, fifty-eight kilometres in total. The water distribution network consists of:

- 38 water reservoirs
- 26 pumping stations
- 1,500 kilometres of water mains containing approximately 50 ML of treated water

- 4 water treatment plants located at Flat Rock, Kangaroo Valley, Milton and Bamarang.
- The network is mostly gravity fed

Some of the benefits of a council owning its own water utility are:

- Effective in achieving whole-of-community outcomes and integrated water cycle management.
- Allows for sustainable, locally appropriate long term strategic planning and service provision.
- Decision makers are accountable to the local community that benefit from and fund, the provision of water supply and sewerage services.
- Water pricing needs to be socially, environmentally, and economically sustainable and responsive to local community needs e.g., bushfire, floods, pandemics, rebates.
- Local employment and training opportunities.
- Opportunity to unlock economic opportunities that consider potential benefits, costs and risks for local industries, communities and the environment e.g., REMS, Solar installations on Treatment Plants.
- Community specific education programs e.g., Public Treatment Plant Tours, Tapstar, participation in events Rural Shows, River Festival, Blessing of the Fleet.

The Shoalhaven has excellent water treatment facilities, highly qualified personnel, exceptional water supply, large off-river storage facilities and an expansive water distribution network. One only needs to read the annual, external Best Practice Management of Water Supply and Sewerage Audit to realise how well water is managed in the Shoalhaven.

Conclusion

Water supply and security, resilience and capability are fundamental to economic growth and development, social wellbeing and environmental protection. Towns cannot be given three months' notice that the river flow is falling and subsequently be informed the community will be plunged into drought. The failure of a water supply is likely to be the failure of a town. Communities should not be forced to turn to bottled water for survival.

There is a need to plan, act and perform better, based on evidence and forecasting, and utilizing our resources of science, technology and engineering. It is not good enough for government agencies to say, "we tried our best, we pulled something off the shelf that wasn't quite suitable for the circumstances and things didn't work out as well as expected." There needs to be a clear decision-making path for emergency action and Governments need to make better investment choices in delivering greater water security and supply for the future.

Councillor Mark Kitchener

Date 25/2/2022

CL22.162 LGNSW Water Management Conference 2022

HPERM Ref: D22/105586

Submitted by: Cllr Patricia White

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

Reason for Report

To provide a report (Attachment 1) from Cllr Patricia White on the LGNSW Water Management Conference held in Narrabri 9-11 February 2022 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council:

1. Receive the report from Cllr Patricia White on the LGNSW Water Management Conference 2022 for information.
2. Provide Councillors with a copy of the ISJO Report “Illawarra-Shoalhaven Water Sensitive Framework” for reference.
3. Provides a briefing to Councillors on Shoalhaven Water activities as part of the Councillor Induction program.

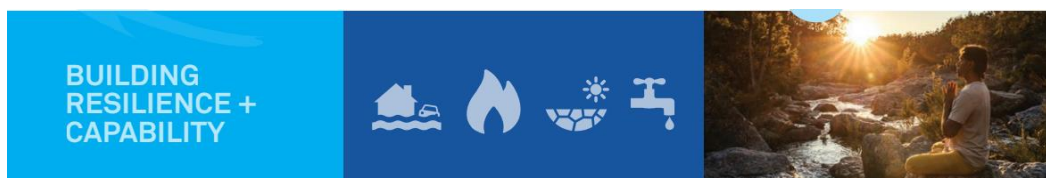
Options

1. As recommended
2. Receive the report for information only
3. Request further information on the conference

CL22.162

Councillor Report – Cllr Patricia White**LGNSW Water Management Conference**9th -11th February 2022

Narrabri

Conference Wrap Up**Recommendations:****That Council: -**

1. Receive this report for information.
2. Provides Councillors with a copy of the ISJO Report "Illawarra-Shoalhaven Water Sensitive Framework for reference.
3. Provides a briefing to Councillors on Shoalhaven Water activities as part of the Councillor Induction program.

Executive Summary:

Firstly, we do not know how lucky we are in the Shoalhaven to have Shoalhaven Water, Rob Horner as Manager, and all the staff. After visiting Narrabri and listening to other Councils and Water Utilities, we are so far ahead of the game with our services, water quality and innovated works such as REMS and replacement of infrastructure.

Water security is in crisis!

People who work in the industry are aware of this, however, as a resident: -

"I turn on the tap and the water comes out"

"I flush the toilet, and everything is gone".

We need to think about what happens when this no longer happens, what do we do especially in times of drought, floods, and fires.

Across New South Wales there are serious problems with Water security, being able to access clean drinking water, have effective sewerage plants and how this is transforming with climate change through droughts, fires, and floods, resources, and funding.

I was surprised during presentations, how our close neighbouring Councils and towns of Eurobodalla and Braidwood were close to running out of water during the drought and their problems during the fires.

1 LGNSW Water Conference 2022 Narrabri

The Conference highlighted the issues happening across rural and regional Councils that manage Water & Sewerage. Government agencies provided information on new tools to map weather events, soil moisture and progress on Water Agreements.

I found the discussions on aquifers remarkably interesting, there is much research and investigation being conducted on aquifers in regional NSW. At Narrabri, Council has had to bore deeper (400 metres) into the ground to access water, this comes with problems. Existing aquifers are not recharging even after all the floods, and there is a need to investigate what the future issues may be with our aquifers.

The conference was rewarding for the training and development on the water industry across rural and regional NSW.

Report

The Water Management Conference was held on the 9th, 10th, and 11th of February 2022.

The conference welcomed delegates and speakers from New South Wales/Queensland and was designed to focus on the important topic of water security. The theme was Building Resilience and Capability, this goes to the heart of what Councils want to achieve through effective management and use of local council's water infrastructure and services to maintain and improve water security.

We need to advocate to bolster water security for regional and rural communities to make sure they are more resilient in the face of a changing climate, which scientists forecast will lead to more frequent and prolonged periods of drought into the future.

This was the friendliest conference I have attended and gave me the opportunity to network with other Councillors, Water Staff and hear from experts about the excellent work being undertaken to help prepare for the impacts of changing climate.

Highlights included case studies from Councils (including Illawarra Shoalhaven Joint Organisation) that have implemented projects to improve the resilience and capability in water infrastructure, how to manage risks posed by 'mega drought' events and presentations from experts on the latest developments in the water sector.

Minister Kevin Anderson MP – Land, Water, Racing & Hospitality spoke in person at the Conference about the Auditor General's Report and the 7 Recommendations, the Government has taken the recommendations on board. Link to the Report is [Support for regional town water infrastructure | Audit Office of New South Wales \(nsw.gov.au\)](#).

Minister Anderson MP then advised the Conference "What have we done"

- Established the Town Water Risk Reduction Program as a partnership.
- Worked together to set out a roadmap for an improved regulatory framework
- Worked with LGNSW, the Water Directorate and OLG on a Councillor Induction package to support Councillors new to the Water sector.
- Set up 12 pilots part funded by the Department to test and improve the regulatory framework – will help local water utilities to complete at least one component of their IWCM strategy in a more flexible way
- At least 6 more pilots being planned
- Set up Water Efficiency Program with \$12.5m funding to ensure we are using water in our own systems efficiently – working together to ensure you have what you need

2 LGNSW Water Conference 2022 Narrabri

- Established Water Infrastructure NSW to promote better Program Management capability to deliver an increasing portfolio of investments, including town water systems
There are 114 projects in play (\$242m) which will provide:
 - 406,000 people in 37 communities with better water security of supply
 - 170,000 people in 20 communities with reduced water quality risks
 - 134,000 people in 24 communities with improved environmental outcomes

Jim Bentley CEO Water, Department of Planning & Environment provided an update on policy priorities and initiatives for water in NSW and discussed the plans to lift the performances of the water sector and plans to work in closer partnership with Councils and local water utilities. During the Q&A the feeling in the room was that they have heard it all before and there was a level of “don’t trust” and there needed to be a trust model. There was respect for the department but no trust.

Case Studies:

1. Enabling Water Sensitive Communities Program – Shellharbour City Council

Shellharbour Council on behalf of Illawarra Shoalhaven Joint Organisation (ISJO) presented Enabling Water Sensitive Communities program. They discussed the approach to benchmarking member councils progress, developing consistent regional policies and strengthening collaboration with water utilities and other stakeholders.

In 2019, funded by DPIE \$204,000, ISJO undertook a 2-year regional program titled “Enabling Water Sensitive Communities”.

The Program aim to increase the uptake and success of Water Sensitive Urban Design (WSUD) systems commissioned across the rapidly urbanising areas of the Illawarra Shoalhaven region. In turn, this will reduce the pressure development places on the region’s catchments, streams, and coastal lagoons. The program also addressed the priority water pathways identified in the SIERA climate change vulnerability study.

Benchmarking report identifies how ‘sensitive’ a city is to water management; where we are at as a region; Questionnaires and surveys; workshops from each council; 7 goals and 34 indicators; and visioning workshop.

Project benefits: -

- Alignment between Councils
- Setting a common language
- Identification of individual strengths
- Sharing of knowledge
- Regional benchmarking
- Identifying opportunities and challenges
- Distributed workload

The report on the project was handed down in June 2021 –

Illawarra-Shoalhaven Water Sensitive Framework increasing Climate Resilience for our Region. I recommend all Councillors to receive a copy of the report.

2. Using Recycled Water on Gravel Roads

The Executive Officer from Namoi Joint Organisation outline the research and processes Councils endured on the use of recycled water and application of recycled water in construction and maintenance of regional gravel roads during droughts, the regulatory barriers to using wastewater
3 LGNSW Water Conference 2022 Narrabri

on gravel roads and lessons learned in seeking approval of Section 60 Local Government Act application. Following the studies there has been no approval.

3. Narromine Potable Water

Water security is a growing concern in NSW. Narromine Shire Council drilled several new bores to supplement the local water supply during drought. With limited funding the Council set up a temporary package plant capable of treating 2.5ML/day of water in a cost-effective way.

Lower quaternary and tertiary aquifer water sources require pre-treatment for drinking.

Removal of:

- Dissolved Iron
- Dissolved Manganese
- Turbidity

Constraints

- Only solid waste generation
- Minimise use of liquid chemicals
- Full uptime during summer months
- Discharge sent to existing aeration and gas chlorination system

The photo shows the cost-effective plant.



4. Tools to understand water and climate – past, present, and future

The Bureau of Meteorology is supporting Australian communities and industries build resilience to climate variability and change. It is developing tools that allow monitoring of water resources in our rivers, dams, soils and underground; understanding historical changes; forecast for the seasons ahead and project plausible long-term futures. We received a presentation on the tools.

Link: [Climate Resilient Water Sources: Water Information: Bureau of Meteorology \(bom.gov.au\)](https://www.bom.gov.au/climate/resilient-water-sources/)

5. Water Quality and Supply for Rural, Remote and Aboriginal Communities

What are the best ways for communities with limited infrastructure capability to cope in the future? Latest research and findings related to improving water quality and supply to rural remote and Aboriginal communities.

Large NSW communities came within 12 months of running out of water.

Dubbo – Bathurst – Orange – Armidale – Tamworth – Eurobodalla Shire

Similar towns came within 6 months of running out of water:

Bourke – Cobar – Nyngan – Condobolin – Taree –
Forster – Glenn Innes – Uralla – Walcha –
Coonabarabran



A few effectively did run out and needed emergency measures:

Walgett – Guyra - Stanthorpe (QLD) – Braidwood – Murrurundi

Walgett – Lack of Water in Namoi and Barwon River sources (2018/19). Reliance on groundwater that had poor water quality and high sodium.

NSW Government assistance with mobile desalination plant, but this is not simple “plug and play”. It is not long-term solution for brine/salt disposal. Plant not currently in use. Health expert warns residents at the time risks from high sodium.



2019-2020 Fires

Water Infrastructure considerations during the fires: -

Damage Roads and bridges (access issues)

- Water Storages levels
- Damage to Water Treatment Plants
- Chemical Storage concerns
- Damage to Pipes, valves and pumps
- Electricity Supply assets – Power poles, Fuel generators
- Telemetry Infrastructure – water supply SCADA, Communication towers/mobile networks
- Gauging and monitoring stations

Water treatment plants bypassed and residents on boil water alerts. Water Treatment plants bypassed due the inability to keep pace with demand (Moruya to Tilba)

Disinfection infrastructure was impacted on the Brogo River water supply. This led to a Boil water notice to the township of Quaama, Cobargo and Bermagui.

Eden and Boydtown were impacted by a loss of power supplies to chlorination facilities used to treat water from Ben Boyd Dam.

Site Visits

Water Storage treatment – Water Augmentation Project Narrabri

This project will secure Narrabri township's water supply for the next 25 years. The \$14.18 million dollar project will centralise storage enabling more efficient processing and distribution and bringing water treatment one step closer.

The Narrabri Water Supply Augmentation Project was a large-scale infrastructure improvement project delivered for the Narrabri Shire Council and funded by the NSW Government "Water Security for Regions" Program. The pipelines package was delivered as construct only, and all Pump Stations, Reservoirs, Electrical Automation, and Integration delivered as design and construct.

Wee Waa Sewage Treatment Plant

The sewer upgrade is part of a larger project with the Wee Waa portion of the project valued at \$5.29 million dollars co-funded by Restart NSW and Narrabri Council. The project includes the replacement of all mechanical parts, piping, electrical panels telemetry and control.

Panel Discussion

The Future of Local Water Utilities

Panelists provided thought-provoking insights into the future of local water utilities in NSW.

panelists:

Wayne Beatty	Chair NSW Water Directorate
Adam Lovell	Executive Director Water Services Association of Australia
Graham Kennett	General Manager Kyogle Council
Cr Greg Verdon	Chair Riverina Water
Dr Rob Fearon	Director Innovation Partnerships Queensland Water Directorate

Statements of discussion

- Governments have changed how they talk about Droughts. There needs to always be talk not just in times of droughts.
- NSW Government response was \$270 million into towns. The towns were grateful but much more work on resilience and better forward planning is required.
- In future we need to learn from mistakes – accountability from all government levels, the providers, and the need to talk to the customer
- No better than before the drought, commitment to new dams, seems to be a bottom-up strategic plan; missing the bigger picture; there is a need to implement the strategic plans.
- \$4 billion spent last drought but what was delivered.
- Water security is not the only issues and challenges, Water quality needs to be addressed
- More local community engagement
- In future a new National Plan (2004 current)
- Layout objectives – water is life blood swept into a corner
- Strategic documents adopted are high level documents – need to look how the documents/options turn into solutions for local communities
- Wasted years on previous plans – who is responsible for water security, dams etc.
- Whole State needs to do better – resource the Agencies and hold accountable.
- Staffing future:
 - No clear pathway in Water
 - Capacity to train is dropping rapidly

- Need Accredited staff – need trainers
- Queensland has skills development and provider career paths across the water industry
- Perth renaming sewer treatment plants to Resource Recovery Centres
- Brand trust needs to sell to the community
- Look at Water with a sense of pride not about profit
- Best practice isn't working, needs to be looked at on an individual basis as all Services are all different. Environment costs now are higher than the cost of the projects.
- Perfect Storm right now, commitment for change – industry has grown beyond the Regulator – now need government partnership to move forward. Drought, Floods, water security is driving the perfect storm
- Water is at the Centre of driving our own economies
- Need to be working together at all levels of Government, Federal, State & Local.

Travel to Narrabri

Travelling to Narrabri I was able to undertake some research for SEATS. The Newell Highway gave the opportunities: -

- to look at the road upgrades.
- Investigate diverse types of rest stops for heavy vehicles
- Heavy Vehicle over taking lanes
- Configurations of new heavy vehicle trucks – Triples, road trains,
- Condition of roads and the “old potholes.” I know everyone is commenting on the potholes in the Shoalhaven. However, I witnessed potholes that if you hit them, you could call it a serious accident, as you would not come out the other side.

Tourism – Rural and regional towns were not busy, and there were not many caravans on the roads or in the tourist parks. Orange and Dubbo were busy, but this seemed to be locals. There was no evidence of any store closures and attractions had limited people. Exciting time to travel to rural NSW.

Thank you for the opportunity to attend the Water Conference and I am happy to discuss the Conference and learnings with other Councillors.

Clr Patricia White



CL22.163 Notice of Motion - Port Kembla Submarine Base

HPERM Ref: D22/94971

Submitted by: Cllr Paul Ell

Purpose / Summary

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

Recommendation

That Council:

1. Supports the construction of a new submarine base at Port Kembla to support Australia's new nuclear-powered submarines. In adopting this position Council also condemns as reckless and irresponsible commentary describing this proposal as 'putting a target' on the Illawarra.
2. Notes that a submarine base located at Port Kembla will create exciting opportunities for our local defence industry to be involved in the ongoing development of high-tech capability for Australia's defence capacity and capability.
3. Directs the CEO to prepare a submission to the Nuclear-Powered Submarine Taskforce in support of the Port Kembla base proposal in consultation with key stakeholders including the Shoalhaven Defence Industry Group (SDIG) and other Councils in our region.
4. Directs the CEO to write to local Federal and State MPs asking for their support for this initiative.

Background

The Prime Minister has recently announced that a new submarine base will be built on the east coast of Australia to support the nation's new nuclear-powered submarines. Excitingly, Port Kembla has been shortlisted as one of the three locations for this new base.

The Department of Defence estimates that more than \$10 billion will be needed for facility and infrastructure requirements to transition from Collins to the future nuclear-powered submarines, including the new east coast submarine base. It is important that leaders in our region advocate strongly for this substantial investment to be made here in the Illawarra.

Port Kembla along with the other locations was shortlisted on account of access to exercise operating areas, proximity to industrial infrastructure, and significant population centres to support personnel and recruitment. Australia's move to acquire nuclear submarines is a welcome response to the changing strategic environment we find ourselves in.

This new base will also support the Navy's current fleet of Collins-class submarines. The Department of Defence has begun a process of engagement and consultation with state and local governments to determine the optimal site, which will be informed by the ongoing work of the Nuclear-Powered Submarine Taskforce. Accordingly, it is important and timely for Council to take steps to advocate strongly for Port Kembla's selection.

CL22.163

CL22.164 Notice of Motion - Exemption for the Clearing of Asset Protection Zones under certain Circumstances

HPERM Ref: D22/100692

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Chapter G4 of the Shoalhaven Development Control Plan 2014 be amended to allow the creation of asset protection zones on mapped bushfire prone land, subject to the following criteria being met.

1. In order to permit clearing of trees and other vegetation to create asset protection zones around legally constructed dwellings, buildings and associated property access, or any development that would have been for a 'Special Fire Protection Purpose' & associated property access, pursuant to the provisions of the NSW Rural Fires Act 1997 on land mapped as being bushfire prone.
2. The clearing of vegetation for the creation of Asset Protection Zones must not exceed the minimum clearing standards set out in Planning for Bushfire Protection 2019 for structures with a BAL 12.5 rating. The extent of clearing required must be in accordance with a report prepared by an accredited bushfire consultant, with a minimum qualification of BPAD 2.
3. The CEO be permitted to make drafting amendments to the policy.

Background

In the wake of the Black Summer bushfires, the opportunity should be taken to amend Chapter G4 of the DCP to allow home owners to maintain their properties in accordance with best practice guidelines to ensure adequate bushfire mitigation measures are in place for the protection of life and assets. I have given this much thought, and I believe that the foregoing should be included in the exemption criteria within Chapter G4.

Note by the CEO

Given the complexity created by and interrelationship between various related legislation and policy, it would be prudent that Council receives a detailed report back on this matter, informed by legal advice if needed, to enable a more informed decision in this regard.

CL22.164

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.